



EIA REFERENCE: 16/3/3/1/B4/45/1068/19
NEAS REFERENCE: WCP/EIA/0000679/2019
DATE OF ISSUE: 11 JUNE 2020

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): THE DEVELOPMENT OF BOARDWALKS, WALKWAYS, VIEWING DECKS AND PICNIC AREAS ON PORTIONS 3, 4 AND 5 AND THE REMAINDER OF FARM NOOITGEDACHT ANNEX NO. 72, 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 activity specified in Section B below with respect to the preferred alternative described in the Basic Assessment Report ("BAR"), dated January 2020.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Casa Global Investment (Pty) Ltd
% Mr. Eric Yip
Monterosso Wine Farm
Koelenhof Road R304
STELLENBOSCH
7560

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E-mail: eric@monterosso.co.za

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

B. AUTHORISED ACTIVITY

Listed activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity 12 of Listing Notice 1: <i>“The development of—</i> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <i>where such development occurs—</i> <i>a) within a watercourse;</i> <i>b) in front of a development setback; or</i> <i>c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <i>excluding—</i> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i> <i>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(ff) the development of temporary infrastructure or structures where such infrastructure will be removed within 6 weeks of the commencement of development and where indigenous vegetation would not be cleared.”</i></p>	<p>The development entails the construction of structures with a cumulative physical footprint of more than 100m² within a watercourse and within 32 metres of a watercourse.</p>

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

The holder is herein authorised to undertake the following alternative which includes the following development components:

- the establishment of a boardwalk (3m wide and 1000m long) along the stream and the dam walls;
- the establishment of three viewing decks at key points along the walkway (two general viewing decks of 100 m² each and a bird hide of 25 m²);
- the rehabilitation and maintenance of the two irrigation dams on site;
- the redevelopment of the upper dam's attenuation wall/ spillway which entails the infilling of the deeper epicentre of the broken dam wall to a depth of 2.5 metres, and the reconstruction of the remaining 65 m-long dilapidated section of the dam wall which amounts to the movement of approximately 390m³ of soil and lining material;
- and
- the rehabilitation of the riparian areas.

C. SITE DESCRIPTION AND LOCATION

The listed activity will take place on Portions 3, 4 and 5 of Farm Nooitgedacht Annex No. 72, Stellenbosch and the Remainder of Farm Nooitgedacht Annex No. 72, Stellenbosch.

The co-ordinates are:

Latitude: 33° 54' 07.08" S
Longitude: 18° 49' 54.53" E

The SG digit codes are: C06700000000007200003
C06700000000007200004
C06700000000007200005
C06700000000007200000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Virdus Consult S. L.
% Dr. Casparus Crous
4th Floor, Imperial Terraces
Carl Cronje Avenue
Tyger Waterfront
BELLVILLE
7530

Cell: 083 343 2429
E-mail: casper.crous@virdus.com

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, Alternative 2, as described in the BAR dated January 2020 at the site as described in Section C above.

2. The holder must commence with the listed activity on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the 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. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 9 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; and
 - 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 activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies 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 activity, including site preparation, must not commence 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:
 - 9.1. a Maintenance Management Plan ("MMP") that addresses the proposed current and future maintenance activities that will take place in the affected watercourses as well as the maintenance of the associated structures. The MMP must be in line with the requirements of a MMP as defined in the NEMA EIA Regulations, 2014 (as amended).
 - 9.2. The amended EMPr and MMP must be re-submitted to and approved by the Competent Authority prior to commencement of construction activities.
10. The EMPr and MMP 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 construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct compliance monitoring as described in the EMPr (to be amended and resubmitted for approval as per Condition 9 of this Environmental Authorisation) and compile the associated compliance monitoring reports, accordingly.
12. A copy of the Environmental Authorisation, EMPr, MMP, 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 on 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, 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 final Environmental Audit Report must be submitted to the Competent Authority within three 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed 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 the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse 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 Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to 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 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)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 11/06/2020

CC: (1) Dr. C Crous (Viridus Consult S.L.)

(2) Mr. S van der Merwe (Stellenbosch Municipality)

(3) Mr. J. Roberts (DWS)

(4) A. Duffell-Canham (CapeNature)

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ANNEXURE 1: LOCALITY MAP

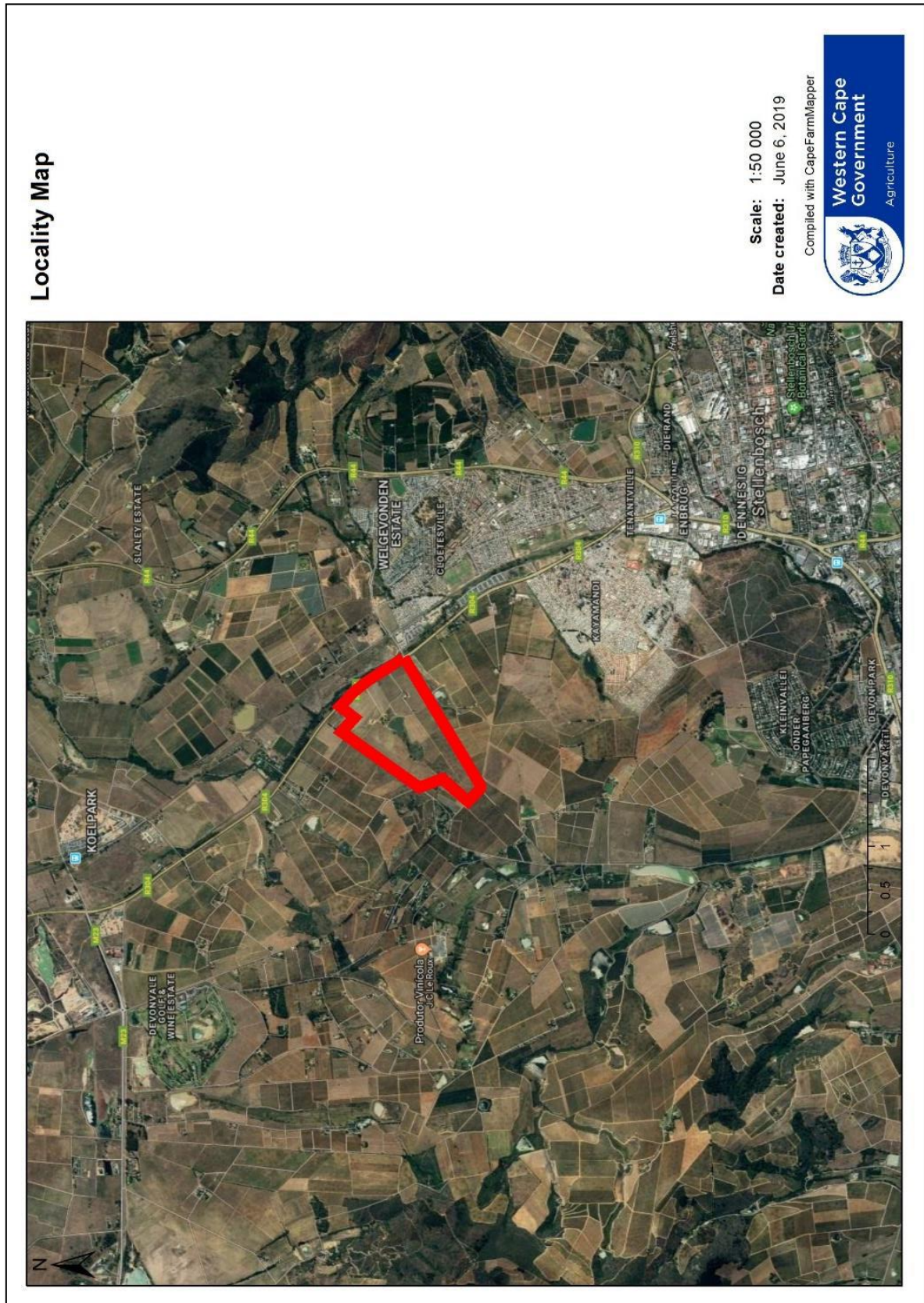


Figure 1: Locality map indicating the property in relation to the town of Stellenbosch.

ANNEXURE 2: SITE DEVELOPMENT PLAN

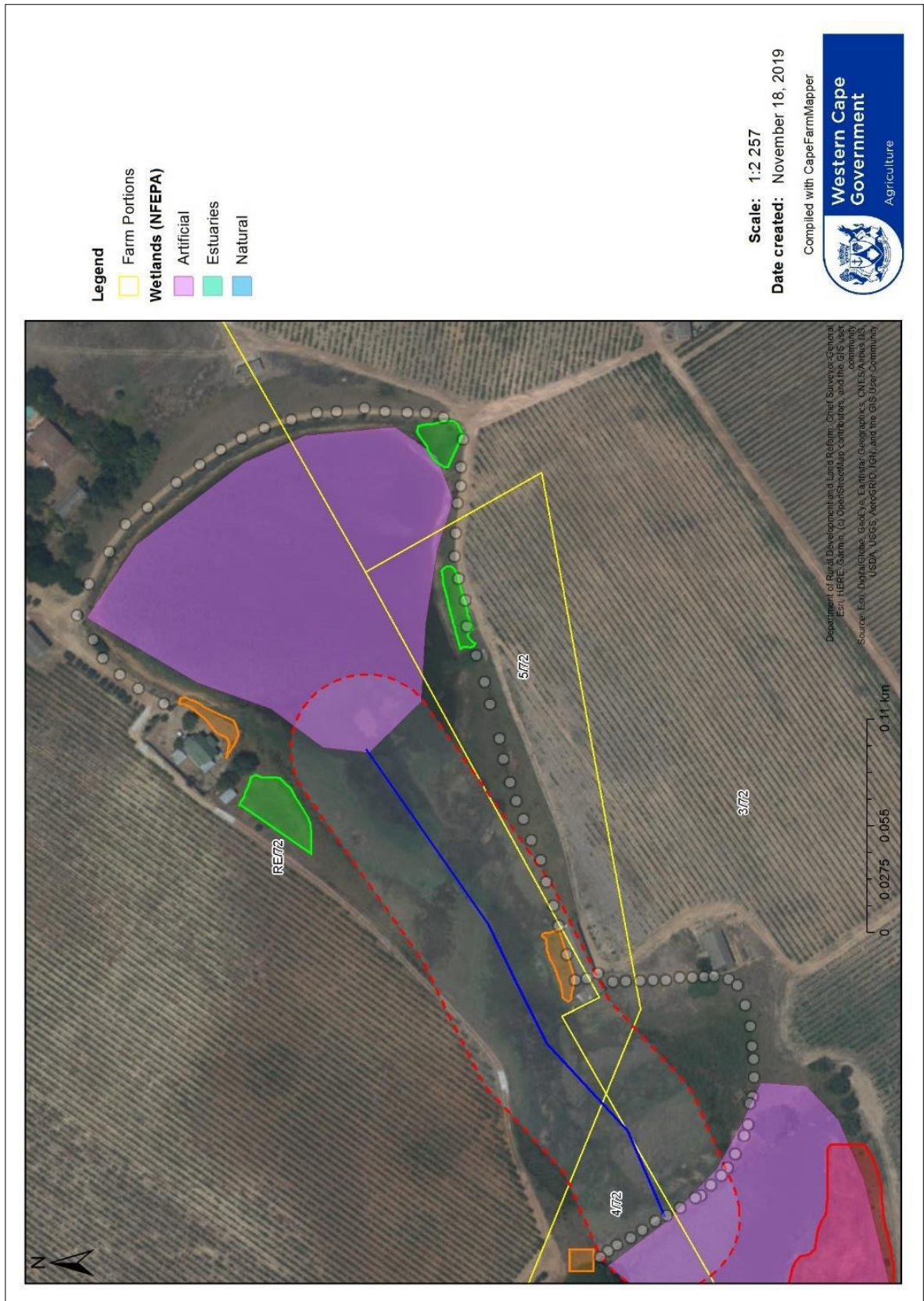


Figure 2: Site development map layout indicating the proposed boardwalk (grey circles), picnic areas (green), viewing decks (orange) and the wetlands (purple). The red dashed line indicates the 32m distance from the stream. The red shading in the lower left corner indicates the area that is identified as unsuitable for development.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 27 September 2019, the draft BAR dated 21 November 2019, the final BAR dated January 2020 and the EMPr submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated January 2020; 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 during 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 entrance of the property where the listed activity is to be undertaken on 21 November 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where 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 21 November 2019, 22 November 2019, 23 November 2019 and 25 November 2019.
- the placing of a newspaper advertisement in the *'Eikestad Nuus* on 21 November 2019; and
- making the BAR available to I&APs for public review from 21 November 2019 until 14 January 2020.

The concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation EMPr and in the MMP, in order to address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

Various design alternatives were considered for the proposed development.

Alternative 1

This alternative entails the establishment of picnic areas only, on the lawns next to the watercourse. However, this alternative was not preferred as there is a need for a more structurally stable boardwalk that would be more accessible for wheelchair users and mothers with strollers.

Alternative 2

This alternative entails the establishment of only one viewing deck at the existing house. However, this alternative is not preferred as one viewing deck would limit tourist activity.

The Preferred Alternative (herewith approved)

This alternative entails:

- the establishment of a boardwalk (3m wide and 1000m long) along the stream and the dam walls;
- the establishment of three viewing decks at key points along the walkway (two general viewing decks of 100 m² each and a bird hide of 25 m²);
- the rehabilitation and maintenance of the two irrigation dams on site;
- the redevelopment of the upper dam's attenuation wall/ spillway which entails the infilling of the deeper epicentre of the broken dam wall to a depth of 2.5 metres, and the reconstruction of the remaining 65 m-long dilapidated section of the dam wall which amounts to the movement of approximately 390m³ of soil and lining material; and
- the rehabilitation of the riparian areas.

This alternative is preferred for the following reasons:

- It considers the potential tourism activity in the Stellenbosch area and the increase in visitors/tourists to the farm;
- It expands the accessibility to include disabled persons and mothers with baby strollers; and
- The rehabilitation of the watercourses will improve the overall ecological functioning of the stream and wetland area.

"No-Go" Alternative

The "No-Go" alternative was considered and is not preferred, as this would allow for the continuation of the deterioration of watercourses on site. Furthermore, the development is in line with the surrounding land-use of the Stellenbosch area.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The proposed development is consistent with the surrounding land use with the expansion of tourism opportunities. This contributes to the creation of temporary and permanent employment opportunities, which positively affects the socio-economics of an increasingly urbanised society in the Stellenbosch area. Furthermore, the proposed development will improve the ecological functioning of the watercourses.

3.2 Biodiversity and Biophysical Impacts

Historically the site would have comprised of Swartland Shale Renosterveld (majority of the site) and Swartland Granite Renosterveld (south western section of the site), which are both ecosystems classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act (Act No. 10 of 2004). However, the site has been transformed through agricultural practices and the development will be located on previously cultivated grasslands. It is

noted that approximately 4ha of indigenous vegetation with heavy alien infestation is still present on site. The removal of indigenous vegetation however, does not form a component of the proposed development. There are two artificial dams present on site located in a non-perennial stream, which is a tributary of the Plankenbrug River. According to the freshwater assessment report dated 18 November 2019, compiled by Dr. Casper Crous from Viridus Consult, one area is unsuitable for development and it is indicated as a no-go area on the site layout map (indicated in red shading). The proposed development will improve the ecological functioning of the study area. CapeNature is in support of the proposed development if it stays within the development footprint and upholds the recommendations included in the freshwater assessment report. The recommendations and mitigation measures have been included in the relevant sections of the EMPr (to be resubmitted to the competent authority for approval as per Condition 9 of the EA).

Furthermore, an application for a General Authorisation in terms of the National Water Act, 1998 (Act 38 of 1998) will be submitted to the Department of Water and Sanitation, for the proposed development.

A MMP must be compiled to address future maintenance activities that will take place in the affected watercourses as well as maintenance of the structures authorised in this Environmental Authorisation.

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in impacts such as noise and dust during the construction phase and traffic during operational phase.
- The development will result in a low negative impact on indigenous vegetation on site. However, with the effective implementation of the recommended mitigation measures of the specialist, this impact can be reduced to low.

Positive impacts:

- The rehabilitation of the wetlands and watercourse on site will improve the ecosystem functioning of the study area.
- Employment opportunities will be created during the construction and operation phases of the development.

4. National Environmental Management Act Principles

The NEMA 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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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