

REFERENCE: 16/3/3/5/B3/38/1046/23
DATE: 19 July 2023

The Board of Directors
Diemersfontein Properties (Pty) Ltd.
PO Box 41
WELLINGTON
7654

Attention: Mr David Sonnenberg

Tel: (021) 864 5050
E-mail: sonnenberg@diemersfontein.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 8 AUGUST 2018: THE DIEMERSFONTEIN RESIDENTIAL DEVELOPMENT ON ERF NO. 12935, WELLINGTON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation ("EA") issued on 8 August 2018 (DEA&DP Ref.: 16/3/3/1/B3/38/1039/17) attached herewith, together with the reasons for the decision.
2. 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 summarised in the attached amended EA.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2023.07.19 09:40:41
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**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Mr Bernardus Bosman (Guillaume Nel Environmental Consultants)
(2) Ms Cindy Winter (Drakenstein Municipality)

E-mail: nardus@gnec.co.za
E-mail: Cindy.Winter@drakenstein.gov.za

EIA REFERENCE: 16/3/3/5/B3/38/1046/23
NEAS REFERENCE: WCP/EIA/AMEND/0000748/2023
DATE: 19 JULY 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 8 AUGUST 2018: THE DIEMERSFONTEIN RESIDENTIAL DEVELOPMENT ON ERF NO. 12935, WELLINGTON.

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

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 8 August 2018 (DEA&DP Ref.: 16/3/3/1/B3/38/1039/17) in terms of Part 1 of the EIA Regulations, 2014.

The EA is amended as set out below:

1. Condition 2 in Section E: Conditions of Authorisation:

The environmental authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.

Is amended to read:

*The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Amended Environmental Authorisation. The development must be concluded within **ten years** from the date of commencement of the listed activities.*

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the EA issued on 8 August 2018.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (as amended).

3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the amended Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the EA issued on 8 August 2018 (Attached as Annexure A), remain unchanged and in force.

D. 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

By facsimile: (021) 483 4174; or
By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/or via e-mail to DEADP.Appeals@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 DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. 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

**Zaahir
Toefy**

Digitally signed by
Zaahir Toefy
Date: 2023.07.19
09:41:06 +02'00'

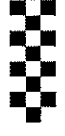
MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 19 JULY 2023

Cc: (1) Mr Bernardus Bosman (Guillaume Nel Environmental Consultants)
(2) Ms Cindy Winter (Drakenstein Municipality)

E-mail: nardus@gnec.co.za
E-mail: Cindy.Winter@drakenstein.gov.za

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ANNEXURE A: ENVIRONMENTAL AUTHORISATION ISSUED ON 8 AUGUST 2018



Directorate: Development Management (Region 2)

REFERENCE: 16/3/3/1/B3/38/1039/17
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2018-08-08

The Board of Directors
Diemersfontein Properties (Pty) Ltd
PO Box 41
WELLINGTON
7654

Attention: David Max Sonneberg

Tel: (021) 864 5093
Fax: (021) 864 2095

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE DIEMERSFONTEIN RESIDENTIAL DEVELOPMENT ON ERF NO. 12935, WELLINGTON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Euonell Visagie (Guillaume Nel Environmental Consultants) Fax: (021) 870 1873
(2) Shaun.Reece@drakenstein.gov.za (Drakenstein Municipality)



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/1/B3/38/1039/17
NEAS REFERENCE: WCP/EIA/0000322/2017
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 2018 -08- 08

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 DIEMERSFONTEIN RESIDENTIAL DEVELOPMENT ON ERF NO. 12935, WELLINGTON.

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 Layout and Offset Alternative 3, described in the Basic Assessment Report ("BAR"), dated 23 April 2018.

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

Diemersfontein Properties (Pty) Ltd
c/o Mr David Sonnenberg
PO Box 41
WELLINGTON
7654

Tel: (023) 864 5093

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 3679 Fax: +27 21 483 3633
E-mail: Bernadette.Osborne@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

Fax: (021) 864 2095

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	Project Description
<p>Listing Notice 1 – Activity Number: 27 <i>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance if indigenous vegetation is required for –</i> <i>(i) The undertaking of linear activity; or</i> <i>(ii) Maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>An area of 2.9ha containing indigenous vegetation will be cleared for the development.</p>
<p>Listing Notice 3 – Activity Number: 12 <i>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.</i></p> <p>(i) Western Cape:</p> <ol style="list-style-type: none"> 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; <i>ii. Within critical biodiversity areas identified in bioregional plans;</i> <i>iii. Within the littoral active zone or 100 metres inland from the 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;</i> <i>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</i> <i>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.</i> 	<p>The development will result in the clearance of approximately 800m² of the critically endangered Swartland Shale Renosterveld vegetation.</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 as it relates to the proposed development:

This alternative entails the development of 20 erven ranging from 850m² to 1075m² with a development footprint of 2.9ha. These dwellings will be clustered in pairs adjacent the proposed upgraded access road. This alternative creates adequate green corridors between grouped plots in order to facilitate the movement of Swarland Shale Renosterveld seeds between the sensitive lower dam area and the proposed biodiversity offset corridor. The proposed biodiversity offset corridor includes a connectivity area between Diemersfontein and the natural vegetation "koppie" to the east of the site, mapped as a Critical Biodiversity Area, and will be formalised through a Stewardship Agreement with CapeNature. The corridor will run along the river and the river banks will be rezoned for conservation purposes.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Erf No. 12935, Wellington and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Coordinates	33° 40' 11.41" South	19° 00' 30.87" East

The SG digit code is:
C05500100001293100000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan (including the biodiversity offset corridor).

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants
c/o Ms Euonell Visagie
PO Box 2632
PAARL
7620

Tel: (021) 870 1874
Fax: (021) 870 1873

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 Layout and Offset Alternative 3 described in the BAR dated 23 April 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the first listed activity.
4. 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.
5. 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

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 11, 17, 18 and 19

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 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 detailed in Section F below;

- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 the 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.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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.

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
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"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
12. 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.
13. Access to the site referred to in Section C above 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

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

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

15. 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 palaeontological 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.

16. 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.
17. The Stewardship Agreement with CapeNature and the Conservation Corridor Agreement with the neighbouring property owners for the biodiversity offset corridor must be finalised before construction commences. A copy of the signed agreements must be submitted to the Department for record purposes, prior to commencement of any site clearing or construction activities on the site.
18. A search and rescue exercise to translocate geophytes and other transplantable Swartland Shale Renosterveld species from the development footprint to the biodiversity offset corridor must be undertaken before construction commences in consultation with CapeNature.
19. The construction footprint must be clearly demarcated prior to commencement of any construction activities and all vehicles and construction related activities must be prohibited outside of the demarcated footprint area.

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 a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority 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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully



MR. HENRI FORTUIN

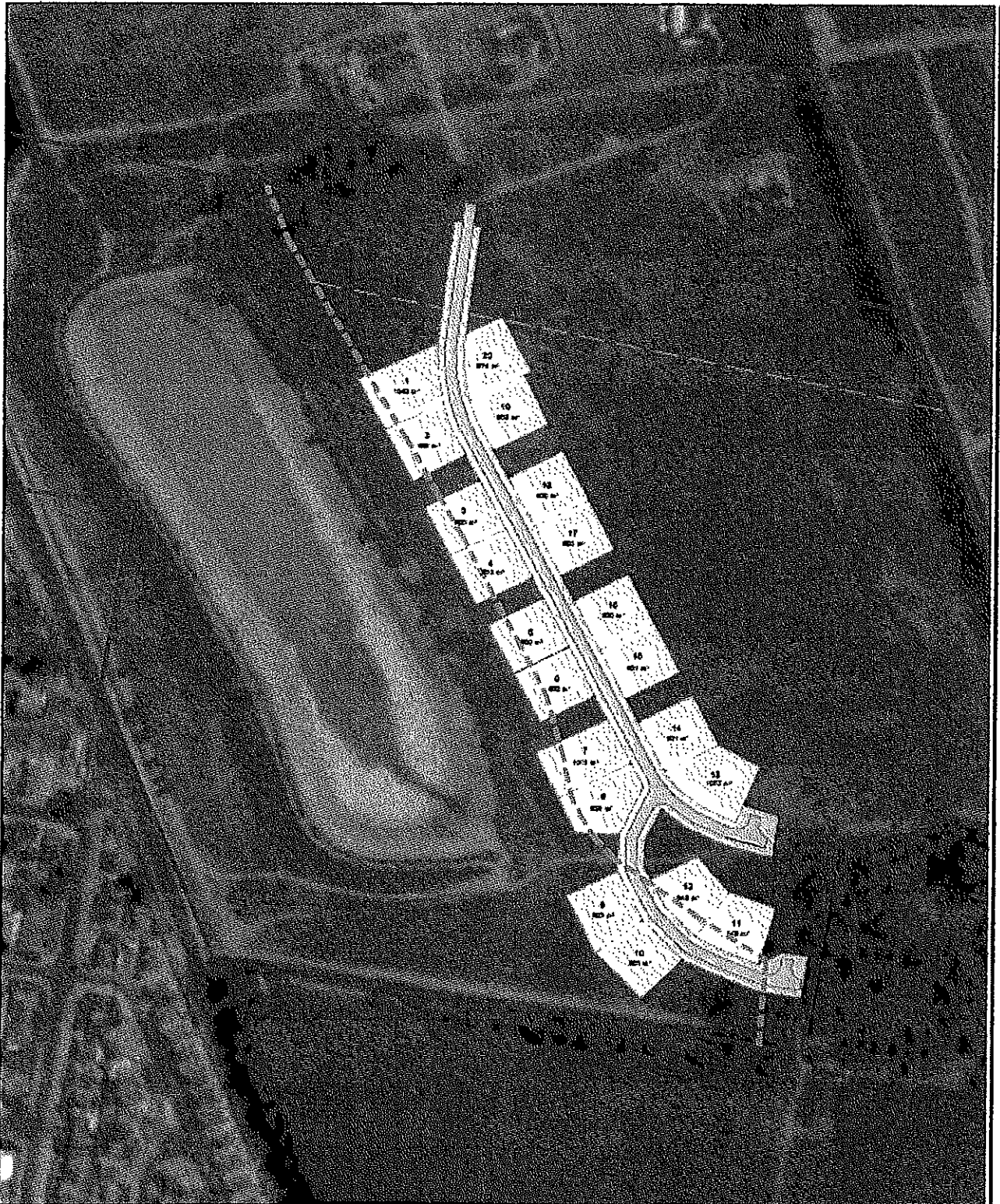
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 8-8-18

CC: (1) Eunell Visagie (Guillaume Nel Environmental Consultants)
(2) Shaun.Reece@drakenstein.gov.za (Drakenstein Municipality)

Fax: (021) 870 1873

**ANNEXURE 2: SITE PLAN
LAYOUT ALTERNATIVE 3 (PREFERRED ALTERNATIVE)**





SYMBOL	DESCRIPTION	AREA (sqm)	% AREA
[Dotted pattern]	RESIDENTIAL	1,177	71.2%
[Solid line]	ROAD	0.91	0.54%
[Dashed line]	SEMI WALL	0.91	0.54%
	TOTAL DEVELOPMENT	2,00	100

 THE SITE
 BOUNDARY OF SENSITIVE AREA

DIEMERSFONTEIN

**DEVELOPMENT CONCEPT
LOWER DAM SITE**


 SCALE 1:2,000



MARCH 2017 **Figure 11**

BIODIVERSITY OFFSET CORRIDOR (PREFERRED ALTERNATIVE)



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 26 October 2017, the EMPr submitted together with the final Basic Assessment Report on 23 April 2018 and the additional information received on 23 July 2018;
- 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 the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 23 April 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account in 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;
- the placing of a newspaper advertisement in the Paarl Post on 12 May 2016;
- giving written notice to the owners and occupiers of land adjacent to the site 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 13 May 2016;
- placing site notices on 16 May 2016;
- making the pre-application draft Basic Assessment Report available to I&APs for public review on 16 May 2016 and 13 April 2017;
- making the in-process draft Basic Assessment Report available to I&APs for public review from 10 November 2017; and
- making the revised draft Basic Assessment Report available to I&APs for public review from 16 March 2018.

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

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMP.

2. Alternatives

Layout Alternative 1

This alternative entails the development of 19 erven ranging from 740m² to 1055m² clustered in trios adjacent to the proposed access road with a development footprint of 2.13ha. This alternative was not preferred since it did not provide the spacious arrangement that the land owner envisioned for the development and as a result the intended panoramic views were also not as desired.

Layout Alternative 2

This alternative entails the development of 21 erven ranging from 850m² to 1075m² with a development footprint of 2.9ha. Access to the site will link to the existing internal road network of Diemersfontein Country and Wine Estate. 14 erven will be clustered in pairs along the access road up until the end where the road divides, making provision for seven additional dwellings. As envisioned by the land owner, all of these erven have views over the dam as well as panoramic views. Natural green corridors have been incorporated between the dwellings to sustain a functioning ecosystem. This alternative was however not preferred, since a portion of the development footprint encroaches into a sensitive botanical area resulting in a negative impact on the loss of critically endangered Swartland Shale Renosterveld vegetation.

Layout and Offset Alternative 3 (Preferred alternative herewith authorised)

This alternative entails the development of 20 erven ranging from 850m² to 1075m² with a development footprint of 2.9ha. These dwellings will be clustered in pairs adjacent the proposed upgraded access road. This alternative is an updated layout of Alternative 2 and include a reshuffling of the placement of houses on the site, creating adequate green corridors between grouped plots in order to facilitate the movement of Swartland Shale Renosterveld seeds between the sensitive lower dam area and the proposed biodiversity offset corridor. The proposed biodiversity offset corridor includes a connectivity area between Diemersfontein and the natural vegetation "koppie" to the east of the site, mapped as a Critical Biodiversity Area, and will be formalised through a Stewardship Agreement with CapeNature. The corridor will run along the river and the river banks will be rezoned for conservation purposes.

The No-Go Alternative

This alternative comprises not developing the site, thereby leaving it in its current state. This alternative was not preferred for the following reasons:

- The site which has been earmarked for urban development in the Spatial Development Framework of the Drakenstein Municipality will not create housing opportunities.
- It will not create employment opportunities during the construction and operational phase.
- The opportunity to establish a biodiversity offset corridor of approximately 30ha to conserve critically endangered Swartland Shale Renosterveld vegetation will be lost.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The proposed development will be located in the Diemersfontein Country and Wine Estate, inside the urban edge of Wellington and on an erf zoned for residential purposes. The development is therefore in line with the Spatial Development Framework of the Drakenstein Municipality and the approved structure plan for the municipality. It will provide housing, create employment

opportunities and ensure the rehabilitation and conservation of critically endangered vegetation occurring on the site.

3.2 Biophysical Impacts

The development is located on a site comprising of Swartland Shale Renosterveld, which is classified as a critically endangered vegetation type. The initial botanical assessment dated 21 May 2015, undertaken by Nick Helme Botanical Surveys identified a continuous area of uncultivated vegetation of high botanical sensitivity and conservation value surrounding the Lower Dam area. The remainder of the site was previously cultivated and disturbed and was considered to be of medium botanical sensitivity. A portion of the development footprint encroached into the area with high botanical sensitivity resulting in a high negative botanical impact. A follow-up botanical assessment was undertaken by Bergwind Botanical Surveys and Tours CC during September 2016, supporting the findings of the initial botanical assessment. It concluded that the development within the sensitive botanical area is not ideal from a botanical perspective since it will result in the loss of approximately 800m² intact critically endangered Swartland Shale Renosterveld. Due to the sensitivity of the site and the significance of the potential botanical impact, an offset was recommended to compensate for the loss of vegetation. A 30 ha biodiversity offset corridor was identified in consultation with CapeNature. The biodiversity offset corridor includes the sensitive area on the site, the areas located along the river and riverbanks to the south of the site, the Swartland Shale Renosterveld vegetation surrounding the dam on the eastern side of the site and green corridors between the plots, connecting the offset area to the natural vegetation "koppie" to the east of the site mapped as a Critical Biodiversity Area. This offset will formalised with CapeNature during a stewardship review process, which will determine the level of protection that needs to be applied. This will also include a signed written agreement between the land owner and the affected neighbouring property owners through which the biodiversity offset corridor will traverse. In addition, a search and rescue operation will be undertaken for the geophytes and any other transplantable renosterveld species found on the development site prior to the commencement of construction activities for relocation to the biodiversity offset corridor or for landscaping of the development site.

The development will result in both negative and positive impacts.

Negative Impacts:

The development will have a negative biophysical impact due to the loss of critically endangered vegetation on the site. These impacts will however be mitigated to a satisfactory level with the implementation of the formalised Stewardship Agreement which is a suspensive condition in this Environmental Authorisation, the preferred alternative and the EMPr (refer to Conditions 9, 17, 18 and 19 under Section E of this Environmental Authorisation)

Positive impacts:

This development will enable the sustainable conservation of an area of approximately 30ha of critically endangered Swartland Shale Renosterveld vegetation through a Stewardship Agreement with CapeNature. Employment opportunities will also be created during the construction and operational phase.

4. National Environmental Management Act 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.

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 National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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