



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/13269

Our File Reference Number: Farm 1685/11, Paarl Division

Your Reference Number: FE 11

Enquiries: Ulrich von Molendorff

Contact No: 021 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL [REDACTED]

Sir / Madam

APPLICATION IN TERMS OF SECTION 15(2)(G) OF THE STELLENBOSCH MUNICIPAL LAND USE PLANNING BYLAW, 2015 FOR A PERMISSION IN TERMS OF THE ZONING SCHEME BYLAW TO ALLOW AN ADDITIONAL USE (TECHNICAL APPROVAL) AND DEPARTURE IN TERMS OF SECTION 15(2)(b) OF THE STELLENBOSCH MUNICIPAL PLANNING BYLAW (2015); FARM NO. 1685/11, PAARL

1. The above application refers.

2. The duly authorised decision maker has decided on the above application as follows:

2.1 That the application in terms of Section 15(2)(g) of the Land Use Planning By-law (2015) for a permission required in terms of Section 13(6) of the Zoning Scheme By-law (2019) to permit an additional use for more than one employee housing unit, to accommodate an assistant farm manager on Farm No. 1685/11, Paarl Division;

2.2 That the application in terms of Section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-Law (2015) for a departure to increase the allowed coverage for an employee housing unit from 120m² tot ±272.38m² in order to partially demolish, extend and convert an existing cottage on Farm No. 1685/11, Paarl Division;

BE APPROVED in terms of Section 60 of the said Bylaw and subject to conditions of approval.

2.3 The approval is subject to the following conditions imposed in terms of Section 66 of said Bylaw:

- 2.3.1 The approval only applies to the application under consideration, as indicated on the referenced building plan (Project No. J365, Drawing No. 100, 101, 103, 203 date 29/09/2021 and drawn by Slee & Co Architects Pty Ltd), attached as **ANNEXURE A** and shall not be construed as authority to depart from any other legal prescriptions or requirements from Council or other legislation or Bylaws or Regulations that may be applicable.
- 2.3.2 The area for the employee housing unit be limited to ±272.38m².
- 2.3.3 Building plans must be submitted for the proposed building work and must generally be in accordance with the referenced building plan (Project No. J365, Drawing No. 100, 103, 203 date 29/09/2021 and drawn by Slee & Co Architects Pty Ltd), attached as **ANNEXURE A**.
- 2.3.4 The conditions listed in the memorandum dated 16/02/2022 (Civil) and 13/05/2022 (Electrical) from the Municipal Director: Infrastructure Services attached as **ANNEXURE C** be adhered to.

2.4 **The reasons for the above decision are as follows:**

- 2.4.1 The application only entails partial demolition, conversion and extension of an existing cottage to make provision for an additional farm employee, who are directly involved in managing the agricultural activities on site.
- 2.4.2 The extend of the extension is not visually intrusive and the proposed building will complement the existing architectural design of surrounding buildings.

2.5 **Matters to be noted;**

- 2.5.1 The conditions from the South African Heritage Resources Agency (SAHRA) in **ANNEXURE E** must be adhered to.
- 2.5.2 DEADP reserves the right to revise or withdraw its comments and request further information based on any new or revised information (See **ANNEXURE F**).

6. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

7. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

- (a) The personal particulars of the Appellant, including:
 - (I) First names and surname;
 - (II) ID number;
 - (III) Company of Legal person's name (if applicable)
 - (IV) Physical Address;
 - (V) Contact details, including a Cell number and E-Mail address;

- (b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

- (c) The grounds of the appeal which may include the following grounds:
 - (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);

 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.

- (d) whether the appeal is lodged against the whole decision or a part of the decision;

- (e) if the appeal is lodged against a part of the decision, a description of the part;

- (f) if the appeal is lodged against a condition of approval, a description of the condition;

- (g) the factual or legal findings that the appellant relies on;

- (h) the relief sought by the appellant; and

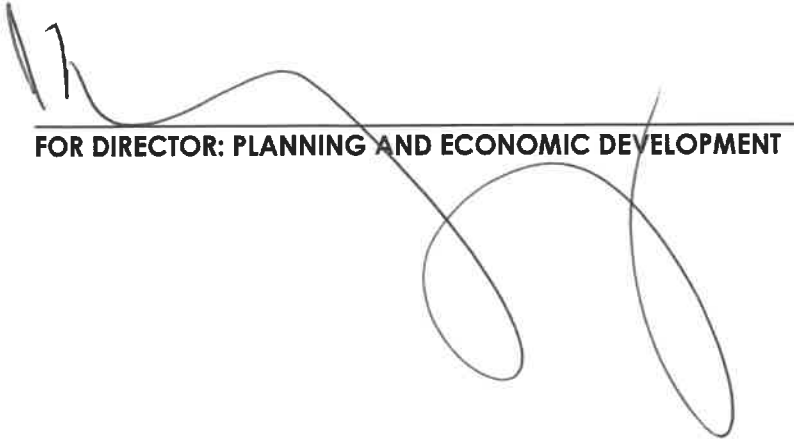
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;

- (j) That the appeal includes the following declaration by the Appellant:

- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
- 8. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
- 9. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.
- 10. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
- 11. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
 - (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
- 12. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.

13. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

Yours faithfully



A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

FOR DIRECTOR: PLANNING AND ECONOMIC DEVELOPMENT

15/6/2022
DATE:

ANNEXURE A
Locality Plan and Building Plan

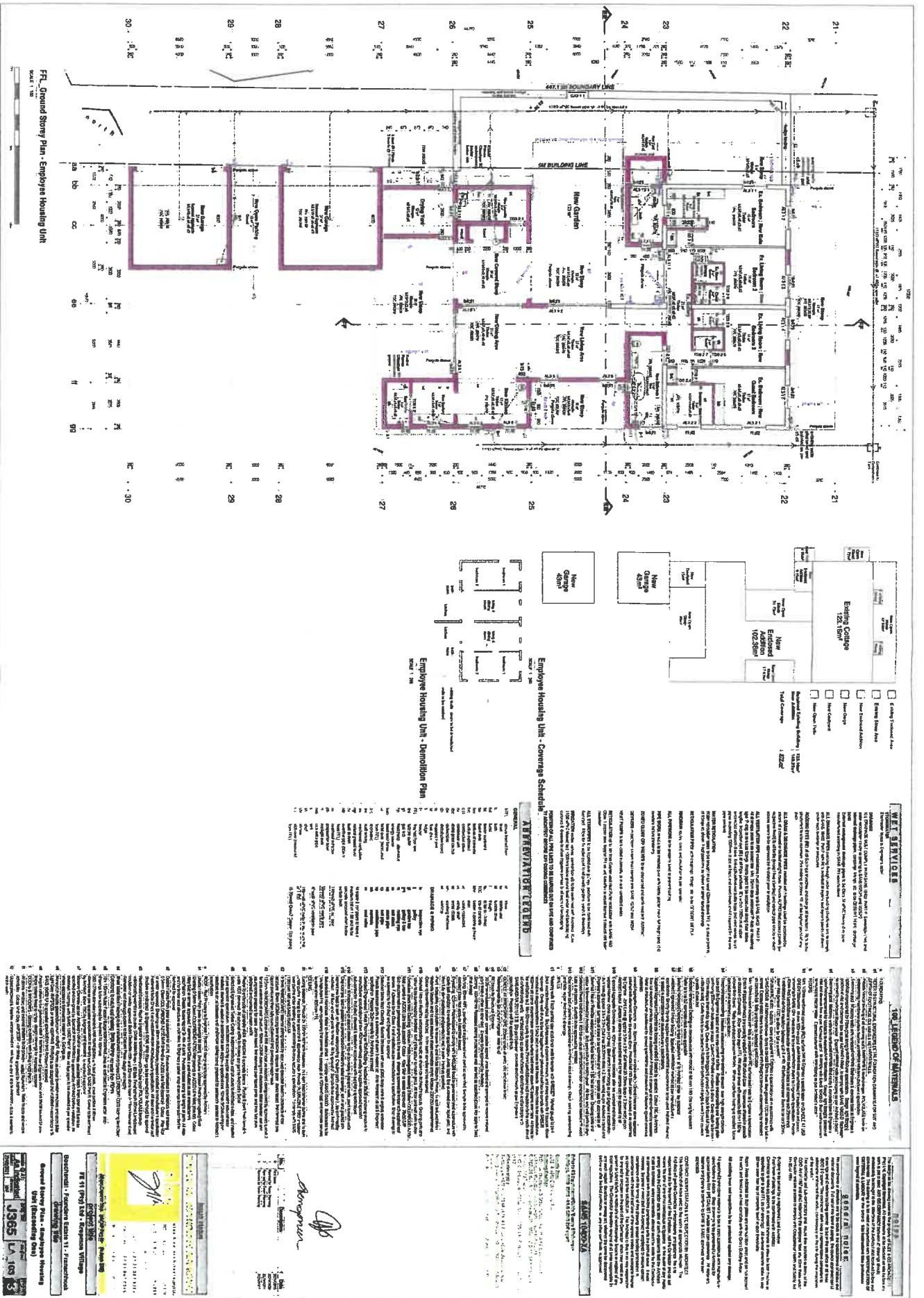


Figure 9: Employee Housing Unit (Exceeding one unit): Floor Plan (Source: Slee and co. architects)

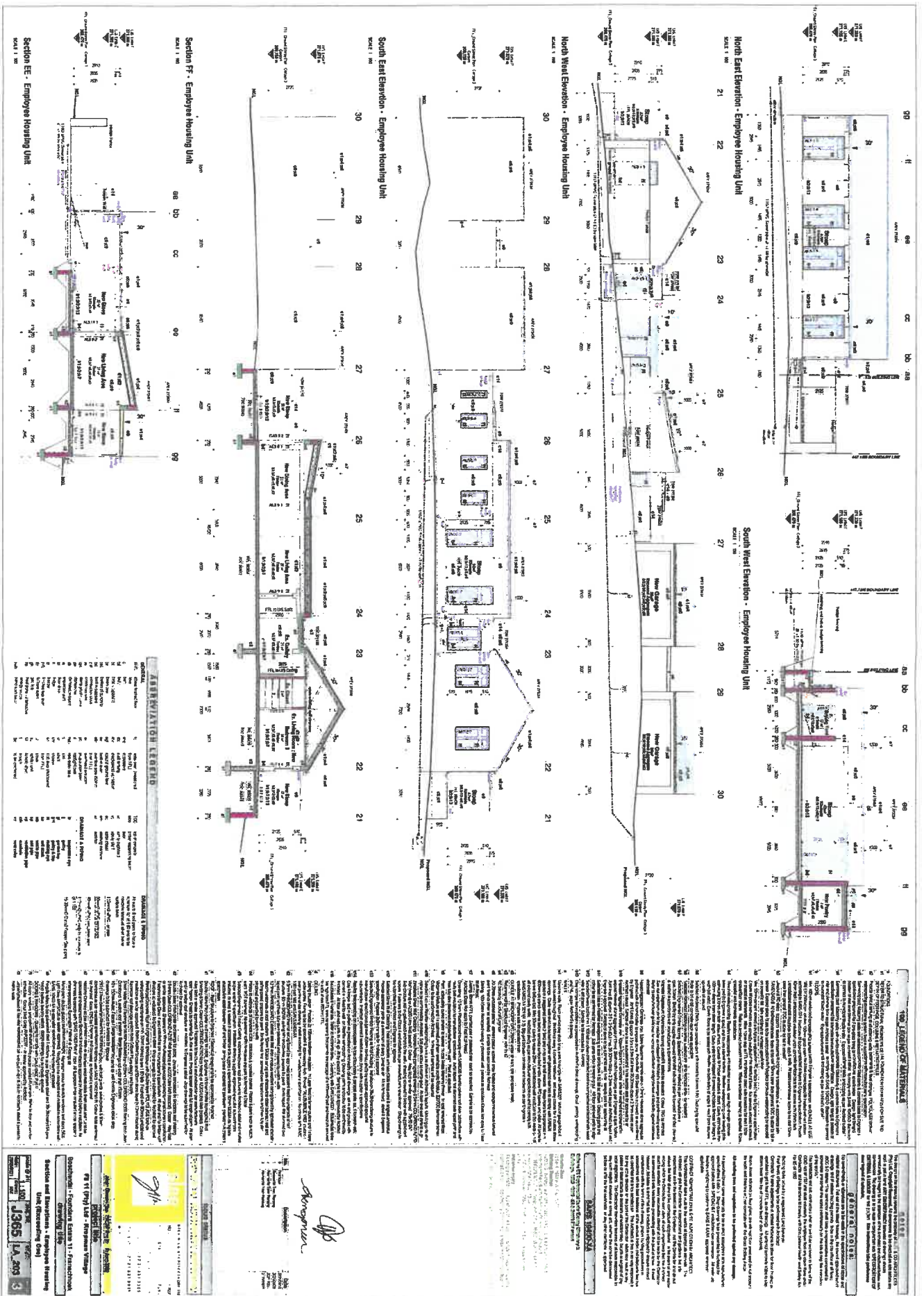


Figure 10: Employee Housing Unit (Exceeding one unit): Sections and Elevations (Source: Stee and co. architects)

ANNEXURE C
Comments from internal departments
(Engineering and Spatial)



STELLENBOSCH MUNICIPALITY
STELLENBOSCH·PNIEL·FRANSCHHOEK

MEMORANDUM

DIREKTEUR: INGENIEURSDIENSTE
DIRECTORATE: INFRASTRUCTURE SERVICES

To ▫ Aan: Director: Planning + Economic Development
Att Aandag N Kats
From ▫ Van: Abdullah Daniels (Development)
Date ▫ Datum: 16/02/2022
Our Ref ▫ Ons Verw: Civil Lu 2249
Re ▫ Insake: Farm 1685/11 Boschendal estate Paarl division: Temporary
Departure and technical approval.

STELLENBOSCH MUNICIPALITY
PLANNING AND DEVELOPMENT SERVICE

16 MAY 2022

RECEIVED

FILE NR:

SCAN NR:

F 1685/11 P

The application is for the following items:

a) An Additional Use as stipulated in Chapter 20, Section 20(1) of the Stellenbosch Municipality Zoning Scheme By-law of 2019, subject to Technical Approval on application in terms of Chapter 4, Section 13(6) of the Stellenbosch Municipality Zoning Scheme By Law of 2019, to permit an Employee Housing Unit (exceeding one unit); and

b) An application for a permanent departure from the development parameters in terms of section 15(2)(b) of the Stellenbosch Municipality Land Use Planning By-law of 2015 in respect of coverage exceeding 120m² as stipulated in Section 2,14(1) of the Stellenbosch Municipality Zoning Scheme By-law. 2019.

The application is recommended for approval, **subject to the following conditions:**

1. Water

1.1 The quality of the water stored and distributed by the owner has to comply with SANS 241 Drinking Water Quality Standards. Current proof of compliance must be available on request.

2. Waste Water and Sewage

2.1 The proposed conservancy tank details and drainage layout plans must be provided at building plan stage.

3. Solid Waste

3.1 Please note: Solid waste must be removed from the site to a lawful solid waste disposal site in accordance with the requirements of section 26 of the National Environmental Management Waste Act 2008 (Act 59 of 2008).



ABDULLAH DANIELS

PRINCIPAL TECHNICIAN: DEVELOPMENT (INFRASTRUCTURE SERVICES)

V:\2.0 DEVELOPMENT\00 Developments\2249 (AD) Farm 1685-11 Paarl Division (LU -13269)\2249 (AD) Farm 1685-11, Boschendal, workers cottage.doc

ELETRICITY SERVICES: CONDITIONS OF APPROVAL
Erf 1685-11

GENERAL COMMENT:

1.

CONDITIONS

- 2. The electrical consulting engineer responsible for the development shall schedule an appointment with Manager Electricity Services (Infrastructure Services) before commencing with the construction of the development. As well as to discuss new power requirements if required.**
3. The development's specifications must be submitted to Stellenbosch Municipality (Infrastructure Services) for approval. i.e.
- a) The design of the electrical distribution system
 - b) The location of substations(s) and related equipment.
4. A separate distribution board/s shall be provided for municipal switchgear and metering. (Shall be accessible & lockable).
5. 24-hour access to the location of the substation, metering panel and main distribution board is required by Electrical Services.
6. Appropriate caution shall be taken during construction, to prevent damage to existing service cables and electrical equipment in the vicinity, should damage occur, the applicant will be liable for the cost involved for repairing damages.
7. On completion of the development, Stellenbosch Municipality (Electrical Services) together with the electrical consulting engineer and electrical contractor will conduct a take-over inspection.
8. No electricity supply will be switched on (energised) if the Development contributions, take-over Inspection and Certificate(s) of Compliance are outstanding.
9. All new developments and upgrades of supplies to existing projects are subject to **SANS 10400-XA** energy savings and efficiency implementations such as:
- Solar water Heating or Heat Pumps in building
 - Energy efficient lighting systems
 - Roof insulation with right R-value.
 - In large building developments;
 - Control Air condition equipment tied to alternative efficiency systems
 - Preheat at least 50% of hot water with alternative energy saving sources
 - All new hot water pipes to be clad with insulation with R-value of 1
 - Provide a professional engineer's certificate to proof that energy saving measures is not feasible.
10. If connecting a generator or solar panels for backup, the generator or solar panels needs to comply to SANS10142



Signature

13/05/2022

Date

ANNEXURE E
South African Heritage Resources Agency
(SAHRA).

Our Ref:



an agency of the
Department of Arts and Culture

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South African Heritage Resources Agency | 111 Harrington Street | Cape Town
P.O. Box 4637 | Cape Town | 8001
www.sahra.org.za

Enquiries: Gcobani Sipoyo
Tel: 021 465 2198
Email: gsipoyo@sahra.org.za
CaseID: 16258

Date: Friday May 21, 2021
Page No: 1

Final Decision

In terms of Section 27(18) of the National Heritage Resources Act (Act 25 of 1999)

Attention: FE (Pty) Ltd

Proposed alterations and additions to four cottages situated on Portion 11 of Farm 1685, Nieuwedorp, Founders Estates, Boschendal. The proposed development involves the alteration of a national heritage site (NHS) being the Boschendal Founders Estates (FE) situated in the Dwars River Valley of the Stellenbosch Municipality of the Western Cape. Drawings: J365 W_105 01/24/21 Site Section; J365 W_100 02/04/21 Site Plan; J365 W_101 2021/01/18 Judy and Nola Cottage; J365 W_102 01/28/2021 Bailey and Nick Cottage; J365 W_103 01/28/2021 Amy and Tal Cottage; J365 W_104 01/28/2021 Derek Cottage; J365 W_106 02/18/2021 32m Flood Line Structures.

Thank you for submitting your application for the proposed alterations and additions to four cottages situated on Portion 11 of Farm 1685, Nieuwedorp, Founders Estates, Boschendal This application is made under Section 27(18) and Section 45 of the National Heritage Resources Act no.25 of 1999.

The following Drawings were submitted as part of the application:

J365 W_105 01/24/21 Site Section

J365 W_100 02/04/21 Site Plan

J365 W_101 2021/01/18 Judy and Nola Cottage

J365 W_102 01/28/2021 Bailey and Nick Cottage

J365 W_103 01/28/2021 Amy and Tal Cottage

J365 W_104 01/28/2021 Derek Cottage

J365 W_106 02/18/2021 32m Flood Line Structures.

Kropman Cottages, Nieuwedorp, Founders Estates, Boschendal

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Enquiries: Gcobani Sipoyo
Tel: 021 465 2198
Email: gsipoyo@sahra.org.za

Date: Friday May 21, 2021
Page No: 2

CaseID: 16258

A3. Project Description:

The proposal is to adapt, upgrade, extend and reuse the four existing, vacant, workers' cottages located on the Nieuwedorp werf on the slopes behind the homestead and barn. The renovation and adaptation provides four dwellings for an interrelated family group. This involves the consolidation of each twinned unit into a single dwelling, with an upgrade to services, built extensions and the addition of garages and external stoeps and spaces with pergolas. The massing of the existing cottages will be retained. The front/north-eastern facade will be largely retained as is, with the existing living spaces reserved for bedroom accommodation, while the rear kitchen and bathroom space is demolished. This demolition will allow for new additions to the existing structures. The proposed intervention remains single storey to retain the existing character. Landscaping will remain mostly informal using existing landscape elements; the farm access road will be upgraded and gravel finished. The intention is to retain the agricultural character of the site. (S.Winter; Page 11; 2021)

Expanded Description: "The proposal is to adapt, upgrade, extend and reuse four vacant, workers' cottages located on the Nieuwedorp werf behind the homestead and barn. This involves the consolidation of each double unit into a single dwelling, an upgrade to services, building extensions and the addition of garages, stoeps and pergolas. The massing of the existing cottages will be retained. The front/north-eastern facade will be largely retained with existing living spaces reserved for bedroom accommodation and the rear kitchen and bathroom space to be demolished. This demolition will allow for new additions to the existing structures. The proposed intervention remains single storey to retain the existing character. Landscaping will remain mostly informal using existing landscape elements; the farm access road will be upgraded and gravel finished. The intention is to retain the agricultural character of the site."(Expanded Motivation: S.Winter,2021)

Recommendations:

SAHRA recommends the adoption of the development criteria for interventions within a farm werf set out in the Stellenbosch Heritage Inventory (2018) namely:



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- Respect traditional werf settlement patterns by considering the entire werf as the component of significance. This includes the backdrop of the natural landscape against which it is sited, as well as its spatial structure. Any development that impacts the inherent character of the werf component should be discouraged.
- Interventions on the werf must respect the layout, scale, massing, hierarchy, alignments, access, landscaping and setting.
- Historical layering must be respected and protected. Alterations and additions to conservation-worthy structures should be sympathetic to their architectural character and period detailing. Inappropriate 'modernisation' of conservation-worthy structures and traditional werfs should be prevented. Inappropriate maintenance can compromise historic structures. Heritage expertise is required where appropriate.
- Ensure visual harmony between historical fabric and new interventions in terms of appropriate scale, massing, form and architectural treatment, without directly copying these details. Distinguish old from new.
- Encourage the multifunctional use of existing heritage sites and resources with different but sensitive new uses. Development and adaptive re-use that caters for the integration of different modes of access and a greater diversity of users should be encouraged.
- Encourage interventions to revive heritage features in decline, by engaging with innovative development proposals where appropriate, and considering sensitive adaptive reuse strategies for each, specific heritage resource.
- Adaptive strategies need to take the surroundings as well as the structures into account.
- Where the historic function of a building is still intact, the function has heritage value and should be protected

SAHRA Built-environment Unit has no objection to the proposed work provided that all heritage related principles are adhered to and the recommendation set out in the report are followed. Should you have any further inquiries concerning said permit please do not hesitate to contact the office of the Built Environment Unit: Manager of Built Environment Unit: Mr Ben Mwasinga at bmwasing@sahra.org.za or Mr Gcobani Sipoyo at gsipoyo@sahra.org.za.



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Permit Conditions:

1. If Rennie Scurr Adendorff Architects or Principal Agent appointed is not to be present on the site at all times then SAHRA must be provided with the names and qualifications of the authorized representatives.

2. The activities will consist of:

- All relevant excavations and preparation of the site for construction
- Removal and disposal of all waste material related to construction

- The building of the structure and making good

according to documentation

3. All waste material and leftover equipment will be removed from the site once the construction has been completed, and the site will be left in the manner it was found (save for the new action).

4. The landowner must be consulted before any intervention and (permit holder) or a representative of the the landowner should be on site on the first day of the action).

5. It is understood that Revel Fox Architects will photograph the affected area

prior to the construction and again after the construction has been completed and submitted to SAHRA with as built drawings highlighting any revisions.

6. A final report on the results of the activities in the form of a closing report should be submitted to SAHRA by no later than 30 days after final completion of works by a contractor on site.

7. It is the responsibility of the permit holder to obtain permission from the landowner for each visit, and to ensuring that she has an understanding with the landowner concerning: the number of visitors and workers;

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Date: Friday May 21, 2021

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speed limits on access roads; possible prohibitions on off-road driving; size, type and number of vehicles permitted; possible prohibitions on trespassing beyond the site; disturbing fauna, flora or substrate; appropriate hours of visiting and working on the site; use of firewood, electricity and water; lighting fires and the prevention of uncontrolled fires and any fencing necessary to protect livestock. Conditions of access imposed by the landowner must be observed.

8. SAHRA shall not be liable for any losses, damages or injuries to persons or properties as a result of any activities in connection with this permit.

9. SAHRA reserves the right to cancel this permit by notice to the permit holder.

10. This permit is subject to a general appeal and may be suspended should an appeal against the decisions be received by SAHRA within 14 days from the date of the permit. SAHRA may not be held responsible for any costs or losses incurred in the event of the suspension or retraction of this permit.

11. Should SAHRA deem any of the works be outside the remit and principles stipulated within the National Heritage Resources Act No. 25 of 1999. SAHRA shall inspect the site and should there be any contravention noted. A cease works order shall be issued by SAHRA and remedial action sort in order to preserve the significance of the site.

Should you have any further queries, please contact the designated official using the case number quoted above in the case header.

Yours faithfully

Gcobani Sipoyo
Heritage Officer
South African Heritage Resources Agency

Kropman Cottages, Nieuwedorp, Founders Estates, Boschendal

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A handwritten signature in black ink, appearing to read 'Ben Mwasinga', is written over a horizontal line.

Ben Mwasinga
Manager: Built Environment Unit
South African Heritage Resources Agency

ADMIN:

Direct URL to case: <https://sahris.sahra.org.za/node/565936>

Terms & Conditions:

1. This approval does not exonerate the applicant from obtaining local authority approval or any other necessary approval for proposed work.
2. If any heritage resources, including graves or human remains, are encountered they must be reported to SAHRA immediately.
3. SAHRA reserves the right to request additional information as required.

ANNEXURE F

**Department of Environmental Affairs and
Development Planning (DEADP)**



REFERENCE: 16/3/3/6/1/B3/28/1096/21
DATE OF ISSUE: 21 April 2021

The Proponent
FE11 (Pty) Ltd.
Boschendal Wine Estate, R310
PNIEL
7680

Attention: Ms. A. Kropman

Cell: 071 606 7102
E-mail: amykropman@gmail.com

Dear Madam

CONFIRMATION ON THE APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED EXTENSIONS TO THE EXISTING KROPMAN COTTAGES FOR RESIDENTIAL USE AND ASSOCIATED INFRASTRUCTURE ON FARM 1685/11 (FE 11), BOSCHENDAL ESTATE, PNIEL.

1. The checklist for the determination of the applicability of the EIA Regulations, 2014 (as amended) received via electronic mail correspondence by this Department on 30 March 2021, this Directorate's request for additional dated 16 April 2021, the additional information received via electronic mail correspondence on 16 April 2021, the request for additional information dated 20 April 2021 and the additional information received via electronic mail email correspondence on 21 April 2021, refer.
2. This letter serves to confirm the applicability of the NEMA EIA Regulations, 2014 (as amended), with respect to the proposed development.
3. Based on the information provided by you, the following is noted:
 - 3.1. The existing four cottages have been developed prior to 1953;
 - 3.2. The existing 4 cottages will be upgraded and expanded by approximately 1726.16m² and will be for residential use;
 - 3.3. New sewer and water pipelines with a diameter less than 0.36m and less than 1000m in length will be installed;
 - 3.4. Infrastructure for the transmission and distribution of electricity with a capacity of less than 33kilovolts will be installed;
 - 3.5. A portion of the proposed development will be located within 32m of a watercourse. However, the development footprint to be located within 32m of a watercourse is 97.95m²;

- 3.6. The vegetation that historically occurred on the site has been identified as Boland Granite Fynbos which is not a critically endangered or endangered ecosystem. However, the area where the proposed development will be located has been lawfully transformed due to the farming activities on the proposed site; and
- 3.7. The proposed site is located outside urban area on a property zoned Agriculture Zone 1.
4. You are herewith informed that the proposed development does not trigger a listed activity in terms of the EIA Regulations, 2014 (as amended).
5. This determination is based on the following:
 - 5.1. No indigenous vegetation will be cleared;
 - 5.2. The development and expansion of structures and infrastructure within 32m of a watercourse will not exceed the threshold as set in terms of the EIA Regulations, 2014 (as amended) which is 100m²;
 - 5.3. The development of infrastructure for the bulk transportation of water and sewage will not exceed the threshold as set in terms of the EIA Regulations, 2014 (as amended) which is a diameter of 0.36m and a length of 1000m; and
 - 5.4. The development of infrastructure for the transmission and distribution of electricity will not exceed the threshold as set in terms of the EIA Regulations, 2014 (as amended) which is a capacity of more than 33kilovolts.
6. Written Environmental Authorisation is therefore not required from the competent authority (in this instance this Directorate) prior to the undertaking of the said development.
7. However, should any revision of your proposed development comprise any activities that constitute a listed activity as defined in Listing Notice 1, 2 or 3 of the NEMA EIA Regulations, 2014 (as amended), an application for Environmental Authorisation must be submitted to the competent authority and authorisation obtained before such activity(ies) may commence.
8. You are reminded of the general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"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."*
9. This Department reserves the right to revise or withdraw its comments and request further information based on any new or revised information received.

Yours faithfully

pp HEAD OF COMPONENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copies to: (1). Mr. S. van der Merwe (Stellenbosch Municipality)
(2). Ms. M. Penwarden (Chand Environmental Consultants cc)

E-mail: Schalk.VanderMerwe@stellenbosch.gov.za
E-mail: marielle@chand.co.za