



EIA REFERENCE: 16/3/3/5/B3/28/1038/22
NEAS REFERENCE: WCP/EIA/AMEND/0000627/2022
DATE OF ISSUE: 18 July 2022

The Board of Directors
Six 33 Venture 8 (Pty) Ltd
PO Box 3359

PAARL
7620

Attention: Mr Wilhelm van der Sluys

Cell: 071 348 4472
Email: Rinus@vdsprop.com/wilhelm@vdsprop.com

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 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 13 MARCH 2013 (DEA&DP: E12/2/4/1-B3/28-1004/11) FOR THE SIMONSVLEI DEVELOPMENT ON PORTION A OF PORTION 4 OF THE FARM VAN WYKS RIVER NO. 787, PAARL (NOW PORTION 16 OF FARM 787, VAN WYKS RIVER, PAARL).

1. With reference to the above application, the Department hereby notifies you of its decision to grant the amendment of the amended Environmental Authorisation issued on 13 March 2013 (DEA&DP Ref: E12/2/4/1-B3/28-1004/11) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Cahlan Williams (GNEC)
(2) Malcolm Lamour (Drakenstein Municipality)

Email: cahlan@gnec.co.za
Email: malcolm.lamour@drakenstein.gov.za

AMENDMENT ENVIRONMENTAL AUTHORISATION

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 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 13 MARCH 2013 (DEA&DP: E12/2/4/1-B3/28-1004/11) FOR THE SIMONSVLEI DEVELOPMENT ON PORTION A OF PORTION 4 OF THE FARM VAN WYKS RIVER NO. 787, PAARL (NOW PORTION 16 OF FARM 787, VAN WYKS RIVER, PAARL).

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 (as amended), the Department herewith **grants** the amendment of the Environmental Authorisation issued on 13 March 2013 (DEA&DP Ref: E12/2/4/1-B3/28-1004/11) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

1. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION:

The Board of Directors
Little River Trading 91 (Pty) Ltd
P.O Box 1260
7654

Tel: (011) 782 1114
Fax: (086) 694 8815

is amended to read:

The Board of Directors
Six 33 Venture 8 (Pty) Ltd
PO Box 3359
PAARL
7620

Cell: 071 348 4472
Email: Rinus@vdsprop.com/wilhelm@vdsprop.com

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 and will not change the scope of the Environmental Authorisation issued on 13 March 2013.
2. The amendment does not trigger any listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
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 amended Environmental Authorisation issued on 13 March 2013 (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 on which 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 on which 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 Organs 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 Organs 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 2659)
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 Appeal Authority at: Tel. (021) 483 2659, 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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 18 JULY 2022

Cc: (1) Cahlan Williams (GNEC)
(2) Malcolm Lamour (Drakenstein Municipality)

Email: cahlan@gnec.co.za
Email: malcolm.lamour@drakenstein.gov.za

Annexure A



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

Directorate Land Management (Region 1)

REFERENCE: E12/2/4/1-B3/28-1004/11

ENQUIRIES: Samornay Smidt

DATE: 15-3-13

The Board of Directors
Little River Trading 91 (Pty) Ltd
P.O. Box 1260
WELLINGTON
7654

Attention: Mr. A Preuss

Tel: (011) 782 1114

Fax: (086) 694 8815

Dear Sir

CORRECTION NOTICE: ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED SIMONSVLEI DEVELOPMENT ON PORTION A OF PORTION 4 OF THE FARM VAN WYKS RIVER NO. 787, PAARL.


1. The Environmental Authorisation ("EA") for the abovementioned, issued on 26 November 2012, and the electronic correspondence received by the Department on 13 March 2013, refer.
2. It came to our attention that you and your appointed Environmental Assessment Practitioner ("EAP") did not receive a faxed copy of the abovementioned EA and as a result did not notify the interested and affected parties as required in terms of Condition 3 of the EA.
3. In order to rectify the matter and allow you to comply with Condition 3 of the EA, kindly note that in terms of Section 47A(1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) the administrative error regarding the issuing of the EA is hereby corrected as follows:
 - 3.1 The date of the decision and the date of issue of the Environmental Authorisation namely 26 November 2012, is replaced with: "15 March 2013".
4. Please make the necessary corrections to your records and ensure that appropriate reference is made to this correction notice in correspondence, as well as that the notice is attached to the environmental authorisation for distribution purposes.

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 5828 Fax: +27 21 483 3633
E-mail: Samornay.Smidt@westerncape.gov.za

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

5. The Department apologises for any inconvenience caused.

Yours faithfully



MR. HENRI FORTUIN

DIRECTOR: LAND MANAGEMENT (REGION 1)

CC: (1) Ms E Kühn (Pieter Badenhorst Professional Services CC)
(2) Mr H Strydom (Drakenstein Municipality)

Fax: (086) 672 1916

Fax: (021) 807 4840

EIA REFERENCE NUMBER: E12/2/4/1-B3/28-1004/11
ENQUIRIES: S Smidt
DATE OF ISSUE:

The Board of Directors
Little River Trading 91 (Pty) Ltd
P.O. Box 1260
WELLINGTON
7654

Attention: Mr. A Preuss

Tel: (011) 782 1114
Fax: (086) 694 8815

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE PROPOSED SIMONSVLEI DEVELOPMENT ON PORTION A OF PORTION 4 OF THE FARM VAN WYKS RIVER NO. 787, PAARL.

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to Alternative 2 described in the Basic Assessment Report ("BAR") dated July 2011.

The granting of this environmental authorisation (hereinafter referred to as the "environmental authorisation") is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors
Little River Trading 91 (Pty) Ltd

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 483 5828 Fax: +27 21 483 3633
Samomay.Smidt@westerncape.gov.za

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

P.O. Box 1260
WELLINGTON
7654

Tel: (011) 782 1114
Fax: (086) 694 8815

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010–

Activity Number 18:

The infilling or depositing of any material of more than 5 cubic meters into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic meters from:

- (i) a watercourse;*
- (ii) the sea;*
- (iii) the seashore;*
- (iv) the littoral active zone, an estuary or a distance of 100 meters inland of the high water mark of the sea or an estuary, whichever distance is the greater -*

but excluding where such infilling, depositing, dredging, excavation, removal or moving:

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or*
- (b) occurs behind the development setback line.*

Activity Number 23:

The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or*
- (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -*

except where such transformation takes place for-

- (i) linear activities;*
- (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.*

Activity Number 37:

The expansion of facilities or infrastructure for the bulk transportation of water, sewage or stormwater where:

- (a) the facility or infrastructure is expanded by more than 1000 metres in length; or*
- (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more–*

excluding where such expansion:

- (i) relates to transportation of water, sewage or storm water within a road reserve; or*
- (ii) where such expansion will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.*

Activity Number 4:

The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

(d) In Western Cape:

- i. In an estuary;
- ii. All areas outside urban areas;
- iii. In urban areas:
 - (aa) Areas zoned for use as public open space within urban areas; and
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.

Activity Number 6:

The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.

(d) In Western Cape:

- i. In an estuary;
- ii. All areas outside urban areas;
- iii. In urban areas:
 - (aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;
 - (bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.

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

The applicant is herein authorised to undertake the following alternative related to the listed activities:

Alternative 2 entails the construction of a Retail facility/Offices (14 300m²), a storage facility (3 700m²), a wedding venue and associated infrastructure (47 200m²), a hotel (5 200m²), parking and access (480m²), and a package plant. The total footprint of all new buildings will be 70 400m².

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 4 of the Farm Van Wyks River, No. 787, Paarl.

The SG 21 digit code is: C0550000000078700004

Co-ordinates: 33° 47' 26.36" South
 18° 55' 56.72" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Pieter Badenhorst Professional Services cc
% Pieter Badenhorst
PO Box 1058

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activity within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–
 - 3.1 notify all registered Interested and Affected Parties ("I&AP's") of –
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
 - 3.2 draw the attention of all registered I&AP's to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below; and
 - 3.3 draw the attention of all registered I&AP's to the manner in which they may access the decision.
 - 3.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 3.4.1 informs all interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. Seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.

4. Seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.

- 4.1. The notice must make clear reference to the site details and EIA Reference number given above.

- 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2 and 3.

5. The holder is 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.

6. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.

7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.

8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

An application for amendment to the EMP must be submitted to the competent authority if any amendments are to be made to the EMP, and this may only be implemented once the amended EMP has been authorised by the competent authority. The EMP must be included in all contract documentation for all phases of implementation.

9. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activity will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.
11. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activity authorised by the

competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:

- 11.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity was lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
- 11.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
12. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
13. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity.
14. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
15. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
16. Departmental officials shall be given access to the property referred to in C above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
17. The activities which are authorised may only be carried out at the property indicated above.
18. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activities.
19. The following recommendations stipulated in the Freshwater Ecology Report dated March 2011, compiled by Toni Belcher, must be implemented and complied with:

- The treated wastewater must be treated to the General Limit as a minimum,
- Nutrient removal must take place, by creating a reed bed within the discharge channel between the treatment works and the Van Wyks River,
- The volume of treated wastewater discharged during the drier summer months must be reduced through the re-use of water, e.g. irrigation,
- The discharge point for the treated wastewater into the Van Wyks River must be downstream of the Simonsvlei wetland area,
- Rehabilitation of the Simonsvlei wetland area must take place by removing invasive alien plants from the wetland area.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010.

1. An appellant must –
 - 1.1. submit a Notice of Intention to Appeal to the Minister, within 20 (twenty) calendar days of the date of the decision.
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the Notice of Intention to Appeal, and
 - 1.3. within 10 (ten) calendar days of having lodged the Notice of Intention to Appeal, provide each person and Organ of State registered as an I&AP's in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the Notice of Intention to Appeal form, and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, Organ of State, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, Organ of State or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. ~~If the person, Organ of State or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, Organ of State or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.~~
4. All Notice of Intention to Appeal and appeal forms must be submitted by means of one of the following methods:

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 J. de Villiers
Room 305 A
3rd Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street,
Cape Town, 8001)

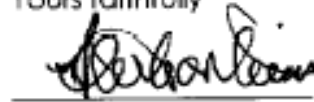
5. A prescribed Notice of Intention to Appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.deVilliers@westerncape.gov.za or URL http://www.westerncape.gov.za/eng/your_gov/406/services/11537/10199.

G. 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: LAND MANAGEMENT (REGION 7)~~

DATE OF DECISION: 26-11-2012

Copied to: (1) Ms E Kohn (Pieter Badenhorst Professional Services CC)
(2) Mr H Strydom (Drakenstein Municipality)

Fax: (086) 672 1916
Fax: (021) 807 4840

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

E12/2/4/1-B3/28-1004/11

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0000241/2011

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 17 January 2011 and received by the competent authority on 21 January 2011, the Basic Assessment Report ("BAR") received by the competent authority on 24 August 2011, the additional information received on 18 June 2012, 31 July 2012 and 1 November 2012 and the EMP submitted together with the BAR,
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives (dated October 2011),
- 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&AP's and the responses provided thereon, as included in the BAR dated July 2011,

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") included the following:

- Notices were placed on site on 16 March 2011.
- Background Information Documents were distributed to all the owners and occupiers of land adjacent to the site and within 100m of the boundary of the site, the ward councilor, local municipality and relevant Organs of State on 16 March 2011.
- Advertisements were placed in "Die Burger" and in the "Paarl Post" newspapers on 17 March 2011.
- The draft BAR was made available on 18 March 2011.
- The final BAR was sent to the registered I&AP's on 24 August 2011.

The following authorities commented and had no objections:

- CapeNature,
- Heritage Western Cape,
- Department of Water Affairs,
- Department of Agriculture, and
- Drakenstein Municipality.

All the concerns raised by I&AP's were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation and in the EMP.

2. Alternatives

Alternative 1

This alternative entails the construction of the following:

- A retail area – 10 835m²,
- A hotel – 3 595m²,
- A conference Facility – 1 708m²,
- An events open area – 5 000m²,
- A chapel – 1 405m²,
- A commercial area – 14 791m²,
- A wine commercial area – 9 150m²,
- An undercover parking – 13 662m², and
- An open parking area – 24 258m².

This alternative will cover an area of 84 404m². It was not preferred, as the overall size and layout of this alternative is larger than the preferred alternative and the impact on the services that have to be provided and installed would be extensive. This would place a high demand on the available water, sewage, electricity and refuse services. It will also have a high visual impact on the surrounds.

Alternative 2 (Preferred Alternative)

This alternative entails the construction of the following:

- A retail facility/office area – 14 300m²,
- A hotel – 5 200m²,
- A storage/business zone – 3 700m²,
- An events open area, including chapel and wedding venue – 47 200m²,
- An undercover parking – 480m² and
- 1130 Parking bays.

This alternative is preferred as it incorporates the findings of the specialist studies and comments received. In addition, it will make a significant contribution to the area's economic growth and employment creation, as well as creating a new tourism facility.

"No-Go" Alternative

This alternative was not preferred because it will not cater for the social needs of the area, provide additional job opportunities, or improve the financial viability of the existing facility.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The property is currently zoned for Agricultural use. In order for Simonsvlei to grow economically and to achieve its full potential, there is a need to expand the development. The proposed tourism related development will function as an extension of the existing facility and will significantly increase the economic viability of the property.

3.2 Biophysical Impacts

The site is located within a rural area between the towns of Paarl and Klipmuts and is surrounded by agricultural and new light industrial properties. The site falls within the Swartland Shale Renosterveld region but the area has been completely transformed. It is also no longer linked to the Simonsvlei wetland, which is a conservation area lying directly north of the site, but cut off by the R101 road. The area therefore contains no significant biophysical features. It is however proposed to discharge treated wastewater and stormwater into the Van Wyks River. The Basic Freshwater Assessment, dated March 2011 and compiled by Toni Belcher concluded that the impacts associated with the proposed discharge will be low subject to the implementation of the listed mitigation measures. These have been included in the EA and the EMP.

3.3 Sewage

In terms of the Drakenstein Municipality's sewer master plan, a future main sewage line is planned next to Main Road 189, adjacent to the northern boundary of the site. This can only be implemented once the existing sewerage system has been upgraded (not before 2013). As a temporary measure, an on-site treatment package plant will be installed to treat effluent to the required Department of Water Affairs and Forestry standards before disposal into the Van Wyks River.

A stormwater detention pond will be constructed with additional capacity to accommodate the treated effluent. The treated effluent will be used for irrigation purposes, and any excess water will be disposed into the Van Wyks River.

3.4 Socio-Economic Impacts

The proposed development will create additional employment opportunities during the construction phase and sustainable employment at the facility once it is operational.

In summary, the development will therefore result in both positive and negative impacts.

Positive Impacts:

The proposed development will contribute towards economic growth and employment opportunities during the construction and operational phase.

Negative Impacts:

The proposed development will have an impact on the freshwater resources. The significance of the impact will however be mitigated satisfactorily.

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.

Conclusion

The competent authority is satisfied that the proposed listed activity 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, provided that the following is observed:

- Adherence to the NEMA principles,
- Compliance with the conditions stipulated in this environmental authorisation, and
- Compliance with the mitigation measures in the EMP.

-END-