



**REFERENCE:** 16/3/3/1/B4/12/1029/18  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE OF ISSUE:** 2018 -11- 02

The Board of Directors  
The Nest Estate South Africa (Pty) Ltd  
PO Box 15453  
Vlaeberg  
**CAPE TOWN**  
8018

**Attention: Mr R. Kruger**

Tel: (021) 876 3016  
E-mail: gm@lapetiteferme.co.za

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED EXPANSION OF LA PETITE FERME TOURIST FACILITY ON PORTION 30 OF THE FARM LA MOTTE NO. 1108, FRANSCHHOEK.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the 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) M. Geldenhuys / D. Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)  
(2) S van der Merwe / B. Delabat (Stellenbosch Municipality)

Fax: (086) 660 2635  
Fax: (021) 808 8200



**REFERENCE:** 16/3/3/1/B4/12/1029/18  
**NEAS REFERENCE:** WCP/EIA/0000413/2018  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 2018 -11- 02

### **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 EXPANSION OF LA PETITE TOURIST FACILITY ON PORTION 30 OF THE FARM LA MOTTE NO. 1108, FRANSCHHOEK.**

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

#### **DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Layout Alternative described in the Basic Assessment Report ("BAR"), dated August 2018.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

#### **A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION**

The Nest Estate South Africa (Pty) Ltd  
c/o Mr R. Kruger  
P O Box 15453  
Vlaeberg  
**CAPE TOWN**  
8018

Tel: (021) 876 3016  
 E-mail: gm@lapetiteferme.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 Activity	Project Description
<p><b>Listing Notice 3 – Activity 17</b>  <b><i>The expansion of a resort, lodge, hotel, tourism or hospital facilities where the development footprint will be expanded facility can accommodate an additional 15 people or more.</i></b></p> <p><b><i>In the Western Cape:</i></b></p> <p>i. <i>Inside a protected area identified in terms of NEMPAA;</i></p> <p>ii. <i>Outside urban areas:</i></p> <p>(aa) <i>Critical biodiversity area as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or</i></p> <p><b><i>(bb) Within 5km from national parks, world heritage sites, areas identified in terms of NEMPAA or from the core area of a biosphere reserve;</i></b>  <i>excluding the conversion of existing buildings where the development footprint will not be increased.</i></p>	<p>The expansion of the tourist facility is located within 5km from protected areas and world heritage sites, as identified by the National Environmental Management: Protected Areas Act, 2003.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative that includes the listed activity related to the development:

- Expansion of the existing tourist facility, which includes the following:
  - Refurbishment and expansion of four existing cottages for overnight accommodation;
  - Conversion of the existing winery into four new guest suites.
  - Development of a tourist facility with a multi-purpose art space, tea house, gym and spa for in-house guests.
- Additional components that do not form part of the proposed expansion include the development of a manager's house (467m<sup>2</sup>), new farm stores and a working yard (210m<sup>2</sup>).
- Access to the new manager's house, farm stores and refurbished cottages will be via the existing Middagkrans Road, which enters the estate from the south. Access to the new four suites will be via the R45.

### C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activity will be undertaken is on Portion 30 of Farm La Motte No. 1108, Stellenbosch and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	33° 55' 09" South	19° 08' 03" East

The SG digit code is: C05500000000110800030

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

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants (Pty) Ltd  
c/o Marais Geldenhuys / Doug Jeffery  
PO Box 44  
**KLAPMUTS**  
7625

Tel: (021) 875 5272

Fax: (086) 660 2635

### E. CONDITIONS OF AUTHORISATION

#### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Layout Alternative described in the Basic Assessment Report ("BAR"), dated August 2018 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 first listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### **Written notice to the Competent Authority**

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

Conditions: 7, 8 and 11

### **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.
  - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 7.4 provide the registered I&APs with:
    - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 7.4.2 name of the responsible person for this Environmental Authorisation,
    - 7.4.3 postal address of the holder,
    - 7.4.4 telephonic and fax details of the holder,
    - 7.4.5 e-mail address, if any, of the holder,
    - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. The listed activity, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

### **Management of activity**

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

## **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, 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 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

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. All alien vegetation must be removed from the section of the watercourse 50m upstream of cottage three to the site boundary in proximity to the dam and suitable indigenous vegetation must be established in the disturbed areas.

## **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 activity.
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 (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 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 (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 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 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 Jaap de Villiers (Tel: 021 483 3721)  
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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@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: 02/11/2018

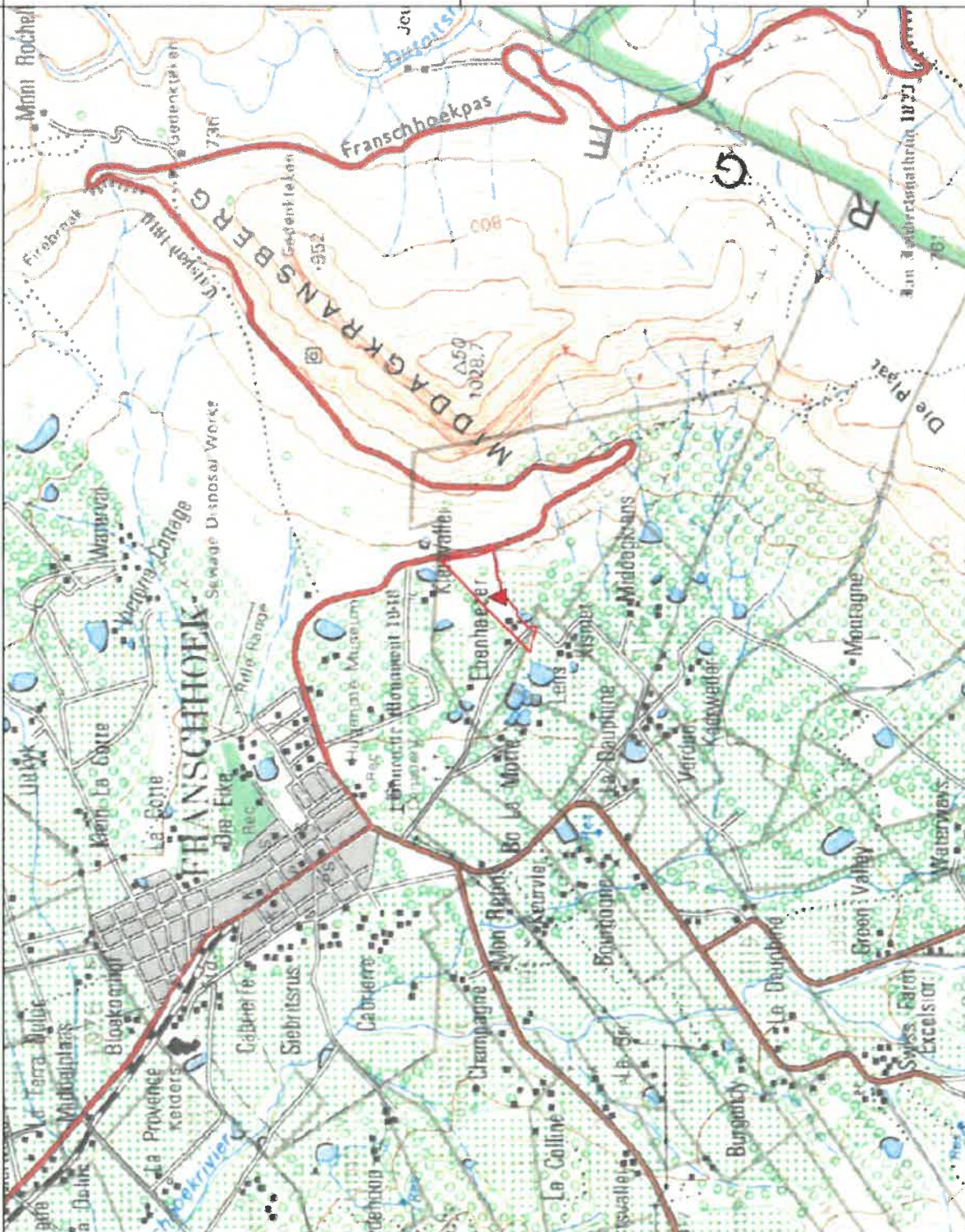
Cc: (1) M. Geldenhuys / D. Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)  
(2) S van der Merwe / B. Delabat (Stellenbosch Municipality)

Fax: (086) 660 2635  
Fax: (021) 808 8200

# ANNEXURE 1: LOCALITY MAP

## The Proposed Expansion of La Petite Ferme Tourist Facility on portion 30 of the farm La Motte 1108, Franschoek

### Regional Setting



### Legend

Portion 30 of the farm La Motte, 1108



Site Coordinates:  
33°55'09.44" S  
19°08'03.83" E

Datum: WGS84  
Projection: Geographic  
Scale: 1:50 000 (on A3)



Date: 15 May 2017  
DJEC Ref. 2016/238

Escalated by:  
DOLUG BETTERBY  
Environmental Consultants (Pty) Ltd

**ANNEXURE 2: SITE PLAN**

**NOTE 1:**

THE ARCHITECTURE HAS CONSIDERED THE LOCAL CLIMATE AND THE SITE CONDITIONS AND HAS TAKEN INTO ACCOUNT THE NEED FOR A DIVERSE RANGE OF HOUSING TYPES AND SIZES TO ACCOMMODATE THE VARYING INCOMES OF THE LOCAL COMMUNITY. ALL BUILDINGS WILL BE DESIGNED TO BE ENERGY EFFICIENT AND TO HAVE A POSITIVE IMPACT ON THE LOCAL ENVIRONMENT. THE ARCHITECTURE HAS TAKEN INTO ACCOUNT THE NEED FOR A DIVERSE RANGE OF HOUSING TYPES AND SIZES TO ACCOMMODATE THE VARYING INCOMES OF THE LOCAL COMMUNITY. THE ARCHITECTURE HAS TAKEN INTO ACCOUNT THE NEED FOR A DIVERSE RANGE OF HOUSING TYPES AND SIZES TO ACCOMMODATE THE VARYING INCOMES OF THE LOCAL COMMUNITY.

**AREA SCHEDULE:**

<b>HEIGHT ZONE 1-27m</b>
1-1-1 REFRIGERATED COITTALES
1-1-2 REFRIGERATED COITTALES
1-1-3 REFRIGERATED COITTALES
1-1-4 REFRIGERATED COITTALES
1-1-5 REFRIGERATED COITTALES
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1-1-120 REFRIGERATED COITTALES

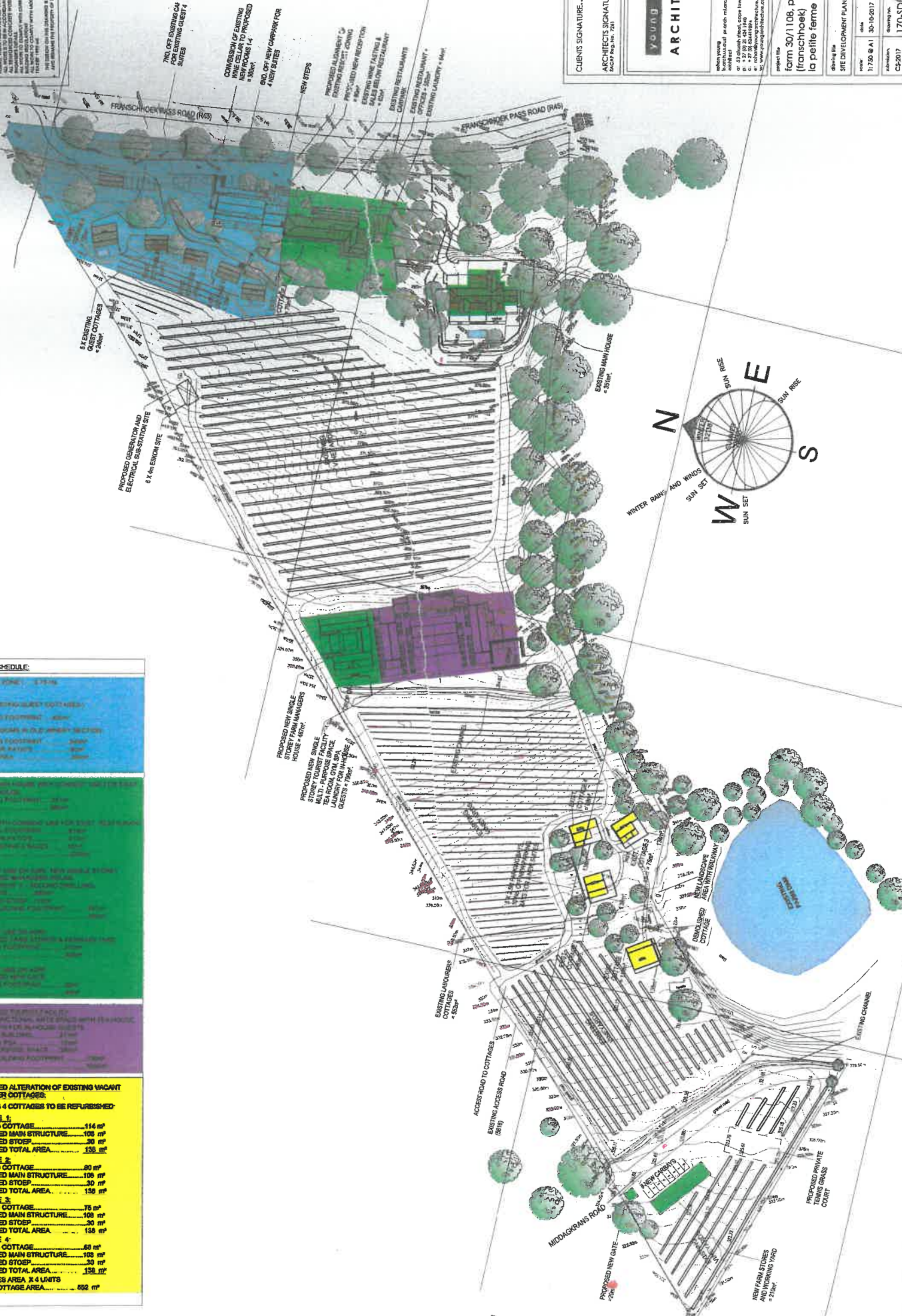
**PROPOSED ALTERATION OF EXISTING VACANT LABOURER COTTAGES:**  
**EXISTING 4 COTTAGES TO BE REFURBISHED:**

**COTTAGE 1:**  
 EXISTING COTTAGE ..... 114 m<sup>2</sup>  
 PROPOSED MAIN STRUCTURE ..... 106 m<sup>2</sup>  
 PROPOSED STDEP ..... 30 m<sup>2</sup>  
 PROPOSED TOTAL AREA ..... 136 m<sup>2</sup>

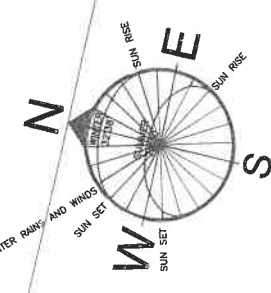
**COTTAGE 2:**  
 EXISTING COTTAGE ..... 80 m<sup>2</sup>  
 PROPOSED MAIN STRUCTURE ..... 106 m<sup>2</sup>  
 PROPOSED STDEP ..... 30 m<sup>2</sup>  
 PROPOSED TOTAL AREA ..... 136 m<sup>2</sup>

**COTTAGE 3:**  
 EXISTING COTTAGE ..... 75 m<sup>2</sup>  
 PROPOSED MAIN STRUCTURE ..... 106 m<sup>2</sup>  
 PROPOSED STDEP ..... 30 m<sup>2</sup>  
 PROPOSED TOTAL AREA ..... 136 m<sup>2</sup>

**COTTAGE 4:**  
 EXISTING COTTAGE ..... 88 m<sup>2</sup>  
 PROPOSED MAIN STRUCTURE ..... 103 m<sup>2</sup>  
 PROPOSED STDEP ..... 30 m<sup>2</sup>  
 PROPOSED TOTAL AREA ..... 121 m<sup>2</sup>  
**COTTAGES AREA X 4 UNITS**  
**TOTAL COTTAGE AREA ..... 522 m<sup>2</sup>**



CLIENTS SIGNATURE.....
ARCHITECTS SIGNATURE.....
SCALE: 1:500 (P.A.)
<b>young jouwen</b>
<b>ARCHITECTURE</b>
Address: [unreadable]
Phone: [unreadable]
Website: [unreadable]
Project No: [unreadable]
Project Name: [unreadable]
Site Name: [unreadable]
Date: [unreadable]
Scale: [unreadable]
Sheet No: [unreadable]
Revision: [unreadable]
Client: [unreadable]
Scale: [unreadable]





## **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 2018, and the EMPr submitted together with the final Basic Assessment Report on 8 August 2018;
- 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 final Basic Assessment Report received on 8 August 2018 and the Department of Agriculture and Heritage Western Cape comments received electronically on 17 and 31 October 2018, respectively; 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;
- giving written notice to the owners and occupiers of land adjacent to the site the listed activity 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 activity on 26 March 2018;
- making the pre-application draft Basic Assessment Report ("BAR") available to I&APs for public review from 28 March 2018;
- the placing of a newspaper advertisement in the '*Eikestad Nuus*' on 29 March 2018;
- notice boards were placed at the site where the listed activity is to be undertaken on 29 March 2018; and
- making the in-process draft BAR available to I&APs for public review from 5 July 2018.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all 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

### Initial Development Alternative

This alternative entails the development of a new wine cellar and olive press in addition to the proposed expanded tourist facility. However, due to the costs associated with the establishment of these two components, it was decided to discard this option. Instead it was selected to lease a cellar off-site to process the produce.

The revised development alternative therefore only included the proposed expansion of the tourist facility. A series of layout changes followed, with the following final layout preferred:

### Preferred Layout Alternative (Preferred Alternative herewith authorised)

This alternative entails the expansion of the existing tourist facility, which includes the following:

- Refurbishment and expansion of four existing cottages for overnight accommodation;
- Conversion of the existing winery into four new guest suites.
- Development of a tourist facility with a multi-purpose art space, tea house, gym and spa for in-house guests.
- Additional components that do not form part of the proposed expansion include the development of a manager's house (467m<sup>2</sup>), new farm stores and a working yard (210m<sup>2</sup>).
- Access to the new manager's house, farm stores and refurbished cottages will be via the existing Middagkrans Road, which enters the estate from the south. Access to the new four suites will be via the R45.

This alternative was preferred since the existing buildings on the site will be converted into guest accommodation and the new tourist facility will be built on a portion of the site which is already disturbed and will limit potential visual impact of the new buildings.

### The No-Go Alternative

This alternative will result in the status quo being maintained. The area proposed for the tourist facility would remain undeveloped and the winery would not be converted into guest suits. It was not preferred since it will not create employment opportunities during the construction and operational phase and will not contribute to the increased viability of the existing facility and local economy.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

The development will create employment opportunities during the construction and operational phase and will contribute to the local economy. It is in line with the Stellenbosch Spatial Development Framework and the Western Cape Provincial Spatial Development Framework, which recognises that intensive agricultural areas offer opportunities for low impact recreational and tourist facilities.

### 3.2 Biophysical Impacts

This site is located within 5km from protected areas and world heritage sites as identified by the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), namely the Mont Rochelle Nature Reserve, the Hawequa Nature Reserve, the Hawequas Mountain Catchment Area, the Theewaters Nature Reserve, the Hottentots-Holland Nature Reserve and the Jonkershoek Nature Reserve. Historically the site would have been covered by Swartland Alluvium Fynbos vegetation, which is classified as critically endangered and Cape Winelands Shale Fynbos vegetation, which is classified as vulnerable. The site has however been completely transformed and degraded, either through cultivation or construction activities with no indigenous vegetation remaining.

A non-perennial stream flows along the southern boundary of the property and drains into an irrigation dam. The four existing cottages to be expanded and refurbished for overnight accommodation are located in close proximity to the watercourse and one of the existing cottages is located approximately 20m from the top of the bank of the watercourse. The Freshwater Assessment dated June 2018 compiled by Dr Liz Day of Freshwater Consulting concluded that the expansion of the footprint of the existing cottages will have a minor impact on the watercourse and recommended alien vegetation clearing and rehabilitation with appropriate indigenous vegetation. This was included as Condition 17 in this Environmental Authorisation. An application for the applicable water uses under a General Authorisation in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, which will further investigate the watercourse related impacts.

### **3.3 Heritage and Visual Impacts**

The site is located south-east of Franschhoek just below the foot of the R45 (Franschhoek Pass Road). The existing buildings (restaurant, guest accommodation, main house) and associated parking are situated close to the road, but well screened by mature trees. The farm contains a pre-1916 labourer's cottage located on the lower edge of the farm that has been assessed as having contextual significance to warrant a proposed grading of IIIc. The Franschhoek Valley has recently been recognised as a Grade IIIA cultural landscape and recommended as a Heritage Area. The visual sensitivity of the site is high due to its location, but the mountainscape, sloping site, local topography, mature trees and existing buildings will assist in providing visual absorption to the new development. Hence, the expanded development will only be visible from Middagkrans Road in the immediate context of the site.

Based on the findings of the Heritage Impact Assessment dated 19 May 2018 and compiled by Louise Van Riet Architect Heritage Practitioner, the preferred layout does not require any mitigation measures to reduce the impact of the new buildings within the landscape, as long as the heritage-related design indicators are adhered to. This is with specific reference to building placement related to the traditional valley patterns, as well as the building forms which follow the vernacular farm forms. The Visual Impact Assessment dated 19 February 2018 (revised on 19 March 2018) and compiled by Bridget O'Donoghue Architect Heritage Specialist Environment concluded that, overall, the assessed visual impact is deemed to be low, subject to the implementation of the recommended mitigation measures during the construction phase and with respect to lighting during the operational phase. Heritage Western Cape's final comment dated 30 August 2018 endorsed the findings and recommendations of the aforementioned specialist studies.

### **3.4 Services**

All existing facilities from the estate are currently serviced with potable water from an existing borehole on site. Based on a stepped discharge test and a constant discharge test done on the borehole, the sustainable yield of the borehole is more than sufficient to supply the expanded facility with its daily requirement of 22.8kl. Currently, water is stored in four 10000 litre tanks from where it is distributed to the users on site. One additional 10000 litre storage tank is required for the expanded tourist facility, which will be located next to the existing tanks and connected to the existing system.

A new water born sewer system will replace the existing sewage treatment plant to cater for all the proposed new buildings and to incorporate the existing buildings in the system, as well. A new BioSub sewage treatment plant (capable of treating up to 30kl of effluent per day) will be installed on the south-western portion of the site and will service the existing and new buildings. The treated effluent will be pumped to a reverse osmosis plant, from where it will be applied for irrigation purposes and



other day to day operations. The brine generated by the reverse osmosis plant will be removed by an external specialist company.

Eskom has confirmed that electricity will be supplied by the 11kV overhead line. The existing road infrastructure is adequate since there will not be a significant increase in traffic. The storm water originating from the new buildings will be channelled to the existing irrigation dam and solid waste will be recycled, where possible, or removed to the municipal landfill. Available capacity was confirmed by the municipality.

The development will result in both negative and positive impacts.

**Negative Impacts:**

The development could have potential visual impacts and a negative impact on the watercourse present on the site. These impacts will however be mitigated to an acceptable level through the implementation of the EMPr and Condition 17 of this Environmental Authorisation.

**Positive impacts:**

The development is located on a site which has been completely transformed and degraded, either through cultivation or construction activities. The development will create employment opportunities during construction and operational phase and will contribute to the local economy.

**4. National Environmental Management Act Principles**

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

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

**5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity 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 activity can be mitigated to acceptable levels.

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