

REFERENCE: 16/3/3/5/B3/28/1012/22
DATE: 07 April 2022

The Board of Directors
Erf 16161 Paarl Development (Pty) Ltd
PO Box 118
GORDONS BAY
7151

Attention: Mr Gustav Ludick

Tel: (021) 845 8335
E-mail: gustav@asla.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 1 DECEMBER 2015: THE DAL JOSAFAT DEVELOPMENT ON ERF NO. 16161 AND THE REMAINDER OF ERF NO. 17680, 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 ("EA") issued on 1 December 2015 (DEA&DP Ref.: 16/3/3/5/B3/28/1011/15) attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2022.04.07 12:51:09
+02'00'

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms Cindy Winter (Drakenstein Municipality)
(2) Mr Mohamad Fuad Johnson (Highway Oil (Pty) Ltd)

E-mail: Cindy.Winter@drakenstein.gov.za
E-mail: Fuad@africape.co.za

EIA REFERENCE: 16/3/3/5/B3/28/1012/22
NEAS REFERENCE: WCP/EIA/AMEND/0000599/2022
DATE:

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 1 DECEMBER 2015: THE DAL JOSAFAT DEVELOPMENT ON ERF NO. 16161 AND THE REMAINDER OF ERF NO. 17680, 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, the Department herewith **grants** the amendment of the Amended Environmental Authorisation ("EA") issued on 1 December 2015 (DEA&DP Ref.: 16/3/3/5/B3/28/1011/15) in terms of Part 1 of the EIA Regulations, 2014.

The EA is amended as set out below:

1. The location in Section B:

The development will be located on Erf No. 16161 and the Remainder of Erf No. 17680, Paarl, hereinafter referred to as the "**the property**".

Is amended to read:

The development will be located on a portion of Erf No. 16161 (which excludes the portion depicted in the table below) and the Remainder of Erf No. 17680, Paarl, as indicated in this amendment application,

Co-ordinates for each corner of the portion excluded from the development footprint	Latitude (S)	Longitude (E)
1	33° 41' 37.71" South	18° 59' 34.41" East
2	33° 41' 39.44" South	18° 59' 35.65" East
3	33° 41' 40.16" South	18° 59' 35.31" East
4	33° 41' 40.46" South	18° 59' 34.70" East
5	33° 41' 39.60" South	18° 59' 32.46" East

6	33° 41' 38.51" South	18° 59' 32.02" East
7	33° 41' 37.68" South	18° 59' 33.50" East
8	33° 41' 38.00" South	18° 59' 33.89" East

hereinafter referred to as the “**the property**”.

B. REASONS FOR THE DECISION

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

1. The amendment applied for is to remove a portion of Erf No. 16161 to allow the development of a service station that does not trigger any listed activities in terms of the EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 published in Government Gazette No. 40772.
2. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the Amended EA issued on 1 December 2015.
3. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3 published in Government Gazette No. 40772.
4. 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.
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 amended Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the Amended EA issued on 1 December 2015 (Attached as Annexure A), remain unchanged and in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–

- 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
 4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs
 and Development Planning
 Private Bag X9186
 CAPE TOWN
 8000

By facsimile: (021) 483 4174; or

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

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

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

E. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

**Zaahir
Toefy**

Digitally signed by
Zaahir Toefy
Date: 2022.04.07
12:51:38 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 07 APRIL 2022

Cc: (1) Ms Cindy Winter (Drakenstein Municipality)
(2) Mr Mohamad Fuad Johnson (Highway Oil (Pty) Ltd)

E-mail: Cindy.Winter@drakenstein.gov.za
E-mail: Fuad@africape.co.za

-----END-----

ANNEXURE A: AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 1 DECEMBER 2015



REFERENCE: 16/3/3/5/B3/28/1011/15
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2015-12-01

The Board of Directors
Erf 16161 Paarl Development (Pty) Ltd
PO Box 118
GORDONS BAY
7151

Attention: Gustav Ludick

Tel: (021) 845 8335
Fax: (021) 975 1264

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 11 JUNE 2013: THE DAL JOSAFAT DEVELOPMENT ON ERF NO. 16161 AND REMAINDER OF ERF NO. 17680, PAARL.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation ("EA") issued on 24 November 2010 (DEA&DP Ref.: E12/2/3/2-B3/28-0854/09) and the amended EA issued on 11 June 2013 (DEA&DP Ref.: 16/3/1/5/B3/28/1012/13) in terms of Part 1 of the EIA Regulations, 2014, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the EA, 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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached EA.

Yours faithfully

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

CC: (1) Ms Jessica Le Roux (Eco Impact Legal Consulting Pty Ltd)
(2) Mr Jimmy Knaggs (Drakenstein Municipality)

Fax: (080 021) 671 1660
Fax: (021) 870 1522

2nd Floor, 1 Dorp Street, Cape Town, 8001
Tel: +27 21 483 3679/4349 Fax: +27 21 483 3633
E-mail: Bernadette.Osborne@westerncape.gov.za

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



REFERENCE: 16/3/3/5/B3/28/1011/15

ENQUIRIES: BERNADETTE OSBORNE

DATE OF ISSUE: 2015-12-01

The Board of Directors
Erf 16161 Paarl Development (Pty) Ltd
PO Box 118
GORDONS BAY
7151

Attention: Gustav Ludick

Tel: (021) 845 8335
Fax: (021) 975 1264

Dear Sir

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 11 JUNE 2013: THE DAL JOSAFAT DEVELOPMENT ON ERF NO. 16161 AND REMAINDER OF ERF NO. 17680, 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, the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 24 November 2010 (DEA&DP Ref.: E12/2/3/2-B3/28-0854/09) and the amended EA issued on 11 June 2013 (DEA&DP Ref.: 16/3/1/5/B3/28/1012/13) in terms of Part 1 of the EIA Regulations, 2014.

The EA is amended as set out below:

1. Condition 24 in Section G: CONDITIONS OF AUTHORISATION, is amended to read:

"The activity must commence within a period of two (2) years from the date of this amendment decision. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for EA must be made in order for the activity to be undertaken."

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 EA issued on 24 November 2010 and the amended EA issued 11 June 2013.
2. 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 EA.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
 - 1.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 (as amended) detailed in Section D below;
 - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this EA;
 - 1.4.2 name of the responsible person for this EA;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
2. One week's notice must be given to the Directorate: Development Management (Region 2) before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this EA.

3. Find attached a copy of the EA issued on 24 November 2010 (Attached as Annexure A) and the amended EA issued on 11 June 2013 (Attached as Annexure B). The conditions contained in the EA issued on 24 November 2010, remain in force.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

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

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement

and any supporting documents to the Appeal Authority to the address listed above and/or via e-mail to Jaap.DeVilliers@westerncape.gov.za.

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

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. HENRI FORTUIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 30-11-15

CC: (1) Ms Jessica Le Roux (Eco Impact Legal Consulting Pty Ltd)
(2) Mr Jimmy Knaggs (Drakenstein Municipality)

Fax: (080 021) 671 1660
Fax: (021) 870 1522

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APPENDIX A
ENVIRONMENTAL AUTHORISATION ISSUED ON 24 NOVEMBER 2010



**DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING**

Provincial Government of the Western Cape

Directorate: Land Management (Region 1)

Osborne@cawc.gov.za
tel: +27 21 483 3679/5117, fax: +27 21 483 3633
1 Dorp Street, Cape Town, 8001
www.capegateway.gov.za/eade

REFERENCE: E12/2/3/2-83/28-0854/09
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 2010 -11- 24

The Board of Directors
Erf 16161 Paarl Development (Pty) Ltd
PO Box 3603
TYGERVALLEY
7538

Attention: Dirk Larson

Dear Sir

Tel: (021) 975 1265
Fax: (021) 975 1264

APPLICATION: DAL JOSAFAT DEVELOPMENT ON ERF NO. 16161 AND REMAINDER OF ERF NO. 17680, PAARL.

With reference to your application, find below the environmental authorization, hereinafter referred to as "the environmental authorization" in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The activity entails the development of the following:

- 1017 Single Residential Erven;
- 46 Special Business Erven;
- 7 Public Open Space Erven;
- 5 General Residential Erven (1008 units);
- 3 Erven for places of worship;
- 1 Business site;
- 1 Crèche site;
- 1 Primary school site;
- 1 Government telecommunication site;
- 1 Hospital site; and
- Public roads.

The following activities are identified in Government Notice ("GN") No. R. 386 of 21 April 2006:

Activity 1(k):

The construction of facilities or infrastructure, including associated structures or infrastructure for the bulk transportation of sewage and water, including storm water, in pipelines or channels with –

- (a) an internal diameter of 0,36 metres or more; or
- (b) a peak throughput of 120 litres per second or more.

Activity 15:

The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

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Francois Louw

KOMMISSARIS VAN DIE
FRANCOIS JOHANNES LOUW
PRAKTISERENDE PROKUREUR TE
FRANCOIS LOUW PROKUREURS
PHILLIPS PLEIN, PAARL

Department of Environmental Affairs and Development Planning
Chief Directorate: Land Management (Region 1)

Activity 16:

The transformation of undeveloped, vacant or derelict land to -
(b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.

Activity 18:

The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.

The following activity is identified in GN No. R. 387 of 21 April 2006:

Activity 2:

Any development activity, including associated structures or infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more.

The following activity is identified in GN No. R. 544 of 18 June 2010:

Activity 9:

The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -

- (i) with an internal diameter of 0.36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more,

excluding where:

- a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water drainage inside a road reserve; or
- b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.

Activity 22:

The construction of a road, outside urban areas,

- (i) with a reserve wider than 13.5 metres or,
- (ii) where no reserve exists where the road is wider than 8 metres, or
- (iii) for which an environmental authorization was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.

The following activity is identified in GN No. R. 546 of 18 June 2010:

Activity 15:

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

- (i) linear development activities; or
- (ii) agriculture or afforestation where activity 16 in this Schedule will apply.

The following activity is identified in GN No. R. 546 of 18 June 2010:

Activity 4:

The construction of a road wider than 4 metres with a reserve less than 13.5 metres.

- (d) In the Western Cape:
 - i. all areas outside urban areas,

hereinafter referred to as "the activity".

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PRAKTISERENDE PROKUREUR TE
FRANCOIS LOUW PROKUREURS
PHILLIPS PLEIN, PAARL

Department of Environmental Affairs and Development Planning
Chief Directorate: Land Management (Region 1)

B. LOCATION:

The development will be located on Erf No. 16161 and the Remainder of Erf No. 17680, Paarl,

hereinafter referred to as "the property".

C. APPLICANT:

Erf 16161 Paarl Development (Pty) Ltd
% Dirk Larson
PO Box 3603
TYGERVALLEY
7538
Tel: (021) 975 1265
Fax: (021) 975 1264

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER:

Doug Jeffery Environmental Consultants (Pty) Ltd
% Jennia Theron
PO Box 44
KLAPMUTS
7265
Tel: (021) 875 5272
Fax: (021) 875 5515

E. SITE VISIT(S):

No site visit was conducted. The information submitted in the application documentation (i.e. photographs and maps of the site) together with relevant information contained in the Departmental information base, was considered sufficient to provide adequate information on the nature of the receiving environment.

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified above.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations (21 April 2006) and the EIA Regulations (18 June 2010) the Department hereby authorises the activities described above.

The granting of this environmental authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after receipt 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 will be suspended until such time as the appeal is decided.

2. One week's notice, in writing, must be given to the Directorate: Land Management (Region 1), (hereinafter referred to as "this Directorate"), before commencement of construction activities.

2.1 Such notice shall make clear reference to the site location details and reference number given above.

The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 6, 11, and 13.

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E12/2/3/2-B3/28-0854/09

KOMMISSARIS VAN EDE
FRANCOIS JOHANNES LOUW
PRAKTISERENDE PROKUREUR TE
FRANCOIS LOUW PROKUREURS
PHILLIPS PLEIN, PAARL

Department of Environmental Affairs and Development Planning
Chief Directorate: Land Management (Region 1)

3. Water saving devices, including but not limited to dual flush toilet systems, low-flow showerheads and tap aerators must be used.
4. Electricity saving devices, including but not limited to energy saving lamps and geyser blankets within all components of this development must be used.
5. Any solid waste shall be disposed of at a landfill licensed in terms of the relevant legislation.
6. The final building plans for the development must be approved by the relevant authority.
7. The following road upgrades as stipulated in the Traffic Impact Assessment dated August 2009, compiled by ITS Engineers Pty Ltd must be implemented:
 - 7.1 Jan Van Riebeeck Road / Bartholomeu Street:
Upgrade the westbound approach with a dedicated right-turn lane and a separate left-turn lane.
 - 7.2 Bartholomeu Street / Symphony West - Main Access:
Construct a single lane roundabout with an outer diameter of 30 metres.
 - 7.3 Bartholomeu Street / Bo Dal Josafat Street:
Construct separate left and right-turn lanes on the southbound approach and a separate left-turn lane on the eastbound approach.
8. The following recommendations as stipulated in the Heritage Impact Assessment compiled by Ron Martin Heritage Consultancy must be implemented:
 - 8.1 The existing row of mature Bluegum trees along the southern portion of the eastern boundary of the site must be retained.
 - 8.2 Appropriate landscaping must be done along the north and north-eastern boundary abutting the properties which belong to the South African Heritage Resources Agency ("SAHRA") in order to create a "soft edge" to the development in this area.
9. Should any heritage remains be exposed during excavations, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in terms of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)). Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 9.1 If any archaeological remains (including but not limited to fossil bones and fossil shells, 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, rock art and rock engravings) are discovered during construction they must immediately be reported to Heritage Western Cape and must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape.
 - 9.2 If any graves or unmarked human burials are discovered, they must be treated with respect and SAHRA must be notified immediately and the burials must not be disturbed further until the necessary approval has been obtained from SAHRA. An archaeologist must be contracted to remove the remains at the expense of the developer.
10. The Environmental Management Programme ("EMP") submitted as part of the application for authorisation is herewith accepted and must be implemented.
11. The holder of the authorisation must appoint a suitably experienced Environment Control Officer ("ECO") (or Site Agent where appropriate) for the construction phase of the development before commencement of any land clearing or construction activities and to ensure compliance with the environmental authorisation and the provisions of the EMP.

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E12/2/3/2-B3/28-0854/09

KOMMISSARIS VAN EDE
FRANCOIS JOHANNES LOUW
PRAKTISERENDE PROKUREUR TE
FRANCOIS LOUW PROKUREURS
PHILLIPS PLEIN, PAARL

Department of Environmental Affairs and Development Planning
Chief Directorate: Land Management (Region 1)

12. The ECO must, at all times, ensure that the construction activities comply with the Noise Regulations in terms of Environment Conservation Act, 1989 (Act No. 73 of 1989).
13. The applicant must in writing, within 12 (twelve) calendar days of the date of the decision on the application -
 - 13.1 notify all registered Interested and Affected Parties ("I&AP's") of -
 - 13.1.1 the outcome of the application;
 - 13.1.2 the reasons for the decision; and
 - 13.1.3 the date of the decision;
 - 13.2 Inform all registered I&AP's of the appeal procedure provided for in Chapter 7 of the Regulations.
 - 13.3 Inform all registered I&AP's of the manner in which they can access the decision;
 - 13.4 Advise all registered I&AP's that, should they wish to appeal, they must lodge a Notice of Intention to Appeal with the Minister within 20 (twenty) days of date of the Department's decision and must submit their appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1), for the lodging of the Notice of Intention to Appeal;
 - 13.5 Inform all registered I&AP's that the prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office at telephone number (021) 483 3721, or 483 3915, email je.devill@pgwc.gov.za or via the URL <http://www.capegateway.gov.za/eadp/>;
 - 13.6 Inform all registered I&AP's that should they wish to appeal, the appellant must serve on the applicant, within 10 (ten) days of having submitted the Notice of Intention to Appeal with the Minister, a copy of the Notice of Intention to Appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant;
 - 13.7 If the applicant should decide to appeal the decision, the applicant must -
 - 13.7.1 lodge a Notice of Intention to Appeal with the Minister, within 20 (twenty) days after the date of the decision.
 - 13.7.2 submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1), for the lodging of the Notice of Intention to Appeal.
 - 13.7.3 within 10 (ten) days of having lodged the Notice of Intention to Appeal, provide each person and Organ of State registered as an Interested and Affected Party in respect of the application, with -
 - 13.7.3.1 a copy of the Notice of Intention to Appeal form;
 - 13.7.3.2 a notice indicating where and for what period the appeal submission will be made available for inspection by such person or Organ of State, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister. A person, Organ of State or applicant who submits a responding statement in terms of Regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the statement on the appellant.

14. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.

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AAN HANDE GETOEGEN
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FRANÇOIS JOHANNES LOUW
PRAKTISERENDE PROKUREUR TE
FRANCOIS LOUW PROKUREURS
PHILLIPS PLEIN, PAARL

Department of Environmental Affairs and Development Planning
Chief Directorate: Land Management (Region 1)

15. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department 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 of the authorisation to apply for further authorisation in terms of the regulations.
16. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
17. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
18. Where any of the applicant'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 applicant.
19. Non-compliance with a condition of this authorisation may result in the withdrawal of the authorisation and may render the holder liable for criminal prosecution.
20. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:
 - 20.1 The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wishes the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activity(ies) was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.
 - 20.2 The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.
 - 20.3 If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.
21. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
22. The activities which are authorised may only be carried out at the property indicated above.
23. 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.

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FRANCOIS JOHANNES LOUW
PRAKTISERENDE PROKUREUR TE
FRANCOIS LOUW PROKUREURS
PHILLIPS PLEIN, PAARL

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24. The activities must commence within a period of three (3) years from the date of issue. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken.

H. REASONS FOR THE DECISION:

The information contained in the EIA Report received on 11 June 2010 and the motivation submitted on 16 August 2010 in which the list of activities applicable in terms of the EIA Regulations (18 June 2010) are considered, and the information regarding the assessment of these activities and the process considerations followed, compiled by Doug Jeffery Environmental Consultants (Pty) Ltd were taken into account in the Department's consideration of the application. The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the NEMA, have also been considered in this decision.

This application was submitted in terms of the previous NEMA EIA Regulations, and was pending at the time of the promulgation of the NEMA EIA Regulations 2010. Some of the activities authorised were not listed under the previous NEMA EIA Regulations, but are now listed in terms of the NEMA EIA Regulations 2010. In accordance with Regulation 76(3) of Government Notice No. R. 543, these activities may be authorised as if it was applied for.

A summary of the issues which, in the Department's view, were of the most significance is set out below.

Environment

The site has been previously disturbed by cultivation. Thus, no conservation worthy vegetation is present.

Need and Desirability

The development is within the urban edge of Paarl and is in line with the Provincial Spatial Development Framework, which earmarks the property for residential purposes. The development will also create much needed low-cost housing in the Paarl area.

Alternatives

Layout Alternatives

Layout Alternative 1 (Preferred layout)

This alternative entails the development of the following:

- 1017 Single Residential Erven;
- 46 Special Business Erven;
- 7 Public Open Space Erven;
- 5 General Residential Erven (1008 units);
- 3 Erven for places of worship;
- 1 Business site;
- 1 Crèche site;
- 1 Primary school site;
- 1 Government telecommunication site;
- 1 Hospital site; and
- Public roads.

This is the preferred alternative since the layout is based on current market needs, with the aim of providing a range of high quality affordable units for individuals desiring to live in a secure environment.

Layout Alternative 2

This alternative entails the development of the following components:

- 228 Single Residential Erven;
- 3 Group Housing Schemes Erven;
- 3 Erven for places of Worship;
- 1 Business site;
- 1 Primary school site;

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Department of Environmental Affairs and Development Planning
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- 3 Crèche sites;
- 12 Public Open Space Erven; and
- Public Roads.

This alternative was rejected as it does not comply with the specification in the Land Availability Agreement as signed between Erf 16161 Paarl Development (Pty) Ltd and the National Housing Board, which states that a densification model must be implemented to ensure that the maximum total erven be permitted with a variety of housing types.

No-go Alternative:

This alternative represents the status quo and was rejected since it will not satisfy the need for low-cost housing in Paarl.

Public Participation

The Public Participation Process ("PPP") during the Scoping phase comprised of the following:

- Notices were placed on site on 23 July 2009;
- Background Information Documents were distributed to I&AP's on 23 July 2009;
- Advertisements were placed in the "Paarl Post" and "Die Burger" newspapers on 23 July 2009;
- The Draft Scoping Report was made available in the "Groenheuwel" Satellite Library on 23 July 2009; and
- An Open House meeting was held at the "Dalweide" Primary School Hall on 6 August 2009.

At the end of the commenting period no comments were received from the general public.

The PPP during the EIA phase comprised of the following:

- Registered I&AP's were notified of the availability of the draft EIA Report on 23 November 2009;
- The Draft EIA Report was made available in the "Groenheuwel" Satellite Library on 26 November 2009; and
- Advertisements were placed in the "Paarl Post" and "Die Burger" newspapers on 26 November 2009.

At the end of the commenting period no comments were received from the general public.

Authority Consultation

The following authorities commented but had no objection to the development:

- Heritage Western Cape;
- Department of Education;
- Department of Agriculture;
- Department of Transport and Public Works;
- Department of Health;
- South African Heritage Resource Agency;
- Drakeburg Municipality.

Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. Where possible and relevant, the conditions imposed by these authorities have been included in this Environmental Authorisation. Insofar as it relates to the environmental aspects of the proposed activities, this authorisation is issued only in terms of the NEMA and the applicant is required to obtain all other necessary approvals before commencing with the activities.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not

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Chief Directorate: Land Management (Region 1)

conflict with the general objectives of integrated environmental management laid down 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

I. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the Regulations.

If the applicant should decide to appeal, the applicant must, in terms of, Regulation 60(1), lodge a Notice of Intention to Appeal with the Minister, within 20 (twenty) days after the date of the decision, and must within 10 (ten) days of having submitted the notice contemplated in Regulation 60(1), provide each person and Organ of State registered as an Interested and Affected Party in respect of the application with a copy of the Notice of Intention to Appeal; a notice indicating where and for what period the appeal submission will be made available for inspection by such person or Organ of State on the day of lodging it with the Minister, and indicate that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

A person, Organ of State or applicant who submits a responding statement in terms of Regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the statement on the appellant.

If the applicant should decide to appeal, the applicant must submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1), for the lodging of the Notice of Intention to Appeal.

Should any other person, or an Interested and Affected Party, decide to appeal, they must, in terms of, Regulation 60(1), lodge a Notice of Intention to Appeal with the Minister, within 20 (twenty) days after the date of the decision. An appeal must be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in Regulation 60(1).

The appellant must provide the applicant, within 10 days of having lodged the notice contemplated in Regulation 60(1), with a copy of the notice referred to in Regulation 60(1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.

The prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone number (021) 483 3721, or 483 3915, email jedevill@pgwc.gov.za or via the URL <http://www.capegateway.gov.za/eacp>.

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

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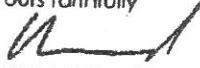
Department of Environmental Affairs and Development Planning
Chief Directorate: Land Management (Region 1)

By hand: Attention: Mr. Jaap de Villiers
9th floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

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

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

Yours faithfully

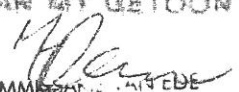


AYUB MOHAMED
DIRECTOR: LAND MANAGEMENT (REGION 1)
DATE OF DECISION: 22/11/2010

Cc: (1) J Theron (Doug Jeffery Environmental Consulting Pty (Ltd))
(2) D Delaney (Drakenstein Municipality)
(3) J Samson (Department of Human Settlements)

Fax: (021) 875 5515
Fax: (021) 807 4840
Fax: (021) 483 4585

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APPENDIX B
AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 11 JUNE 2013



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Land Management (Region 1)

REFERENCE: 16/3/1/5/B3/28/1012/13
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 11/06/2013

The Board of Directors
Erf 16161 Paarl Development (Pty) Ltd
PO Box 118
GORDONS BAY
7151

Attention: Mr Gustav Ludick

Tel: (021) 845 8335
Fax: (021) 975 1264

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 NOVEMBER 2010: THE DAL JOSAFAT DEVELOPMENT ON ERF NO. 16161 AND REMAINDER OF ERF NO. 17680, PAARL

With reference to your application, find below the amended environmental authorisation in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants** the amendment of the environmental authorisation issued on 24 November 2012.

The environmental authorisation is amended as set out below:

1. Section A: DESCRIPTION OF ACTIVITY, is amended to read:

- 1019 Single Residential Erven;
- 46 Special Business Erven;

2nd Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 21 483 3679/2792 fax: +27 21 483 3633
E-mail: Bernadette.Osborne@westerncape.gov.za

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

- 9 Public Open Space Erven;
- 5 General Residential Erven (1008 units);
- 3 Erven for places of worship;
- 1 Business site;
- 1 Crèche site;
- 1 Primary school site;
- 1 Government telecommunication site;
- 1 Hospital site; and
- Public roads.

2. Layout Alternative 1 (Preferred layout), is amended to read:

- 1019 Single Residential Erven;
- 46 Special Business Erven;
- 9 Public Open Space Erven;
- 5 General Residential Erven (1008 units);
- 3 Erven for places of worship;
- 1 Business site;
- 1 Crèche site;
- 1 Primary school site;
- 1 Government telecommunication site;
- 1 Hospital site; and
- Public roads.

This is the preferred alternative since the layout is based on current market needs, with the aim of providing a range of high quality affordable units for individuals desiring to live in a secure environment.

3. Condition 24 in Section G: CONDITIONS OF AUTHORISATION, is amended to read:

"The activities must commence within a period of five (5) years from the date of issue of the original authorisation dated 24 November 2010. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made for the activities to be undertaken."

Find attached a copy of the environmental authorisation issued on 24 November 2010.

B. REASONS FOR THE DECISION

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

1. The application is for a non-substantive amendment to the environmental authorisation. The amendment is to include two (2) additional Single Residential Erven and two (2) additional Public Open Spaces, which are situated within the approved development footprint and will not require any additional service infrastructure.
2. The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the amended environmental authorisation.

C. CONDITIONS

1. The applicant must, in writing, within **12 (twelve)** calendar days from the date of the Department's decision –
 - 1.1. notify all registered interested and affected parties of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the decision;
 - 1.1.3. the date of the decision; and
 - 1.1.4. the date of issue of the decision;
 - 1.2. draw the attention of all registered interested and affected parties 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 D below;
 - 1.3. draw the attention of all registered interested and affected parties to the manner in which they may access the decision, and
 - 1.4. 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 –
 - 1.4.1. informs all interested and affected parties of the decision;
 - 1.4.2. informs all interested and affected parties where the decision can be accessed; and
 - 1.4.3. informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
2. One week's written notice must be given to the Directorate: Land Management (Region 1), before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this Environmental Authorisation.

D. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment 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 interested and affected party in respect of the application, or the applicant, with –

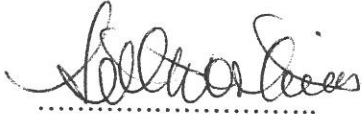
- 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement 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.

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 Addendum to the 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



HENRI FORTUIN

DIRECTOR: LAND MANAGEMENT (REGION 1)

DATE OF DECISION: 10-6-2013

Cc: (1) Doug Jeffery (Doug Jeffery Environmental Consultants)
(2) David Delaney (Drakenstein Municipality)

Fax: (021) 875 5515
Fax: (021) 807 4840