



**REFERENCE:** 16/3/3/1/B4/45/1003/23  
**NEAS REFERENCE:** WCP/EIA/0001212/2023  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** **10 AUGUST 2023**

The Board of Directors  
Stellenbosch Bridge Properties (Pty) Ltd.a  
PO Box 31  
**ELSENBURG**  
7538

**Attention: Mr Lorne James Dawson**

Cell: 060 910 6374  
E-mail: lorne@stb-bridge.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 5 OF THE FARM NO. 742, KLAPMUTS.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant partial Environmental Authorisation** ("EA"), 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 EA.

Yours faithfully

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

Cc: (1) Mr Aubrey Withers (Aubrey Withers Environmental Consultants)  
(2) Mr Bernabe de le Bat (Stellenbosch Municipality)

E-mail: aubreywithers@mwebco.za  
E-mail: bernabe.delabat@stellenbosch.gov.za



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## 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 PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 5 OF THE FARM NO. 742, KLAPMUTS.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants partial Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **part of the preferred alternative** described in the Basic Impact Assessment ("BAR") Report, dated April 2023 and the additional information received on 18 July 2023.

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

Stellenbosch Bridge Properties (Pty) Ltd.  
c/o Mr Lorne James Dawson  
PO Box 31  
**ELSENBURG**  
7538  
Cell: 060 910 6374  
E-mail: lorne@stb-bridge.co.za

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

**B. ACTIVITY AUTHORISED**

<b>Listed Activity</b>	<b>Project Description</b>
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 24</b>  <b>The development of a road—</b>  <i>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i>  <i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i></p> <p><i>but excluding a road—</i>  <i>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</i>  <i>(b) where the entire road falls within an urban area; or</i>  <i>(c) which is 1 kilometre or shorter.</i></p>	<p>The Class 3 road will have a reserve width wider than 13,5 metres, whilst the internal roads will be about 8 metres wide.</p>
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 27</b>  <i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</i>  <i>(i) the undertaking of a linear activity; or</i>  <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 28</b>  <i>Residential, mixed, retail, commercial, <b>industrial</b> or institutional <b>developments where such land was used for agriculture</b>, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i>  <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p>	<p>The site has historically been used for agricultural purposes.</p>

<p><b>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</b></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial, or institutional purposes.</i></p>	
<p><b>Listing Notice 3 – Activity Number: 4</b> <i>The development of a road wider than 4 metres with a reserve less than 13.5 metres.</i></p> <p><b>(i) Western Cape:</b></p> <p>i. <i>Areas zoned for use as public open space or equivalent zoning;</i></p> <p>ii. <b>Areas outside urban areas;</b>  <b>(aa) Areas containing indigenous vegetation;</b>  <i>(bb) Areas in the estuary side of the development setback line in an estuarine functional zone where no such setback line has been determined; or</i></p> <p>iii. <i>Inside urban areas:</i>  <b>(aa) Areas zoned for conservation use;</b>  <i>or</i>  <b>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</b></p>	<p>The internal roads will be about 8 metres wide.</p>
<p><b>Listing Notice 3 – Activity Number: 12</b> <b>The clearance of an area of 300 square metres or more of indigenous vegetation</b> <i>except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>(i) Western Cape:</b></p>	<p>More than 300m<sup>2</sup> of critically endangered and endangered vegetation will be cleared.</p>

<p>I. <b>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;</b></p> <p>II. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>III. <i>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;</i></p> <p>IV. <i>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</i></p> <p>V. <i>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.</i></p>	
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The abovementioned activities are hereinafter referred to as “**the listed activities**”.

The holder is herein **authorised** to undertake a **part of the development** as described in the preferred alternative.

The approved development (Precinct 2) will include the following:

- An industrial and business component with a development footprint of approximately 50 292m<sup>2</sup>; and
- Internal roads with a development footprint of approximately 5 985m<sup>2</sup>.

The Class 3 road with a road reserve of more than 13,5m and a footprint of approximately 5 250m<sup>2</sup> will be extended by approximately 210m. An on-site conservation corridor will also be implemented to compensate for the loss of indigenous vegetation.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 5 of the Farm No. 742, Klapmuts and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates of the site:	33° 48' 45.34" South	18° 50' 52.62" East

Co-ordinates of the Class 3 road	Latitude (S)	Longitude (E)
Starting point	33° 48' 30.00" South	18° 50' 46.93" East
Middle point	33° 48' 29.06" South	18° 50' 50.95" East
End point	33° 48' 28.12" South	18° 50' 54.98" East

The SG digit codes are: C055 0000000000742 00005

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

Aubrey Withers Environmental Consultants

Mr Aubrey Withers

6 Santa Rosa Street

Die Boord

**STELLENBOSCH**

7613

Cell: (083) 658 8744

Email: aubreywithers@mweb.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 Precinct 2 of the Preferred Alternative** described in the Basic Assessment Report dated April 2023 and the additional information received on 18 July 2023.

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, 11 and 17

#### **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 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,
  - 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 Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to include the following and must be submitted to the competent authority for approval prior to the commencement of construction activities:
- An activity description and site development plan of the authorised development; and
  - The conditions as per the final comment from Heritage Western Cape (dated 16 May 2023) that are applicable to the authorised development.
10. Once approved, the amended 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. The ECO must conduct site visits and must submit ECO reports on a monthly basis to the competent authority.
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 (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) 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 an Environmental Audit Report to the Competent Authority within three (3) months of commencement of the proposed development.

A final Environmental Audit Report must be submitted within three (3) months of the completion of the proposed 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**

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.

17. A Search and Rescue operation of all transplantable indigenous plants that occur on the site must be undertaken by a suitably qualified and experienced botanical/horticulturalist specialist before the commencement of site clearing activities. The rescued species must be relocated to the proposed conservation area.

## **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  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

## H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

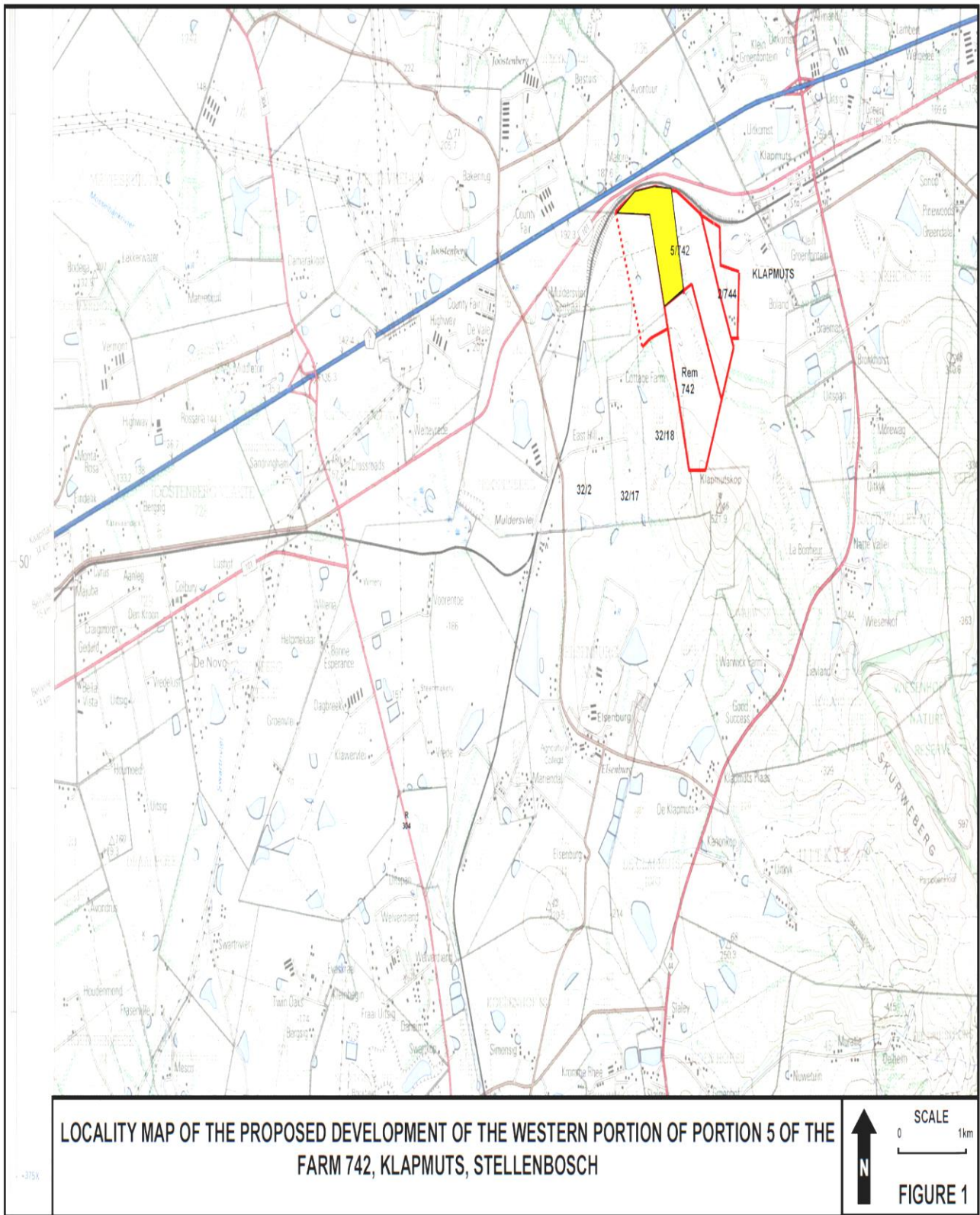
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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DATE OF DECISION: 10 AUGUST 2023**

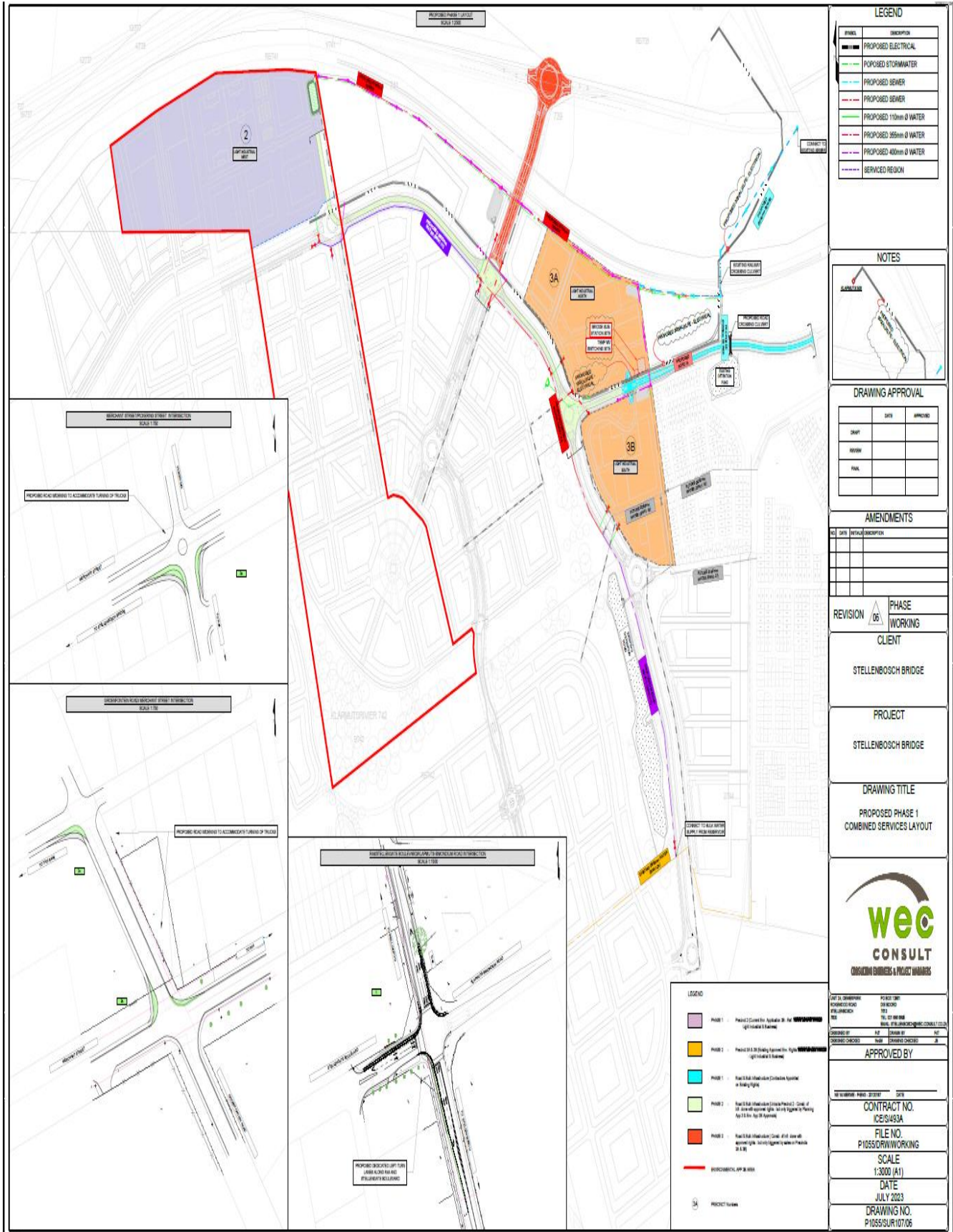
Cc: (1) Mr Aubrey Withers (Aubrey Withers Environmental Consultants)  
(2) Mr Bernabe de le Bat (Stellenbosch Municipality)

E-mail: [aubreywithers@mwebco.za](mailto:aubreywithers@mwebco.za)  
E-mail: [bernabe.delabat@stellenbosch.gov.za](mailto:bernabe.delabat@stellenbosch.gov.za)

**ANNEXURE 1: LOCALITY MAP**



# ANNEXURE 2: SITE PLAN



**LEGEND**

SYMBOL	DESCRIPTION
[Solid black line]	PROPOSED ELECTRICAL
[Dashed black line]	PROPOSED STORMWATER
[Dashed red line]	PROPOSED SEWER
[Dashed blue line]	PROPOSED SEWER
[Dashed green line]	PROPOSED 110mm Ø WATER
[Dashed orange line]	PROPOSED 350mm Ø WATER
[Dashed purple line]	PROPOSED 400mm Ø WATER
[Dotted grey line]	SERVICED REGION

**NOTES**

1. REFER TO DRAWING P1055/SUR/107/06 FOR OVERALL PROJECT LAYOUT.

**DRAWING APPROVAL**

DATE	BY	APPROVED

**AMENDMENTS**

NO.	DATE	REASON/DESCRIPTION

REVISION 06 PHASE WORKING

CLIENT  
STELLENBOSCH BRIDGE

PROJECT  
STELLENBOSCH BRIDGE

DRAWING TITLE  
PROPOSED PHASE 1  
COMBINED SERVICES LAYOUT



**LEGEND**

- PHASE 1 - Phase 1 Combined Services Layout (Purple)
- PHASE 2 - Phase 2 Combined Services Layout (Yellow)
- PHASE 3 - Phase 3 Combined Services Layout (Cyan)
- PHASE 4 - Phase 4 Combined Services Layout (Green)
- PHASE 5 - Phase 5 Combined Services Layout (Red)

PROPOSED ELECTRICAL LAYOUT (Scale 1:500)

PROPOSED STORMWATER LAYOUT (Scale 1:500)

PROPOSED SEWER LAYOUT (Scale 1:500)

PROPOSED 110mm Ø WATER LAYOUT (Scale 1:500)

PROPOSED 350mm Ø WATER LAYOUT (Scale 1:500)

PROPOSED 400mm Ø WATER LAYOUT (Scale 1:500)

PROPOSED PHASE 1 LAYOUT (Scale 1:500)

PROPOSED PHASE 2 LAYOUT (Scale 1:500)

PROPOSED PHASE 3 LAYOUT (Scale 1:500)

PROPOSED PHASE 4 LAYOUT (Scale 1:500)

PROPOSED PHASE 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 3 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 4 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 & 3 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 & 4 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 & 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 3 & 4 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 3 & 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 4 & 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 & 3 & 4 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 & 3 & 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 & 4 & 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 3 & 4 & 5 LAYOUT (Scale 1:500)

PROPOSED PHASE 1 & 2 & 3 & 4 & 5 LAYOUT (Scale 1:500)

DATE OF DRAWING: 2023/07/06  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Signature]

CONTRACT NO. ICES1433A  
 FILE NO. P1055/DR/WORKING  
 SCALE: 1:3000 (A1)  
 DATE: JULY 2023  
 DRAWING NO. P1055/SUR/107/06

### **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 9 May 2022, the EMPr submitted together with the final BAR dated April 2023 and the additional information received on 12 June 2023, 15 July 2023 and 18 July 2023;
- 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 April 2023; 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 two notice boards at the entrance of the site;
- the placing of a newspaper advertisement in the '*Eikestadnuus*' on 12 January 2023;
- 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 14 January 2023;
- making the Draft BAR available for a 30day commenting period from 16 January 2023; and
- making the Revised Draft BAR available for a 30day commenting period from 22 March 2023.

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**

### Alternative 1 (applicant's preferred alternative - herewith refused):

This alternative (Precincts 2 and 6) will comprise the following on Portion 5 of the Farm No. 742, Klapmuts:

- A residential component;
- An innovation centre and a mix-use component;
- A light industrial component; and
- Internal roads and a class 3 road.

The footprint of the preferred alternative will be approximately 119 600m<sup>2</sup>. This alternative is not approved, as the necessary service infrastructure is not available.

### Alternative 2 (preferred alternative - herewith authorised)

This alternative (Precinct 2) entails the following:

- An industrial and business component with a development footprint of approximately 50 292m<sup>2</sup>;
- Internal roads with a development footprint of approximately 5 985m<sup>2</sup>.

The Class 3 road with a road reserve of more than 13,5m and a footprint of approximately 5250m<sup>2</sup> will be extended by approximately 210m. An on-site conservation corridor will also be implemented to compensate for the loss of indigenous vegetation.

This alternative is preferred, as the necessary bulk service infrastructure capacity to accommodate the proposed development is available.

### No-go Alternative

The 'no-go' alternative was not preferred at the socio-economic benefits associated with the light industrial development will not be realised.

## **3. Impact Assessment and Mitigation measures**

### 3.1 Activity need and desirability

There is currently a need for employment opportunities in the local community of Klapmuts as most of the residents here are unemployed. The development will provide employment opportunities during the construction and operational phase. Furthermore, the proposed development is in line with the Stellenbosch Municipality Spatial Development Framework



(2019) and will provide infrastructure and economic opportunities to support the future planning vision for the area.

### 3.2 Biophysical Impacts

According to the Botanical Impact Assessment (dated October 2022, compiled by Greg Nicolson of Capensis Ecological Consulting (Pty) Ltd), the site is mapped to contain indigenous vegetation, namely Swartland Granite Renosterveld, Swartland Shale Renosterveld and Swartland Alluvium Fynbos. Swartland Granite Renosterveld and Swartland Alluvium Fynbos is classified as endangered and Swartland Shale Renosterveld is classified as critically endangered. The site has been previously cultivated, however, not within the last 10 years. There is no evidence of Swartland Alluvium Fynbos vegetation on the site and the remaining indigenous vegetation is secondary renosterveld, that most likely contained elements of both Swartland Granite and Swartland Shale Renosterveld. The area for the proposed development is regarded to be degraded, to highly degraded. The specialist regards the botanical impacts to be of low negative significance after mitigation. The proposed mitigation measures were included in the EMPr.

### 3.3 Impacts on Heritage Resources

Heritage Western Cape indicated in their comment dated 16 May 2023 that they endorsed the Heritage Impact Assessment ("HIA") as meeting the requirements of Section 38(3) of the National Heritage Resources Act, 1999 (Act 25 of 1999) and support the recommendations of the HIA. These recommendations will be included in the EMPr, which is to be amended in terms of Condition 9.

## 4. Municipal Service Infrastructure

The local authority has confirmed that bulk service capacity, such as sewage treatment and water supply is only available for Precinct 2. In addition to the above, sufficient electricity supply capacity is also not available for the applicant's preferred alternative. The applicant's preferred alternative is therefore not deemed appropriate, since the necessary services are not available for the entire development. As such, only Precinct 2 of the proposed development is authorised.

#### **Negative Impacts:**

- Loss of indigenous vegetation.

#### **Positive impacts:**

- The development will provide employment opportunities during the construction and operational phase for the community of Klappmuts; and
- The development will create economic benefits for the area.

## 5. 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.

## **6. 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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