

REFERENCE: 16/3/3/1/B3/28/1068/20
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 27 AUGUST 2021

The Board of Directors
Fivefold Investments 1 (Pty) Ltd
PO Box 742
VAALWATER
0530

Attention: Mr Jasper Bruinsma

Cell: 060 504 2930
E-mail: jasper@Mhondoro.com

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE DEVELOPMENT OF A COUNTRY HOTEL WITH ASSOCIATED FACILITIES AND SERVICE INFRASTRUCTURE ON A PORTION OF FARM NO. 1545, PAARL.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Cc: (1) Ms Adél Groenewald (Doug Jeffery Environmental Consultants Pty Ltd) E-mail: Adel@dougjeff.co.za
(2) Mr Schalk van der Merwe (Stellenbosch Municipality) E-mail: Schalk.VanderMerwe@stellenbosch.gov.za

REFERENCE: 16/3/3/1/B3/28/1068/20
NEAS REFERENCE: WCP/EIA/0000843/2020
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 27 August 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: THE DEVELOPMENT OF A COUNTRY HOTEL WITH ASSOCIATED FACILITIES AND SERVICE INFRASTRUCTURE ON A PORTION OF FARM NO. 1545, PAARL.

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, 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 D described in the Basic Assessment Report ("BAR"), dated 11 May 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

Fivefold Investments 1 (Pty) Ltd
c/o Mr Jasper Bruinsma
PO Box 742
VAALWATER
0530
Cell: 060 504 2930
E-mail: jasper@Mhondoro.com

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

B. ACTIVITY AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 12 <i>The development of—</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p><i>where such development occurs—</i></p> <p>(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p><i>excluding—</i></p> <p>(aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p>(bb) <i>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;</i></p> <p>(cc) <i>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;</i></p> <p>(dd) <i>where such development occurs within an urban area;</i></p> <p>(ee) <i>where such development occurs within existing roads, road reserves or railway lines; or</i></p> <p>(ff) <i>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.</i></p>	<p>Sections of the hotel and restaurant will extend into the 32-metre buffer area of the watercourses. The infrastructure will have a physical footprint of more than 100 square meters.</p>
<p>Listing Notice 1 – Activity Number: 19 The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand,</p>	<p>The development of a bridge crossing a watercourse and the upgrading of an existing road crossing a watercourse will collectively require</p>

<p>shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <ul style="list-style-type: none"> (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 harbor, in which case activity 26 in Listing Notice 2 of 2014 applies. 	<p>the infilling and removal of more than 10 cubic meters of material into or from the respective watercourses.</p>
<p>Listing Notice 1 – Activity Number: 48 The expansion of-</p> <ul style="list-style-type: none"> (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; <p>where such expansion occurs –</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse <p>excluding-</p> <ul style="list-style-type: none"> (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 23 in 	<p>The expansion of existing buildings that will extend into the 32-metre buffer area of the watercourses.</p>

<p><i>Listing Notice 3 of 2014, in which case that activity applies;</i></p> <p><i>(dd) where such expansion occurs within an urban area; or</i></p> <p><i>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</i></p>	
<p>Listing Notice 3 –</p> <p>Activity Number: 6</p> <p>The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more.</p> <p>i. Western Cape</p> <p>i. <i>Inside a protected area identified in terms of NEMPAA;</i></p> <p>ii. Outside urban areas;</p> <p><i>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</i></p> <p>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve; -</p> <p><i>excluding the conversion of existing buildings where the development footprint will not be increased.</i></p>	<p>The development of a boutique country hotel that sleeps more than 15 people. The site is located outside the urban area of Franschhoek and less than 500 metres from the Mont Rochelle Nature Reserve, which is a protected area.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The development of a country hotel and tourist facility complex located within six precincts. The hotel complex will have 43 bedrooms with the capacity to accommodate a maximum of 86 guests. The existing buildings have an approximate combined footprint of 2 503 m², while the new extensions will collectively measure approximately 3 184 m². This excludes the terraces and pool areas. The development will include the construction of a bridge crossing a watercourse and the upgrading of an existing road crossing a watercourse. The development also includes 11 villas split into three clusters located across the site. The six precincts of the development are described in more detail below:

Precinct 1

This precinct includes the upgraded site entrance to improve safety, a gate house set back from the entrance intersection, upgraded internal access roads, and a new parking area of 42 bays. The area adjacent to the gate house will be landscaped.

Precinct 2

This precinct is centred around the primary dwelling (Manor House) and two-bedroom guest cottage (Family Suite 1), which will be upgraded and extended. The facilities will include communal areas, five guest suites, a separate two-bedroom family suite, a 60-seater restaurant, associated facilities such as a hotel bar, a winery with a tasting room, parking bays, a new pool and relaxation area, a landscaped children's play area, parking for staff vehicles, an area for deliveries, a maintenance shed, a greenhouse and extensive landscaping. The restaurant and associated areas will be made available to house functions for up to 150 persons.

Precinct 3

This precinct will contain terraces and a small dam where a drinks deck will be constructed.

Precinct 4

This precinct will consist of:

- A family suite (Family Suite 2) with a footprint of approximately 214 m² with a deck and pool.
- A wellness centre with a footprint of approximately 587 m². This facility will primarily serve the needs of the hotel guests but will also be open to the public. The sauna, hot tub and pavilion decks will be raised on stilts to avoid potential impacts on the environmental sensitivities.
- A new three-bedroom owner's villa, together with several terraces and a pool with a footprint of approximately 742 m². The rooms in the dwelling will be made available to the hotel for bookings when not occupied by the owner.
- Four double suite villas with the internal areas of the two-bedroom villas restricted to an area of 120 m². These villas will be positioned on the lower reaches of the central vineyard area, within the owner's villa and wellness precinct. These villas will be located behind the owner's villa but will overlook the single storey structures due to the slope of the site. It will be served by a new golf cart access path behind the villas.

Precinct 5

This precinct is centred around the existing second primary dwelling (Orchard House), which will be upgraded and extended to contain nine guest suites, each with its own terrace. It includes a manager's studio flat, storage areas, as well as a wine cellar in the basement. The swimming pool surrounded by a covered terrace and open deck will be upgraded and the immediate area will be suitably landscaped. The existing agricultural store of 70m² will be extended by 70m². This will continue to be used as an agricultural building.

Precinct 6

This precinct will consist of seven new double suite villas arranged along the existing vineyard access road. The internal areas of the two-bedroom villas are restricted to an area of 120m². The access road is proposed to be realigned to follow the contours more closely, to be more in keeping with the meandering design of the other access road on the farm. The seven villas will be in two distinct clusters along this road, with an olive grove and vineyard between the two clusters.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on a portion of Farm No. 1545, Paarl and has the following co-ordinates:

	Latitude (S)	Longitude (E)
--	--------------	---------------

Co-ordinates:	33° 55' 27.23" South	19° 8' 20.24" East
---------------	----------------------	--------------------

The SG digit code is: C05500000000154500000

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

Doug Jeffery Environmental Consultants (Pty) Ltd
c/o Ms Adél Groenewald
PO Box 44
KLAPMUTS
7625
Tel: (021) 875 5272
Email: Adel@dougjeff.co.za

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 preferred Layout Alternative D described in the BAR dated 11 May 2021 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten 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.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11

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 detailed in Section F below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 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,
 - 7.4.6 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.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

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

Monitoring

11. 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 provisions of the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C above 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

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

The holder must undertake an environmental audit and submit Environmental Audit Reports to the Competent Authority once a year during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after all the expansion activities have been 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

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

16. 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.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

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

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 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 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..

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail 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.

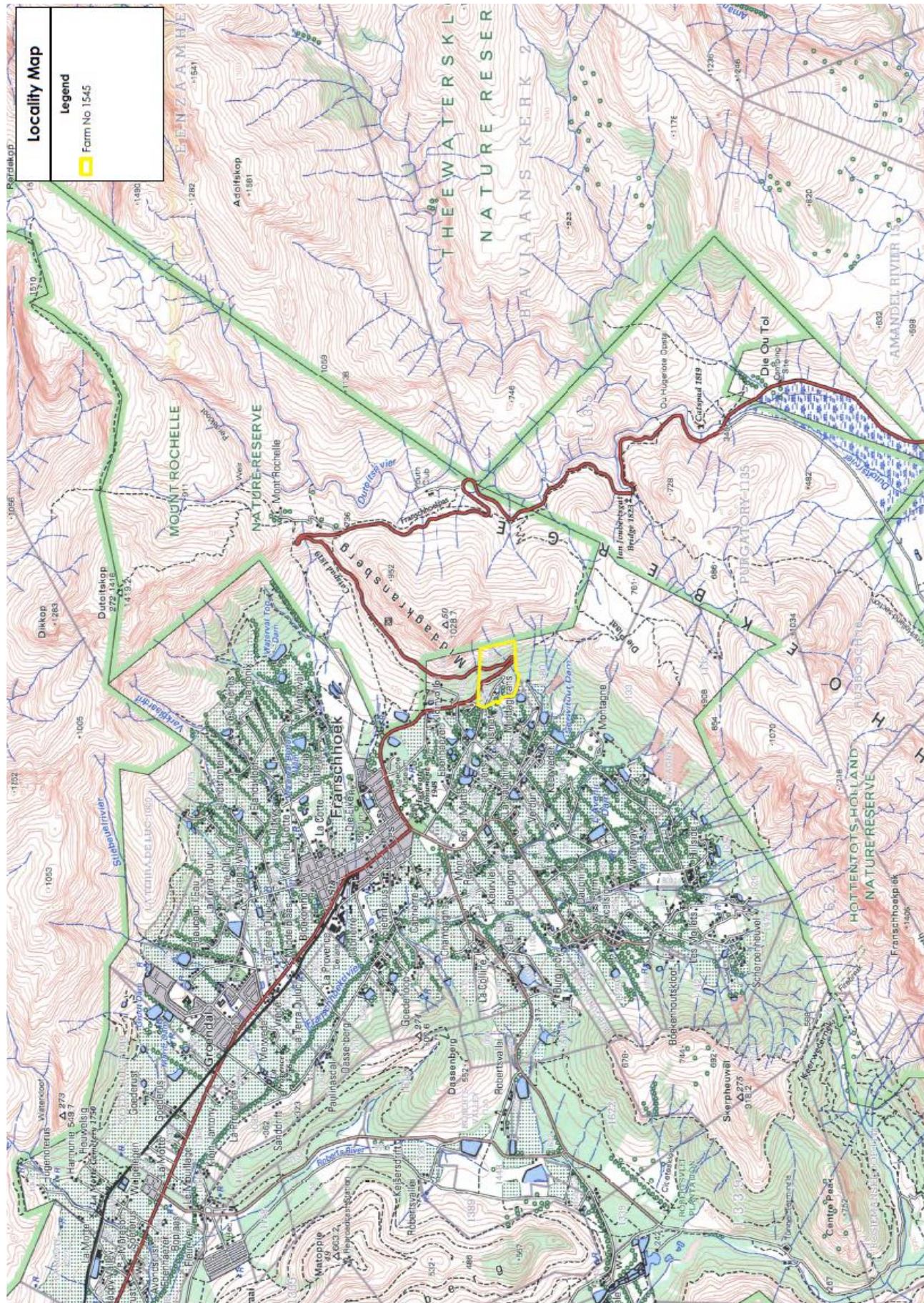
Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 27 AUGUST 2021

Cc: (1) Ms Adél Groenewald (Doug Jeffery Environmental Consultants Pty Ltd)
(2) Mr Schalk van der Merwe (Stellenbosch Municipality)

E-mail: Adel@dougjeff.co.za
E-mail: Schalk.VanderMerwe@stellenbosch.gov.za

ANNEXURE 1: LOCALITY MAP



Compiled by: Adal Groenewald
 Date: 24 March 2020
 DJEC Reference: 2019/51

Site Coordinates: 33°55'27.25" S; 19°20'54"E
 Coordinate System: WGS84
 SG Molding: 3319CC
 Scale: 1:25 000 (on A3)

Project:
 The Proposed Development of a Country Hotel with Associated Facilities and
 Services Infrastructure on a Portion of Farm No 1545, Paarl Registration Division
 ("Franschoek Past Estate")

ANNEXURE 2: SITE PLAN

notes

- the design on this drawing is copyright and remains the property of dhk
- all work to be carried out in accordance with the N.B.R.
- the scaling of this drawing for construction purposes is not permitted
- any discrepancies are to be reported to dhk immediately
- any discrepancies are to be reported to dhk immediately
- any discrepancies are to be reported to dhk immediately

rev.	date	description	initials
A	200220	SDP Submission	KS
B	200621	Contour Lines added	DN
C	200709	SDP Alternative B (preferred)	DN
D	200801	SDP Alternative B (preferred)	DN
E	210319	Revised/Revised/Revised	DN
F	210524	Option 1, Vils 10 +11 revised	DN
G	210503	Consultant Team Hybrid Option	DN

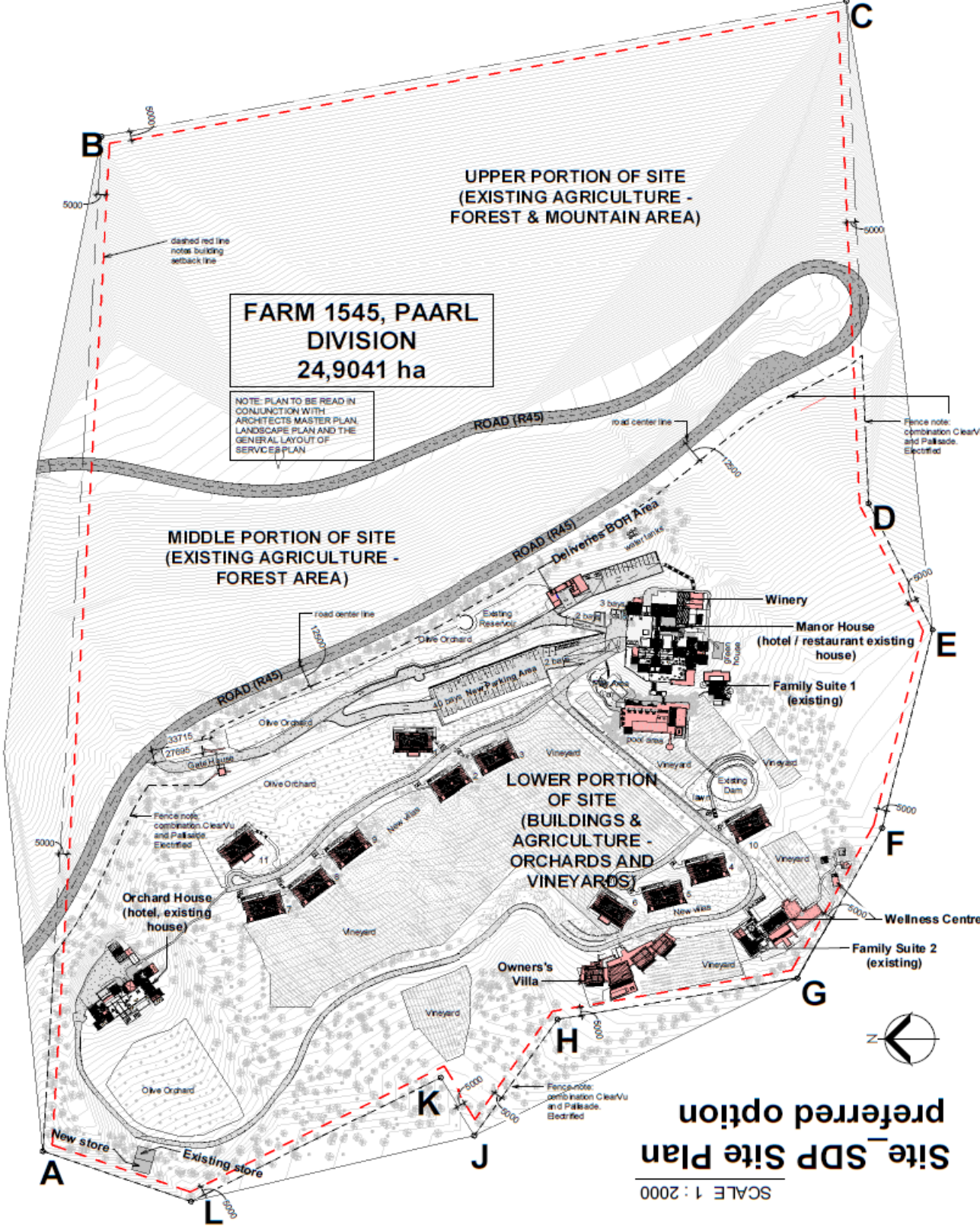
issued for

INFORMATION

210503



project: Franschoek Pass Estate
 Franschoek
 client: Jasper Brumms
 drawing: 18091 | 01-03-008 | G
 C:\Users\jbrumms\Documents\210503_01-03-008.dwg



SCALE 1 : 2000
Site_SDP Site Plan
 preferred option

ELEVATION	
0-10	10-20
20-30	30-40
40-50	50-60
60-70	70-80
80-90	90-100
100-110	110-120
120-130	130-140
140-150	150-160
160-170	170-180
180-190	190-200
200-210	210-220
220-230	230-240
240-250	250-260
260-270	270-280
280-290	290-300
300-310	310-320
320-330	330-340
340-350	350-360
360-370	370-380
380-390	390-400
400-410	410-420
420-430	430-440
440-450	450-460
460-470	470-480
480-490	490-500
500-510	510-520
520-530	530-540
540-550	550-560
560-570	570-580
580-590	590-600
600-610	610-620
620-630	630-640
640-650	650-660
660-670	670-680
680-690	690-700
700-710	710-720
720-730	730-740
740-750	750-760
760-770	770-780
780-790	790-800
800-810	810-820
820-830	830-840
840-850	850-860
860-870	870-880
880-890	890-900
900-910	910-920
920-930	930-940
940-950	950-960
960-970	970-980
980-990	990-1000

INFORMATION	
	
Project Name: [unclear] Project No: [unclear] Date: 11/12/19 Scale: 1:500 @ A0	
Author: [unclear] Designer: [unclear] Draughtsman: [unclear]	
Client: [unclear] Address: [unclear]	
Project: [unclear] Site: [unclear]	



Site Master Plan - Option 1 (preferred option)
SCALE 1:500

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form and the draft Basic Assessment Report received by the Department on 3 December 2020, the EMPr submitted together with the final Basic Assessment Report dated 11 May 2021 and received on 12 May 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 12 May 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 in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- notices were placed at the entrance to the site and at the nearby local supermarket;
- 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 5 August 2020;
- the placing of a newspaper advertisement in the 'Eikestadnuus' on 6 August 2020;
- making the pre-application Draft BAR available for comment from 6 August 2020;
- making the in-process Draft BAR available for comment from 4 December 2020; and
- making the in-process Revised Draft BAR available for comment from 1 April 2021.

The 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.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Layout Alternative A

This alternative entails the development of a country hotel and tourist facility complex located within 6 precincts. These precincts will consist of:

- An adjusted entrance with a gate house structure, and a parking area providing 42 guest parking bays.

- The primary Manor House hotel complex containing 5 guest suites, a 60-seater restaurant, which on occasion will be used as a function venue, a winery and tasting area, a two-bedroom cottage, a children's play area, a tennis court, a pool complex, as well as 5 further parking bays and 13 staff parking bays.
- A wellness centre and a two-bedroom family villa together with a three-bedroom owner's villa, which will be available to guests when not occupied by the owner.
- The secondary Orchard House hotel complex containing 9 guest suites, guest facilities and a wine cellar.
- 12 new guest villas of two designs, each containing 2 guest suites.

The hotel complex will include 45 bedrooms with the capacity to accommodate a maximum of 90 guests. The existing buildings have an approximate combined footprint of 2 503 m² while the new extensions will collective measure approximately 3 302m². This excludes the terraces and pool areas. This alternative was not preferred since it does not consider the recommendations made by the Heritage Impact Assessment ("HIA"). Due to the recommendations of the HIA and the comments received on the pre-application Draft BAR, this alternative had to be revised by removing the 12th Villa from Precinct 6.

Layout Alternative B

This alternative entails the development of a country hotel and tourist facility complex distributed over six precincts. The six precincts will contain the following facilities:

- an adjusted entrance with a gate house structure, and a parking area providing 40 guest parking bays.
- the primary Manor House hotel complex containing five guest suites, a 60-seater restaurant which on occasion will be used as a function venue, a winery and tasting area, a two-bedroom cottage, a children's play area, a tennis court, a pool complex, as well as 5 further parking bays and 13 staff parking bays.
- a wellness centre and a two-bedroom family villa together with a three-bedroom owner's villa, which will be available to guests when not occupied by the owner.
- the secondary Orchard House hotel complex containing nine guest suites, guest facilities and a wine cellar.
- 11 new guest villas of two designs, each containing two guest suites.

The hotel complex will have 43 bedrooms with the capacity to accommodate a maximum of 86 guests. The existing buildings have a combined footprint of approximately 2 503m² while the new extensions will collective measure approximately 3 184m². This excludes the terraces and pool areas. During the Heritage Western Cape ("HWC") Impact Assessment Committee ("IACom") meeting held on 10 March 2021, the committee requested that the rectilinear arrangement of the villas and the formal street-like environment for this alternative be reconsidered. Alternative B was therefore not preferred.

Layout Alternative C1

This alternative also entails the proposed development of a country hotel and tourist facility complex located within six precincts. The proposed eleven villas have been split into several clusters that have been relocated across the site as follows:

- Six villas will be located along the existing vineyard access road. The access road will be realigned to follow the contours more closely, so that it is more in keeping with the meandering design of the other access road on the farm. The six villas will be located in two distinct clusters along this road, with an olive grove and vineyard between the two clusters. The orientation of the villas has been adjusted to respond to the new road alignment, while still capturing the views.
- Three villas are proposed to be relocated to the lower reaches of the central vineyard area, within the owner's villa and wellness precinct (Precinct 4). These villas will be located behind the owner's villa but will overlook this single storey structure due to the

slope of the site. It will be served by a new golf cart access path behind the villas. The relocation of these villas to the lower reaches of the central vineyard reduces the visual impact of the central villa grouping, allowing the creation of two distinct and more informally sited clusters of villas in that area, while also creating a new cluster of buildings within the owner's villa and wellness precinct. The villas are orientated towards the views.

- The last two villas are proposed to be relocated to the leisure precinct of the site. The villas will be located below the existing dam area, and the tennis court is proposed to be relocated alongside the dam. Relocating these villas to the lower reaches of the site and into another extensively disturbed area creates a new cluster of villas that are closely linked with the buildings within the owner's villa and wellness precinct.

This layout addresses HWC's comments regarding the rectilinear arrangement of the villas and the formal street-like environment this created, however from a freshwater perspective this alternative is not deemed feasible as the tennis court in Precinct 3 and one villa in Precinct 4 encroaches into wetlands. Alternative C1 was therefore not preferred.

Layout Alternative C2

This alternative also entails the proposed development of a country hotel and tourist facility complex located within six precincts. The proposed eleven villas have been split into several clusters that have been relocated across the site. As with Alternative C1, six villas have been located in two distinct clusters along the realigned access road between the olive grove and vineyard. Three villas have been located behind the owner's villa. The final two villas have been located on the lowest reaches of the central vineyard area and will be accessed via the existing access road to the manager's house that is proposed for demolition. The access road will be realigned and extended slightly to allow access to all the hotel suites within the villas.

With Alternative C2, the villas in Precinct 6 were reduced from 11 to eight. The six villas located along the access road will be broken into two clusters with landscaping in between. Two villas were moved to less visually prominent lower reaches of the vineyard slope in Precinct 6. The existing access road to the existing managers house (to be demolished) will be reused and realigned to provide access to these villas. Three villas were moved to Precinct 4 to create a cluster of buildings on a less visually prominent area of the site. The tennis court is proposed below the existing dam outside of any watercourses.

Alternative C2 is not preferred as the two villas located on the lowest reaches of the central vineyard are not well located to capture the views of the valley below. Due to their elevation and the slightly gentler slope on this part of the site, they will look directly into the canopy of the remnants of a Bluegum plantation on the neighbouring property. Due to the less dramatic slope in this area, they will also be more heavily impacted by movement along the main access road to the orchard house as they are not as elevated above the road as the villas above the owner's villa.

Layout Alternative C3

This alternative also entails the proposed development of a country hotel and tourist facility complex located within six precincts. As with Alternatives C1 and C2 the proposed eleven villas have again been split into a number of clusters that have been relocated across the site. The differences between Alternatives C2 and C3 are that the villas in Precinct 6 were reduced from 11 to eight villas and are all located along the access road. These villas will be broken into 2 clusters with landscaping in between.

This layout addresses HWC's comments regarding the rectilinear arrangement of the villas and the formal street-like environment this created, however from a freshwater perspective

this alternative is not deemed feasible as the tennis court in Precinct 3 and one villa in Precinct 4 encroaches into wetlands.

Layout Alternative D (Preferred and herewith authorised)

The alternative entails the development of a country hotel and tourist facility complex located within six precincts. The hotel complex will have 43 bedrooms with the capacity to accommodate a maximum of 86 guests. The existing buildings have an approximate combined footprint of 2 503 m², while the new extensions will collectively measure approximately 3 184 m². This excludes the terraces and pool areas. The development will include the construction of a bridge crossing a watercourse and the upgrading of an existing road crossing a watercourse. The development also includes 11 villas split into three clusters located across the site. The six precincts of the development are described in more detail below:

Precinct 1

This precinct includes the upgraded site entrance to improve safety, a gate house set back from the entrance intersection, upgraded internal access roads, and a new parking area of 42 bays. The area adjacent to the gate house will be landscaped.

Precinct 2

This precinct is centred around the primary dwelling (Manor House) and two-bedroom guest cottage (Family Suite 1), which will be upgraded and extended. The facilities will include communal areas, five guest suites, a separate two-bedroom family suite, a 60-seater restaurant, associated facilities such as a hotel bar, a winery with a tasting room, parking bays, a new pool and relaxation area, a landscaped children's play area, parking for staff vehicles, an area for deliveries, a maintenance shed, a greenhouse and extensive landscaping. The restaurant and associated areas will be made available to house functions for up to 150 persons.

Precinct 3

This precinct will contain terraces and a small dam where a drinks deck will be constructed.

Precinct 4

This precinct will consist of:

- A family suite (Family Suite 2) with a footprint of approximately 214 m² with a deck and pool.
- A wellness centre with a footprint of approximately 587 m². This facility will primarily serve the needs of the hotel guests but will also be open to the public. The sauna, hot tub and pavilion decks will be raised on stilts to avoid potential impacts on the environmental sensitivities.
- A new three-bedroom owner's villa, together with several terraces and a pool has a total footprint of approximately 742 m². The rooms in the dwelling will be made available to the hotel for bookings when not occupied by the owner.
- Four double suite villas with the internal areas of the two-bedroom villas restricted to an area of 120 m². These villas will be positioned on the lower reaches of the central vineyard area, within the owner's villa and wellness precinct. These villas will be located behind the owner's villa but will overlook the single storey structures due to the slope of the site. It will be served by a new golf cart access path behind the villas.

Precinct 5

This precinct is centred around the existing second primary dwelling (Orchard House), which will be upgraded and extended to contain nine guest suites each with its own terrace. It includes a manager's studio flat, storage areas, as well as a wine cellar in the basement. The swimming pool surrounded by a covered terrace and open deck will be upgraded and the immediate area will be suitably landscaped. The existing agricultural

store of 70m² will be extended by 70m². This will continue to be used as an agricultural building.

Precinct 6

This precinct will consist of seven new double suite villas arranged along the existing vineyard access road. The internal areas of the two-bedroom villas are restricted to an area of 120m². The access road is proposed to be realigned to follow the contours more closely, to be more in keeping with the meandering design of the other access road on the farm. The seven villas will be in two distinct clusters along this road, with an olive grove and vineyard between the two clusters.

This alternative was preferred since it considers both the HWC IACom comments, as well as the freshwater constraints.

No-go Alternative

The alternative entails the *status quo* or current land use of the property being maintained. The current levels of alien infestation are likely to increase and the extent of erosion within ephemeral and seasonal watercourses will continue to worsen. There is no difference in the agricultural impact between the development and the option of not implementing the activity. The no-go alternative will however result in new employment, business, and tourism opportunities being forfeited for the town of Franschhoek and the local area. This alternative is therefore not preferred.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development is in line with the provisions of the Provincial Spatial Development Framework of the Western Cape. The development will not compromise the biodiversity, farming activities and the cultural and scenic landscape of the site and are of an appropriate scale and form to fit in with the context of the landscape. The development will create employment opportunities for the surrounding community and will contribute to the local economy.

3.2 Biophysical Impacts

Based on the findings of the Terrestrial Biodiversity Compliance Statement compiled by Bergwind Botanical Survey and Tours cc dated 17 March 2020, no indigenous vegetation is present on the site due to the site being cultivated with vineyards, olive groves and other fruit trees. The site is entirely transformed and would not negatively impact on any natural plant community.

Several watercourses are present on the site, including six tributaries of the Franschhoek River and five seasonal seep wetlands. These watercourses have been subject to several impacts associated with the expansion of farming activities, water abstraction, and alien plant invasion. Despite their poor condition, some of these watercourse systems still provide some habitat for aquatic or semi-aquatic fauna and perform several functions at a local scale. The location of the development was therefore carefully considered (with input from the Freshwater specialist) to avoid any impacts that could be detrimental to the watercourses present on the site. The recommended mitigation measures of the Freshwater Impact Assessment compiled by Freshwater Consulting dated October 2020 have been included in the Environmental Management Programme and the preferred layout was informed by the specialist input. The preferred and herewith authorised layout alternative is acceptable from a freshwater perspective and according to the subsequent Freshwater Specialist Statement compiled by Freshwater Consulting dated 29 March 2021, it does not encroach into any wetland habitat present on the site. An application for a Water Use

License in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, which will further investigate the watercourse related impacts.

3.3 Heritage Impacts

A Heritage Impact Assessment including a Visual Impact Assessment was undertaken by Bridget O'Donoghue dated 12 May 2020. Based on the findings of the assessment, the site is located in a Grade II landscape unit and adjacent to a Grade II scenic route. The assessment recommended that Villa 12 and the associated roadway must be removed from Layout Alternative A, or relocated, since these structures are intrusive on the vineyards. Layout Alternative B, which became the new preferred layout alternative, was therefore developed. Layout Alternative B is similar to Layout Alternative A, with the only difference being that it has 11 villas in Precinct 6.

During the HWC IACom meeting held on 10 March 2021, the committee requested that the rectilinear arrangement of the villas and the formal street-like environment for Layout Alternatives B must be reconsidered. Three new layout alternatives were subsequently formulated and considered. Alternative C consisted of three layout options, Layout Alternatives C1, C2 and C3. The difference between these three alternatives was the location (clustering) of the villas. Alternatives C1, C2 and C3, were presented at the HWC IACom meeting held on 14 April 2021. The HWC IACom indicated their support for Alternative C1 but noted environmental concerns regarding Villa 11 that was situated within the watercourse buffer closest to the tennis courts. The HWC IACom further stated that they support the replacement of Villa 11 to above the roadway on the edge of the orchard as close to the watercourse buffer as allowable on the northern side of the orchard. Since Alternative C1 was supported by the HWC IACom, it was decided to revise this layout to consider the freshwater constraints whilst responding to the comments from the HWC IACom. Layout Alternative D, the new preferred alternative, resulted from these changes and is therefore supported from a heritage perspective.

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a limited negative biophysical impact due to the potential impacts on the watercourses present on the site. These impacts will however be mitigated to a satisfactory level with the implementation of the recommended mitigation measures, the preferred layout alternative and adherence to the EMPr.

Positive impacts:

The development will not compromise the biodiversity, farming activities and the cultural and scenic landscape of the area and are of an appropriate scale and form to fit in with the context of the landscape. The development will create employment opportunities for the surrounding community and contribute to the local economy.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;

- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----