



**REFERENCE:** 16/3/3/1/B4/39/1039/23  
**NEAS REFERENCE:** WCP/EIA/0001284/2023  
**DATE OF ISSUE:** 14 DECEMBER 2023

The Board of Directors  
Boschendal (Pty) Ltd  
P.O. Box 35  
**Pniel**  
7681

**Attention: Mr. W. George**

Cell: 082 559 9100

Email: specialproject1@boschendal.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): THE PROPOSED INSTALLATION OF NEW SERVICE INFRASTRUCTURE AND EXPANSION OF EXISTING SERVICES ON VARIOUS PORTIONS OF FARM 1685, PORTIONS OF FARM 1674 AND FARM 1730 ON BOSCHENDAL ESTATE INCLUDING EXTERNAL PIPELINE CONNECTIONS TO MUNICIPAL SEWER AND WATER SERVICE INFRASTRUCTURE IN PNIEL**

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, (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

**MR. ZAAHIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. M. Lee (Chand Environmental Consultants)  
(2) Ms. S. Chand (Chand Environmental Consultants)  
(3) Mr. S. van der Merwe (Stellenbosch Municipality)  
(4) Mr. R. Smart (CapeNature)

Email: michelle@chand.co.za

Email: sadia@chand.co.za

Email: schalk.vandermerwe@stellenbosch.gov.za

Email: rsmart@capenature.co.za



**REFERENCE:** 16/3/3/1/B4/39/1039/23  
**NEAS REFERENCE:** WCP/EIA/0001284/2023  
**DATE OF ISSUE:** **14 DECEMBER 2023**

## 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 PROPOSED INSTALLATION OF NEW SERVICE INFRASTRUCTURE AND EXPANSION OF EXISTING SERVICES ON VARIOUS PORTIONS OF FARM 1685, PORTIONS OF FARM 1674 AND FARM 1730 ON BOSCHENDAL ESTATE INCLUDING EXTERNAL PIPELINE CONNECTIONS TO MUNICIPAL SEWER AND WATER SERVICE INFRASTRUCTURE IN PNIEL

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

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to the Alternative 2, described in the Basic Assessment Report ("BAR"), dated 8 August 2023.

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

Boschendal (Pty) Ltd  
% Mr. W. George  
P.O. Box 35  
**Pniel**  
7681

Cell: 082 559 9100

Email: specialproject1@boschendal.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 12: The development of—</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(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;</li> <li>(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;</li> <li>(dd) where such development occurs within an urban area;</li> <li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li> <li>(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.</li> </ul>	<p>The development includes the construction of eight culverts within watercourses. The development also includes the installation of infrastructure (pipelines; fibre ducts) which will exceed the 100m<sup>2</sup> threshold within 32m of watercourses.</p>
<p>Activity Number 19: 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> <ul style="list-style-type: none"> <li>(a) will occur behind a development setback;</li> </ul>	<p>The proposal includes the installation of service infrastructure and roadways that will be constructed across and within streams. Construction works within streams will include the installation of culverts.</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>Activity Number 48: The expansion of—</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such expansion occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding—</p> <p>(aa) the expansion 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 expansion 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 expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	<p>Sections of the irrigation and electricity lines that will be extended, will run beyond roadways and will be located within 32m of watercourses. Roadways are also proposed to be expanded upon (lengthened) within 32m of watercourses.</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></p>	<p>Approximately 0,3 hectares of Boland Granite Fynbos, an ecosystem listed as endangered in terms of Section 52 of the National Environmental Biodiversity Act, 2004, would be cleared as part of the development.</p>

<ul style="list-style-type: none"> <li>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;</li> <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>	
--	--

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

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposed scope of works will entail:

- The installation of a new bulk foul sewer line, bulk water pipelines and rising main, stormwater infrastructure (swales and culverts) and fibre internet ducts;
- The expansion of existing electricity and irrigation lines;
- The formalisation of existing farm roads;
- The development of new sections of formal roadway (noting that there are existing dirt tracks and paved roads on the site which will be expanded upon in terms of length and not width);
- The construction two new 100kl reservoirs and a new sewer pump station; and
- The installation of a new “external” (beyond the boundary of the Founders Estate) bulk water and sewage pipeline, which would allow the Estate to connect to the local municipal network.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 2 to 19 of Farm No. 1685, Portions 1, 6 and 14 of Farm No. 1674, Portion 5 of Farm No. 1201 and the Remainder of Portion 8 of Farm No. 1201, Franschoek, at the following co-ordinates:

Latitude (S)			Longitude (E)		
<b>Reservoirs</b>					
31°	52'	52.93"	18°	56'	26.68"

Sewer pump station					
33°	52'	24.80"	18°	57'	03.55"
Culverts					
33°	52'	18.37"	18°	56'	35.83"
33°	52'	23.77"	18°	57'	01.68"
33°	52'	37.45"	18°	56'	58.48"
33°	52'	57.57"	18°	57'	09.58"
33°	53'	05.62"	18°	56'	49.02"
33°	53'	02.17"	18°	57'	09.92"
33°	53'	08.68"	18°	56'	51.41"
33°	53'	02.19"	18°	57'	09.96"

The SG digit codes are:

C05500000000168500002  
C05500000000168500003  
C05500000000168500004  
C05500000000168500005  
C05500000000168500006  
C05500000000168500007  
C05500000000168500008  
C05500000000168500009  
C05500000000168500010  
C05500000000168500011  
C05500000000168500012  
C05500000000168500013  
C05500000000168500014  
C05500000000168500015  
C05500000000168500016  
C05500000000168500017  
C05500000000168500018  
C05500000000168500019  
C05500000000173000000  
C05500000000167400001  
C05500000000167400004  
C05500000000167400006  
C05500000000167400007

C05500000000167400014  
C05500000000135700000  
C05500110000066900000  
C05500000000120100008  
C05500000000120100005

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

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

#### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Chand Environmental Consultants cc  
% Ms. M Lee/ Ms. S Chand  
P. O. Box 238

## **PLUMSTEAD**

7801

Tel.: (021) 762 3050

Email: michelle@chand.co.za/ sadia@chand.co.za

### **E. Conditions of authorisation**

#### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Alternative 2, described in the Basic Assessment Report ("BAR"), dated 8 August 2023, at the site as described in Section C above.
2. The holder must commence with and conclude the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
- (b) A period of 10 years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
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 activities. 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 11

#### **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 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**

- 8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 9. Maintenance activities relating to the structures approved in this EA, must be undertaken in accordance with the relevant part of the Maintenance Management Plan ("MMP") for all watercourses on Boschendal Estate, as adopted by the competent authority on 13 September 2023 (referenced: 16/3/3/6/3/B3/28/1044/23).
- 10. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 11. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
- 12. The ECO must conduct one site visit prior to the commencement of construction and site clearance activities. Monthly monitoring inspections must be undertaken during the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every second month for the duration of the construction phase. The final



Environmental Compliance Report must be submitted to the Competent Authority within one month of construction having been completed.

13. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
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, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 11 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three months after the commencement of construction and maintenance activities and every six (6) months thereafter, during the construction phase. A final Environmental Audit Report must be submitted within three months of the construction phase having been completed.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

### **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/ies, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.  
Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.
5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## **G. Appeals**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs –
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the

appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)  
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 DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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: 14 DECEMBER 2023**

CC: (1) Ms. M. Lee (Chand Environmental Consultants)  
(2) Ms. S. Chand (Chand Environmental Consultants)  
(3) Mr. S. van der Merwe (Stellenbosch Municipality)  
(4) Mr. R. Smart (CapeNature)

Email: michelle@chand.co.za  
Email: sadia@chand.co.za  
Email: schalk.vandermerwe@stellenbosch.gov.za  
Email: rsmart@capenature.co.za

## ANNEXURE 1: LOCALITY MAP



Figure 1: Location of the proposed development site.

## ANNEXURE 2: SITE DEVELOPMENT PLAN

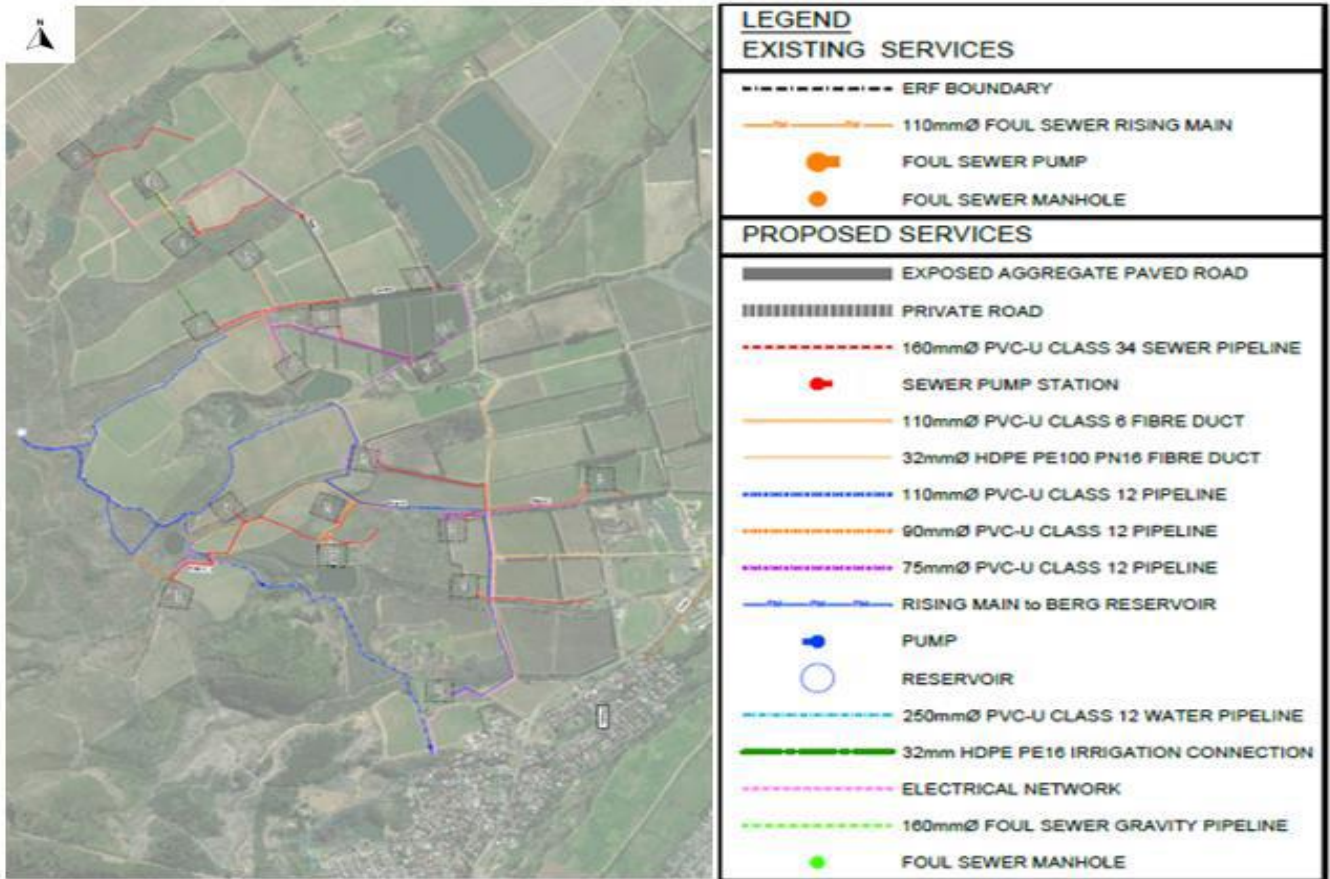


Figure 2: Site development plan

### **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 31 May 2023, the final BAR dated August 2023 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 August 2023; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted on 7 March 2018:

Attended by: Ms. Mare-Liez Oosthuizen and Mr. D. Matthews of the Western Cape Government: Department of Environmental Affairs and Development Planning ("DEA&DP"), Ms. Sadia Chand, Ms. Claudette Muller and Ms. Michelle Lee of Chand Environmental , as well as Mr. William George of Boschendal (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;
- fixing notice boards at locations within and around the area where the listed activities are to be undertaken on 25 May 2023;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are 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 16 November 2022 and 31 May 2023;
- the placing of a newspaper advertisement in the 'Eikestadnuus' on 25 May 2023; and
- making the pre-application draft BAR available for comment from 17 November 2022 and the in-process draft BAR from 31 May 2023.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

## 2. Alternatives

The proposal entails the installation of new service infrastructure and the expansion and/or upgrading of existing service infrastructure. Since service infrastructure will be mainly located within existing roadways, only the Preferred Alternative and the “no-go” alternative were assessed as part of this application and are discussed below:

### 2.1 Preferred Alternative (Herewith Authorised)

The proposed scope of works as approved in this Environmental Authorisation will entail:

- The installation of a new bulk foul sewer line, bulk water pipelines and rising main, stormwater infrastructure (swales and culverts) and fibre internet ducts;
- The expansion of existing electricity and irrigation lines;
- The formalisation of existing farm roads;
- The development of new sections of formal roadway (noting that there are existing dirt tracks and paved roads on the site which will be expanded upon in terms of length and not width);
- The construction two new 100kl reservoirs and a new sewer pump station; and
- The installation of a new “external” (beyond the boundary of the Founders Estate) bulk water and sewage pipeline, which would allow the Estate to connect to the local municipal network.

This alternative is preferred for the following reasons:

- Existing buildings will have improved serviced infrastructure.
- The newly installed and expanded infrastructure will allow for the development of each Founders' Estate (“FE”) in terms of the planning approvals already received.
- Employment opportunities will be created during the construction and operational phases.

### 2.2 “No-Go” Alternative

The “no-go” option was considered and is not preferred for the following reasons:

- Service infrastructure at existing buildings will not be improved and the continued use of conservancy tanks will remain the *status quo*.
- Should the new service infrastructure not be implemented, existing development rights on the site cannot be exercised. No new employment opportunities will be created.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity Need and Desirability

Boschendal (Pty) Ltd (the Applicant) has acquired the land use rights for the subdivision and development of eighteen (18) Founders' Estates (“FE's”) on a portion of its landholdings. The Founders' Estates comprise 18 different farms of approximately 20 ha each, with each one having an area of 8,000m<sup>2</sup>, within which a homestead may be developed. The latter is not included in the scope of this application. There is currently no existing water and sewage infrastructure within the Boschendal Estate to develop the various FE's. Minimal services are currently installed on this portion of Boschendal Estate (conservancy tanks). The proposal entails the installation of new service infrastructure and expansion on existing infrastructure (if required) to ensure that the entire

Founders Estate is serviced, including the existing buildings. The formalisation of existing farm roads and the development new sections of roadway forms part of the proposal.

### 3.2 Biodiversity and Biophysical Impacts

According to the Botanical Impact Assessment dated March 2022, compiled by Biodiversity Africa, the vegetation within the project is Boland Granite Fynbos, an ecosystem classified as endangered in terms of “The Revised National List of Threatened Terrestrial Ecosystems” published in terms of Section 52 of the National Environmental Biodiversity Act, 2004 (Act No. 10 of 2004). The vegetation present can be described as Intact Boland Granite Fynbos, Degraded Boland Granite Fynbos and Agricultural and Transformed Land. Intact Boland Granite Fynbos occurs along the western portion of the project site and along drainage lines and streams. Within the intact patches are a few patches of degraded Boland Granite Fynbos that have been infested with alien species and have been or are in the process of being cleared. The agricultural land is completely transformed and not representative of natural vegetation. Given the sensitivity of this vegetation type, which is listed as endangered, the engineers have worked with the specialists to minimise the impact of the proposed development on the natural environment. This has been achieved by locating infrastructure within existing road servitudes and in areas that are transformed and/or disturbed. The specialist concluded that the impacts on the vegetation and species of conservation concern will be low, provided the recommended mitigation measures are implemented. Therefore, through the implementation of the EMPr (accepted in Section E, Condition 8), the impacts on the vegetation will be limited.

According to the Faunal Compliance Statement dated April 2022, compiled by Biodiversity Africa, the majority of natural faunal habitat will not be impacted on by the proposed project, as the infrastructure falls within and adjacent to existing road networks. For the most part, the proposed development has been placed in areas of low ecological importance. The Black Harrier (*Circus maurus*) (listed as endangered) was highlighted in the DFFE Screening Tool as having high sensitivity for the development area. However, the infrastructure has not been placed in habitats or near habitat features that could offer suitable breeding habitat for this species and the type of infrastructure (linear and trenching) would not significantly disturb its foraging activities, nor does current evidence confirm use of the site for either activity. Through the implementation of the EMPr (accepted in Section E, Condition 8), the impacts on fauna will be limited.

According to the Freshwater Impact Assessment dated August 2022, compiled by Freshwater Consulting, the dominant aquatic ecosystem within the study area is the Dwars River, an important perennial tributary of the Berg River. A number of small tributaries of the Dwars or Berg River flow through the Boschendal Estate. Those on the northern side of the R310 drain the Simonsberg Mountains, and many of these join to form a small tributary (Werda River) that flows directly into the Berg River. The watercourses on the southern side of the R310 originate in the Groot Drakenstein Mountains, and flow directly into the Dwars River. The streams on both sides of the Dwars River are relatively undisturbed in their upper catchments, arising on relatively pristine mountain slopes and with healthy riparian vegetation on the river margins. The watercourses are significantly altered from their natural state as soon as they flow into the cultivated areas, especially on the northern Simonsberg side, where exotic trees have invaded the riparian vegetation, and water quality is lower due to irrigation return-flows and polluted stormwater. Many of the streams enter farm dams located on the Boschendal Estate. There are numerous agricultural drains crossing the site, serving to channel surface water away from houses and fields. There are a few wetlands on Boschendal Estate, some of which are associated with the agricultural drains and channels, while some are remnants of more extensive wetland areas, which have been impacted (drained or filled in) by the surrounding activities. The present ecological state (“PES”) of the watercourses across the site varies from a PES score of A



(unmodified, natural) to a PES score of E (changes in ecosystem processes and loss of natural habitat and biota are significant, but some remaining natural habitat features are still recognisable). The ecological importance and sensitivity of the watercourses range from very high to low/marginal. The specialist concluded that sufficient effort has been made to avoid, where possible, sensitive aquatic ecosystems. Furthermore, through the implementation of the EMPr (accepted in Section E, Condition 8), the impacts on the various watercourses will be limited.

An MMP was compiled for all the watercourses within the Boschendal Estate and was adopted by the competent authority on 13 September 2023 (reference number: 16/3/3/6/3/B3/28/1044/23). This plan addresses routine maintenance activities taking place in the watercourses on the property and the management thereof. The maintenance of the structures authorised in this EA, form part of this MMP. As a result, the implementation of the MMP forms part of the conditions of approval contained in Section E of this EA. 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).

### 3.3 Heritage Impacts

In a comment from Heritage Western Cape, dated 10 October 2023, it was confirmed that no additional studies are required since no impacts on heritage resources are anticipated.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- Impacts on aquatic features are anticipated, however, appropriate mitigation measures and the inclusion of specialist recommendations in the approved EMPr and MMP will ensure that impacts are minimised.
- There will be an increase in noise and dust impacts during the construction phase.

#### **Positive impacts:**

- Service infrastructure will be installed for the existing buildings and future planned FE's.
- Improved water and sewer infrastructure will be installed compared to the existing infrastructure at existing buildings.
- Temporary employment opportunities will be created during the construction phase.

## 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.

-----END-----