Western Cape Government
Environmental Affairs and Development Planning

Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/1/B3/28/1019/16
NEAS REFERENCE: WCP/EIA/0000120/2016
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2017 -03- 15

The Board of Directors
Zevdevco (Pty) Ltd
8 Berkley Street
MAITLAND
7405

Attention: Mr. C. Stevenson

Tel: (021) 510 6720
Fax: (021) 510 6725

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: PROPOSED MOUNT VERNON DEVELOPMENT ON PORTION 36 OF FARM BRONKHORST NO. 748, KLAPMUTS

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 Environmental Impact Assessment 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 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 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. J. Neethling (Johan Neethling Environmental Services) Fax: (086) 544 4868
(2) Mr. S. van der Merwe (Stellenbosch Municipality) Fax: (021) 886 6899

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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: PROPOSED MT VERNON DEVELOPMENT ON PORTION 36 OF FARM BRONKHORST NO. 748, KLAPMUTS

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in Section B below with respect to Layout Alternative 2, described in the Basic Assessment Report ("BAR"), dated October 2016.

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

Zevdevco (Pty) Ltd
% Mr. C. Stevenson
8 Berkley Street
MAITLAND
7405

Tel: (021) 510 6720
Fax: (021) 510 6725

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	Activity/Project Description
Government Notice No. R. 983 of 4 December 2014 – Activity Number: 28 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: **(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or** (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	The development will entail transforming agricultural land of more than 5ha in extent for residential purposes inside an urban area.

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

The holder is herein authorised to undertake the following alternative:

Layout Alternative 2
This alternative entails the construction of 104 single residential erven that will cover an area of approximately 8,7ha, the construction of 47 group housing units that will cover an area of approximately 1,9ha, the construction of roads covering an area of approximately 4,3ha, the establishment of a farm stall/plant nursery/tourist facility that will be located at the corner of the R44 and R45 and that will cover an area of approximately 2,4ha and the creation of private open spaces of approximately 2,6ha in extent.

C. SITE DESCRIPTION AND LOCATION

The listed activity will be undertaken on Portion 36 of Farm Bronkhorst No. 748, Klapmuts, at the following co-ordinates:

Latitude (S)	Longitude (E)
33° 48' 35.10"	18° 52' 38.21"

The SG digit code is: C05500080000074800036

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Johan Neethling Environmental Services cc
% Mr. Johan Neethling
P. O. Box 16594
VLAEBERG
8018

Tel.: (021) 461 4386
Fax: (086) 544 4868

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, Layout Alternative 2, described in the BAR dated October 2016 at 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 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.

4. 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

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activity. The notice must:

   5.1 make clear reference to the site details and EIA Reference number given above; and

   5.2 include proof of compliance with the following conditions described herein:

   Conditions: 6, 7 and 10

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

   6.1 notify all registered Interested and Affected Parties ("I&APs") of –

6.1.1 the outcome of the application;
6.1.2 the reasons for the decision as included in Annexure 3;
6.1.3 the date of the decision; and
6.1.4 the date when the decision was issued.

6.2 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;

6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

6.4 provide the registered I&APs with:
6.4.1 the name of the holder (entity) of this Environmental Authorisation;
6.4.2 name of the responsible person for this Environmental Authorisation;
6.4.3 postal address of the holder;
6.4.4 telephonic and fax details of the holder;
6.4.5 e-mail address, if any, of the holder; and
6.4.6 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).

7. 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

8. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. 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 and the conditions contained herein.

11. 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 on a publicly accessible website.

12. 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

13. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, 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.

    The holder must submit an Environmental Audit Report for the construction phase within 3 months of completion of construction to the Competent Authority and thereafter, every 3 months for a period of 1 year. The final Environmental Audit Report must be submitted to the Competent Authority three months after commencement of operations.

    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

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

    Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. 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 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 at least **three months** prior to the expiry date of the Environmental Authorisation.

Note that: (1) in terms of Regulation 28(2) of the NEMA EIA Regulations, 2014, failure to lodge an application for amendment at least three months prior to the expiry of the validity period of the Environmental Authorisation may result in the lapsing of the Environmental Authorisation, due to the Competent Authority being unable to process the application for amendment within this period; (2) it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

   Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
   Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of GN No. R.982 of 4 December 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (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. HENRI FORTUIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DATE OF DECISION: 15-3-17

CC: (1) Mr. J. Neethling (Johan Neethling Environmental Services) Fax: (086) 544 4868
(2) Mr. S. van der Merwe (Stellenbosch Municipality) Fax: (021) 886 6899

ANNEXURE 1: LOCALITY MAP

Figure 1: Regional locality map of the Portion 36 of Farm Bronkhorst No. 748, Klapmuts.

ANNEXURE 2: SITE PLAN

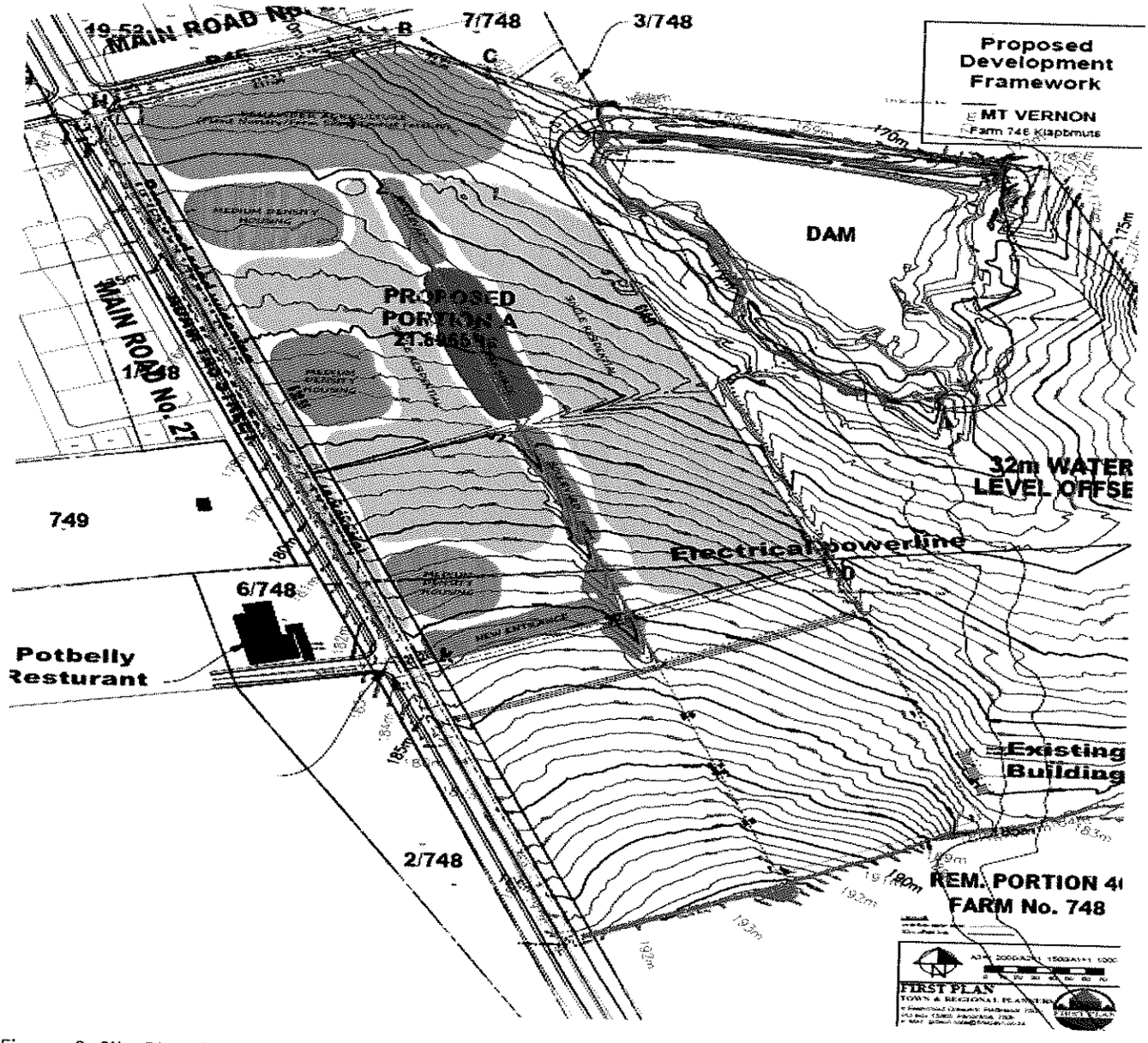

Figure 3: Site Plan for the proposed Mt Vernon Estate development.

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 28 April 2016, the BAR dated October 2016 and the EMPr submitted together with the 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 October 2016; 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 sites where the listed activity is to be undertaken on 7 July 2016;
- 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 7 July 2016;
- the placing of a newspaper advertisement in the 'Eikestadnuus' on 7 July 2016;
- making the BAR available to I&APs for public review from 22 July 2016 and again from 6 October 2016.

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

The Competent Authority concurs with 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

Layout Alternative 1:
This alternative entails the construction of a mixed use development that will comprise of 225 medium density housing units and associated infrastructure covering an area of approximately 15ha and the establishment of a commercial component covering an area of approximately 5ha in extent.

This alternative is not preferred since it presented a very dense development, which included flats and group housing and did not make provision for a tourist related component.

Layout Alternative 2(Herewith authorised):
This alternative entails the construction of 104 single residential erven that will cover an area of approximately 8,7ha, the construction of 47 group housing units that will cover an area of approximately 1,9ha, the construction of roads covering an area of approximately 4,3ha, the establishment of a farm stall/plant nursery/tourist facility that will be located at the corner of the R44 and R45 and that will cover an area of approximately 2,4ha and the creation of private open spaces of approximately 2,6ha in extent.

This alternative is preferred since it the development will be less dense compared to Layout Alternative 1 and makes provision for a tourist related component.

"No-Go" Alternative
The "no-go" option will entail the site remaining as agricultural land, however, this was not considered feasible since it will not contribute to the growth opportunities for Klapmuts as envisaged in the Klapmuts Spatial Development Framework ("SDF") (2007) and opportunities for capital investment within the Klapmuts area would not be realised.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability
Regionally, Klapmuts is a small urban settlement with a distinctly rural character. The popularity of Stellenbosch and the central location of Klapmuts between Stellenbosch, Paarl and Wellington, as well as its direct access to the N1 and rail services, linking it to the Cape Metro area has stimulated the interest and thus growth of Klapmuts. The development will thus be in line with the Klapmuts SDF (2007), as its core is to promote, guide and manage urban growth within the town of Klapmuts. The proposed development is not in contrast with the surrounding land uses and environment, as the site is located adjacent to a mixture of land uses which includes a residential development to the north; single residential, group housing, hotel/conference and tourist facilities at the Anura Wine Estate to the east; the Pot Belly farm stall, restaurant, shop, stone masonry and industrial uses to the west; and agricultural activities to the south. Economic growth within the Klapmuts area will additionally be stimulated and employment opportunities will be created during the construction phase of the development.

3.2 Biodiversity and Biophysical Impacts
The proposed site would have comprised of Swartland Granite Renosterveld, an ecosystem classified as being critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) (NEMBA). The site has however, been

totally transformed by agricultural activities. As such, there will be no impact on indigenous vegetation.

According to the Freshwater Ecological Assessment dated October 2015, compiled by N. van de Haar of Scientific Aquatic Services, the proposed site is located within 500m of three artificial impoundments which have been developed within an un-channelled valley bottom wetland. Several artificial drainage channels were identified on the proposed site, two of which are more pronounced, however, since the features were artificially created for agricultural purposes, it cannot be defined as true watercourses. The present ecological state of the freshwater feature is largely modified, while the ecological importance and sensitivity is regarded as being moderately sensitive. Through the implementation of the recommendations of the specialist and the EMPr (accepted as Condition 8), the impact on the wetland located on the adjacent property, will be mitigated.

3.3 Heritage Impacts

According to the correspondence dated 27 July 2015 from Heritage Western Cape, no impacts on heritage resources, which may arise from the proposed development are anticipated. However, through the implementation of Conditions 14 and 15 and the EMPr (accepted as Condition 8), the impacts on heritage resources will be mitigated.

3.4 Traffic Impacts

Access to the proposed site will be in accordance with the approved R44 Access Management Plan, that obtained environmental authorisation on 9 May 2016 (Reference: 16/3/1/1/B4/23/1043/12). According to the Traffic Impact Report dated 15 October 2015, compiled by Piet van Blerk of iCE Group (Pty) Ltd, the significance of the expected impacts are low. Through the implementation of the recommendations of the specialist and the EMPr (accepted as Condition 8), the traffic impacts that may arise from the proposed development will be mitigated.

3.5 Services

In the letter dated 7 November 2016, Stellenbosch Municipality confirmed sufficient capacity with respect to bulk service provision for water, sewer and solid waste. There is however insufficient capacity within the water and sewer reticulation system and upgrades in terms of the Master Plan for Klapmuts will be implemented by the municipality to accommodate the proposed development.

3.6 Planning

According to the Klapmuts SDF (2007), the site is partially located within the urban edge (approximately 15ha) and has been identified for residential development. A 5ha area of the site is however located outside of the urban edge. This results in a narrow strip of agricultural land being located between the urban edge and the farm dam and wetland to the east of the site and is deemed an unviable piece of land for agricultural use. An application in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) to the Stellenbosch Municipality and an application in terms of Section 53 of the Land Use Planning Act, 2014 (Act 3 of 2014) to the Department of Environmental Affairs and Development Planning's Sub-Directorate: Development Planning (Region 2) were lodged to rezone and include the narrow strip of land within the urban edge.

The development will result in both negative and positive impacts.

Negative impacts:

- The proposed development will result in elevated noise and dust levels during the construction period.
- There will be a loss of agricultural land.
- There will be an increased demand for services within the area.

Positive impacts:

- The proposal will utilise land within the urban edge for urban development.
- Temporary employment opportunities will be created during the construction phase.
- Economic growth within the Klapmuts area will be stimulated.

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.

----------END----------