



**REFERENCE:** 16/3/3/5/B3/28/1046/22  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000646/2022  
**DATE OF ISSUE:** 23 August 2022

The Board of Directors  
Baobab Property Group (Pty) Ltd.  
P.O. Box 880  
**CAPE GATE**  
7562

**Attention: J. Du Plessis Muller**

Cell: (082) 850 6160  
Email: doep@ttp-consult.co.za

Dear Sir

**APPLICATION FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 6 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/B3/28/1011/17) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED PAARL HILLS MEDIUM DENSITY RESIDENTIAL ESTATE ON PORTION 9 OF FARM RONWE NO. 851, PAARL**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation issued on 6 October 2017 (Reference No.: 16/3/3/1/B3/28/1011/17), attached herewith, together with the reasons for the decision.
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

**Zaahir Toefy**  
Digitally signed by Zaahir Toefy  
Date: 2022.08.23 09:38:26 +02'00'

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

CC: (1) A. Gouws (Guillaume Nel Environmental Consultants)  
(2) C. Winter (Drakenstein Municipality)

Email: a.p@gnec.co.za  
Email: Cindy.Winter@drakenstein.gov.za



**REFERENCE:** 16/3/3/5/B3/28/1046/22  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000646/2022  
**DATE OF ISSUE:** 23 August 2022

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 6 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/B3/28/1011/17) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED PAARL HILLS MEDIUM DENSITY RESIDENTIAL ESTATE ON PORTION 9 OF FARM RONWE NO. 851, 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 me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 6 October 2017 (Reference No.: 16/3/3/1/B3/28/1011/17) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

#### 1. Section E: CONDITIONS OF AUTHORISATION

Condition 2:

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 within the stipulated validity period for which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

(a) A period of ten (10) years, from 6 October 2017 (date of the original EA) until 6 October 2027, during which period the holder must commence with the authorised 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 NEMA EIA Regulations, 2014 (as amended) and will not change the scope of the Environmental Authorisation issued on 6 October 2017.
2. The amendment does not trigger any new listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) (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 proposed amendment, i.e., the extension of the validity period of the original EA is required as the applicant could not commence with the proposed development due to the restrictions brought about by the Covid-19 pandemic.
5. The investigation into proposed layout changes has not been finalised by the engineers. In accordance with Condition 4 of the EA issued on 6 October 2017, any proposed changes/deviations to the layout must be accepted/approved by the Department before such changes/deviations may will be implemented. This condition remains valid.
6. 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 Environmental Authorisation.

#### **C. CONDITIONS**

1. All other conditions contained in the Environmental Authorisation issued on 6 October 2017 (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; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> 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 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

Zaahir  
Toefy

Digitally signed by  
Zaahir Toefy  
Date: 2022.08.23  
09:38:51 +02'00'

**MR. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 23 AUGUST 2022**

CC: (1) A. Gouws (Guillaume Nel Environmental Consultants)  
(2) C. Winter (Drakenstein Municipality)

Email: a.p@gnec.co.za  
Email: Cindy.Winter@drakenstein.gov.za

**ANNEXURE A**  
**ENVIRONMENTAL AUTHORISATION ISSUED ON 6 OCTOBER 2017**



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/3/1/B3/28/1011/17  
**NEAS REFERENCE:** WCP/EIA/0000249/2017  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2017 -10- 0 6

The Board of Directors  
Boabab Developments  
P. O. Box 8800  
**CAPEGATE**  
7562

**Attention Mr. J. Muller**

Cell: (082) 850 6160  
Email: doep@ttp.consult.co.za

Dear Sir

**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): PROPOSED PAARL HILLS MEDIUM DENSITY RESIDENTIAL ESTATE ON PORTION 9 OF FARM RONWE NO. 851, PAARL**

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 (as amended), 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 National Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. HENRI FORTUIN**

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. E. Grundling (Guillaume Nel Environmental Consultants)  
(2) Ms. C. Winter (Drakenstein Municipality)

Fax: (021) 870 1873  
Fax: (021) 870 1522



**REFERENCE:** 16/3/3/1/B3/28/1011/17  
**NEAS REFERENCE:** WCP/EIA/0000249/2017  
**ENQUIRIES:** D'mitri Matthews  
**DATE OF ISSUE:** 2017 -10- 0 6

### 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): PROPOSED PAARL HILLS MEDIUM DENSITY RESIDENTIAL ESTATE ON PORTION 9 OF FARM RONWE NO. 851, PAARL

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 activity specified in Section B below with respect to Layout Alternative 2, described in the Basic Assessment Report ("BAR"), dated June 2017.

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

Boabab Developments  
% Mr J. Muller  
P. O. Box 8800  
**CAPEGATE**  
7562

Cell: (082) 850 6160  
Email: doep@ttp.consult.co.za

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

**B. LIST OF ACTIVITIES AUTHORISED**

Listed Activity	Activity/Project Description
<p>Government Notice No. 327 of 7 April 2017 – Activity Number: 28 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The proposal entails the establishment of a residential estate, a church, roads, open space and associated infrastructure, which will have a development footprint of approximately 11,4ha outside of the urban edge.</p>

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

The holder is herein authorised to undertake the following alternative:

The proposal entails the development of:

- 82 residential units covering an area of approximately 3,3ha (including 2 bays per unit).
- Roads that will have a development footprint of approximately 2,4ha (including a new access from Drakenstein Road).
- Three open spaces/parks of approximately 1,1ha.
- Gatehouses/ security control area of approximately 300m<sup>2</sup>.
- An institutional space of approximately 2ha (including parking bays).
- Walkways including driveways of approximately 1,1ha.
- A refuse area of approximately 250m<sup>2</sup>.
- A landscaping buffer of approximately 0,4ha.
- An attenuation pond.
- Water and sewage infrastructure.

**C. SITE DESCRIPTION AND LOCATION**

The listed activity will be undertaken on Portion 9 of Farm Ronwe No. 851, Paarl, at the following co-ordinates:

Latitude (S)	Longitude (E)
34° 45' 59.04"	18° 59' 23.4"

The SG digit code is: C0550000000085100009

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plans



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

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Guillaume Nel Environmental Consultants  
% Ms E. Visagie/Mr G. Nel  
P. O. 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 activity specified in Section B above in accordance with, and restricted to, Layout Alternative 2, described in the BAR dated June 2017 at 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 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.
4. 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**

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

Conditions: 6, 7, 10 and 16

## **Notification and administration of appeal**

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision as included in Annexure 3;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date when the decision was issued.
  - 6.2 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 (as amended) detailed in Section G below;
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4 provide the registered I&APs with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
    - 6.4.2 name of the responsible person for this Environmental Authorisation;
    - 6.4.3 postal address of the holder;
    - 6.4.4 telephonic and fax details of the holder;
    - 6.4.5 e-mail address, if any, of the holder; and
    - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. 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 i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

## **Management of activity**

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

## **Monitoring**

10. 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 EMPr and the conditions contained herein.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.

12. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

13. 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 ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

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**

14. 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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.

15. 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.
16. A Landscaping Plan must be submitted to and approved by the Department prior to the commencement of construction activities. Only indigenous vegetation may be used for all landscaping, including the 10m buffer areas along the boundaries of the development.
17. The applicant must implement the recommendations included in the Traffic Impact Assessment dated February 2017.

18. The recommendations included in the Civil Engineering Services Outline Report dated March 2017, must be implemented before occupation of the site.

## **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 activity.
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 the 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 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 Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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](mailto: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](mailto: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: 5-10-17

CC: (1) Ms. E. Grundling (Guillaume Nel Environmental Consultants)  
(2) Ms. C. Winter (Drakenstein Municipality)

Fax: (021) 870 1873  
Fax: (021) 870 1522

# ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map of the Paarl Hills Development.

# ANNEXURE 2: SITE PLAN

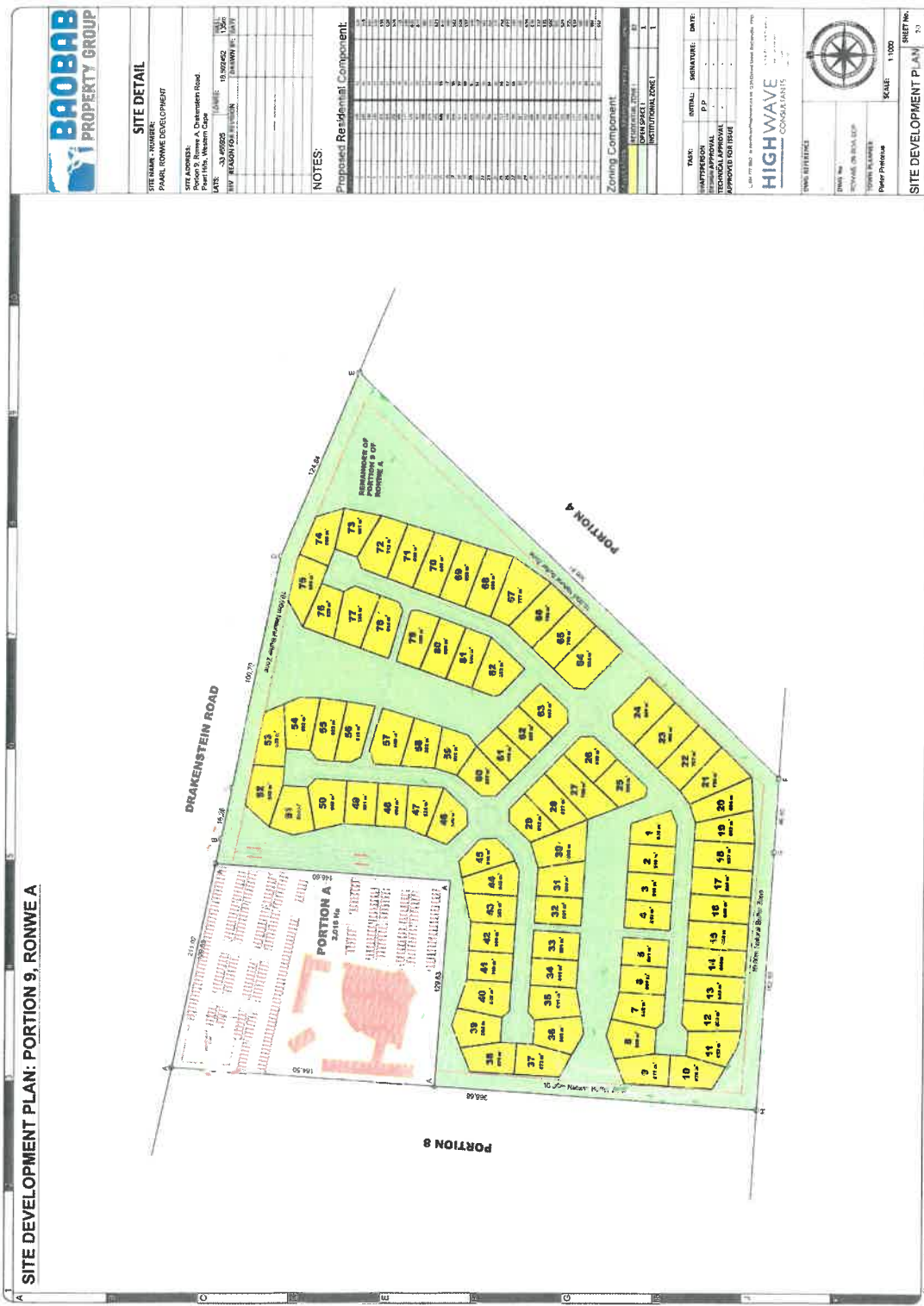


Figure 2: Site Plan for the Paarl Hills Development.



### **ANNEXURE 3: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 9 March 2017, the final BAR dated June 2017 and the EMPr submitted together with the final EIAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated June 2017; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on 6 July 2016:  
Attended by: Mr D. Matthews, Ms M. Oosthuizen and Ms M. Coetzee from the Department of Environmental Affairs and Development Planning ("DEA&DP").

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2014. This decision takes into account the relevant amendments to the text of the said regulations promulgated on 7 April 2017.

All information presented to the Competent Authority was taken into account during 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;
- fixing notice boards at the sites where the listed activities are to be undertaken on 8 July 2016;
- giving written notice to the owners and occupiers of land adjacent to the site where 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 12, 13 and 14 July 2016 respectively;
- the placing of a newspaper advertisement in the 'Paarl Post' on 14 July 2016; and
- making the pre-application BAR available to I&APs for public review from 14 July 2016 and the in-process BAR from 28 April 2017, respectively.

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

The Competent Authority notes 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 EMPr.

## 2. Alternatives

### Layout Alternative 1:

The proposal entails the development of a mixed use residential estate that will include the following:

- 87 residential units with a footprint of approximately 3,3ha (including 2 parking bays per unit).
- 396 storage units with a footprint of approximately 1,1ha.
- Roads that will have a development footprint of approximately 2,4ha.
- Four open spaces/parks of approximately 1,1ha.
- Gatehouses/ security control area of approximately 300m<sup>2</sup>.
- An institutional space of approximately 2ha (including 500 parking bays).
- Walkways including driveways of approximately 1,1ha.
- A refuse area of approximately 250m<sup>2</sup>.
- A landscaping buffer of approximately 0,4ha.
- An attenuation pond.
- Water and sewage infrastructure.

This alternative is not preferred since the inclusion of the self-storage units are incompatible with the surrounding landscape and this alternative does not allow for a 10m landscaped buffer along the boundaries of the development. Furthermore, the development is not supported by the Drakenstein Spatial Development Framework.

### Layout Alternative 2 (Herewith Authorised):

The proposal entails the development of:

- 82 residential units covering an area of approximately 3,3ha (including 2 bays per unit).
- Roads that will have a development footprint of approximately 2,4ha (including a new access from Drakenstein Road).
- Three open spaces/parks of approximately 1,1ha.
- Gatehouses/ security control area of approximately 300m<sup>2</sup>.
- An institutional space of approximately 2ha (including parking bays).
- Walkways including driveways of approximately 1,1ha.
- A refuse area of approximately 250m<sup>2</sup>.
- A landscaping buffer of approximately 0,4ha.
- An attenuation pond.
- Water and sewage infrastructure.

This alternative is preferred since it has excluded the self-storage units and makes provision for increased private open spaces through the development eases the view shed of the mountains and along the boundaries of the development. In addition, the proposed development is aligned with the Drakenstein Spatial Development Framework.

### "No-Go" Alternative

The "no-go" option was considered and is not preferred, since the portion of land is too small (11,4ha) to be used sustainably as an agricultural unit, the potential to provide middle income residential opportunities will be lost and both temporary and permanent employment opportunities will not be created.

### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity need and desirability

According to the Drakenstein Spatial Development Framework, 2017, the site is located within the approved urban edge and has been identified for urban infill development. Although the site is zoned for agricultural purposes, the site is too small (11,4ha), to be used as a sustainable agricultural unit. The farm has also not been used as an intensive agricultural farming unit in recent years. The proposed development seeks to use underutilised land within the urban edge for a medium density residential estate with a church component, which the area currently lacks. Developments on neighbouring farms in the form of a retail centre and filling station have already been approved for this area. The proposed development will create employment opportunities in both the construction and operational phases.

#### 3.2 Biodiversity and Biophysical Impacts

The site has been completely transformed and is utilised for residential purposes, with no natural vegetation remaining. Furthermore, there is no watercourse located on the site or in close proximity to the site. As such, there will be no biophysical negative impacts resulting from the proposed development.

#### 3.3 Visual Impacts

Layout Alternative 2 excludes the self-storage units, allowing for increased open spaces through the development, which eases the east-west view shed of the mountains. The amended layout to include a 10m landscaped buffer around the boundaries of the development provide a residential-agricultural transition and the architecture of the development has been amended to reflect the rural feel and character of the area.

#### 3.4 Traffic Impacts

According to the Transport Impact Assessment dated February 2017, compiled by Ms. A. Krige of V Element Consulting Engineers, the Wemmershoek Road/Drakenstein Road intersection will operate at Level of Service ("LOS") F, which will experience extensive queues at the right turning lane from the eastern approach during the AM and PM peak hours. The Drakenstein Road/Proposed Access will operate at acceptable LOS during AM and PM peak hours. With the implementation of Condition 17 and the EMPr (Approved in Condition 8), the impacts on future traffic conditions will be mitigated.

#### 3.5 Social Impacts

According to the Social Impact Assessment dated 11 February 2017, compiled by Enviroworks, the proposed development will establish a skills development programme, which will be funded by the church. Employment and business opportunities will be created for local community members during the construction and operational phase of the development. The proposed development will bring additional expenditure to the surrounding farms. In conclusion, the socio-economic impacts associated with the proposed development outweigh the potential negative impacts.

#### 3.6 Services

##### Bulk Supply:

The existing Lieliefontein reservoir has sufficient capacity to supply the proposed development, as highlight in the Civil Engineering Services Outline Report dated March 2017.

#### Water:

Currently there is insufficient capacity within the existing water reticulation system to accommodate the proposed development. However, an Environmental Authorisation (Reference: 16/3/1/1/B3/28/1053/13) for the south east Paarl bulk water pipeline supply was issued on 27 May 2015, which will allow for sufficient capacity within the municipal water reticulation system, enabling the municipality to accommodate the proposed development. The proposed development will connect to the approved pipeline, once construction has been completed.

#### Sewage:

Currently there is no sewage infrastructure between the proposed development and the existing sewer network. As part of this development, a sewer pipeline connecting to the existing network will be constructed within the road reserve of Drakentein Road and will be approximately 640m in length.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The proposed development will result in elevated noise and dust levels during the construction period.
- There will be a loss of agricultural land.

#### **Positive impacts:**

- The proposal will utilise land within the urban edge for urban development.
- Economic investment/growth within the southern Paarl area will be stimulated.
- Temporary employment opportunities will be created during the construction phase.

#### **4. National Environmental Management Act Principles**

The NEMA 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 activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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