

REFERENCE: 16/3/3/1/B4/45/1011/21
NEAS REFERENCE: WCP/EIA/0000876/2021
DATE: 16 August 2021

The Board of Directors
Cloetesdal Developments (Pty) Ltd
Office 202, Mill Square, Plein Street
STELLENBOSCH
7600

Attention: Mr Pieter du Toit

Cell.: (072) 436 6929
Email: pieter@similan.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 (AS AMENDED): PROPOSED NEWINBOSCH MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 33 OF FARM NO. 81, CLOETESDAL, STELLENBOSCH

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the 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) Euonell Visagie (GNEC)

Email: eg@gnec.co.za

(2) Cahlan Williams (GNEC)

Email: cahlan@gnec.co.za

(3) Schalk van der Merwe (Stellenbosch Municipality)

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REFERENCE: 16/3/3/1/B4/45/1011/21
NEAS REFERENCE: WCP/EIA/0000876/2021
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 16 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 (AS AMENDED): PROPOSED NEWINBOSCH MIXED-USE DEVELOPMENT ON THE REMAINDER OF PORTION 33 OF FARM NO. 81, CLOETESDAL, 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 Layout Alternative 1, as described in the Basic Assessment Report ("BAR"), dated 2 July 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

Cloetesdal Developments (Pty) Ltd
c/o Mr. Pieter du Toit
Office 202, Mill Square, Plein Street
STELLENBOSCH
7600

Cell.: (072) 436 6929
Email: pieter@similan.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>Activities 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 activities 21 in this Notice, in which case that activities 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 activities 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The proposed development includes a sewerage pipeline that will cross an ephemeral drainage line at an existing culvert. Although the watercourse crossing will be at an existing culvert, the works associated with the construction and subsequent rehabilitation of the site will encroach into the ephemeral drainage line.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activities Number: 28</p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p><i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p><i>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>The development will be located on a portion of a farm located outside the urban area and will have a development footprint that exceeds 1 hectare.</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 a mixed-use development and associated infrastructure, which will include the following:

- Approximately 1 216 units, consisting of single residential, group housing and town houses,
- A school on approximately 6ha,
- Institutional use (church) on approximately 2ha and
- A retail area of approximately 14 000m².

The retail area will be located just south of the existing access road, which will form the access to the proposed development. The existing Manor House will be converted into a multifunctional venue that will include recreational uses (clubhouse/hall, restaurant), Homeowners Association management offices and a pre-school or crèche space. The surrounding open space will be used as an outdoor recreational area, including facilities such as an outdoor cinema/amphitheater, pool and changing rooms, soccer lawn, skate park and a vegetable garden.

A new sewerage link pipeline will be constructed from the existing 425mm diameter sewer main in the R304 road reserve to the south of the proposed development, on the eastern side of the road. The proposed pipeline will be approximately 1050m in length and will cross an ephemeral drainage line at an existing culvert crossing south of the property.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Remainder of Portion 33 of Farm No. 81, Stellenbosch.

The SG21 digit code is: C0670000000008100033

Co-ordinates of the property:

Latitude	Longitude
33° 54' 30.34" South	18° 50' 29.94" 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

Guillaume Nel Environmental Consultants (Pty) Ltd

c/o Ms Euonell Visagie

PO Box 2632

PAARL

7620

Cell: 076 684 6566

Email: eg@gnec.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 Layout Alternative 1, as described in the BAR dated 2 July 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 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 (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 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") before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. 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.
13. 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

14. 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

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 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.

16. 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.
17. 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

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: 16 AUGUST 2021

Cc: (1) Euronell Visagie (GNEC)
(2) Cahlan Williams (GNEC)
(3) Schalk van der Merwe (Stellenbosch Municipality)

Email: eg@gnec.co.za
Email: cahlan@gnec.co.za
Email: Schalk.VanDerMerwe@stellenbosch.gov.za

ANNEXURE 1: LOCALITY MAP



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 26 February 2021, the EMPr submitted together with the revised final BAR dated 2 July 2021, and the additional information received on 6 and 12 August 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 2 July 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 23 January 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 23 January 2020;
- the placing of a newspaper advertisement in the "*The Eikestad*" on 23 January 2020;
- circulating the pre-application draft BAR to I&APs on 27 January 2020 and 23 July 2020;
- circulating the in-process draft BAR to I&APs from 5 March 2021; and
- circulating the in-process revised FBAR to I&APs from 1 June 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 1 (Preferred Layout Alternative)

The proposed development comprises a mixed-use development and associated infrastructure, which will include the following:

- Approximately 1 216 units, consisting of single residential, group housing and town houses,
- A school on approximately 6ha,
- Institutional use (church) on approximately 2ha and,
- A retail area of approximately 14 000m².

The retail area will be located just south of the existing access road, which will form the access to the proposed development. The Manor House will be converted into a multifunctional venue that will include recreational uses (clubhouse/hall, restaurant), Homeowners Association management offices and a pre-school or crèche space. The surrounding open space will be used as an outdoor recreational area, including facilities such as an outdoor cinema/amphitheater, pool and changing rooms, soccer lawn, skate park and a vegetable garden.

A new sewerage link pipeline will be constructed from the existing 425mm diameter sewer main in the R304 road reserve to the south of the proposed development, on the eastern side of the road. The proposed pipeline will be approximately 1050m in length and will cross an ephemeral drainage line at an existing culvert crossing south of the property.

The layout is informed by the Traffic Impact Assessment dated 3 July 2020, compiled by ICE Consulting Engineers that proposes various road network upgrades to accommodate the increased traffic flow. Furthermore, the Heritage Impact Assessment dated July 2020, compiled by Lize Malan and David Gibbs includes various mitigation measures that will assist the effective integration of the layout into the existing urban fabric of Stellenbosch, without compromising the sense of place of the agricultural setting to a detrimental extent. The findings of the HIA was supported by Heritage Western Cape and it has been incorporated into the preferred layout alternative and the relevant sections of the EMP for implementation.

Layout Alternative 2

This alternative also includes a mixture of housing typologies, including apartment buildings, row housing and single residential. A large public square was proposed in the center of the development that would be surrounded by the retail component that is proposed in the development. A fuel service station and convenience node would be located at the access to the development and the church would remain at its proposed location. The proposed school would be on the southern border of the development with the sport fields along the R304 as is proposed now. Two drawbacks of Layout Alternative 2 include the design not conforming to the topography of the site, with the apartment buildings designed perpendicular to the contours, which will result in extensive costs. The public square and public park would also slope downhill which is not ideal. Secondly, this layout alternative includes high density development along the upper slopes of the development, which is in contrast to the findings of the Visual Impact Assessment that proposes a higher density on the lower slopes of the farm and a lower density at the top to limit the potential visual impact. This alternative is therefore not preferred from a civil engineering nor from a visual impact point of view.

Layout Alternative 3

Layout Alternative 3 is similar to the other alternatives in terms of the housing typology mix, however the difference is the placement of the different typologies. This layout does not make provision for the integration of different typologies with the high density being solely located towards the lower reaches of the farm, medium density in the middle and southern border and lower density on the upper slopes

and to the north of the development where the visibility is the highest. In addition, the only open space planned for is located on the southern border adjacent to the existing manor house.

As with Alternative 2, the building placement is not in line with the topography of the farm, resulting in high construction and engineering costs, which are not feasible. This layout includes one small retail component (a filling station) that will be located at the entrance to the development. This layout therefore does not make provision for the range of amenities as included in the preferred alternative and will place a higher pressure on the surrounding road network, especially the R304, as all the residents need to travel into Stellenbosch for basic necessities. Layout Alternative 3 is therefore not preferred.

Layout Alternative 4

Layout alternative 4 makes provision for a larger retail component, which will have a positive impact on the alleviation of pressure on the R304. However, this layout alternative did not include the necessary stormwater management measures, which is a civil engineering requirement, as well as the mixture between the housing typologies. This layout alternative was therefore not supported due to it not being compatible with the civil engineering requirements and planning principles.

Layout Alternative 5 (Previous Preferred Layout Alternative)

The previous preferred layout alternative differs only slightly from the current preferred Layout Alternative 1. The number of housing opportunities decreased by 50 residential units and the filling station was removed from the project proposal. This is due to time constraints, as the approval of the retailer's license would take longer and hinder the construction of the remainder of the development.

"No-Go" Alternative

The no-go alternative was considered. However, it was not preferred since the opportunity to provide affordable housing opportunities and associated amenities will be lost. In addition, based on the outcome of the assessment, the proposed development will not result in any significant negative environmental impacts.

3. Impact Assessment and Mitigation measures

3.1 Activities need and desirability

The proposed development would contribute towards meeting the current need for housing in Stellenbosch. The mixed land uses will create an integrated neighbourhood with all associated amenities. The residential component will include of a range of affordable housing opportunities. The farm is included in the municipal urban edge and is demarcated for urban development. The proposed development is therefore also consistent with the planning policy and principles on a municipal and national level.

3.2 Biophysical Impacts

Historically, the site contained critically endangered Swartland Shale Renosterveld vegetation. The property however contains no indigenous vegetation as the farm was cultivated for many years.

The proposed development includes a sewerage pipeline that will traverse an ephemeral drainage line at an existing culvert crossing along the R304, which will limit the significance of the potential impacts on the watercourse. Based on the findings of the Freshwater Ecological Assessment dated August 2020, and the subsequent specialist opinion dated 12 August 2021 in response to the amended sewerage pipeline alignment, compiled by FEN Consulting, the potential impacts on the ephemeral drainage line was not considered to be significant. The specialist recommendations made to further limit the potential

impact during the construction and rehabilitation phase were included within the relevant sections of the EMPr approved as part of the Environmental Authorisation. In addition, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) for the proposed watercourse crossing has been submitted to the Department of Water and Sanitation, which will further investigate the watercourse related impacts.

3.3 Heritage Impacts

Based on the findings of the HIA dated July 2020, compiled by Lize Malan and David Gibbs, the proposed development will have a visual impact, but it will be mitigated to an acceptable level with the implementation of the recommended mitigation measures. It was determined that the significance of the potential visual impact will be reduced from high significance to moderate (short term) to low (long term) with mitigation. The recommendations were endorsed by HWC and have been incorporated into the preferred layout alternative and the relevant sections of the EMPr (e.g., with adequate landscaping along the northern boundary of the site, the proposed development will be visually recessive).

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

Negative Impacts:

- The proposed development will have an impact on the ephemeral drainage line that will be crossed by the proposed sewerage pipeline. It will be aligned along an existing culvert crossing to limit the significance of the potential impact and with the further implementation of the specialist recommendations the potential impact significance will be limited even more.
- 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 a 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 preferred layout alternative and EMPr for implementation.

Positive impacts:

- The proposed development will assist in addressing the growing housing demand in Stellenbosch and will contribute to the local economy.
- The development will create employment opportunities during the construction and operational phase.

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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