



REFERENCE NUMBER: 16/3/3/5/B3/28/1069/22

DATE OF ISSUE: 18 May 2023

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 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 6 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/B3/28/1011/17) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 23 AUGUST 2022 (REFERENCE NO.: 16/3/3/5/B3/28/1046/22) IN TERMS OF PART 2 OF CHAPTER 5 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT 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** the amendment of the Environmental Authorisation issued on 6 October 2017 (reference no.: 16/3/3/1/B3/28/1011/17) and the Amended Environmental Authorisation issued on 23 August 2022 (reference No.: 16/3/3/5/B3/28/1046/22), 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 this amended 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 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) E. Visagie (Guillaume Nel Environmental Consultants)
(2) A. Gouws (Guillaume Nel Environmental Consultants)
(2) C. Winter (Drakenstein Municipality)
(3) A. Duffel-Canham (CapeNature)
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REFERENCE NUMBER: 16/3/3/5/B3/28/1069/22

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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 6 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/B3/28/1011/17) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 23 AUGUST 2022 (REFERENCE NO.: 16/3/3/5/B3/28/1046/22) IN TERMS OF PART 2 OF CHAPTER 5 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT 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 issued on 6 October 2017 (reference no.: 16/3/3/1/B3/28/1011/17) and the Amended Environmental Authorisation issued on 23 August 2022 (reference No.: 16/3/3/5/B3/28/1046/22) in terms of Part 2 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

1. Title of both the cover letters as well as the Environmental Authorisation and the Amended Environmental Authorisation:

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

is amended to read:

PROPOSED VIVIERE RESIDENTIAL DEVELOPMENT ON PORTION 9 OF FARM RONWE NO. 851, PAARL

2. Section B: LIST OF ACTIVITIES 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.
- Gatehouse/security control area of approximately 300m².

- An institutional space of approximately 2ha (including parking bays)
- Walkways including driveway of approximately 1,1ha.
- A refuse area of approximately 250m².
- A landscaping buffer of approximately 0,4ha.
- An attenuation pond.
- Water & sewage infrastructure

is amended to read:

The proposal entails the development of:

- 184 single residential erven including 2 parking bays per residential unit and 4 visitor bays.
- Private open spaces.
- A gatehouse and refuse area.
- Roads.
- An attenuation pond in the north-western corner of the property.
- A package plant (sewage infrastructure).
- A 10m natural buffer zone with a walkway around the development.

3. Section E: CONDITIONS OF AUTHORISATION

- Condition 8:

The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

is amended to read:

The draft Environmental Management Programme ("EMPr") dated January 2023 submitted as part of the amendment application is hereby approved and must be implemented.

- Condition 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.

is amended to read:

The holder must appoint a suitably experienced environmental control officer ("ECO") before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.

The ECO must conduct monthly monitoring inspections during the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every second month for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction having been completed.

- Condition 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).

is amended to read:

In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 10 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted within three months after the commencement of construction activities and every twelve (12) months thereafter. A final Environmental Audit Report must be submitted within three months of the construction phase having been completed.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

- Condition 17:
The applicant must implement the recommendations included in the Traffic Impact Assessment dated February 2017.

is amended to read:

The applicant must implement the recommendation included in the Traffic Impact Assessment dated June 2022.

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

is amended to read:

The recommendation included in the revised Civil Engineering Services Outline Scheme Report (version 3; Report No.: 287/01/01) must be implemented before occupation of the site.

4. ANNEXURE 2: SITE PLAN

The site plan included on Page 10 of the Environmental Authorisation issued on 6 October 2017:



Figure 3: Site Plan for Paarl Hills Development.

is replaced with:



Figure 3: Site Plan for the Robertson Heights Housing Development.

5. ANNEXURE 3: REASONS FOR THE DECISION

• 2. Alternatives

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 300m².
- An institutional space of approximately 2ha (including parking bays).
- Walkways including driveways of approximately 1,1ha.
- A refuse area of approximately 250m².
- A landscaping buffer of approximately 0,4ha.
- An attenuation pond.
- Water and sewage infrastructure.

is amended to read:

Layout Alternative 1 (Herewith authorised):

The proposal entails the development of:

- 184 single residential erven including 2 parking bays per residential unit and 4 visitor bays.
- Private open spaces.
- A gatehouse and refuse area.
- Roads.
- An attenuation pond in the north-western corner of the property.
- A package plant (sewage infrastructure).

- A 10m natural buffer zone with a walkway around the development.

- **3. Impact Assessment and Mitigation measures**

- 3.4 Traffic Impacts

According to the Transport Impact Assessment dated February 2017, compiled by Ms. A. Krige of V Elements 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 impact on future traffic conditions will be mitigated.

is amended to read:

According to the Transport Impact Assessment dated June 2022, compiled by Ms. A. Krige of Sturgeon Consulting (Pty) Ltd, The Wemmershoek Road / Drakenstein Road intersection has recently been upgraded to a full signalised intersection. The capacity analyses of the Drakenstein Road/Proposed Access intersection indicated that the intersection is expected to operate at minimal delays with the access approach operating at acceptable levels of service ("LOS") (C and better). With the implementation of Condition 17 and the EMPr (Approved in Condition 8), the impact on future traffic conditions will be mitigated.

- 3.6 Services

Bulk Supply:

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

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.

is amended to read:

Bulk Supply:

The existing Lieliefontein reservoir has sufficient capacity to supply the proposed development, as highlighted in the revised Civil Engineering Services Outline Scheme Report (version 3; Report No.: 287/01/01).

Sewage:

Currently there is no sewage infrastructure between the proposed development and the existing sewer network. The development will make use of an on-site package plant to accommodate Phase 1A & 1B (approximately 46 residential units), where after it will be decommissioned. The Sewer Master Plan indicates a future 315mm Ø sewer line will be constructed, extending up to the north-western boundary of the site. This will allow for sewage to flow by gravity from the development into the Paarl Bulk Sewer network.

B. REASONS FOR THE DECISION

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

1. The Environmental Authorisation issued on 6 October 2017 (reference no.: 16/3/3/1/B3/28/1011/17) and the Amended Environmental Authorisation issued on 23 August 2022 (reference No.: 16/3/3/5/B3/28/1046/22) (attached as Appendix A) included the establishment of 82 residential units. However, there is a need to densify the proposed development (within the same footprint of the original EA) to ensure valuable land within the existing urban edge is optimally used as well as addressing the growing demand for housing in Paarl.
2. The densification of the housing development will not result in an increase in the impacts that were assessed as part of the original EA because it will be limited to the approved footprint. Only the scope of the EA will change to allow for the densification of the housing development. Although the amended proposal will result in an increase in traffic volumes, recent upgrades to the traffic network in the area have improved traffic flow to the extent that the additional traffic resulting from the proposed development will not result in increased traffic impacts.
3. The municipality confirmed that there is sufficient capacity available with respect to bulk service provision for water and solid waste to accommodate the the proposed development. There is currently no bulk sewer infrastructure between the proposed development and the existing sewer network. The Sewer Master Plan indicates a future 315mm Ø sewer line will be constructed extending up to the north-western boundary of the site. This will allow for sewage to flow by gravity from the development into the Paarl Bulk Sewer network once this line is completed. In the interim, the development will make use of an on-site package plant only for Phase 1A & 1B, where after it will be decommissioned.
4. 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.
5. 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.
6. No objections from State Departments to the proposed amendments were raised during the public participation process.
7. A public participation process was conducted for the amendment application. The list of Organs of State and State Departments that were consulted included:
 - Drakenstein Municipality;
 - Cape Winelands District Municipality;
 - CapeNature; and
 - Heritage Western Cape.

At the end of the commenting period, a number of comments were received. Concerns raised by I&APs were responded to during the public participation process. This Department is satisfied that the public participation process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

C. CONDITIONS

1. All other conditions contained in the Environmental Authorisation issued on 6 October 2017 and the Amended Environmental Authorisation issued on 23 August 2022 (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
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 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 MAY 2023

CC (1) E. Visagie (Guillaume Nel Environmental Consultants)
(2) A. Gouws (Guillaume Nel Environmental Consultants)
(2) C. Winter (Drakenstein Municipality)
(3) A. Duffel-Canham (CapeNature)
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APPENDIX A

**AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 23 AUGUST 2022,
INCLUSIVE OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 6 OCTOBER
2017**