



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

AMENDMENT REFERENCE: 16/3/3/5/A3/29/2055/17
EIA REFERENCE: E12/2/1-105 FARM 794/46
NEAS REFERENCE: WCP/EIA/0000245/2017
ENQUIRIES: AYESHA HAMDULAY
DATE:

2018 -01- 18

The Members
Schonenberg Homeowners Association
Private Bag X3
SOMERSET WEST
7129

Attention: G. J. van Niekerk

Tel.: (021) 855 4537

Fax: (021) 855 5919

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT NO. 73 OF 1989) ("ECA"), THE ECA REGULATIONS, 1997, THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA"), AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE RECORD OF DECISION ISSUED ON 01 DECEMBER 2003 (REFERENCE NO.: E12/2/1-105 FARM 794/46): THE PROPOSED DEVELOPMENT OF SCHONENBERG ESTATE, STELLENBOSCH

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** an amendment of the Record of Decision ("RoD"), attached herewith, together with the reasons for the decision. This amended Environmental Authorisation replaces the environmental approval issued on 01 December 2003.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure that within 14 days of the date of this amended Environmental Authorisation, all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully



MR ZAAHIR YOFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) Adél Groenewald

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DATE OF ISSUE: 2018 -01- 18

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENT CONSERVATION ACT, 1989 (ACT NO. 73 OF 1989) ("ECA"), THE ECA REGULATIONS, 1997, THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA"), AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE RECORD OF DECISION ISSUED ON 01 DECEMBER 2003 (REFERENCE NO.: E12/2/1-105 FARM 794/46): THE PROPOSED DEVELOPMENT OF SCHONENBERG ESTATE, STELLENBOSCH

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and Part 1 of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants an amendment of the Record of Decision ("RoD")** to the applicant to undertake the listed activities specified in section B below with respect to the alternative, described in the Application Form for Amendment with cover letter dated 03 November 2017.

This amended Environmental Authorisation replaces the environmental approval issued on 01 December 2003. The applicant for this amended Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE HOLDER FOR THIS AMENDED ENVIRONMENTAL AUTHORISATION

Schonenberg Homeowners Association
C/O G. J. van Niekerk
Private Bag X3
SOMERSET WEST
7129
Tel.: (021) 855 4537
Fax: (021) 855 5919

The abovementioned organisation is the holder of this amended Environmental Authorisation and is hereinafter referred to as **"the holder"**.

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Schedule 1 of Government Notice No. R.1182 of 05 September 1997:</p> <p>Activity Number: 2 (c) Activity Description: <i>"The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use"</i></p>	<p>The development proposal includes the change of land use from Agricultural to sub-Divisional Area.</p>
<p>Schedule 1 of Government Notice No. R.1182 of 05 September 1997:</p> <p>Activity Number: 1(c) (ii) Activity Description: <i>"The construction, erection or upgrading of – with regard to any substance which is dangerous or hazardous and is controlled by legislation-manufacturing, storage, handling, treatment or processing facilities for any substance."</i></p>	<p>The development of the Schonenberg Estate and associated infrastructure.</p>
<p>Government Notice No. R.983 (as amended):</p> <p>Activity number: 19A Activity Description: <i>"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i></p> <ul style="list-style-type: none"> <i>(i) the seashore;</i> <i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</i> <i>(iii) the sea; —</i> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> 	<p>The development proposal includes the establishment of retention ponds within the Schonenberg Estate.</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 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>Government Notice No. R.983 (as amended):</p> <p>Activity number: 28</p> <p>Activity Description:</p> <p><i>"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:</i></p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."</i></p>	<p>The development proposal includes the transformation of approximately 62.31ha of land for the Schonenberg Estate and associated infrastructure.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development proposal:

The change of land-use from Agriculture to Sub-Divisional Area for the development of the Schonenberg Estate of Approximately 62.31ha and includes the following:

- Approximately 750 residential units
- Approximately 9.879ha for roads and circulation
- Approximately 2.064ha for conservation areas
- Approximately 8.4ha for Public Open Space

The City of Cape Town is supplying the Schonenberg Estate with municipal services. The Schoenberg Estate is accessible from existing roads.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 46 of the Farm No. 794, Stellenbosch.

The co-ordinates for the mid-point of Schonenberg Residential Estate are given below:

	Latitude (S)	Longitude (E)
Mid-point of Schonenberg Residential Estate	34° 04' 01.88" South	18° 48' 59.31" East

Refer to Annexure 1: Locality Plan

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Doug Jeffery Environmental Consultants
 C/O Ms Adél Groenewald
 P O Box 44
KLAPMUTS
 7625

Tel.: (021) 875 5272

Fax: (086) 660 2635

E. CONDITIONS OF AUTHORISATION

Scope of Authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative described in the Application Form for Amendment with cover letter dated 03 November 2017 as described in Section B above.
2. The listed activities that have been authorised must only be carried out on the site described in Section C above in terms of the approved construction and operational Environmental Management Programmes ("EMPr").
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing 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 approved in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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.

Notification of this amended Environmental Authorisation and Administration of Appeal

5. The holder must in writing, within fourteen **(14)** calendar days of the date of this decision--
 - 5.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 5.1.1. the decision reached on the application;
 - 5.1.2. the reasons for the decision as included in Annexure 3;
 - 5.1.3. the date of the decision; and
 - 5.1.4. the date when the decision was issued.
 - 5.2. 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 Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 5.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 5.4. provide the registered I&APs with the:
 - 5.4.1. name of the holder (entity) of this amended Environmental Authorisation,
 - 5.4.2. name of the responsible person for this amended Environmental Authorisation,
 - 5.4.3. postal address of the holder,
 - 5.4.4. telephonic and fax details of the holder,
 - 5.4.5. e-mail address, if any, of the holder,
 - 5.4.6. 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 National Appeals Regulations, 2014 (as amended).

Commencement

6. In the event that an appeal is lodged with the Appeal Authority, the effect of this amended Environmental Authorisation is suspended until the appeal is decided.

Management of Activity

7. The approved construction and operational EMPr must be implemented.
8. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

9. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") to ensure compliance with the EMPr and the conditions contained herein.
10. A copy of this amended Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the contractor's site office, and must be made available to anyone on request.
11. 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 the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

12. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of this amended Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit every five **(5)** years and submit Environmental Audit Reports to the Competent Authority within one calendar month of undertaking the environmental audits for the duration of time this amended Environmental Authorisation or EMPr remains in effect. The Environmental Audit Report must be submitted to the Competent Authority within one calendar month of the environmental audit being finalised. The first environmental audit must be undertaken before 07 December 2019.

The holder must, within seven **(7)** calendar days of the submission of the Audit Report to the Competent Authority, notify all registered I&APs of the submission and make the Audit Report available to anyone on request.

Specific Conditions

13. Should any heritage remains be exposed during excavations or any other actions on the site, this 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.

14. A qualified archaeologist and/or paleontologist 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.
15. The mitigation/rehabilitation measures and recommendations as detailed in the Scoping Report dated December 2002 and letter dated 12 September 2003 compiled by Doug Jeffery Environmental Consultants (Pty) Ltd must be implemented.
16. Sufficient Open Space must be provided in the development.
17. The holder of this amended Environmental Authorisation must notify the Competent Authority and any other relevant Authority, in writing, within 24 hours thereof if any condition of this amended Environmental Authorisation is not adhered to.

18. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
19. Departmental Officials must be given access to the property referred to in B above for the purposes of compliance auditing at all reasonable times.
20. Prior to departure/closure from the site, the contractor must ensure that any rubble, debris, cement deposits/residue, effluent, wash-off, building materials, builder's infrastructure, signage, machinery etc., associated with the development proposal and contractors camp site is removed and the affected areas are cleaned appropriately.

F. GENERAL MATTERS

1. Notwithstanding this amended 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 amended Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to this amended 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.
4. Please note that an amendment is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
5. The manner and frequency for updating the EMPr is as follows:
 - 5.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R. 982 (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 twenty **(20)** 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 Competent Authority that issued the decision.

2. An appellant (if NOT the holder of the decision) must, within twenty **(20)** 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 twenty **(20)** 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

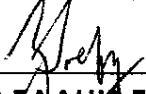
By hand: Attention: Mr Jaap de Villiers (Tel.: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority at 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 the 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 amended Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his 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 greatly appreciated.

Yours faithfully



MR ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 18/01/2018

Copied to: (1) Adéi Groenewald

(Doug Jeffery Environmental Consultants (Pty) Ltd)

Fax: (086) 660 2635

FOR OFFICIAL USE ONLY:

AMENDMENT REFERENCE: 16/3/3/5/A3/29/2055/17

EIA REFERENCE: E12/2/1-105 FARM 794/46

NEAS REFERENCE: WCP/EIA/0000245/2017

ANNEXURE 1: LOCALITY PLAN

- Notes:
1. All areas and dimensions are appropriate and must finally be determined by a Land Surveyor.
 2. Cadastral information received from the Surveyor-General's Office.



Scale: 1:5 000 (A3)

Drawn: CH Date: 11 SEP 2017

Drawing: LOCALITY PLAN

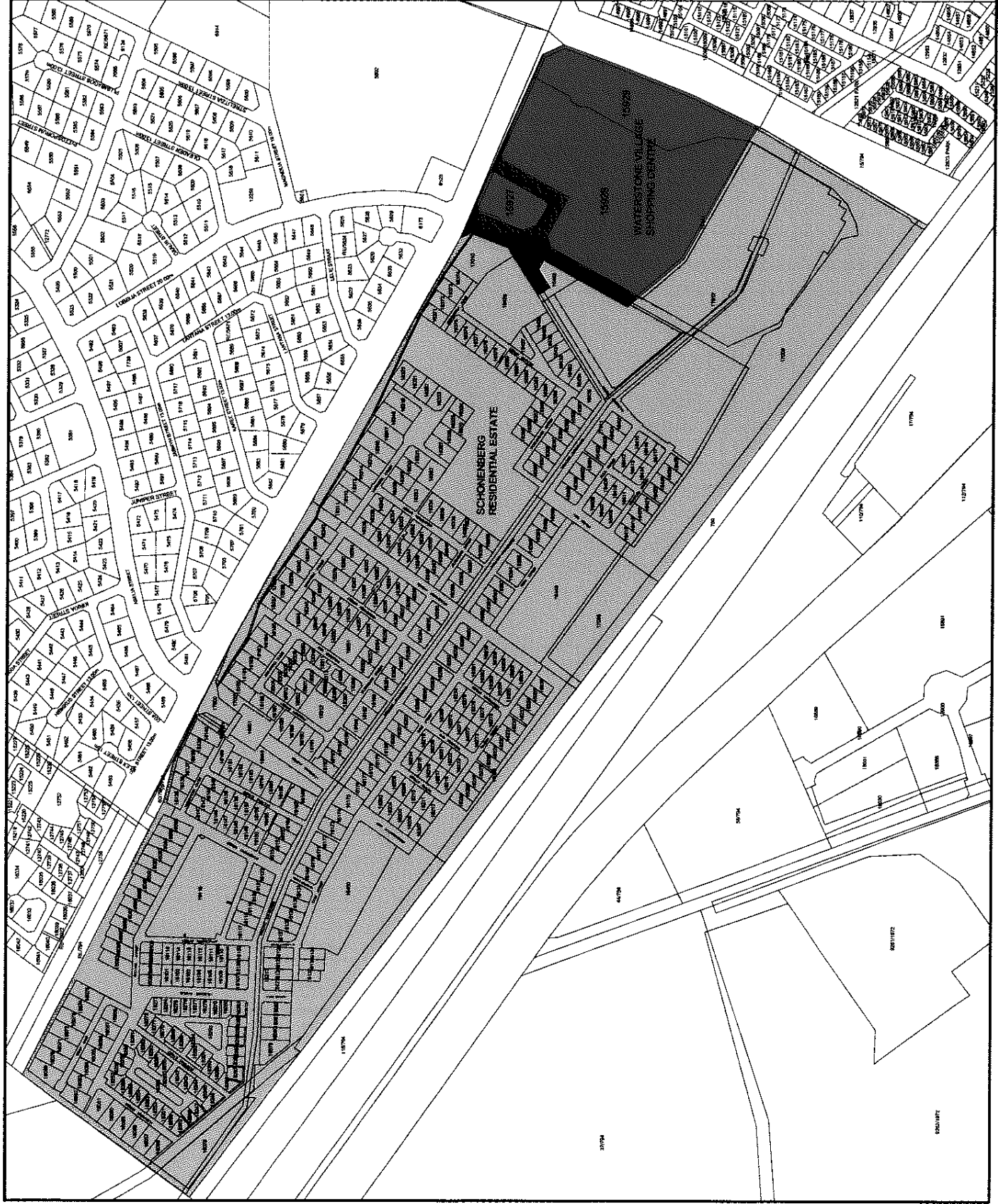
Project: WATERSTONE VILLAGE SCHERMSET WEST

Client: OAKDALE TRUST



Five Floor - La Gratitude Office Building
 97 Upp Street - Stellenbosch 7601
 Tel: (021) 882 2020
 E-mail: info@lvp.co.za
 Web: www.lvp.co.za

Plan No: 1 Project No: 3298-P



ANNEXURE 2: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form for amending an Environmental Authorisation with cover letter dated 03 November 2017, received by this Department on 06 November 2017;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability, and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The balancing of negative and positive impacts and proposed mitigation measures; and
- e) No site visit was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in the consideration of the application for the amendment of the Record of Decision issued on 01 December 2003. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Motivation to split the original environmental approval

The original environmental approval (DEA&DP reference No.: E12/2/1-106 FARM 794/46), is amended to become two separate Environmental Authorisations, namely; the Schonenberg Estate authorisation, to be held by the Schonenberg Home Owners Association and the Waterstone Village authorisation, to be held by the Oakdale Trust *t/a* the Waterstone Village Shopping Centre.

The splitting of the original environmental approval is therefore an administrative change that will cause no impact on the environment.

The Holder of the original environmental approval wishes to transfer the rights and obligations of Erven 15927, 15928 and 15929, Stellenbosch coloured in blue on the locality plan (attached hereto as Annexure 1), to the Oakdale Trust *t/a* Waterstone Village Shopping Centre. The Schonenberg Homeowners Association will remain the holder of the environmental approval relating to the erven comprising the Schonenberg Residential Estate coloured yellow on the locality plan (attached hereto as Annexure 1).

The Schonenberg Homeowners Association is herewith solely responsible for ensuring compliance with conditions of this amended Environmental Authorisation for the Schonenberg Estate.

2. Public Participation for the original EIA application

The proposed project was advertised in the 'Tygerberg District Mall', 'Helderpost' and 'Cape Times'. The I&APs defined as members of the Community Awareness and Emergency Response ("CAER") Committee are the immediate neighbours and identified Non-Governmental Organisations in the area.

The relevant authorities consulted during the Public Participation Process ("PPP") for the original application: the Department of Agriculture, the then Helderberg Municipality, the then Western

Cape Nature Conservation Board, the Department of Transport and Public Works, the then Department of Water Affairs and Forestry and the Department of Environmental Affairs and Development Planning – Directorate: Regional Planning.

A number of issues of concern were raised through the Scoping Process by the project team, specialists and interested and affected parties. Specialist studies undertaken during the original EIA application process included a Traffic Impact study, a Visual Impact Assessment, a Wetland Impact Assessment and a Heritage Impact Assessment. Other issues raised were dealt with by members of the project team.

All the concerns raised by I&APs were responded to and adequately addressed during the initial PPP.

A Part 1 amendment application process was applied for by the holder of the initial environmental approval in order to split the initial environmental approval and to expand the existing Waterstone Village Shopping Centre by approximately 1200m². The Competent Authority agreed to process the application in accordance with the Part 1 amendment process and as such, no PPP was undertaken as part of the Part 1 amendment application process.

Specific management and mitigation measures have been considered in this amended Environmental Authorisation and in the EMP to adequately address the concerns raised.

3. Alternatives

With respect to the development of Portion 46 of the Farm No. 794, Stellenbosch, an initial layout proposal (alternative) was developed based on preliminary site assessment. Through the input of the specialists, consultants, CAER Committee and a public open day held, the final proposed layout (Alternative 2) was defined and authorised on 01 December 2003.

No-Go Alternative

The no-go alternative for the amendment of the original environmental approval entails maintaining the current status quo on the site. This means discarding the proposal of splitting the original environmental approval. The no-go alternative was deemed undesirable as the Schonenberg Estate would remain the responsible entity for the Waterstone Village Shopping Centre as well as the Schonenberg Estate. The Oakdale Trust currently deals with all operations of the Waterstone Village Shopping Centre and as such, the no-go alternative is deemed undesirable as this alternative would mean that the Schonenberg Homeowners Association would remain legally responsible for issues relating to the Waterstone Village Shopping Centre.

4. Impact Assessment and Mitigation Measures

4.1 Planning Context and Surrounds

The development proposal is in line with the Hottentots-Holland Guide Plan, which, after being amended in February 1999, recommends urban development on the site. According to the Helderberg Structure Plan, the site is not regarded as highly productive agricultural land and can therefore be released for urban development. The Somerset West Structure Plan does not include the site, but it does include the area opposite the northern boundary of the site, on the Somerset Main Road. According to this structure plan, the areas to the north and east of the site are shown as suitable for residential development. This means that the proposed use of the site would be in character with the adjoining area. According to the Helderberg Urban Edge Study, Portion 46 of the Farm No. 794, Stellenbosch falls inside the area earmarked for urban development.

4.2 Biophysical

The development site is bordered on three sides by the N2 highway, the R44 and the Somerset West Main Road. A small wetland is located in the north eastern corner of the site. A small river also extends through the site. The specialist studies conducted included a traffic impact study. A number of issues of concern were raised during the scoping phase of the EIA process by the I&APs, the project team and specialists. Mitigation measures were incorporated into the proposal in order to reduce potential environmental impacts.

4.3 Traffic Impact

The likely traffic impact of the development proposal was previously investigated and the site access proposals were evaluated in terms of minimum spacing requirements, geometric layout and road safety. The traffic impact study report prepared by Hawkins Hawkins & Osborn concluded that the development proposal can be accommodated, provided that the recommended improvements to the road network in the vicinity of the site are implemented and these improvements to the road network are continuing to be improved.

No amendment to the internal road network is required for the Schonenberg Estate as part of the amendment application. The impact on traffic as a result of the splitting of the original environmental approval is therefore deemed to be of low significance.

4.4 Freshwater

The following aquatic habitats are within the development site:

- Area 1: Dam and drainage trench at western end of the site
- Area 2: Seep
- Area 3: Seasonal pans
- Area 4: Artificial pond with Typha and grassy seep
- Area 5: Typha and Pennisetum marsh
- Area 6: Eroded drains

Based on the wetland type, plant communities, bird utilization and frog habitat, the seasonal seep and pans are regarded as being of moderate conservation importance. The other areas have low importance in terms of habitat provision or wetland function. The design of the site (Alternative 2) effectively mitigates most of the potential impacts associated with the development of the site, given the moderate conservation status of the wetland and the tolerance of their fauna.

Sound ecological management of the wetland habitats within the site will involve the implementation of identified mitigation measures regarding nutrient enrichment, invasion by aliens and construction impacts, as well as the provision and implementation if necessary of a rehabilitation plan in the event of damage caused by a large flood.

4.5 Heritage Resources

Documentary research identified that the wetland areas in the north-eastern and southern edges of the site, as well as the line water channel extending across the site have historical significance. However, Aikman Associates concluded that the proposal poses no threat to the areas of cultural/historical significance, as these have been sufficiently incorporated into the design layout of the development proposal and their inclusion within the proposal as a design and amenity feature ensures their conservation (Alternative 2). As a result, they are conserved as a cultural/environmental asset.

4.6 Visual and Sense of Place

It was concluded that the proposed development would have an impact of high significance in terms of the change in land use, from agricultural to sub-urban estate comprising of mixed land uses. However, in view of the planned amelioration measures (Alternative 2), the impact of the development proposal on the site will be of moderate significance.

A high degree of confidence was affirmed in that the proposed integrated stormwater and recreational systems in combination with the landscape street tree plantings and preserved seasonal seep and Pennisetum marsh will enhance the appeal of development and contribute positively to its visual character within the broader context.

No amendment to the approved layout for Schoenberg Estate is proposed as part of the amendment application. The impacts on visual appeal and the sense of place currently enjoyed by residential of Schoenberg Estate and onlookers in the surrounding area as a result of the amendment of the original environmental approval is therefore deemed to be negligible.

4.7 Services

Sufficient unallocated capacity exists to supply the required bulk services for the development proposal.

The development is associated with both negative and positive impacts.

Negative impacts include:

- Some noise, dust and visual impacts during the construction phase.

Positive impacts include:

- The provision of some temporary and some permanent employment opportunities; and
- The provision of housing.

5. National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles

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

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

6. 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-----