

REFERENCE: 16/3/3/1/B4/45/1055/20
NEAS REFERENCE: WCP/EIA/0000815/2020
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 05 May 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): PROPOSED HOTEL AND ASSOCIATED INFRASTRUCTURE ON THE HAZENDAL WINE ESTATE, FARM NO. 222, STELLENBOSCH

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 Alternative, as described in the Basic Assessment Report ("BAR"), dated January 2021.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the updated Maintenance Management Plan** for the proposed maintenance of the Bottelary River and associated wetlands, Hazendal Wine Estate, Stellenbosch, dated October 2020.

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

Hazendal Wine Estate (Pty) Ltd
c/o Mr. Shlomi Azar
P.O. Box 111
SONEIKE
7583

Tel: (021) 903 5034
Email: shlomi@hazendal.co.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activities/Project Description
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 12</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development 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 development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures 	<p>Construction of the hotel and associated infrastructure will encroach into the watercourses present on the site and the collective footprint of these structures will exceed 100 squares metres in extent.</p>

<p><i>will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i></p>	
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 19</p> <p><i>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—</i></p> <p><i>(i) a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(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.</i></p>	<p>Construction of the hotel and associated infrastructure will encroach into the watercourses present on the site and will result in the infilling and excavation of more than 10 cubic metres of material into and from the watercourses.</p>
<p>EIA Regulations Listing Notice 1 of 2014-</p> <p>Activity Number: 27</p> <p><i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i></p> <p><i>(i) the undertaking of a linear activities; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>Construction of the hotel and associated infrastructure will require the clearance of 1 hectare or more of indigenous vegetation.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 48</p> <p><i>The expansion of –</i></p> <p><i>(ii) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</i></p>	<p>Existing structures and infrastructure that are located within and within 32m of the watercourses present on the site, will be upgraded and expanded by more than 100m² to form part of the proposed hotel development.</p>

<p>(iii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such expansion occurs -</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding—</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(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;</p> <p>(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;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 56</p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre -</p> <p>(i) where the existing reserve is wider than 13,5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 metres;</p> <p>excluding where widening or lengthening occur inside urban areas.</p>	<p>Widening of a portion of the existing access road off Ronelle Street by approximately 8m (at its widest) for approximately 100m in length is required to accommodate the security gate and allow for free flow of two-way traffic.</p>
<p>EIA Regulations Listing Notice 3 of 2014 -</p> <p>Activity Number: 4</p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p>Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p>	<p>New internal roads will be constructed to provide access to the proposed development.</p>

<p>(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</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	
<p>EIA Regulations Listing Notice 3 of 2014 –</p> <p>Activity Number: 12</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas;</p> <p>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	<p>Construction of the hotel and associated infrastructure will require the clearance of 300 square metres or more of the remaining critically endangered indigenous vegetation on the site.</p>
<p>EIA Regulations Listing Notice 3 of 2014 –</p> <p>Activity Number: 17</p> <p>The expansion of a resort, lodge, hotel, tourism or hospitality facilities where the development footprint will be expanded and the expanded facility can accommodate an additional 15 people or more.</p> <p>a. Western Cape</p> <p>i. Inside a protected area identified in terms of NEMPAA;</p>	<p>The proposed hotel is an expansion of the existing tourism facility and will sleep more than 15 people.</p>

<p>ii. Outside urban areas:</p> <p>(aa) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</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>excluding the conversion of existing buildings where the development footprint will not be increased.</p>	
<p>EIA Regulations Listing Notice 3 of 2014 –</p> <p>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>a. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. All areas outside urban areas:</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(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</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>Widening of the access road by more than 4m.</p>

The abovementioned list 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 proposed development comprises of the construction of a hotel and associated infrastructure on the Hazendal Wine Estate. The proposed hotel development will include the following:

- Approximately 34 accommodation units and associated amenities and infrastructure, such as a spa, restaurant, bar, a shop, new roads and parking areas with a footprint of approximately 14500m².
- The hotel will be located next to a dam and partially encroaches into a wetland.
- Boardwalks, bird hides and pathways will be developed within and around the surrounding wetlands and gardens.
- An existing historical shed (located within the delineated wetland) will be converted and upgraded to form part of the hotel.

- Access to the site will be via the existing road off Bottelary Road, which crosses the Bottelary River and the “werf” in front of the historic farm buildings and then circumvents the existing parking area.
- An alternative road which runs from the existing buildings in a northerly direction and connects with Ronelle Street will also be utilised for access. This road will be upgraded with an additional lane around the security office to accommodate the additional traffic.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 222, Stellenbosch

The SG21 digit code is: C06700000000022200000

Co-ordinates of the properties:

Latitude	Longitude
33° 54' 1.84" South	18° 43' 9.37" East

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

Khula Environmental Consultants (Pty) Ltd

c/o Ms M Sham

71 Kommetjie Road

FISH HOEK

7975

Cell: (072) 989 5119

Email: monique@khulaec.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 the Preferred Alternative, as described in the BAR dated January 2021 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue, within which commencement must occur.
3. The 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, 9 and 12.

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;
 - 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 notified 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 activities, including site preparation, must not commence until the appeal is decided.

Management of activities

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The updated Maintenance Management Plan ("MMP") adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr 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") before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, 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.
14. 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

15. 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 and the EMPr. The Environmental Audit Report must be prepared by an **independent person** (not the ECO appointed in terms of condition 12 above) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit 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 completion of the construction phase of the development.

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

16. 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 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.

17. A qualified archaeologist and/or paleontologist 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.
18. The relevant requirements with respect to occupational health and safety must be adhered to at all times.

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 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 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
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

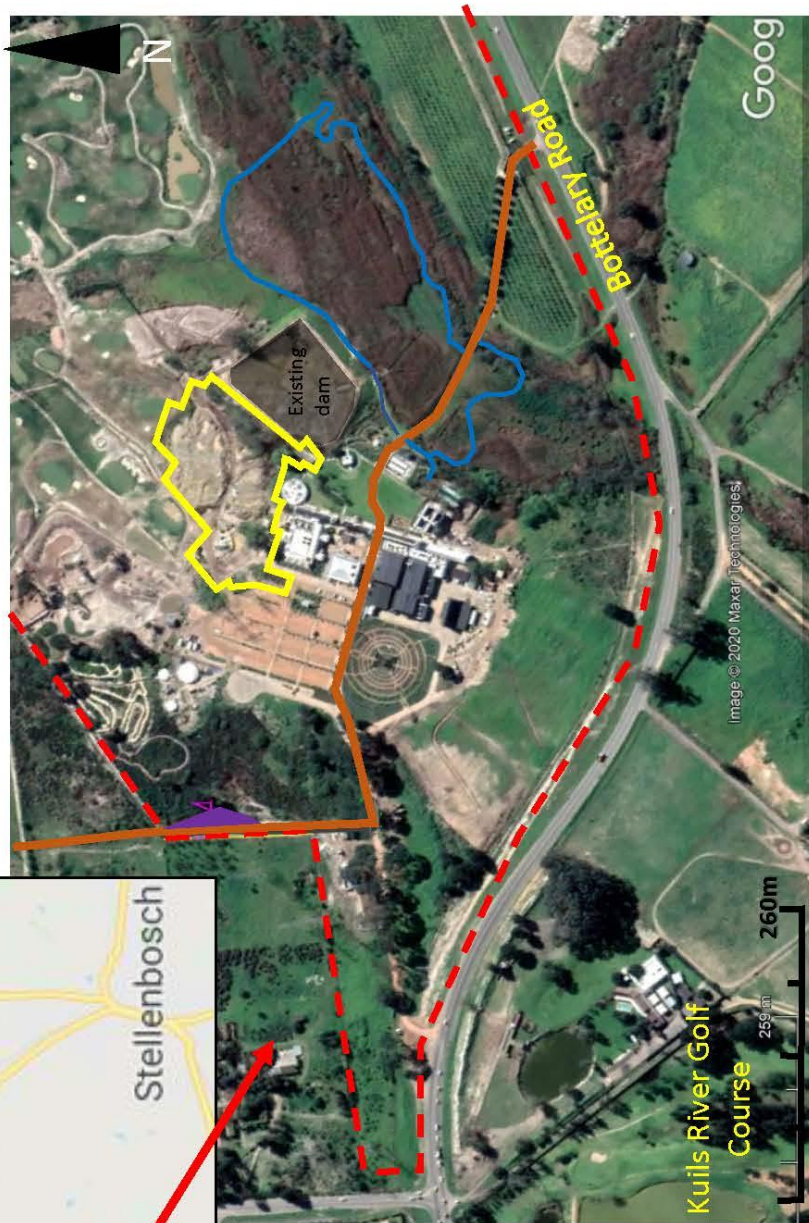
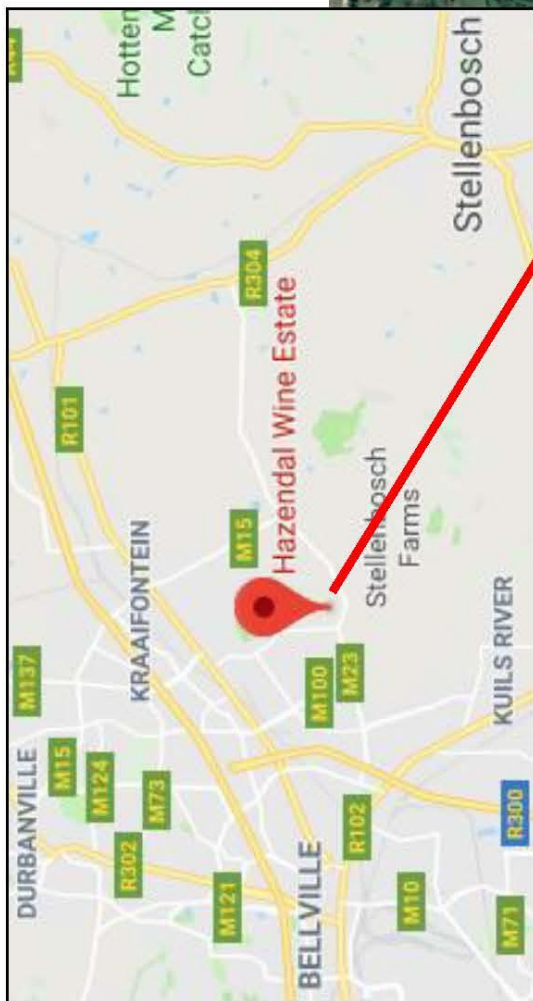
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 05 MAY 2021

Cc: (1) Ms. M. Sham (Khula Environmental Consultants)
(2) Mr. S. van der Merwe (Stellenbosch Municipality)
(3) Mr. S. Carstens (Stellenbosch Municipality)

Email: monique@khulaec.co.za
Email:Schalk.VanderMerwe@stellenbosch.gov.za
Email: Stiaan.Carstens@stellenbosch.gov.za






ANNEXURE 1: LOCALITY MAP



Longitude: 18° 43' 13.52" E

Latitude: 33° 53' 58.64" S

Legend:

- The Site: 
- Proposed Hotel Location: 
- Boardwalks & Decks: 
- Existing access road: 
- Proposed road widening: 
- Prevailing winter winds: NW
- Prevailing summer winds: SE

Locality Map: Proposed hotel on Hazendal Wine Estate, Farm 222/0 Stellenbosch



Image © 2019 Maxar Technologies

ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 30 October 2020, the EMPr submitted together with final BAR dated January 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 BAR dated January 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;
- fixing notice boards at the site where the listed activities is to be undertaken on 30 July 2020;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities is 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 30 July 2020;
- the placing of a newspaper advertisement in the "Bolander" on 30 July 2020;
- circulating the pre-application draft BAR to I&APs from 30 July 2020; and
- circulating the in-process draft BAR to I&APs from 9 November 2020.

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

The preferred design and layout were informed by specialist input and is considered to be appropriate and sensitive to the historic and cultural aesthetics of the Hazendal Wine Estate and the freshwater resources present on the farm.

Preferred Alternative 1 (Herewith authorised)

The proposed development comprises of the construction of a hotel and associated infrastructure on the Hazendal Wine Estate. The proposed hotel development will include the following:

- Approximately 34 accommodation units and associated amenities and infrastructure, such as a spa, restaurant, bar, a shop, new roads and parking areas with a footprint of approximately 14500m².
- The hotel will be located next to a dam and partially encroaches into a wetland.
- Boardwalks, bird hides and pathways will be developed within and around the surrounding wetlands and gardens.
- An existing historical shed (located within the delineated wetland) will be converted and upgraded to form part of the hotel.
- Access to the site will be via the existing road off Bottelary Road, which crosses the Bottelary River and the "werf" in front of the historic farm buildings and then circumvents the existing parking area.
- An alternative road which runs from the existing buildings in a northerly direction and connects with Ronelle Street will also be utilised for access. This road will be upgraded with an additional lane around the security office to accommodate the additional traffic.

Alternative 2

Alternative 2 was one of the first alternatives identified by the applicant as it provided unobstructed views over the river and also avoided traffic flow through the "werf". Alternative 2 has a different architectural design compared to the preferred alternative as it had not been subjected to scrutiny by the heritage specialist (it went through specialist interrogation relatively early on in the process, which culminated in the creation of the preferred alternative). This alternative included a hotel consisting of one large building, 5-storeys in height, overlooking the Bottelary River, with 37 parking bays to the north of the hotel and a swimming pool to the south. Access would have been provided via a new access road approximately 180m in length, off the existing internal road, along the bottom of the dam.

Alternative 2 is not the preferred alternative and was excluded in the early iterative development planning phases from a freshwater impact perspective. It may have been acceptable from a heritage perspective with some design amendments, but the decision was to identify a different location to avoid the very high negative impact on the freshwater resources.

"No-Go" Alternative

The no-go alternative was considered. However, it was not preferred since the opportunity to increase the financial viability of the existing facility will be lost. The opportunity for rehabilitation of the aquatic resources would be lost and the protective buffer areas around the existing developed areas abutting the watercourses will not be established. In addition, there will be no provision of temporary and new permanent employment opportunities or additional economic benefits for the area.

3. Impact Assessment and Mitigation measures

3.1 Activities need and desirability

The proposed development is located at the boundary between the City of Cape Town and Stellenbosch Municipalities, to the north of Bottelary Road. It is located just outside the built-up urban edge of the City of Cape Town, with the residential and light industrial development of Brackenfell South located to the west and the agricultural land associated with the Stellenbosch Winelands to the east.

Due to the poor agricultural soil potential of the farm, additional income ventures are required to ensure the ongoing economic viability of the farm. The Hazendal Wine Estate is a popular conference and wedding/function venue and the purpose of the proposed hotel development is to provide accommodation for guests and visitors to these facilities, which in turn will improve the socio-economic viability of the farm. Due to the heritage significance of the farm "werf" and its buildings and the sensitive freshwater resources present on the farm, the design of the proposed hotel was guided by consultation with and input received from the appointed specialists, resulting in best practicable option with minimised visual, cultural, heritage and freshwater impacts.

3.2 Biophysical Impacts

Historically, the site would have supported Cape Flats Sand Fynbos vegetation, which is classified as Critically Endangered. Based on the findings of the Botanical Impact Assessment dated January 2020, compiled by Bergwind Botanical Surveys and Tours, the site is almost completely transformed from its natural state by historical farming activities. Apart from a few isolated pockets of indigenous plants, the original vegetation is no longer present on the site. No species of conservation concern was found on the site, with the existing vegetation comprising mainly of alien species. From a botanical impact perspective, the site is deemed to have low sensitivity, very low conservation value, and is not restorable to its previous natural condition. The significance of the potential botanical impacts was therefore determined as very low negative with no mitigation required.

The estate includes a number of natural wetlands (seepage wetland C, poplar wetlands A and B), artificial wetlands (Dam 1 and artificial seep wetland D), and the Bottelary River and its associated valley bottom wetlands (valley bottom wetlands A and B). The aquatic ecosystems on the estate are not identified in the Western Cape Critical Biodiversity Spatial Plan as aquatic Critical Biodiversity Areas. The site is however mapped as an Ecological Support Area. Although all the identified watercourses are degraded to some extent, they are all (with the exception of the poplar wetland A and Dam 1), considered to be of high conservation importance, with rehabilitation potential. The proposed hotel development will be located on the northern bank of Dam 1 and extends through a portion of the poplar wetland A, resulting in a loss of approximately 3200 m² of the wetland. Based on the findings of the Specialist Aquatic Ecosystem Assessment dated January 2020, compiled by Liz Day Consulting, this loss is acceptable since this wetland is severely disturbed, infilled in places, bermed and excavated. Its ecological importance and sensitivity are assessed as low, its conservation status as very low, and PES category condition as largely modified. In addition, this loss will be further mitigated by a number of rehabilitation measures that have been recommended to improve the condition and functioning of the wetlands with high conservation importance. This includes addressing erosion, re-establishment of flows through wetland seeps, planting of indigenous vegetation and the creation and management of effective wetland buffer areas. Mitigation measures have also been proposed to limit the potential impacts associated with the proposed construction and operation of the boardwalks, bird hides and pathways through and in the vicinity of the watercourses. Overall, the construction phase and operational phase freshwater impacts associated with the proposed development is of low to very low significance with the effective implementation of the proposed mitigation and rehabilitation measures. These have been incorporated into the preferred layout alternative and the Environmental Management Programme accepted as part of this Environmental Authorisation.

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, which will further investigate the watercourse related impacts.

Furthermore, the existing adopted Estate MMP (Ref: 16/3/3/6/3/B4/45/1098/18) has been updated to include the additional rehabilitation and maintenance measures proposed for implementation in the watercourses present on the site. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the updated MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

3.3 Heritage Impact Assessment and Visual Impact Assessment

The Hazendal Estate is located at the gateway to the agricultural land associated with the Stellenbosch Winelands. The historic "werf" complex forms the core of the estate and a number of developments have taken place surrounding the historic core in recent years. This includes the refurbishment of the historic buildings at the site, as well as additional building structures, including a tasting room, restaurant and conference centre, educational play centre, extensive parking areas and a herb and vegetable garden.

The proposed development will border onto the historic "werf" complex associated with the estate. As heritage resources associated with the historic "werf" and the cultural landscape could potentially be affected by the proposed development, a Heritage Impact Assessment ("HIA"), as required by Heritage Western Cape, was undertaken.

A series of heritage and visual indicators were identified to determine the potential visual impacts on the historic "werf" complex, which in turn informed the design of the proposed development. For example, the building heights at the interface of the proposed development with the "werf" space will not exceed the height of the buildings within the "werf" complex and will be largely screened from view by existing vegetation and proposed screen planting. Due to the low-lying location of the proposed development, it will not be highly visible from the surrounding areas. The findings of the HIA indicated that the significance of the heritage and visual impacts can be reduced to a Low to Very Low level with effective mitigation. The anticipated impacts on heritage resources are therefore considered to be acceptable from a heritage and visual perspective, with the implementation of mitigation. HWC supported the proposed development in their final comment dated 14 July 2020, subject to additional recommendations, which have been included in the EMPr.

In summary, the proposed development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in the loss of wetland habitat and the degradation of the freshwater resources.
- The proposed construction works will result in elevated noise and dust levels during the construction phase and an increased visual and traffic impact during the operational phase. The construction phase impacts will be of temporary duration and mitigation measures have been incorporated into the EMPr for implementation during the construction phase. The visual and traffic impacts will also be addressed by the specialist recommendations, which have also been included into the EA and EMPr for implementation.

Positive impacts:

- The proposed development will provide an opportunity to improve the condition and functioning of the watercourses present on the site, will result in both short- and long-term employment opportunities, as well as increased tourism and socio-economic benefits in the area as a result of the additional proposed facilities.

4. National Environmental Management Act Principles

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

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

5. Conclusion

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

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