

**EIA REFERENCE:** 16/3/3/1/B4/12/1026/21  
**NEAS REFERENCE:** WCP/EIA/0000914/2021  
**DATE OF ISSUE:** 19 November 2021

The Board of Directors  
Andor Abrasives (Pty) Ltd  
P.O. Box 51  
**KRUGERSDORP**  
1740

**Attention: Mr W Bezuidenhout**

Cell: (083) 656 7670

E-mail: [wbez@live.com](mailto:wbez@live.com)

Dear Sir

**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 DEVELOPMENT OF TWO RESIDENTIAL HOMES, A SHED SERVICES COMPLEX, THE UPGRADE AND EXTENSION OF EXISTING ACCESS ROADS AND THE DEVELOPMENT OF GUEST COTTAGES ON PORTIONS 6 AND 7 OF FARM NO. 1159, FRANSCHHOEK**

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, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**

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

CC: (1) Mr S Ranger (Footprint Environmental Services) E-mail: [sean.ranger@gmail.com](mailto:sean.ranger@gmail.com)  
(2) Mr C du Plessis (Footprint Environmental Services) E-mail: [charl@cederbergafpa.co.za](mailto:charl@cederbergafpa.co.za)  
(3) Mr S van der Merwe (Stellenbosch Municipality) E-mail: [schalk.vandermerwe@stellenbosch.gov.za](mailto:schalk.vandermerwe@stellenbosch.gov.za)  
(4) Mr Q Balie (Cape Winelands District Municipality) E-mail: [quinton@capewinelands.gov.za](mailto:quinton@capewinelands.gov.za)  
(5) Mr C van der Walt (Department of Agriculture) E-mail: [CorvdW@elsenburg.com](mailto:CorvdW@elsenburg.com)  
(6) Ms A Duffell-Canham (CapeNature) E-mail: [aduffell-canham@capenature.co.za](mailto:aduffell-canham@capenature.co.za)  
(7) Ms G Swanepoel (DoTPW: Roads) E-mail: [grace.swanepoel@westerncape.gov.za](mailto:grace.swanepoel@westerncape.gov.za)  
(8) Mr R Maboja (Department of Land Reform and Rural Development) E-mail: [rahabma@daff.gov.za](mailto:rahabma@daff.gov.za)  
(9) Ms C Parker (Department of Water and Sanitation) E-mail: [parker@dws.gov.za](mailto:parker@dws.gov.za)

**EIA REFERENCE:** 16/3/3/1/B4/12/1026/2  
**NEAS REFERENCE:** WCP/EIA/0000914/2021  
**DATE OF ISSUE:** 19 November 2021

## 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 DEVELOPMENT OF TWO RESIDENTIAL HOMES, A SHED SERVICES COMPLEX, THE UPGRADE AND EXTENSION OF EXISTING ACCESS ROADS AND THE DEVELOPMENT OF GUEST COTTAGES ON PORTIONS 6 AND 7 OF FARM NO. 1159, FRANSCHHOEK**

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 (Option A), Preferred Design Alternative for the treatment of sewage and Preferred Location Alternative for the Solar PV plant, described in the Basic Assessment Report ("BAR"), dated August 2021.

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  
Andor Abrasives (Pty) Ltd  
% Mr W Bezuidenhout  
P.O. Box 51  
**KRUGERSDORP**  
1740

Cell.: (083) 656 7670  
E-mail: [wbez@live.com](mailto:wbez@live.com)

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

## B. ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12:</p> <p>The development of -</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) <b>infrastructure or structures with a physical footprint of 100 square metres or more;</b></li> </ul> <p>where such development occurs -</p> <ul style="list-style-type: none"> <li>(a) <b>within a watercourse;</b></li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</li> </ul> <p>excluding -</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> <li>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</li> <li>(dd) where such development occurs within an urban area;</li> <li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li> <li>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</li> </ul>	<p>The upgrade of existing access roads requires the construction of causeways, which will exceed 100 square metres, within watercourses.</p>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 19:</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p>	<p>The proposal entails the upgrade of existing access roads, which will cross watercourses. Depositing and infilling of more than 10m<sup>3</sup> of material within the watercourses will be required as part of the proposed development.</p>

<p>(a) will occur behind a development setback;  (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;  (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;  (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or  (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p>EIA Regulations Listing Notice 1 of 2014:  Activity Number 27:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-</p> <p>(i) the undertaking of a linear activity; or  (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The development entails the clearance of 5.72 hectares of indigenous vegetation.</p>
<p>EIA Regulations Listing Notice 3 of 2014:  Activity Number 18:</p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p><b>i. Western Cape</b></p> <p>i. areas zoned for use a public open space or equivalent zoning;  <b>ii. all areas outside urban areas:</b>  <b>(aa) areas containing indigenous vegetation;</b>  (bb) areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined;  or  iii. inside urban areas:  (aa) areas zoned for conservation use; or  (bb) areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The widening and upgrade of the existing access roads by more than 4 metres will be undertaken outside an urban area and within an area containing indigenous vegetation.</p>

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

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

The proposal entails the development of two residential homes, a shed services complex, the reconfiguration, upgrade and widening of existing access roads and the development of guest cottages sleeping less than fourteen people and accommodating family and friends of the applicant only, on Portions 6 and 7 of Farm No. 1159, Franschhoek.

The proposal entails the following:

- House 1 and associated infrastructure of 436.8 square metres in extent.
- House 2 and associated infrastructure of approximately 360 square metres in extent.
- 4 Cottages and associated infrastructure of 74.8 square metres each.
- A shed services complex (including staff accommodation) of approximately 750 square metres in extent;
- A solar PV plant of approximately 150 square metres in extent comprising of panel arrays fixed to the ground, a building to house the batteries and a back-up generator.
- Reconfiguration, widening and upgrading of the existing access roads to the site, including the construction of an additional 50m internal access road and the construction of a number of causeways where roads cross watercourses;
- Two ten thousand litre tanks and water treatment facilities at the existing borehole. A pump system will distribute water via HDPE pipes from the borehole to the storage tanks located at the different development components of the development. The storage tanks will comprise of:
  - Four five thousand litre tanks at the shed services complex,
  - Three five thousand litre tanks at each of the residential homes,
  - Three five thousand litre tanks positioned at the top of the S-bend on Waterfall Jeep Track to provide water to the two cottages located along this jeep track, and
  - Two ten thousand litre tanks positioned at the end of the River Flat Jeep Track that will provide water to the two cottages located along this jeep track;
- Two sewage treatment systems, one at each of the development nodes, including a septic and conservancy tanks and treatment equipment and infrastructure.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 6 and 7 of Farm No. 1159, Franschhoek, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 54' 16.31"	19° 01' 14.59"

The reconfiguration, widening and installation of pipe culverts at the access roads as depicted in Annexure 1, Figure 2, will take place at the following coordinates:

Points	Latitude (S)	Longitude (E)
2	33° 54' 19.9"	19° 1' 21.02"
13	33° 54' 14.45"	19° 1' 25.53"
25	33° 54' 9.92"	19° 1' 25.81"
26	33° 54' 10.19"	19° 1' 24.64"
46	33° 54' 14.28"	19° 1' 0.85"
67	33° 54' 21.46"	19° 0' 42.25"

The SG21 digit codes are: C05500000000115900006  
C05500000000115900007

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

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Footprint Environmental Services

% Mr S Ranger/ Mr C du Plessis

P. O. Box 454

**PORTERVILLE**

6810

Cell: (079) 172 4340

E-mail: [charlduplessis2@afrihost.co.za](mailto:charlduplessis2@afrihost.co.za)

[sean.ranger1@gmail.com](mailto:sean.ranger1@gmail.com)

## 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, the Preferred Layout Alternative (Option A), Preferred Design Alternative for the treatment of sewage and Preferred Location Alternative for the Solar PV plant described in the BAR dated August 2021 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the listed activities.
4. 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.
5. 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

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

Conditions: 7, 8, 9, 11, 12, 19 and 22.

## **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued;
  - 7.2 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 Appeals Regulations, 2014 (as amended) detailed in Section G below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 7.4 provide the registered I&APs with:
    - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
    - 7.4.2 name of the responsible person for this Environmental Authorisation;
    - 7.4.3 postal address of the holder;
    - 7.4.4 telephonic and fax details of the holder;
    - 7.4.5 e-mail address, if any, of the holder; and
    - 7.4.6 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).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. 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 activity, including site preparation, must not commence until the appeal is decided.

## **Management of activity**

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and resubmitted to include a Maintenance Management Plan ("MMP") to include the following:
  - 9.1 The MMP must include detail in terms of the proposed maintenance measures for the associated structures and infrastructure located within the watercourses.
  - 9.2 In addition, method statements describing the manner in which maintenance will be undertaken for the aforementioned structures and infrastructure and who the responsible parties will be for the maintenance activities of the said structures and infrastructure must be included in the MMP.
10. The Fire Management Plan, attached as Appendix 4, must be implemented.
11. Once approved, the amended EMPr, MMP and Fire Management Plan must be included in all contract documentation for all phases of implementation.

## Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the amended EMPr, MMP, Fire Management Plan and the conditions contained herein.
13. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled, and monthly Environmental Compliance Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been completed.
14. A copy of the Environmental Authorisation, amended EMPr, MMP, Fire Management Plan, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
15. 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

16. 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 amended EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person (which is not the ECO) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

An Environmental Audit Report must be submitted to the Competent Authority every **six (6)** months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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

17. 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.



18. 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.
19. The construction site must be clearly demarcated prior to the commencement of construction activities and all areas outside of the demarcated construction site must be regarded as "no-go" areas.
20. Water quality monitoring upstream and downstream of the treated sewerage discharge point must be monitored on an annual basis. The stream flow must also be monitored for one year prior to the utilisation of the borehole. Confirmation of the monitoring results must be submitted to CapeNature and the Department of Water and Sanitation for record keeping purposes.
21. Erosion control and alien clearing must take place concurrently with the construction activities and must be monitored during the operational phase of the development. This aspect of the development must be reported on in the ECO and audit reports to be submitted.
22. The 42ha of the property, which is not proposed for development, must be set aside for conservation purposes and must be included in CapeNature's stewardship programme. The stewardship agreement must be concluded within a period of two (2) years from the date of this Environmental Authorisation. Progress reports must be submitted to the Department every **three (3)** months for the duration of the period in which the stewardship agreement must be concluded. Failure to submit the progress reports will result in non-compliance with the Environmental Authorisation and the matter will be referred to this Department's Directorate: Environmental Governance for further investigation.

## 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 amended EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activities, 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 (as amended) 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 the EIA Regulations, 2014 (as amended) 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 on which notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1 submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2 submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

## 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

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**MR. ZAAHIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 19 NOVEMBER 2021**

CC: (1) Mr S Ranger (Footprint Environmental Services)	E-mail: <a href="mailto:sean.ranger@gmail.com">sean.ranger@gmail.com</a>
(2) Mr C du Plessis (Footprint Environmental Services)	E-mail: <a href="mailto:charl@cederberggpa.co.za">charl@cederberggpa.co.za</a>
(3) Mr S van der Merwe (Stellenbosch Municipality)	E-mail: <a href="mailto:schalk.vandermerwe@stellenbosch.gov.za">schalk.vandermerwe@stellenbosch.gov.za</a>
(4) Mr Q Balie (Cape Winelands District Municipality)	E-mail: <a href="mailto:quinton@capewinelands.gov.za">quinton@capewinelands.gov.za</a>
(5) Mr C van der Walt (Department of Agriculture)	E-mail: <a href="mailto:CorvdW@elsenburg.com">CorvdW@elsenburg.com</a>
(6) Ms A Duffell-Canham (CapeNature)	E-mail: <a href="mailto:aduffell-canham@capenature.co.za">aduffell-canham@capenature.co.za</a>
(7) Ms G Swanepoel (DoTPW: Roads)	E-mail: <a href="mailto:grace.swanepoel@westerncape.gov.za">grace.swanepoel@westerncape.gov.za</a>
(8) Mr R Maboja (Department of Land Reform and Rural Development)	E-mail: <a href="mailto:rahabma@daff.gov.za">rahabma@daff.gov.za</a>
(9) Ms C Parker (Department of Water and Sanitation)	E-mail: <a href="mailto:parker@dwes.gov.za">parker@dwes.gov.za</a>

ANNEXURE 1: LOCALITY MAP

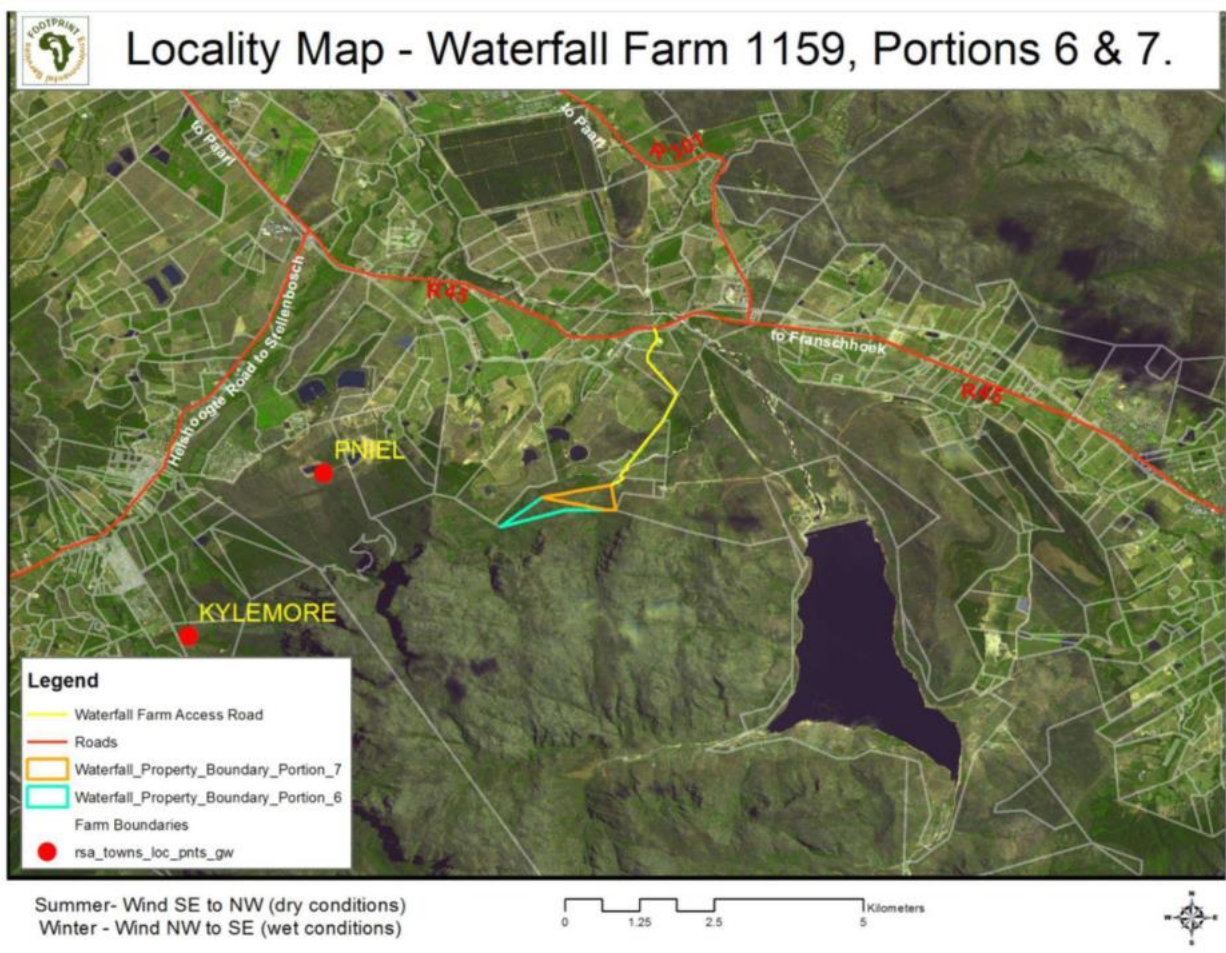


Figure 1: Locality map depicting the location of Portions 6 and 7 of Farm No. 1159, Franschhoek.

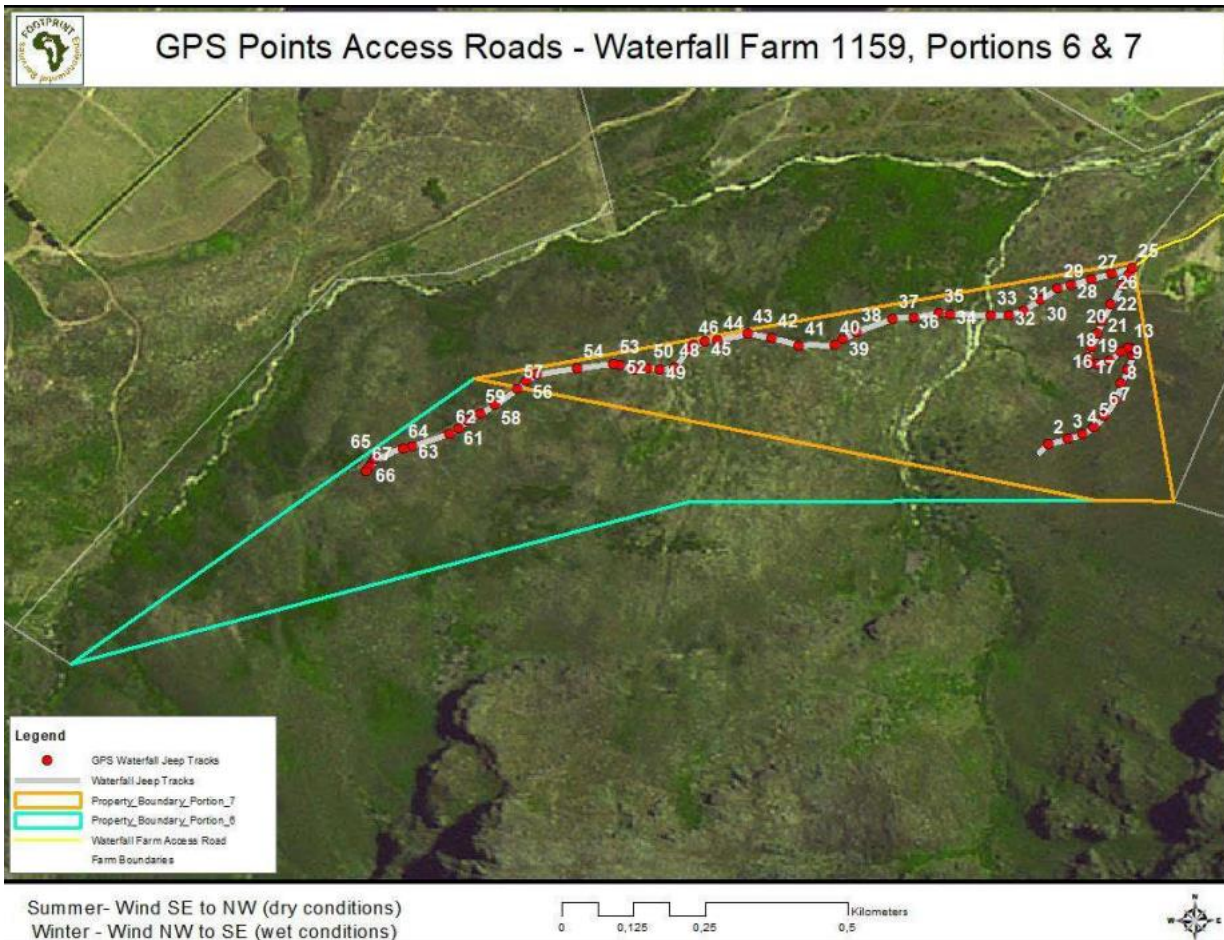


Figure 2: Locality map with co-ordinates for the linear activities on Portions 6 and 7 of Farm No. 1159, Franschhoek.

## ANNEXURE 2: SITE DEVELOPMENT PLAN

### Option A

Option A shows the two houses coupled at the end of the existing degraded Jeep track, on Portion 7 of the farm. The intention is to create a singular area of primary disturbance and design the structures as a pair of houses in close proximity with shared services and parking areas. Two of the cottages are perched lower on the slope, off the approach road, on Portion 7 and the other two are positioned towards the end of the existing roadway on Portion 6.

The houses will create a far greater and regular disturbance to the natural landscape than the cottages and it was thought to separate those two sets of functions. The cottages have a smaller footprint and will be inhabited only when guests are visiting whilst the houses will be used everyday.

The sheds are located at the level area where the water supply pipe from the waterfall feeds the neighbouring farm. The area is the most level, driest area on the property that can accommodate a pair of shed structures.

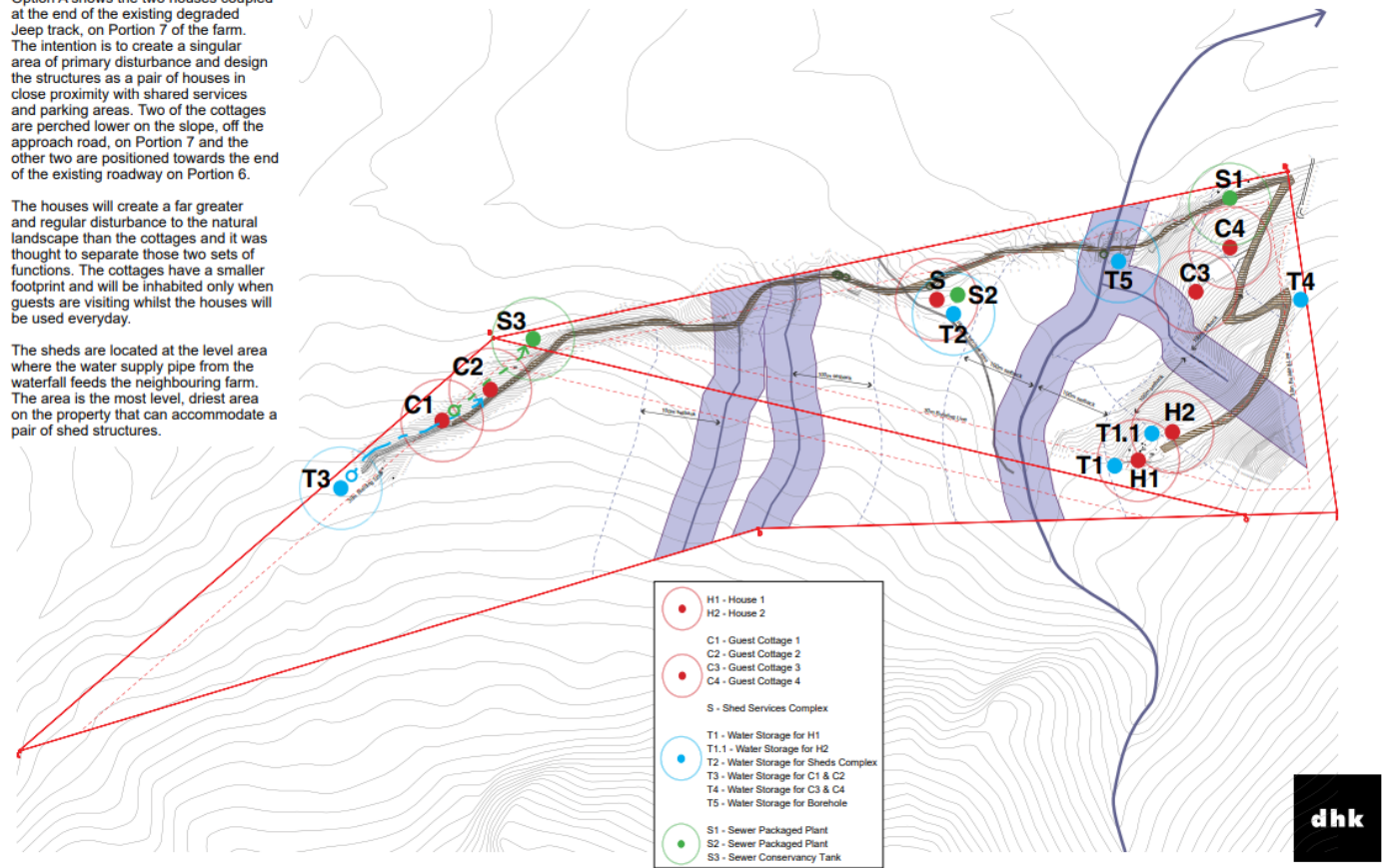


Figure 3: Site plan depicting the proposed development on Portions 6 and 7 of Farm No. 1159, Franschhoek.

## ANNEURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form received electronically by the Department on 31 May 2021, the final BAR dated August 2021, and the EMPr submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated August 2021; 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.

All information presented to the Competent Authority was taken into account during 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;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 1 November 2019, 8 January 2021 and 14 June 2021;
- the placing of a newspaper advertisement in the 'Paarl Post' on 7 November 2021;
- fixing two notice boards at the site where the listed activities are to be undertaken;
- making the pre-application draft BAR available to I&APs for public review from 11 November 2021 and the in-process draft BARs from 11 January 2021 and 17 June 2021, respectively.

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 be amended to include an MMP), in order to adequately address the concerns raised.

### 2. Alternatives

#### 2.1 Layout Alternatives:

##### Preferred Layout Alternative (Option A) (Herewith authorised):

This alternative entails the development of two residential homes, a shed services complex, the reconfiguration, upgrade and widening of existing access roads and the development of guest cottages sleeping less than fourteen people and accommodating family and friends of the

applicant only, on Portions 6 and 7 of Farm No. 1159, Franschoek. The proposal entails the following:

- House 1 and associated infrastructure of 436.8 square metres in extent.
- House 2 and associated infrastructure of approximately 360 square metres in extent.
- 4 Cottages and associated infrastructure of 74.8 square metres each.
- A shed services complex of approximately 750 square metres in extent; and
- Solar PV plant of approximately 150 square metres in extent comprising of:
  - Panels grouped in arrays, secured to a steel structure that is fixed to the ground. The number of PV arrays will be determined at the detailed design phase.
  - Batteries that will provide for power storage. These batteries will be placed in a well-ventilated building structure.
  - A generator that will provide back-up for charging of the batteries. It will only be used when the solar component is not able to charge the batteries.
- Reconfiguration of the existing access roads to the site by retaining the existing River Flats Jeep Track, located along the northern boundary of the site and developing a T-junction at the intersection of the River Flats Jeep Track and the Waterfall Jeep Track. This entails the construction of an additional 50m internal access road.
- Existing road surfaces shaped with cut and fill operations to reinstate erosion ditches and low spots, followed by re-grading and compaction by a heavy roller over the full length of both jeep tracks. This will ensure that stormwater can drain off the road surfaces.
- Upgrade of the road surfaces to two-spoor roads consisting of 2 lanes of two G8 Earth-Lock blocks (or similar) of 600mm wide except for over waterlogged and steep gradient areas where the road surfaces will comprise of three G8 Earth-Lock blocks.
- Road widening at strategic points i.e., on both approaches to the S-bend on the Waterfall Jeep Track and at river and stream crossings along both jeep tracks. This will allow for vehicles to safely pass each other and for larger emergency vehicles (fire-fighting or medical) to gain access and turn around safely within the property.
- Causeway construction as follows:
  - On the River Flats Jeep Track:
    - The construction of pipe culverts with headwalls, exposed aggregate concrete surface beds, and gabion and reno-mattress protection work over the 2 drainage lines located east of the shed services complex and a small stream crossing located to the west of the shed services complex.
    - The 2 drainage lines will comprise of 4 x 600mm pipe culverts along the deeper main-stream and 2 x 600mm diameter pipe culverts along the smaller shallower stream.
    - The small stream to the west of the shed services complex will comprise of 2 x 600mm diameter pipe culverts.
    - West of this stream crossing will be provided with a reno-mattress surface for approximately 30m to allow surface stormwater runoff, from the mountain side, to percolate through to the lower side of the road.
    - An 80m portion under the jeep track to the west of the reno-mattress section will be provided with a 50mm stone layer of 2,4m wide, to allow seepage flow of underground water to continue.
    - Installation of side drains spaced at 40m intervals along the toe of the cut slope. The side drains will comprise of 300mm diameter concrete pipe culverts with a headwall in the side drain to intercept and discharge stormwater at the downhill side.
    - Stone pitching will be provided at the inlets and outlets of the side drains. Additionally, gabion boxes will be installed at the outlets to break the force of the water and spread it over a wider area. A "stacked rock headwall" will be constructed as part of each outlet. In steeper areas the side drains will be filled with stone laid on top of geotextile to reduce the kinetic energy of water flowing downslope.



- On the Waterfall Jeep Track:
  - The S-bend will be rehabilitated to fill the donga and reconstruct the road surface.
  - A 4m wide exposed aggregate concrete surface bed, from the start to the end of the S-bend will be developed.
- Two ten thousand litre tanks and treatment facilities at the existing borehole will be developed. A pump system will distribute water via HDPE pipes from the borehole to the storage tanks located at the different development components. Except for the supply pipeline from the borehole to the Waterfall Jeep Track that will follow the shortest direct route, all other water pipelines will be laid along the jeep tracks to minimise services impacts. The pipes will be buried with at least 0.5m of cover as protection during fires. The storage tanks will comprise of:
  - Four five thousand litre tanks at the shed services complex,
  - Three five thousand litre tanks at each of the residential homes,
  - Three five thousand litre tanks positioned at the top of the S-bend on Waterfall Jeep Track to provide water to the two cottages located along the jeep track, and
  - Two ten thousand litre tanks positioned at the end of the River Flat Jeep Track that will provide water to the two cottages located along this jeep track.
- Two sewage treatment systems for sewerage treatment will be developed on the site. This includes the following:
  - A sewage treatment system to treat sewage for the two main residential homes and two cottages located along the Waterfall Jeep Track. The sewage treatment system will be developed at the entrance to the farm and will comprise of:
    - A Clarus Fusion Model ZF-800 unit that can treat 3 000-litres of sewage per day. The system will allow for a two-day retention in the system at maximum flow from the catchment i.e., 1 440-litres per day.
    - Gravity sewers that will convey the sewage from the two main residential homes and two cottages to the 3 000-litre septic tank at the head of the treatment system.
    - A 2 000-litre balancing tank with a dosing pump that will eliminate peak flows.
    - A reed bed system downstream of the treatment unit.
    - An ultraviolet sterilising unit.
    - A holding tank and pump to circulate/ transfer effluent for irrigation and re-use.
    - A 75mm diameter gravity pipeline to discharge the holding tank's overflow immediately downstream of the eastern road crossing of the watercourse.
  - A sewage treatment system to treat the sewage from the shed services complex and two cottages located along the River Flats Jeep Track. The sewage treatment system will comprise of the following two components:
    1. The development of a sewage treatment system at the shed services complex. The sewage treatment system will comprise of
      - A Clarus Fusion Model ZF-800 unit that can treat 3 000-litres of sewage per day. The system will allow for a two-day retention in the system at maximum flow from the catchment i.e., 1 440-litres per day.
      - Gravity sewers that will convey sewage from the shed services complex to the 3 000-litre septic tank at the head of the treatment system.
      - A 2 000-litre balancing tank with a dosing pump that will eliminate peak flows.
      - A reed bed system.
      - An ultraviolet sterilising unit.
      - A holding tank and pump to circulate/ transfer effluent for irrigation and re-use.
      - An 75mm diameter pipeline to discharge the holding tank's overflow to the mountain stream located immediately downstream of the eastern road crossing of the watercourse.
    2. The development of a sewage management system at the 2 cottages comprising of:

- A conservancy tank system that can accommodate a maximum sewage flow of 480 litres per day. The conservancy tank system will consist of a septic tank with a capacity of 1 750-litres and a conservancy tank with a capacity of 2 500-litres.
- A trailer with a 1 cubic metre tank and petrol engine driven pump to transport the sewage from the conservancy tank system to the 3 000-litre septic tank that will be installed as part of the Clarus Fusion Model ZF-800 unit located at the shed services complex.

This alternative is preferred since all the proposed components will be developed outside of the identified buffer areas and the identified setback lines recommended by the specialists. In addition, the permanently occupied residential homes will be developed in a node, resulting in shared services and parking areas.

Layout Alternative (Option B):

This alternative is similar to the Preferred Layout Alternative (Option A), except that the development of the residential homes will not be in a node. House 2 would require more excavation works within the identified buffer areas.

This alternative is not preferred because it will encroach into sensitive aquatic features, which will require more earthworks as the slope on which House 2 will be located will be at a steeper gradient than for Option A. The splitting of the homes will also result in a greater visual dispersion.

2.2 Design Alternatives for the treatment of sewage:

Option 1

This alternative entails the provision of one central sewage treatment system at the shed services complex comprising of infrastructure to treat a maximum sewage flow of 2880 litres per day.

This alternative is not preferred since the sewer rising main will cross a stream. It will therefore have a significant impact on the stream for both the construction and operational life of the development, due to the risk of pipe failure and raw sewage being discharged into the river.

Preferred Design Alternative (Option 2) (Herewith authorised):

This alternative entails the development of two sewage treatment systems on the site. This includes the following:

- A sewage treatment system to treat sewage for the two residential homes and two cottages located along the Waterfall Jeep Track. The sewage treatment system will be developed at the entrance to the farm and will comprise of:
  - A Clarus Fusion Model ZF-800 unit that can treat 3 000-litres of sewage per day. The system will allow for a two-day retention in the system at maximum flow from the catchment i.e., 1 440-litres per day.
  - Gravity sewers that will convey the sewage from the two residential homes and two cottages to the 3 000-litre septic tank at the head of the treatment system.
  - A 2 000-litre balancing tank with a dosing pump that will eliminate peak flows.
  - A reed bed system downstream of the treatment unit.
  - An ultraviolet sterilising unit.
  - A holding tank and pump to circulate/ transfer effluent for irrigation and re-use.
  - A 75mm diameter gravity pipeline to discharge the holding tank's overflow immediately downstream of the eastern road crossing of the watercourse.
- A sewage treatment system to treat the sewage from the shed services complex and two cottages located along the River Flats Jeep Track. The sewage treatment system will comprise of the following two components:

1. The development of a sewage treatment system at the shed services complex. The sewage treatment system will comprise of
  - A Clarus Fusion Model ZF-800 unit that can treat 3 000-litres of sewage per day. The system will allow for a two-day retention in the system at maximum flow from the catchment i.e., 1 440-litres per day.
  - Gravity sewers that will convey sewage from the shed services complex to the 3 000-litre septic tank at the head of the treatment system.
  - A 2 000-litre balancing tank with dosing pump that will eliminate peak flows.
  - A reed bed system.
  - An ultraviolet sterilising unit.
  - A holding tank and pump to circulate/ transfer effluent for irrigation and re-use.
  - An 75mm diameter pipeline to discharge the holding tank's overflow to the mountain stream located immediately downstream of the eastern road crossing of the watercourse.
2. The development of a sewage management system at the 2 cottages comprising of:
  - A conservancy tank system that can accommodate a maximum sewage flow of 480 litres per day. They conservancy tank system will consist of a septic tank with a capacity of 1 750-liters and a conservancy tank with a capacity of 2 500-litres.
  - A trailer with a 1 cubic metre tank and petrol engine driven pump to transport the sewerage from the conservancy tank system to the 3 000-litre septic tank that will be installed as part of the Clarus Fusion Model ZF-800 unit located at the shed services complex.

This alternative is preferred for the following reasons:

- Using two sewage treatment systems will eliminate the construction of a sewer rising main across the mountain stream, which could result in contamination due to pipe failure or damage due to floods.
- The two sewage treatment systems can be constructed in separate phases with the first one at the shed services complex while the second plant can be developed only when required at the two residential homes.
- Apart from the cottages located on the River Flats Jeep Track, all sewage will be conveyed to the two sewage treatment systems via gravity sewers and no pumping of raw sewage through pipelines is required. The development of two sewage treatment systems is therefore regarded as a more energy efficient system.
- The separate sewage treatment systems close to their catchments will assist in a simpler system for the re-use of effluent for irrigation and re-use. A higher re-use for irrigation can be expected, which will improve water use efficiency and the general re-use of water to flush toilets, for example, reducing the total water demand on the borehole.
- Although the two sewage treatment systems will be slightly more expensive than one larger treatment system, the larger system will need to be imported. Since the smaller system is manufactured in South Africa, the development will contribute towards local sourcing, lower carbon miles and providing sustainable employment. In addition, the effect of a fluctuating exchange rate will have less influence on the final cost.

### 2.3 Location Alternatives for the Solar PV plant:

#### Site A:

This alternative entails the development of the Solar PV plant adjacent to the cottage located along the Waterfall Jeep Track.

This alternative is not preferred since there would be immediate shade obstruction by the mountains in a northerly direction.

#### Preferred Location Alternative (Site B) (Herewith authorised):

This alternative entails the development of the Solar PV plant west of the shed services complex.

This alternative is preferred due the fact that the site is located on a relatively flat area and there would be no immediate shade obstruction by the mountains in a northerly direction.

#### 2.4 "No-Go" Alternative

The "no-go" option was considered. However, it is not preferred since the property is sensitive and not suitable for intensive agricultural production due to the topography, low soil potential and restrictions of the aquatic habitats. The applicant intends to live on the property, which currently does not provide any habitable dwellings for this purpose.

### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity Need and Desirability

The property is situated within a transition zone between agriculture and wilderness. Cultivation on this property would affect the scenic quality of the rural landscape. The farm is also too small to be a viable agricultural unit. Therefore, to cultivate such a small portion would not be financially viable. In addition, the soil has been classified as *"rock with limited soil with very low agricultural potential"*. The proposed development will not be considered as a *"rural lifestyle estate"* and it will not reduce viable agricultural land or contribute to *"islands"* within the agricultural landscape. The placement of the buildings has taken environmental sensitivities from an aquatic, botanical, heritage and visual impact perspective into consideration.

#### 3.2 Biodiversity and Biophysical Impacts

The site supports largely intact natural vegetation, which is Boland Granite Fynbos vegetation classified as a vulnerable ecosystem in terms of Section 52 of the National Environmental Biodiversity Act 2004 (Act No. 10 of 2004). No Species of Conservation Concern were found within the proposed development footprint and the vegetation is deemed to be of medium regional sensitivity. The findings of the Botanical Assessment dated 30 January 2019, conducted by Nick Helme of Nick Helme Botanical Surveys, confirmed that the development components will be placed within areas of historical transformation and degradation. A 42ha portion of the property will be conserved as a stewardship site (Condition 22). The potential impacts on the vegetation that may result from the proposed development will be further mitigated by the implementation of the mitigation measures set out in the EMPr (to be approved in Condition 9, and supported by CapeNature), which includes the recommendations of the specialist.

A number of streams traverse the study area. The site is not located within a Freshwater Ecosystem Priority Area ("FEPA"). The FEPA wetlands areas mapped near the site relate to artificial wetland areas associated with dams. The development layout has been amended to avoid aquatic sensitivity and entails the following:

- a 30m internal setback from the site boundary,
- buildings and associated infrastructure will be setback outside the aquatic buffer areas,
- a setback of 100m from a watercourse for any soak away areas, and
- use of existing road infrastructure wherever possible to reduce transformation of vegetation and impacts at river crossings.

Detailed aquatic sensitivity layers were developed and overlaid with the proposed development to ensure the avoidance of impacts on aquatic features and buffer areas. According to the Freshwater Report, compiled by Mr. Stuart Barrow, Ms Toni Belcher and Mr Dana Grobler of BlueScience, the site has significant hillslope seeps draining these slopes as well as an unnamed

stream, referred to as the Waterfall Stream, with associated valley bottom wetlands occurring on it. BlueScience concluded that due to the low density of the proposed development, the potential impact of the proposed development can be mitigated to ensure that the development only results on the aquatic features that are of a low to medium significance. In addition, CapeNature has agreed with the findings and mitigation measures as stipulated in the Freshwater Impact Assessment and has no objection with respect to the proposed development. The potential impacts on the watercourses that may result from the proposed development will be further mitigated by the implementation of the mitigation measures set out in the EMPr (to be approved in Condition 9), which includes the recommendations of the specialist.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, for the reconfiguration of the access roads to the property, the service infrastructure, the use of water from the existing borehole and the disposing of treated water to the river.

### 3.3 Heritage and Visual Impacts

According to the updated Visual Impact Assessment Report dated March 2020, compiled by Antoinette Raimond Landscape Architectural Consulting, and the Final Supplementary/ Phase 2 Heritage Impact Assessment dated March 2021, compiled by Cindy Postlethwayt, the specialists concluded that the proposal addresses the heritage indicators, which include but not limited to visual aspects and protection of biodiversity and preservation of all natural areas adequately and the mitigation proposals have already been incorporated into the design of the infrastructure proposed. The proposed layout and design elements will not cause visual pollution of the surrounding landscape. Furthermore, the recommendations from the specialists for the architectural design, appearance, materials and colours and the placement of the Solar PV plant were taken into consideration in the layout of the development. Heritage Western Cape indicated that they are satisfied with the findings of the Heritage Impact Assessment and the Visual Impact Assessment and that no further action was required. Through the implementation of the EMPr (to be approved in terms of Condition 9), the potential heritage and visual impacts will be mitigated to acceptable levels.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The development will result in the loss of natural vegetation during site preparation and construction activities. However, disturbance will be restricted to the development footprint and will occur on the least sensitive areas of the site.
- Impacts on watercourses are anticipated but will be managed in terms of the EMPr to be approved in terms of Condition 9.
- The development will result in construction related impacts such as dust, noise and visual intrusion during the clearance of vegetation.

#### **Positive impacts:**

- All areas outside the demarcated development footprint will be regarded as no-go areas during the land clearing activities.
- A 42ha portion of the property will be conserved through CapeNature's stewardship programme.
- Temporary employment opportunities will be created during the construction phase.

## 4. National Environmental Management Act Principles

The NEMA 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 to be approved, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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