

Verwysing
Reference E12/2/1-105-Farm 393/9&11,
Isalathiso Vlotenburg, Stellenbosch

Navrae
Enquiries JAAP DE VILLIERS
Imibuzo

Datum
Date Of issue
Umhla

Provincial Minister for Environment, Planning and Economic Development



The Director
SLC Development Services (Pty) Ltd
P.O.Box 1058
STELLENBOSCH
7599

Attention: Francois Smith

Tel : (021) 887 7258
Fax: (021) 887 7263

Dear Sir

**APPEAL: THE PROPOSED LONGLANDS ESTATE DEVELOPMENT ON PORTION
11 OF THE FARM LONGLANDS, NO 393, VLOTTENBURG.**

Having considered the information at my disposal I, the Minister for Environment, Planning and Economic Development hereby decide, in terms of section 35 (4) of the Environmental Conservation Act (No 73 of 1989), to vary the decision of the delegated official as set out herein below:

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed activity/development entails the following:

- An agricultural village comprising of 106 low cost houses
- A guest house comprising of 6 double free standing rooms with en-suite bathrooms, reception area, and two administration offices, dining room, lounge, bar, swimming pool, conference room, kitchen, food storage room, laundry area, staff area and garden areas surrounded by vineyards
- A farm component comprising the owners and farm manager's houses and farm outbuildings
- The installation of a sewage pipeline to remove sewerage from the Estate and Village to the Stellenbosch Treatment Works and a second pipeline to bring the treated sewage effluent back to the farm to be used for irrigation. These pipelines will be installed in the within the road reserve on the Northern side of the R310.

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- A water storage reservoir with a capacity of 170 MI.
- An upmarket residential estate comprising of 100 single residential units;
- A system of 5 small off stream dams with a capacity of 45 - 60MI; and
- A new access road from the M12 (Stellenbosch Arterial Road), that will connect the various components of the activity.
- Two (2) 5000 ℓ temporary fuel (diesel) storage tanks for use during the construction phase.

as indicated on Figure 7 (Plan 3, 21 May 2004) contained in the Environmental Impact Report for the proposed Longlands Estate Development on Portion 11 of the Farm Longlands NO. 393, Vlottenburg, Stellenbosch (dated 07 October 2004).

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:

- Item 1 (c) The construction, erection or upgrading of- with regards to any substance which is dangerous or hazardous and is controlled by national legislation-
 - (ii) Manufacturing, storage, handling, treatment or processing facilities for any such substance.
- Item 1 (d) The construction, erection or upgrading of roads, railways, airfields and associated structures.
- Item 1 (j) The construction, erection or upgrading of dams, levees and weirs affecting the flow of a river.
- Item 1(k) The construction, erection or upgrading of reservoirs for public water supply.
- Item 1(m) The construction, erection or upgrading of public and private resorts and associated infrastructure.
- Item 1(n) The construction, erection or upgrading of sewerage treatment plants and associated infrastructure.
- Item 2(c) The change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use.

hereinafter referred to as "the activity".

B. LOCATION:

The property is located on portion 11 of the Farm Longlands, No 393, Vlottenburg Stellenbosch. It is approximately 7km to the west of Stellenbosch, and is bounded by the M12 Stellenbosch Arterial Road (Polkadraai Road) to the north and the R310 Road to the southeast.

Co-ordinates: 33°57'20" South
 18°47'00" East

herein after referred to as " the property/site".

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C. APPLICANT:

SLC Development Services (Pty) Ltd
c/o Francois Smith
P.O.Box 1058
STELLENBOSCH
7599
Tel : (021) 887 7258
Fax: (021) 887 7263

D. CONSULTANT:

Withers Environmental Consultants
c/o Aubrey Withers
P.O.Box 6118
UNIEDAL
7612
Tel: (021) 887 4000
Fax: (021) 887 4000

E. SITE VISIT(S):

No site visits were undertaken.

F. DECISION:

In terms of Sections 22 and section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I hereby grant **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. One week's notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 1.1 Such notice shall make clear reference to the site location details and reference number given above.
 - 1.2 The said notice must also include proof of compliance with the following conditions described herein:

Conditions: 16, 17, 19, 21
- 2 Farm 393/11 and any future subdivisions thereof shall be incorporated into the Vlottenburg Special Management Area to form part of the Vlottenburg Hamlet designation as per the Winelands Integrated Development Framework. Farm 393/11 and any future subdivisions thereof shall be managed in accordance with the provisions of the Vlottenburg Special Management Area.

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- 3 Twenty percent (20%) of the upmarket Estate development shall contain 20% gap housing in the R2500 – R7500 income category.
- 4 Only the areas indicated for development on Figure 7 (Plan 3, 21 May 2004), i.e. the residential erven and Village shall be rezoned to sub-divisional area. The remainder of the property shall remain as Agriculture 1 and shall be used solely for agriculture and agriculture-related development in accordance with applicable zoning scheme.
- 5 The applicant shall provide the services for the Village component of the development.
- 6 The architectural and development guidelines for the proposed Longlands Country Estate and Village prepared by SLC Architectural Studios, a division of SLC Development Services (Pty) Ltd (Version 3, dated June 2004), must be adopted and implemented for both the Estate and Village components of the development.
- 7 The applicant shall establish a trust fund to be comprised of the applicant, elected members of the Vlottenburg Housing Forum (or a similar community structure with the same objectives), relevant municipal officials, representative(s) of organisation(s) representing the surrounding property owners and an impartial professional appointee (such as a firm of attorneys and auditors). The trust shall facilitate access to housing in the Village by assisting the residents of Vlottenburg to pay the deposit to access the Government Housing Subsidy, the shortfall in the actual costs of a house and the Government subsidy and for landscaping and maintenance etc. of the Agricultural Village.
- 8 The actual cost of building a Village house shall be determined and the applicant shall cover the shortfall between the actual cost and the Government subsidy.
- 9 The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 10 An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
- 11 The final layout of the proposed development must be approved by the Municipality.
- 12 The mitigation/rehabilitation measures and recommendations as stipulated in the Environmental Impact Report dated October 2004 compiled by Aubrey Withers of Withers Environmental Consultants must be implemented.
- 13 The applicant must compile and submit an acceptable Environmental Management Plan ("EMP") for both the construction and operational phases of the development that contains the recommendations and mitigation/rehabilitation measures

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stipulated in the Environmental Impact Report dated October 2004 compiled by Aubrey Withers of Withers Environmental Consultants and the conditions of this Record of Decision. The EMP must:

- 13.1 Be submitted to this Directorate at least three weeks prior to construction activities commencing. This must be approved prior to any land clearing and construction commencing.
- 13.2 Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
- 13.3 Define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent where applicable;
- 13.4 Determine the frequency of site visits;
- 13.5 Be included in all contract documentation for the construction and operation of the development.
- 14 An Environmental Monitoring Committee must be established and maintained at the cost of the applicant prior to construction commencing to ensure compliance with the EMP.
- 15 The exotic tree species must be removed from the entire property in a phased approach.
- 16 The temporary fuel storage tank must be bunded (110% of the proposed tank's capacity) to contain any possible spills and to prevent any infiltration of fuel into the ground.
- 17 The temporary fuel storage tank is to be installed and managed in accordance with the relevant Oil Industry Standards and SANS codes.
- 18 Antiflash nozzles must be installed at the end of the vent pipes with fuel dispensers equipped with automatic cut-off facilities to prevent fuel tank overfills.
- 19 Vehicles using the temporary fuel storage tanker must be located on a concrete hard standing area for spill containment.
- 20 During fuel tanker delivery, the tanker driver must be present at all times during product off loading. An emergency cut-off switch must be installed to immediately stop fuel delivery should an accident occur.
- 21 An on-site emergency response plan for the temporary fuel storage tank must be prepared or existing plan must be amended to suit the proposed activities and implemented in consultation with the Local Authority's Emergency Services. A copy of the emergency plan must be submitted to this Directorate for information purposes.

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- 22 The temporary fuel storage tanks must be removed after construction has been completed.
- 23 The requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), must be adhered to.
- 24 All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:

The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447
Pretoria
0001
- 25 The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
- 26 The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
- 27 The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
- 28 Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:

None.

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I. KEY FACTORS AFFECTING THE DECISION:

1. The decision is based on the culmination of the Environmental Impact Assessment process which includes the following:
 - The Final Scoping Report dated March 2004 and the Environmental Impact Assessment Report dated October 2004 as well the additional information requested by the Department, including the comment by Heritage Western Cape's comments (received on 27 January 2006);
 - The Record of Decision issued by the Director: Integrated Environmental Management (Region A) authorized part of the application on 22 May 2006;
 - The appeal was submitted by Stadler & Swart on behalf of Mr HF Smith (the applicant) lodged on 21 June 2006;
 - The comment received from the Stellenbosch Municipality in respect of the Longlands Development and
 - The existing policy and legislative framework and the principles of the National Environmental Management Act, 1998 (Act No. 108 of 1998) were considered during the decision-making process.

2. The following key factors from the Record of Decision issued Director: Integrated Environmental Management (Region A) on 22 May 2006 are endorsed:

2.1 Vegetation

The site, which originally comprised mainly West Coast Renosterveld vegetation, has been cleared of most of its natural vegetation for mining and the planting of vineyards. The West Coast Renosterveld remnants, including *Elytropappus rhinocrotis* (Renosterbos) *Elytropappus longifolius* (slangbos), *Elytropappus gnaphaloides*, *Erica Curviflora*, *Rhus Lucida* and *Olea europaea* (wild olive), are confined to isolated pockets ("islands") within and around the laterite mined area within the Western Sector of the Farm. The mined area has become inundated with exotic vegetation, notably *Acacia* and *Eucalyptus* on its fringes and the species diversity is low.

The Longlands property lies on an elevated spur with gentle slopes to the north towards the Sandrift River and to the East and the South East. No other water courses are present on the farm although an ephemeral seepage occurs within the quarry pit of the mined laterite.

2.2. Fauna

Due to the limited natural areas on the property, the biotic diversity is low. Birds are the most common wildlife on the property, predominantly associated with the wetland area. Evidence of small buck, porcupine and hares were noted. These animals are common in the rural farm landscapes.

2.3 Archaeology

The archaeological assessment undertaken on the Farm in 1998 by Colin Cambell showed that no significant archaeological artefacts were found on the property. A

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few acheulian tools were noted on the farm, however the significance of these artefacts is low.

2.4 Socio Economic

The economy is based on a strong agricultural, manufacturing and service centers as well as the growing tourism industry. The grape and wine industry is one of the primary economic bases of the region, with manufacturing and services largely directed towards serving agriculture. Stellenbosch University is also a major economic driver, bringing more than 20 000 students to Stellenbosch every year, creating considerable demand for accommodation. However, the need for low income housing is the greatest housing priority in the Municipal area.

With the gradual increase in the number of people migrating to Vlottenburg over the past few years (Dennis Moss Partnership, 2001), there is currently a need for low cost housing for the Vlottenburg community, i.e. predominantly for farm workers and their families, many of whom are living in poor conditions.

The need for low cost housing in Vlottenburg is evident by the existing inadequate housing in which many community members reside, which in most cases are overcrowded and compromise insufficient services leading to various health hazards, (i.e. no formal sewage system, stormwater system, running water or electricity). In 1998 the waiting list for houses in Vlottenburg comprised 216 families, and the demand for housing continues to increase. The proposed Longlands village will therefore have a positive impact on the standard of living for many members of the local community and will fulfil the vision for Vlottenburg and the development of the Vlottenburg Hamlet.

2.5 Sewage

The current means of sewage disposal for houses on the Longlands Farm comprises septic tanks and soak away drains, whilst the labourers cottages have no formal sewage system. There is no bulk sewage system in the area of the proposed development. The preferred method of sewage disposal for the proposed Longlands Estate and Village is a water borne sewage system, with a pump and a rising main along the R310 road reserve to the existing Stellenbosch Municipal Sewage Works (SSW). At present the Stellenbosch Sewage Works designated capacity is 25MI, of which 68% is currently being utilised. It has been confirmed by the Stellenbosch Municipality that the Stellenbosch Sewage Works has existing unused capacity to treat an additional 305 kl/day from various proposed development, which includes the de Bosch development.

2.6 Traffic

The traffic impact statement concluded that the proposed access on the Polkadraai Road is located at a position where it is considered acceptable both for arterial access management reasons and safe shoulder sight distance considerations.

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The District Roads Engineer has stated that there is no objection to the proposed localition of access to the proposed Longlands development from the Polkadraai Road.

2.7 Planning

The development of a rural settlement (Agricultural Village) at Vlottenberg was first proposed in the Stellenbosch Environs Sub-regional Plan (1996). This notion is supported by the Winelands Integrated Development Framework (WIDF) Spatial Plan (Rural and Urban Settlements Analysis, Policy and Proposals, 2001), which states that the size of rural settlement should depend upon the visual carrying capacity of the location, the value of the surrounding land for agriculture and historic development patterns.

2.8 Visual

Being elevated, the Longlands property is visually exposed from the approach road (R310) from Stellenbosch, from sections of the M12 opposite the Bonniemile smallholdings and from the Stellenbosch Kloof Road.

2.9 Alternatives

These were considered in the process as follows:

2.9.1 Densities and Layouts

Alternative A – comprised of 100 single residential units, the Longlands Village consisting of 106 houses, a guesthouse and a farm component (comprising owner and managers house).

Alternative B – comprises 85 single residential units, 35 group houses, a rural agricultural village consisting of 100 units, a guesthouse and a farm component (comprising of the owners and managers houses).

2.9.2 Sewage disposal

The following was considered:

- a) Conservancy Tanks;
- b) On site treatment by means of a private sewage package treatment plant ;or a biolytic treatment system
- c) A water borne sewage system, where the sewage generated by the proposed Longlands development (and future development within the proposed Vlottenberg Hamlet) would be removed to the Stellenbosch sewage works (via a pipeline along the R310 road reserve).

2.9.3 The No-Go Option

The EIA revealed that no significant negative environmental impacts are anticipated to result from the proposed development. The no go development alternative may inhibit the development proposals for the Vlottenberg Hamlet put forward in the planning undertaken by the local authority for the upliftment of the Vlottenberg node (community).

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2.10 Public Participation

The following issues were highlighted during the Public Participation Process namely: biophysical, socio economic, engineering and planning and process issues. All issues raised during the Public Participation Process have been addressed by the consultant and were considered by this Department in making this decision.

2.11 Authorities consultation:

- 2.11.1 In the letter dated 18 January 2006, Heritage Western Cape endorsed the recommendations as contained in the HIA conducted for the proposed development.
- 2.11.2 Cape Nature (previously Western Cape Nature Conservation Board) in their letter dated 30 August 2004 provided comments on the proposed development in terms of which the Renosterveld fragment on the property is of a low conservation value due to its small size.
- 2.11.3 The Department of Water Affairs and Forestry stipulated in their letter dated 24 June 2005 that they have no further objections to the development subject to their conditions as stated in their fax dated 19 April 2005 regarding the irrigation of water containing waste as well as the dams on the property.
- 2.11.4 The Department of Transport and Public Works indicated in their letter dated 11 May 2004 that they have no objections to the proposed siting of access from the MR177.
- 2.11.5 The Department of Agriculture in their letter dated 15 March 2005 stipulated that they have no objections to the proposed development and that the layout plan dated 14 March 2005 is the recommended plan.

3. Appeal Issues:

3.1 Planning considerations:

The development proposal as outlined in the application is an integrated development proposal which is only sustainable if implemented as a whole.

Relevant policies and planning frameworks were considered during this appeal and applied in the context of the socio-economic challenges and biophysical parameters that exists. This included a consideration of the relevant local, provincial and national policies and priorities.

The proposed development will result in an improvement to the living conditions and state of housing provision for farmworkers living on the subject farm and to the Vlotenburg community. The development as proposed will result in a minimal loss of agricultural land as the Estate component of the development is situated on a disused quarry whilst the Village component exists. In terms of the *quid pro quo* principle, the services to the Village will be developed by the applicant. The Village component will be designed and built according to the local architectural vernacular. The applicant will fund the difference between the subsidy and the cost of building a top structure that meets this design standard.

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- 3.2 The removal of alien/exotic vegetation is required as part of this decision. This is based on the information presented in the Scoping Report (WEC, March 2004: pp25 and Table 1: 3-4) in which it is stated:

"An alien vegetation clearing programme and follow-up weeding programme will be implemented ... to eradicate invasive alien vegetation from the property ... on a phased basis, i.e. until the replacement of indigenous species or non-invasive species are well established..."

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully


TASNEEM ESSOP
MINISTER FOR ENVIRONMENT, PLANNING AND ECONOMIC DEVELOPMENT

DATE OF DECISION: 27.3.07