



**EIA REFERENCE:** 16/3/3/2/B4/23/1002/18  
**NEAS REFERENCE:** WCP/EIA/0000350/2018  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2018 -11- 09

The Board of Directors  
Distell Limited  
PO Box 184  
**STELLENBOSCH**  
7600

**Attention: Mr J. Esterhuizen**

Tel.: (021) 809 7216  
Email: JLEsterhuize@distell.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 REGULATIONS, 2014, (AS AMENDED): DISTELL FACILITY AND MIXED-USE DEVELOPMENT ON THE REMAINDER OF FARM NO. 736, KLAPMUTS NORTH**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the Maintenance Management Plan, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Ms T. Solomon (Infinity Environmental (Pty) Ltd)  
(2) Ms C. Winter (Drakenstein Municipality)  
(3) Mr A. Marais (Drakenstein Municipality)  
(4) Ms L. Waring (Drakenstein Municipality)  
(5) Ms. P. Huntly (CapeNature)

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## **ENVIRONMENTAL AUTHORISATION**

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): DISTELL FACILITY AND MIXED-USE DEVELOPMENT ON THE REMAINDER OF FARM NO. 736, KLAPMUTS NORTH**

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 Land-use Alternative 3, Layout Alternative 3 and Design Alternative 2, described in the Environmental Impact Assessment Report ("EIAR"), dated July 2018.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby adopts the Maintenance Management Plan ("MMP") for the watercourses that traverse the property, the on-site wetland and riparian conservation areas, road and pipeline crossings over the tributaries, and the pipeline crossing at the Klappmuts River, included in the EIAR dated July 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**

Distell Limited  
% Mr. W.J. de Wet  
PO Box 184

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Tel: +27 21 483 8350 Fax: +27 21 483 3098  
E-mail: D'mitri.Matthews@westerncape.gov.za

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

## STELLENBOSCH

7600

Tel.: (021) 809 7216

Email: JLEsterhuize@distell.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	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 8 The development and related operation of hatcheries or agri-industrial facilities outside industrial complexes where the development footprint covers an area of 2 000 square metres or more.</p>	<p>The proposed Distell facility is an agro-processing light industrial development that will exceed the 2 000m<sup>2</sup> threshold outside of an industrial complex.</p>
<p>Activity Number: 9 The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water— <b>(i) with an internal diameter of 0,36 metres or more;</b> <b>or</b> (ii) with a peak throughput of 120 litres per second or more;  excluding where— (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.</p>	<p>The proposed bulk water supply pipeline that will connect the development with the Wemmershoek bulk water supply pipeline has a diameter that ranges from 0,45m to 0,47m and will be longer than 1 000m in length.</p>
<p>Activity Number: 12 The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or <b>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</b>  where such development occurs—  <b>(a) within a watercourse;</b> (b) in front of a development setback; or <b>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</b></p>	<p>The proposal entails the construction of pipeline crossings, access roads and culverts across watercourses and within watercourses, which will exceed the 100m<sup>2</sup> threshold.</p>

<p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Activity Number: 19</p> <p>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 a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>a. will occur behind a development setback;</p> <p>b. is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>c. falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>d. occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>e. where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The proposal entails the construction of pipeline crossings, access roads and culverts across watercourses and within watercourses, which will require both infilling and movement of material exceeding 10m<sup>3</sup>.</p>
<p>Activity Number: 28</p> <p>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:</p>	<p>The proposal entails the establishment of industrial, commercial and mixed-use development on land larger than 5ha, which is located outside the urban area and was previously used for agricultural activities.</p>

<p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or <b>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</b></p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	
<p>Activity Number: 56 The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre— (i) where the existing reserve is wider than 13,5 meters; or <b>(ii) where no reserve exists, where the existing road is wider than 8 metres;</b></p> <p>excluding where widening or lengthening occur inside urban areas.</p>	<p>The proposed realigned section of Protea Road will be wider than 8m and will be longer than 1km in length.</p>
<p>EIA Regulations Listing Notice 2 of 2014: Activity Number: 4 The development and related operation of facilities or infrastructure, for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of more than 500 cubic metres.</p>	<p>Quantities of up to 3 000m<sup>3</sup> of ethanol will be stored on site.</p>
<p>Activity Number: 15 The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>More than 20ha of indigenous vegetation will be cleared as part of the proposed development.</p>
<p>EIA Regulations Listing Notice 3 of 2014: Activity Number: 12 The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>i. Western Cape</b> <b>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</b></p>	<p>More than 300m<sup>2</sup> of critically endangered indigenous vegetation will be cleared as part of the development.</p>

<ul style="list-style-type: none"> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</li> <li>iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</li> <li>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</li> </ul>	
<p>Activity Number: 15</p> <p>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</p> <p><b>f. Western Cape</b></p> <ul style="list-style-type: none"> <li>i. <b>Outside urban areas, or</b></li> <li>ii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;</li> <li>(bb) A protected area identified in terms of NEMPAA, excluding conservancies; or</li> <li>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.</li> </ul> </li> </ul>	<p>The site is located outside of an urban area, on land zoned open space where the total area of land to be transformed is larger than 1 000m<sup>2</sup>.</p>

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

The holder is herein authorised to undertake the following alternative:

The proposal entails the development and operation of a new beverage production, bottling, warehousing and distribution facility and a mixed-use development, which will comprise the following:

- A 44 ha Distell facility, located on the north-western portion of the site, with access from Groenfontein Road;
- An 87.8 ha portion of the site will accommodate the proposed mixed-use development and its associated roads and infrastructure, which will be located both north and south of Protea Road. Access will be provided from Protea Road and from three access points along Groenfontein: immediately south-east of the northern wetland, at a point aligned with an

existing access road south of Protea Road, and at a third location chosen to avoid areas of high botanical sensitivity, also south of Protea Road;

- A total of 48.7 ha will be set aside as a conservation area, made up of the following:
  - the northern wetland and its associated buffer;
  - a strip, approximately 200 m in width, along the eastern site boundary abutting Groenfontein Road and north of Protea Road, comprising areas of high and medium botanical sensitivity;
  - a strip, approximately 140 m in width, at its northern extent along the eastern site boundary south of Protea Road, widening to approximately 450 m at its broadest, and comprising areas of primarily high botanical sensitivity, as well as the Klapmuts wastewater treatment works stream and its associated wetlands and buffers;
- The existing closed landfill site and provincial roads are incorporated into the layout and provision is made for storm water management;
- Off-site infrastructure, including the bulk water pipeline from the Wemmershoek bulk water supply pipeline to the development and the construction of a new reservoir.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 313 and Portions 1 and 3 of Farm No. 137, Robertson, at the following co-ordinates:

Remainder of Farm No. 736:

Latitude (S)	Longitude (E)
33° 47' 40.09"	18° 51' 00.72"

Realigned Protea Road:

Starting Point

Latitude (S)	Longitude (E)
33° 47' 17.04"	18° 51' 52.92"

Middle Point

Latitude (S)	Longitude (E)
33° 47' 10.38"	18° 52' 06.62"

End Point

Latitude (S)	Longitude (E)
33° 47' 16.07"	18° 52' 27.07"

Bulk water pipeline:

Starting Point

Latitude (S)	Longitude (E)
33° 47' 38.30"	18° 50' 59.94"

Middle Point

Latitude (S)	Longitude (E)
33° 47' 34.78"	18° 52' 19.24"

End Point

Latitude (S)	Longitude (E)

33° 48' 10.75"	18° 52' 40.82"
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The SG digit codes are:

Farm No. 736: C05500000000073600000

Protea Road realignment:

C05500000000071600002  
C05500000000076400001  
C05500000000071600010  
C05500000000122800000

Bulk water pipeline:

C05500000000073600000  
C05500000000071600004  
C05500000000071600018  
C05500000000071600019  
C05500000000071600020  
C05500000000071600021  
C05500000000071600039  
C05500000000071600008  
C05500000000076400008  
C05500000000071600014  
C05500000000071600015  
C05500000000071600016  
C05500000000071600017  
C05500000000076400001  
C05500000000076300001  
C05500000000076400002  
C05500000000076400003  
C05500000000076400004  
C05500000000076400005  
C05500000000076400006  
C05500000000071600047  
C05500000000076300000  
C05500000000076700000  
C05500000000076400009  
C05500000000076600000  
C05500000000077000028  
C05500000000168800000  
C05500000000077000029  
C05500000000076700005

Refer to Annexure 1: Locality Plan

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

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Infinity Environmental Consulting (Pty) Ltd  
% Mr. J. Rose  
Suite #17



Private Bag X11

**MOWBRAY**

7705

Tel.: (021) 834 1602

Fax: (086) 591 8616

## **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, Land-use Alternative 3, Layout Alternative 3 and Design Alternative 2, described in the EIAR, dated July 2018 at the site as described in Section C above.
2. The holder must commence with the listed activities 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 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. 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 and 12

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

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –

- 7.1.1 the outcome of the application;
  - 7.1.2 the reasons for the decision as included in Annexure 3;
  - 7.1.3 the date of the decision; and
  - 7.1.4 the date when the decision was issued.
- 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; 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 activities, 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 activities, 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 is hereby approved and must be implemented.
10. The MMP adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

#### **Monitoring**

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr, MMP and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.

14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, 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 ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

### **Specific Conditions**

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone 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.

17. 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 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 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.

Please note that to ensure the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity, the Competent Authority may request amendments to the EMPr, as deemed necessary.

## **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  
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

  
\_\_\_\_\_  
**MR. ZAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 09/11/2018

CC: (1) Ms T. Solomon (Infinity Environmental (Pty) Ltd)  
(2) Ms C. Winter (Drakenstein Municipality)  
(3) Mr A. Marais (Drakenstein Municipality)  
(4) Ms L. Waring (Drakenstein Municipality)  
(5) Ms. P. Huntly (CapeNature)

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## ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map depicting the location for the proposed development.

# ANNEXURE 2: SITE PLAN

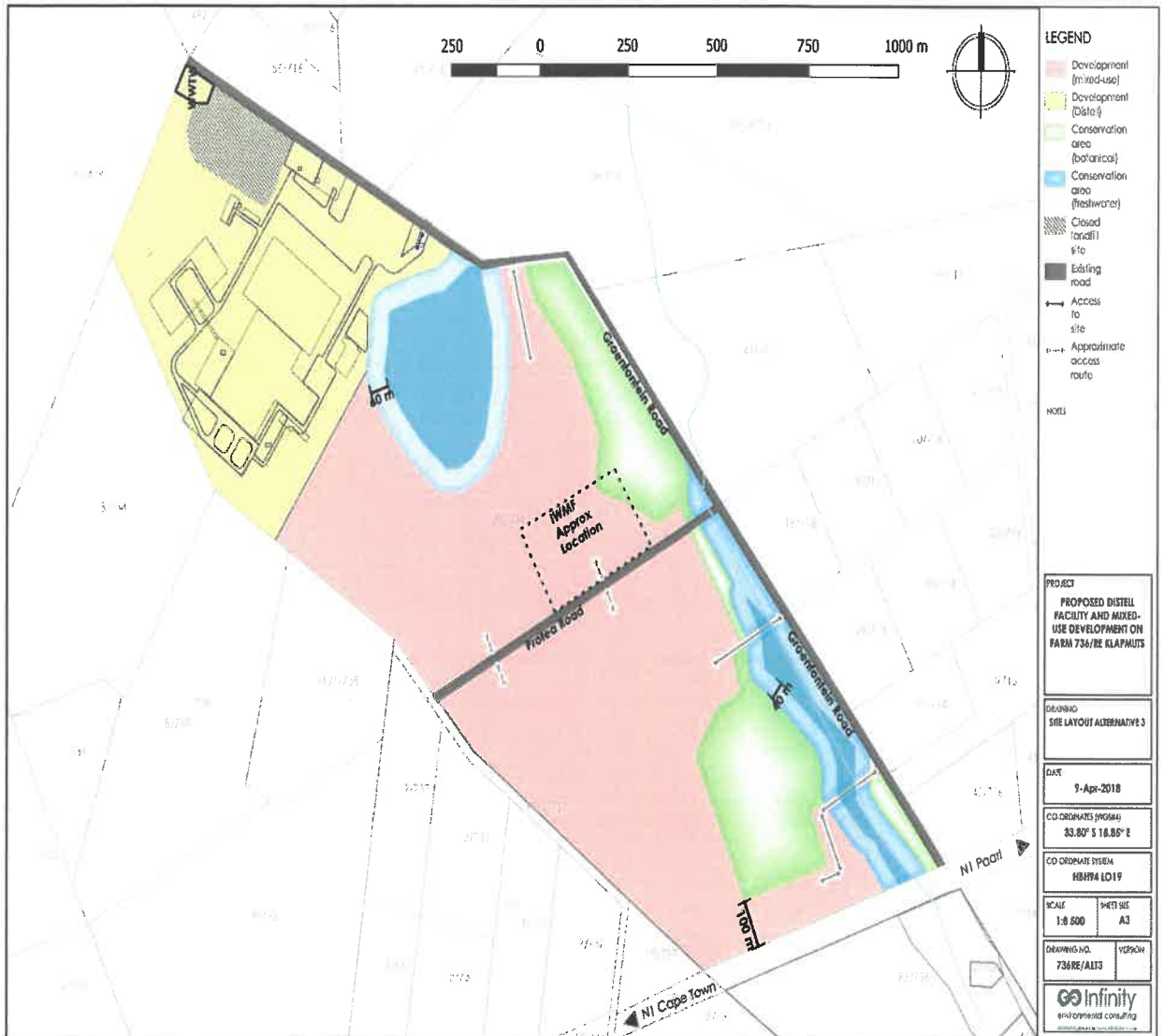


Figure 2: Site Layout Plan for the proposed Distell facility and mixed-use development.



## **ANNEXURE 2: 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 12 January 2018, the final EIAR dated July 2018 and the EMPr, MMP submitted together with the final EIAR and the amended application form received on 8 November 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the EIAR dated July 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted on 7 March 2018:

Attended by: Mr. D. Matthews and Ms. M. Coetzee of the Department Environmental Affairs and Development Planning ("DEA&DP"), Mr. W. Dreyer and Ms. S. Daniel of the Department of Water and Sanitation and Mr. J. Rose and Ms. T. Solomon of Infinity Environmental Consulting (Pty) Ltd.

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;
- 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 10, 13 and 14 November 2017;
- fixing notice boards at the site where the listed activities is to be undertaken on 14 November 2017;
- the placing of advertisements in the 'Boland Gazette, Cape Times and Die Burger' newspapers on 14 November 2017;
- making the pre-application draft Scoping Report available to I&APs for public review from 14 November 2017 and the in-process Scoping Report from 17 January 2018; and
- making the Draft EIAR available to I&APs for public review from 2 May 2018 and the amended draft EIAR from 22 June 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

The proposal entails the construction of the Distell facility, commercial and mixed-use development and associated infrastructure. Various alternatives were investigated and are discussed below.

Alternative land uses for the site were explored during the scoping phase, including the following:

Agriculture: The site is currently designated as open space and used for informal livestock grazing. Using the site for agricultural activities will therefore be in line with what is currently practiced on the site and would therefore not result in a significant change in the current land use. This alternative is however not preferred since the agricultural potential for this portion of land is, on average, low due to low dryland potential and the availability of water for irrigation is limited. In addition to the above, this site and the Klappmuts North area to the south of Protea Road are designated for urban infill development in the Drakenstein Spatial Development Framework ("SDF").

"Green Industry" / Off-grid Development: This option, as recommended in the Drakenstein SDF, entails the development of a green industry incubator park, envisioned as an off-grid conference facility and/or business school or a possible bio-engineering technopark and satellite educational facility. This will require significant services upgrades in order to accommodate these land-use types. The proponents identified in the Drakenstein SDF to implement these initiatives include the municipality, private developers, or the University of Stellenbosch. This alternative is however not deemed as feasible or reasonable since this land use will require significant investment by the municipality or by a developer to provide the necessary bulk infrastructure for water and sewage reticulation, pump stations and reservoir capacity, and even a new wastewater treatment works. In addition, Drakenstein Municipality has indicated that it has not allocated funds for the provision of these services in the foreseeable future.

Proposed development and bulk service provision (preferred alternative taken forward for further assessment): This option entails the proposed development of a Distell facility and additional commercial and mixed-use facilities. Since the site does not have direct access to municipal services, the development will require the installation of bulk service infrastructure. A water supply pipeline, a new wastewater treatment works, electrical infrastructure and onsite roads will therefore be constructed as part of the development, and the surrounding road network will be upgraded, including a re-alignment of the eastern end of Protea Road. Although not "off-grid", as envisioned in the Drakenstein SDF, it would be a privately funded agri-processing orientated light-industrial facility. This alternative is preferred because the site is located in an area with low land values, with an unconstrained road network in close proximity to a passenger rail station, and with limited competition with other land uses compared to an urban setting. The central location is considered to be ideal for light industrial complexes and distribution facilities. This option was therefore taken forward for further consideration.

The development of site layouts and development footprints were informed by ecological and hydrological constraints to determine which parts of the 191ha site can be developed without significant negative impacts on the terrestrial and aquatic ecosystems. The layout alternatives were also informed by a review of urban design and planning principles, including a Concept Master Plan prepared by the Drakenstein Municipality.

This resulted in the consideration of the following three layout alternatives.

Site Layout Alternative 1:

This alternative's primary focus is the retention of areas of high botanical and freshwater sensitivity and includes:

- A 44 ha Distell facility, located on the north-western portion of the site, with access from Groenfontein Road;
- An 82.4 ha portion of the site, located both north and south of Protea Road, that will accommodate the proposed mixed-use development and its associated roads and infrastructure. Access to this component will be from Protea Road and from two access points along Groenfontein Road: immediately south-east of the northern wetland and at a point aligned with an existing access road south of Protea Road;
- 54.1 ha will be incorporated into the conservation areas, and will include the following:
  - the northern wetland and its associated buffer;
  - a strip, approximately 200 m in width, along the eastern site boundary abutting Groenfontein Road and north of Protea Road, comprising areas of high and medium botanical sensitivity;
  - a broader area south of Protea Road varying in width between 200m and 500m and extending to within 70 m of the N1 and within 140 m of the south-eastern corner, incorporating areas with high and medium botanical sensitivity, as well as the Klapmuts wastewater treatment works stream and its associated wetlands and buffers;
- The existing closed landfill site and provincial roads are incorporated into the layout and provision is made for storm water management;
- Off-site infrastructure including the bulk water pipeline from Wemmershoek bulk water supply pipeline to the development and the construction of a new reservoir.

While setting aside the greatest area for botanical conservation, this alternative is not preferred since it presents various challenges, such as ineffective pedestrian access to parts of the site; inadequate safety and security across a large and isolated conservation area and the irregularly-shaped edge of the development site results in unusable land and therefore does not allow for optimal use within the development footprint south of Protea Road.

Site Layout Alternative 2:

This alternative's focus is on maximising the development potential of the site by incorporating a larger mixed-use development footprint south of Protea Road and includes the following:

- A 44 ha Distell facility, located on the north-western portion of the site, with access from Groenfontein Road;
- A 91.4 ha portion of the site to accommodate the proposed mixed-use development and its associated roads and infrastructure that will be located both north and south of Protea Road. Access will be gained from Protea Road and at three access points along Groenfontein Road: immediately southeast of the northern wetland and at two points aligned with existing access roads south of Protea Road;
- A 45.3 ha area will be incorporated into the conservation area and will be made up of the following:
  - the northern wetland and its associated buffer;
  - a strip, approximately 140 m in width, along the eastern site boundary abutting Groenfontein Road, comprising areas of primarily medium botanical sensitivity, as well as the Klapmuts wastewater treatment works stream and its associated wetlands and buffers;

- a broader area north of Protea Road varying in width between 200m and 300m that links with the northern wetland;
- The existing closed landfill site and provincial roads are incorporated into the layout and provision is made for storm water management;
- Off-site infrastructure, including the bulk water pipeline from the Wemmershoek bulk water supply pipeline to the development and the construction of a new reservoir.

Although this layout is best located in respect of pedestrian access and provides the largest developable area, with associated economic benefits, this alternative is not preferred because the botanical impacts are unacceptably high compared to the other layout alternatives and cannot be effectively mitigated.

Site Layout Alternative 3 (Preferred Alternative herewith authorised):

This layout was developed in an attempt to address Alternative 1's urban design and transport challenges and the high loss of biodiversity in Alternative 2. This alternative includes the following:

- A 44 ha Distell facility, located on the north-western portion of the site, with access from Groenfontein Road;
- An 87.8 ha portion of the site will accommodate the proposed mixed-use development and its associated roads and infrastructure, which will be located both north and south of Protea Road. Access will be provided from Protea Road and from three access points along Groenfontein: immediately south-east of the northern wetland, at a point aligned with an existing access road south of Protea Road, and at a third location chosen to avoid areas of high botanical sensitivity, also south of Protea Road;
- A total of 48.7 ha will be set aside as a conservation area, made up of the following:
  - the northern wetland and its associated buffer;
  - a strip, approximately 200 m in width, along the eastern site boundary abutting Groenfontein Road and north of Protea Road, comprising areas of high and medium botanical sensitivity;
  - a strip, approximately 140 m in width, at its northern extent along the eastern site boundary south of Protea Road, widening to approximately 450 m at its broadest, and comprising areas of primarily high botanical sensitivity, as well as the Klapmuts wastewater treatment works stream and its associated wetlands and buffers;
- The existing closed landfill site and provincial roads are incorporated into the layout and provision is made for storm water management;
- Off-site infrastructure, including the bulk water pipeline from the Wemmershoek bulk water supply pipeline to the development and the construction of a new reservoir.

This alternative is preferred since it avoids the high negative biodiversity impacts associated with layout alternative 2, while promoting good access, adequate safety and greater economic opportunity in terms of land available to be developed within the footprint, as opposed to layout alternative 1.

Two design and technology alternatives were developed, catered around Distell's own facility. The two alternatives assessed relate to the type of warehousing that will be implemented within Distell's processing and distribution centre.

Design Alternative 1:

This alternative entails using a high bay warehouse of 40m high, with a high level automation for the primary distribution centre within Distell's facility. This means pallets and product will be

moved, stored and retrieved by a system of automated conveyors, cranes and storage retrieval systems.

This alternative is not preferred because it will have a higher visual impact and because of the high level of automation, less employment opportunities are available compared to Design Alternative 2.

Design Alternative 2 (Herewith Authorised):

This alternative entails using a conventional 20m high block storage warehouse at Distell's facility, where pallets and product are moved, stored and retrieved by forklift trucks operated by human operators.

This alternative is preferred since it will have a lower visual impact and will have significantly more employment opportunities available compared to Design Alternative 1.

"No-Go" Alternative

The "no-go" option was considered and is not preferred because it will not make provision for bulk services within the Klapmuts North area, there will be no additional employment and economic opportunities and the commercial use of the land to consolidate operation for Distell will not be realised. The opportunity to conserve and manage the sensitive environmental features on the site will also be lost.

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

#### **3.1 Activity need and desirability**

The proposed site is zoned as public open space, is located within the urban edge of Drakenstein and is earmarked for urban infill by the Drakenstein Spatial Development Framework. Klapmuts North has been identified in various spatial and economic plans for urban and economic development. Currently, Distell's facilities are widely dispersed within the Western Cape (Cape Town, Paarl and Stellenbosch), which results in considerable internal logistics requirements that affects productivity, costs and profitability. Some of these facilities are either too small or are reaching the end of the rental agreement, so the need to consolidate operations into a single facility in which beverages are produced, bottled and distributed is considered critical. The site favours this type of light industrial development because it is located along several regional movement corridors, which aids a logistical and distribution development. Furthermore, the proposed development will provide several employment and economic opportunities within the greater Klapmuts area.

#### **3.2 Air Quality Impacts**

According to the Atmospheric Impact Report dated April 2018, compiled by Mr. D. Dracoulides, the examined air pollutants (Nitrogen Dioxide, Particulate Matter and Sulphur Dioxide) that may arise from the facility were well below the South African National Ambient Air Quality Standards for each air pollutant, both within and outside the boundaries of the site. Through the implementation of the EMPr (accepted in Condition 9) and the specialist recommendations, potential air quality impacts will be adequately managed.

#### **3.3 Biodiversity Impacts**

According to the Botanical Assessment dated 4 May 2018, compiled by Mr. N. Helme of Nick Helme Botanical Surveys, the South African vegetation map indicates that the site historically

comprised Swartland Granite Renosterveld, Swartland Alluvium Fynbos, Swartland Shale Renosterveld and Swartland Silcrete Renosterveld, ecosystems classified as being critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), with Swartland Granite Renosterveld being the primary original vegetation type. The report further indicated that Swartland Granite Renosterveld is the only remaining vegetation type. Approximately 22ha contains partly intact Swartland Granite Renosterveld vegetation with good rehabilitation potential and is therefore deemed to be of High botanical conservation value. These four areas support all of the 11 plant Species of Conservation Concern ("SCC") recorded on site. The majority of site (approximately 110ha) is of Low ecological sensitivity and poses no constraints to the proposed development. Two degraded wetland systems area also mapped as Medium sensitive areas. The low botanical sensitivity areas occur on sandy soils while the higher botanical sensitivity areas are located on clay soils. Large areas of alien vegetation were also observed on site and these include the low botanical sensitivity areas. The proposed development will result in a loss of approximately 4,2ha of High conservation value natural vegetation, about 8ha of medium conservation value natural vegetation, and approximately 120ha of Low conservation value vegetation. Site populations of at least three SCC areas likely to be impacted by this alternative. The proposed development includes a conservation area of approximately 48,7ha, which connects to the area of high botanical sensitivity south of Protea Road to areas of medium botanical sensitivity along the eastern boundary (Eastern tributary and wetlands) to areas of high botanical sensitivity north of the Protea Road. Overall, the potential botanical impacts are considered to be low to medium negative after mitigation. Through the implementation of the preferred layout, the EMPr (accepted in Condition 9) and the specialist recommendations, impacts on vegetation will be mitigated to a satisfactory level.

A Freshwater Assessment dated June 2018 was undertaken and compiled by Toni Belcher of Blue Science. The site falls within the catchment of the Klappmuts River. The river and most of its tributaries are transformed by channelisation. Based on the findings of the assessment, three tributaries of the Klappmuts River flow across the site. The Eastern Tributary (flowing along the eastern boundary of the site) is the most significant and receives most of its flows from treated wastewater from the Klappmuts Wastewater Treatment Works ("WWTW") immediately south of the N1 highway. A second tributary (the Western Tributary) is located along the southern-western boundary of the site and crosses north of Protea Road to feed into a wetland in the northern portion of the site. This tributary is significantly modified by past cultivation activities and contains a number of smaller dams that are connected by an excavated and straightened shallow grass channel. The third tributary (the Northern Tributary) crosses the northern corner of the site and feeds a number of bigger instream dams upstream of the site. As a result, it tends to flow only seasonally during overflows of the upstream dams. This tributary is largely a grassed channel within the site and does not have significant wetland areas associated with it. There is a more permanent flow within the eastern tributary because of the WWTW discharge, while the western and northern tributaries have seasonal flow. The three tributaries are in a largely modified ecological condition instream, with critically modified riparian zones. These tributaries have a low to moderate ecological importance and sensitivity. An unchanneled valley bottom wetland of approximately 9ha is associated with the western tributary and a channelled valley bottom wetland of approximately 2,5ha is associated with the eastern tributary. These wetlands have a moderate ecological importance and sensitivity. Buffers for the protection of the watercourses from the development impacts have been determined by the specialists and have been incorporated into the preferred layout. Through the implementation of the preferred layout, EMPr

(accepted in Condition 9) and the specialist recommendations, impacts on watercourses will be mitigated to an acceptable level.

A Water Use License Application in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation for the proposed development, who will further investigate the watercourse related impacts.

Furthermore, a MMP has also been compiled to address future maintenance activities taking place in the affected watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

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

#### 3.4 Geohydrological Impacts

The Hydrogeological Assessment dated June 2018, compiled by Mr. D. Visser of SRK Consulting indicates that the groundwater quality at the site is good and the two boreholes should safely produce 320kl of groundwater per day to augment approximately 30% of the water supply required for the facility without affecting groundwater users beyond the site boundaries. Furthermore, through the implementation of the EMPr (accepted in Condition 9) and the specialist recommendations, impacts on groundwater will be mitigated.

#### 3.5 Noise Impacts

According to the Noise Impact Assessment dated April 2018, compiled by A. W. D. Jongens of Jongens Keet Associates, the noise impact intensity will be medium along Protea Road, east of the development and Groenfontein Road, north of Protea Road. The noise impact intensity on land south of Protea Road will be negligible for the first phase of development. During final phase of development, land adjacent to Protea Road east of the development and along Waalburgh and Protea Road west of the development, the intensity of the impact will be high and medium, respectively. However, through the implementation of the EMPr (accepted in Condition 9) and the specialist recommendations, noise impacts can be mitigated to a low to medium nature.

#### 3.6 Poultry Health Impacts

The area surrounding the proposed site for the development has a high density of poultry and as such constitutes a biosecurity risk for the transmission of poultry diseases. The development will not pose a biosecurity risk for the poultry farms since it will not entail development on the site that attracts wild birds. Therefore, according to the Poultry Health Specialist Assessment dated March 2018, compiled by Dr. D. Petty, the impact of the proposed development on the surrounding

poultry farm is deemed to be low. In addition, through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), impacts on poultry health can be mitigated satisfactorily.

### 3.7 Visual Impacts

According to the Visual Impact Assessment dated 23 April 2018, compiled by Mr. D. Gibbs, the proposed site is identified as forming part of a broader Cape Winelands cultural landscape even though the site itself lacks visual significance. Although fairly large in extent, the site is not particularly visible from the N1 scenic route since it is relatively flat and low-lying, does not contravene visually prominent ridgelines and skylines in its current state and is partially screened by foreground vegetation. The site is degraded and is no longer used for intensive agriculture, thus the local visual amenity significance is reduced. The proposed development will have a moderate visual intrusion and will cause limited material effect upon visual resources and through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), visual impacts can be minimised to an acceptable level.

### 3.8 Heritage Impacts

The Heritage Impact Assessment dated April 2018, compiled by Mr. T. Hart of ACO Associates cc, indicates that archaeological heritage is both scarce and insignificant and therefore does not require further pro-active management. The development will have an impact on the local winelands cultural landscape, which can be mitigated to low significance through implementing suitable design, colour, texture and vegetation screening of the development site. There is a single vernacular farm house and "werf" at Groenfontein (with accepted Grade 2 significance), which is located approximately 1,8km east of the development site. The proposed development will be visible in the background from Groenfontein, therefore the view from Groenfontein will change. The location of the facility to the north of the site is favoured as this will assist in creating a green buffer of conservation land between the N1 and the facility. The proposal is considered acceptable in terms of heritage terms since it is considered to represent an extension to Klapmuts and through the implementation of the specialist recommendations and the EMPr (accepted in Condition 9), potential impacts on heritage resources can be adequately mitigated.

### 3.9 Traffic Impact Assessment

The Traffic Impact Assessment dated May 2018, compiled Innovative Transport Solutions (Pty) Ltd, four intersections formed part of the assessment. According to the findings, the N1/R44 northern terminal currently experiences capacity constraints, while the other three intersections operate at an acceptable level of service. Based on future traffic analysis, the N1/R44 northern terminal will continue to experience capacity constraints. However, given the timing of the first phase of the development, these constraints will be mitigated by the improvements proposed to accommodate both background and development traffic. The proposed development will have an impact on the external road network, however, through the implementation of the road and intersection upgrades, as per the specialist recommendations, and the EMPr (accepted in Condition 9), the anticipated traffic impacts can be managed effectively.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The proposed development will result in loss of natural vegetation.
- Impacts on watercourses are anticipated but will be minimised through the incorporation of the conservation areas and in terms of the approved EMPr and MMP.



- There will be an increase in noise and dust impacts during the construction phase.

**Positive impacts:**

- The road network within the Klappmuts area will be upgraded and improved.
- The proposal will enable bulk service provision within Klappmuts North area of which none currently exists.
- Economic development will be promoted within the Klappmuts North area.
- Consolidation of Distell facilities will be more economically viable for the company.
- Areas of high botanical sensitivity, wetlands and watercourses will be conserved that, without this development, will continue to degrade.
- There will be employment opportunities during the construction and operational phases.

#### **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 activities 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 activities can be mitigated to acceptable levels.

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