

REFERENCE: 16/3/3/1/B3/28/1025/22
NEAS REFERENCE: WCP/EIA/0001084/2022
DATE: 11 NOVEMBER 2022

The Board of Directors
Arun Projects (Pty) Ltd
PO Box 43
SOMERSET MALL
7137

Attention: Mr J Laubscher

Tel.: (021) 850 9680
Email: johan@arun.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 ("EIA") REGULATIONS, 2014: THE RESIDENTIAL DEVELOPMENT ON A PORTION OF THE REMAINDER OF ERF NO. 3396 AND ERF NO. 31030 (PICARDIE FARM), 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 EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Ms. K Bedingfield (Legacy Environmental Management Consulting) Email: karin@legacyemc.co.za
(2) Ms. C. Winter (Drakenstein Municipality) Email: Cindy.Winter@drakenstein.gov.za
(3) Mr. L Louw (Picardie) Email: louis@picardie.co.za
(4) Ms. S Brandt (HWC) Email: Stephanie.Barnardt@westerncape.gov.za

REFERENCE: 16/3/3/1/B3/28/1025/22
NEAS REFERENCE: WCP/EIA/0001084/2022
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 11 NOVEMBER 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE RESIDENTIAL DEVELOPMENT ON A PORTION OF THE REMAINDER OF ERF NO. 3396 AND ERF NO. 31030 (PICARDIE FARM), 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 activities specified in section B below with respect to the Preferred Layout Alternative, as described in the Basic Assessment Report ("BAR"), dated July 2022.

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

Arun Projects (Pty) Ltd
c/o Mr J Laubscher
PO Box 43
SOMERSET MALL
7137

Tel.: (021) 850 9680
Email: johan@arun.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>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 9</p> <p><i>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</i></p> <p>(i) <i>with an internal diameter of 0,36 metres or more; or</i></p> <p>(ii) <i>with a peak throughput of 120 litres per second or more;</i></p> <p><i>excluding where—</i></p> <p>(a) <i>such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i></p> <p>(b) <i>where such development will occur within an urban area.</i></p> | <p>The combined length of the stormwater infrastructure exceeds 1 000 metres and the throughput capacity will be more than 120 litres per second.</p> |
| <p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 28</p> <p><i>Residential mixed, retail, commercial, industrial or institutional development where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></p> <p>(i) <i>will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p> <p>(ii) <i>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</i></p> <p><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p> | <p>The development is located outside of the urban area of Paarl, on land previously used for agriculture and is bigger than 1 hectare.</p> |

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

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The proposed residential development on the Remainder of Erf No. 3396 and Erf No. 31030 comprising the following components:

- 37 single-residential dwellings of approximately 26 124m²,
- Private open space of approximately 4 712 m²,
- Private internal roads, parking, a security/ entrance structure and a truck/ vehicle loading (delivery) bay area near the entrance of approximately 9 396 m²,
- An erf for ancillary uses, a refuse room and estate services of approximately 274 m², and

- Associated infrastructure and engineering services, including a stormwater detention pond located within the private open space.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on a portion of the Remainder of Erf No. 3396 and Erf No. 31030, Paarl.

The SG21 digit codes are: C05500080000339600000
C055000800003103000000

Co-ordinates:

| Latitude | Longitude |
|------------------|------------------|
| 33° 46' 00.87" S | 18° 57' 22.07" E |

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Legacy EMC (Pty) Ltd
c/o Karin Bedingfield
PO Box 12410
DIE BOORD
7613

Tel: (021) 887 4000
Email: karin@legacyemc.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Layout Alternative, as described in the BAR dated July 2022 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period 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 **five years** from the date of issue, during which period the holder must commence with the authorised listed activities.
- (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.

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 activity.
 - 5.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 10.

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;
 - 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 activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified 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 activities, 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") before commencement of any land clearing or construction activity to ensure compliance with the EMPr and the conditions contained herein.
11. The ECO must report on compliance in writing to this Department and the relevant authorities monthly during the construction phase for the civil engineering services.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an **independent person** (other than not the ECO appointed in terms of condition 11 above or the appointed Environmental Assessment Practitioner) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake two environmental audits during the construction phase of the civil engineering services, with the first undertaken within 3 months of construction commencing and the second audit when the construction of the civil engineering services is completed. Following the latter, an environmental audit must be undertaken and submitted to the Department bi-

annually for the duration of the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after completion of the construction phase.

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

Specific Conditions

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The relevant requirements with respect to occupational health and safety must be adhered to at all times.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those activities, 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 Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@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. ZAAHIR TOEFY

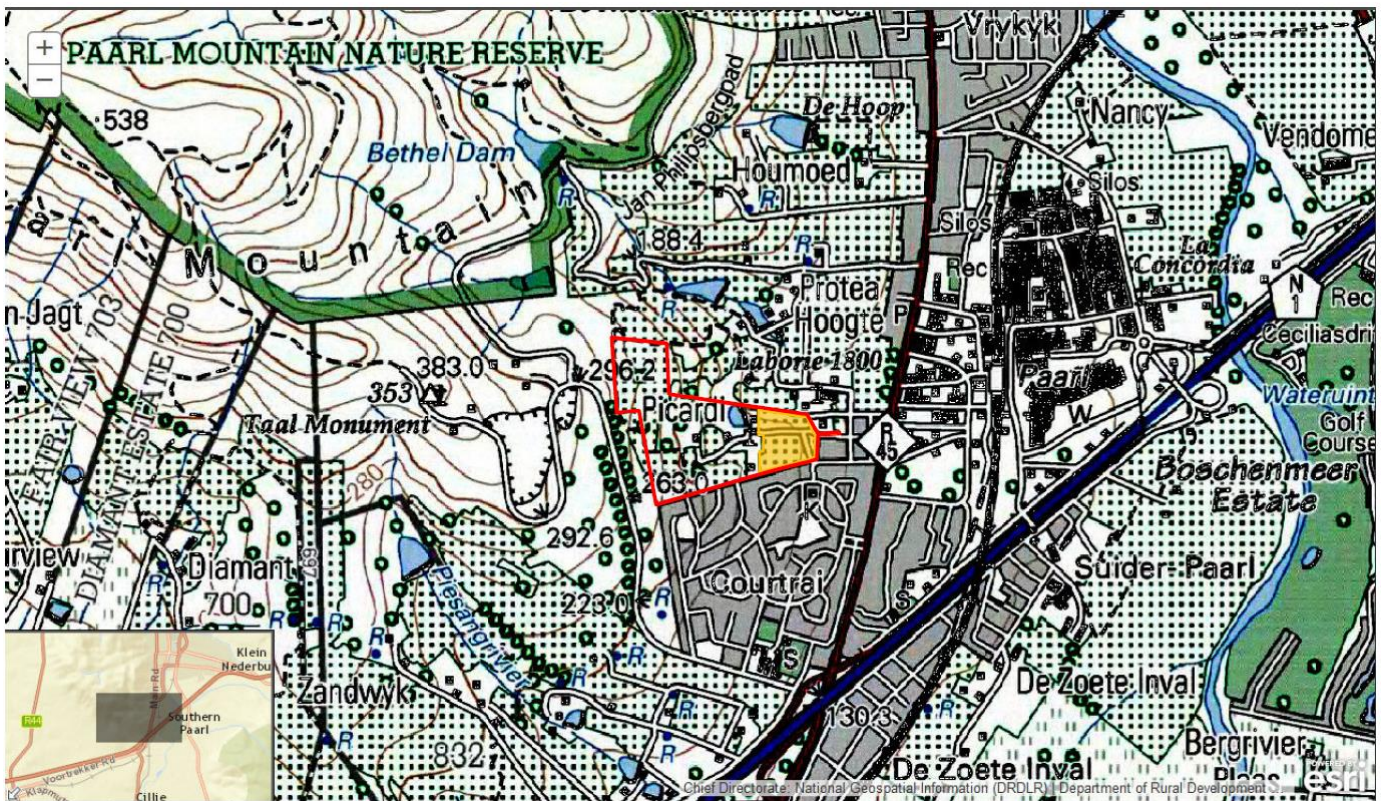
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 11 NOVEMBER 2022

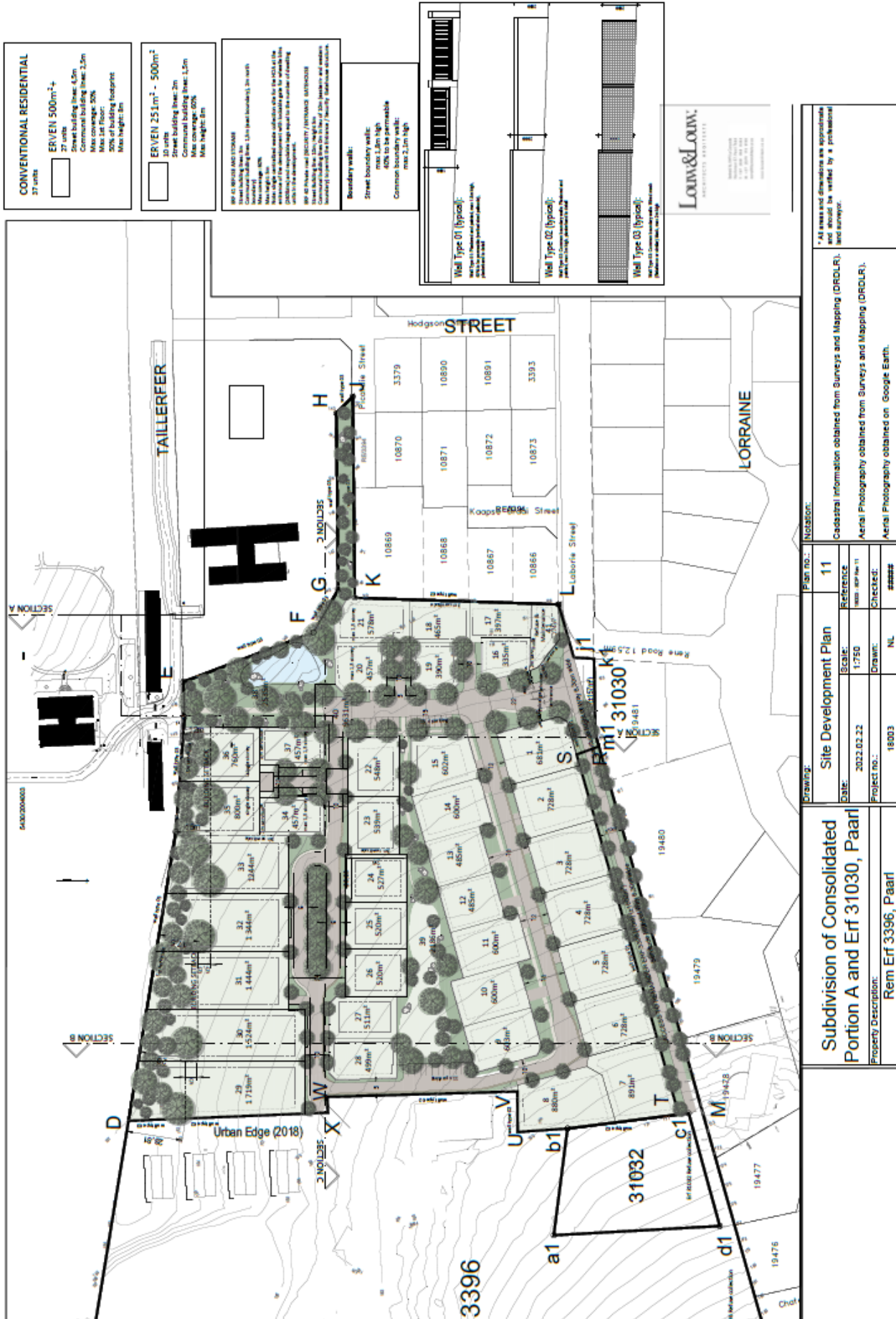
CC: (1) Ms. K Bedingfield (Legacy Environmental Management Consulting)
(2) Ms. C. Winter (Drakenstein Municipality)
(3) Mr L Louw (Picardie)
(4) Ms. S Brandt (HWC)

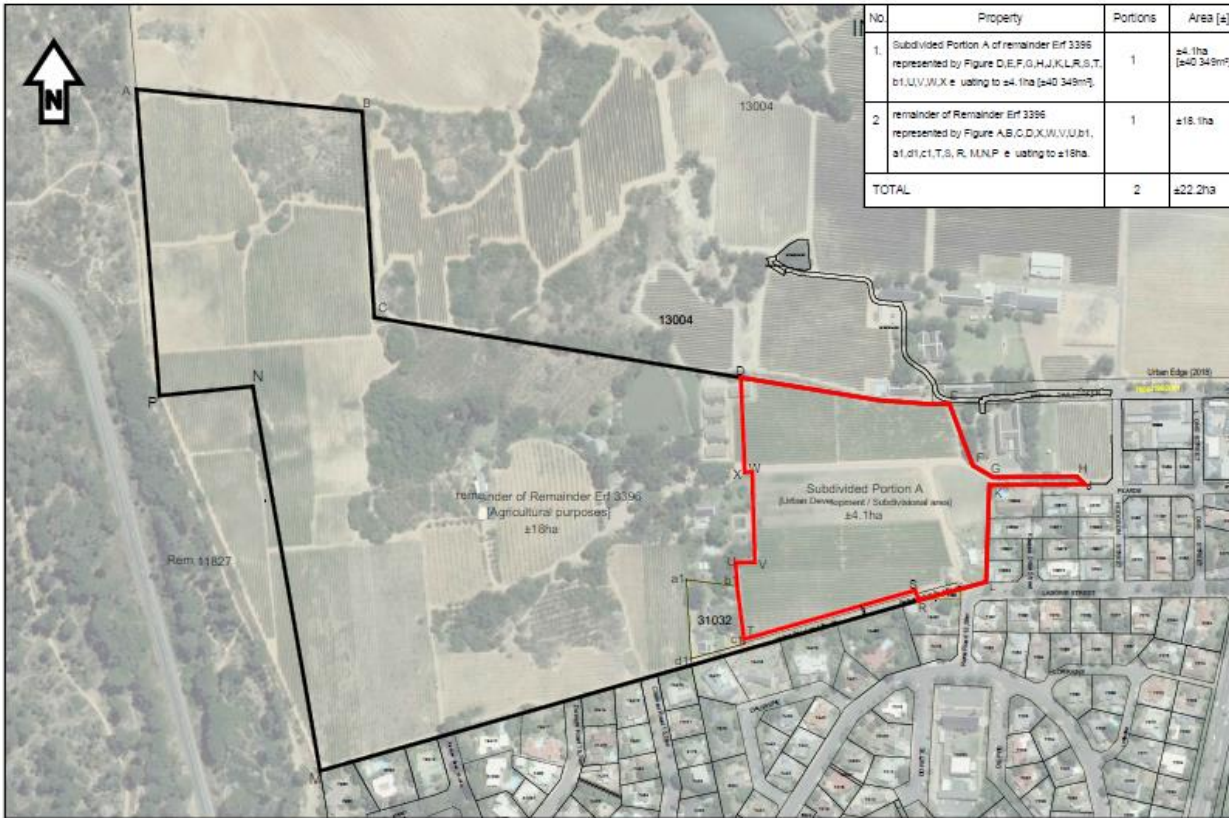
Email: karin@legacyemc.co.za
Email: Cindy.Winter@drakenstein.gov.za
Email: louis@picardie.co.za
Email: Stephanie.Barnardt@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN





| No | Property | Portions | Area [a] |
|--------------|--|----------|--------------------|
| 1 | Subdivided Portion A of remainder Erf 3396 represented by Figure D,E,F,G,H,J,K,L,R,S,T, U,V,W,X & adjoining to 4.1ha (±40 349m²) | 1 | ±4.1ha (±40 349m²) |
| 2 | remainder of Remainder Erf 3396 represented by Figure A,B,C,D,X,W,U,V,U,b1, a1,d1,c1,T,S, R, M,N,P & adjoining to ±18ha. | 1 | ±18.1ha |
| TOTAL | | 2 | ±22.2ha |

*Remainder Erf 3396 (±22.2ha) is represented by Figure A,B,C,D,E,F,G,H,I,J,K,L,M,N,P, excluding figure a1,b1,c1,d1 (erf 31032)

*Figure A,B,C,D,X,W,U,V,U,b1, a1,d1,c1,T,S,R,M,N,P represents remainder of Remainder Erf 3396 (±18ha)

*Figure a1,b1,c1,d1 represents Erf 31032 (±1868m²)

*Subdivided Portion A (±4.1ha) is represented by Figure D,E,F,G,H,J,K,L,R,S,T,U,V,W,X.

Notation:
Source: Internal layout / subdivision prepared by Louw & Louw Architects
All dimensions and areas are approximate and must be verified by a Professional Land Surveyor.



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URBAN DESIGNERS

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STELLENBOSCH 7600 | TEL +27 (0) 21 851 3000 | www.tv3.co.za

SUBDIVISION OF REMAINDER ERF3396
Farm Picardi, Paarl

| Drawn | Checked | Date | Scale |
|-------------|---------|--------------|--------------|
| AP | AP | 22/03/2022 | 1:3 000 (A3) |
| Project no. | | Revision no. | |
| 3473-P | | 06 | |
| Drawing | | Plan no. | |
| Subdivision | | 5 | |



| No | Property | Area [a] |
|---|--|--------------------|
| 1 | Subdivided Portion A of remainder Erf 3396 represented by Figure D,E,F,G,H,J,K,L,R,S,T,U,V,W,X & adjoining to 4.1ha. | ±4.1ha (±40 349m²) |
| 2 | Erf 31030 is represented by figure J1,K1,R & adjoining to ±157m² | ±0.0157ha (±157m²) |
| CONSOLIDATED PORTION Note: Figure D,E,F,G,H,J,K,L,J1,K1,R,S,T,U,V,W,X represents a consolidated land portion comprised of Subdivided Portion A of Rem. Erf 3396 and Erf 31030 | | ±4.1ha (±40 505m²) |

Note:
All areas and dimensions are approximate and must be verified by a Professional Land Surveyor.



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TOWN PLANNERS
URBAN DESIGNERS

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STELLENBOSCH 7600 | TEL +27 (0) 21 851 3000 | www.tv3.co.za

Consolidation of subdivided Portion A of remainder Erf 3396 and Erf 31030, Paarl

| Drawn | Checked | Date | Scale |
|---------------|---------|--------------|---------|
| AP | AP | 22/03/2022 | 1:1 250 |
| Project no. | | Revision no. | |
| 3473-P | | 07 | |
| Drawing | | Plan no. | |
| Consolidation | | 6 | |

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 25 April 2022, the EMPr submitted together with final BAR on 28 July 2022.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated July 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.
- f) A site visit was conducted on 8 November 2022 by Mare-Liez Oosthuizen, Andrea Thomas and Samornay Smidt from the Department of Environmental Affairs and Development Planning and Karin Neethling from Legacy Environmental Management Consulting.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Paarl Post' on 15 April 2021;
- fixing notice boards at the site where the listed activities are to be undertaken and public areas on 17 April 2021;
- 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 17 April 2021;
- circulating of the pre-application draft BAR to I&AP's from 17 April 2021;
- an Open Day on 20 September 2021; and
- circulating the in-process draft BAR to I&APs from 25 April 2022.

The 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.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation, and EMPr to adequately address the concerns raised.

2. Alternatives

The current preferred layout is the result of an iterative process in which the proposed development has undergone several design changes in terms of its layout and density. The original proposal consisted of 65 residential erven, ranging in size from 312m² to 535m² and following numerous iterations this was reduced to 37 residential erven ranging in size from 327m² to 1719m². The density, erf sizes and architectural design of the preferred layout was amended to maintain the area's rural sense of place. The preferred layout was informed by inputs from the heritage and visual practitioners, particularly related to the interface between the development site (Remainder of Erf No. 3396) and the adjacent Laborie werf and vineyards. The houses on the northern edge of the development footprint are set back from the adjoining Laborie vineyards, and green corridors and open spaces will be implemented to link the Laborie Estate to the Picardie Guest Farm. The preferred layout allows for a stepped building setback for the northern erven abutting the Laborie vineyards (ranging in width from 12m to 20m), as well as green belts within the development. A 5m green building line is incorporated along the northern boundary of the development area and a 10m wide setback on the southern boundary of the property (which is an increase from the previously recommended 8m following input from interested and affected parties). This 10m wide setback allows sufficient space for the existing 6.3m wide right of way servitude, as well as landscaping to screen the development from the neighbouring erven in Courtrai. Twenty-seven of the residential erven are larger than 500m² and 10 erven are sized between 251m² and 500m². The erven along the southern boundary of the property have been reduced from eight erven to seven erven and range in size from 681m²– 891m². Dwellings on the erven closest to the Laborie werf will also be restricted in height (Erven 35 and 36 will be limited to single storey and Erven 34, 37, 20 and 21 will be limited to 1.5 storeys (approximately 6.5m in height)). These amendments gave rise to the following preferred alternative:

Preferred Layout Alternative (Herewith authorised)

The proposed residential development on the Remainder of Erf 3396 and Erf 31030 consists of the following components:

- 37 single-residential dwellings of approximately 26 124m²,
- Private open space of approximately 4 712 m²,
- Private internal roads, parking, a security/ entrance structure and a truck/ vehicle loading (delivery) bay area near the entrance approximately 9 396 m²,
- An erf for ancillary uses, a refuse room and estate services approximately 274 m², and
- Associated infrastructure and engineering services, including a stormwater detention pond located within the private open space.

"No-Go" Alternative

The no-go alternative was considered. However, it was not preferred since the findings of the Agricultural Economic Study found that farming on the Remainder of Erf No. 3396 is not financially viable in the medium to long term. Continued farming on the site is therefore not a feasible option. The proposed development site is included in the municipal urban edge and has been earmarked for urban infill development in the Drakenstein Municipality's Spatial Development Framework. The proposed development is in line with this demarcation. Should the no-go alternative be implemented, the opportunity for additional job creation and the socio-economic benefits associated with the proposed development will be lost.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The property is situated adjacent to the existing residential suburb of Courtrai and the Laborie Estate. The development site (a portion of the Remainder of Erf No. 3396 and Erf 31030, Paarl) is approximately 4.2ha in extent and has been used for agricultural purposes for many years. The development site is presently partially cultivated with vines and pastures. A bicycle track and farm stall with associated infrastructure such as children's play areas are also present on the site. The farm stall will be demolished to allow for the proposed development. The 4.2ha portion of the Remainder of Erf No. 3396 and Erf 31030, Paarl that is proposed to be developed, is included within the municipal urban edge, and is earmarked for urban infill in the Drakenstein Spatial Development Framework. The proposed development is therefore in line with the planning for the area. Factors such as the heritage and cultural landscape context of the site, its agricultural potential, the financial viability of the farming unit, the presence of sensitive biophysical features and the potential visual impacts on the surrounding area informed the proposed development. The specialist studies conducted during the EIA process and input obtained during the public participation process further informed the preferred layout.

3.2 Biophysical Impacts

Historically, the site contained Swartland Granite Renosterveld vegetation, which is classified as endangered. The site has been completely transformed by agriculture and no indigenous vegetation remains within the development footprint. In addition, no watercourses are present on the site. The proposed development will therefore not result in a significant biophysical impact.

3.3 Heritage and Visual Impacts

The Drakenstein Mountain Slope Policy – Sensitivity Analysis Tool (September 2019) serves as an informant in the process of decision-making regarding development proposals on mountain slopes (in terms of visual, heritage and/or environmental considerations) and indicates the statutory requirements to be followed in the process of obtaining land use rights. This policy was considered in the preparation of the Visual Impact Assessment. In addition, the Paarl Farms Land Use Management Policy (June 2005) that was adopted by the Drakenstein Council and which aims to guide the future use of the Paarl "town" farms, was also taken into consideration in the Heritage Impact Assessment. The policy stipulates that all the identified farms which are situated in the historic Paarl town boundary are of significance to Paarl and contribute to the unique character and sense of place of Paarl, and therefore none of the farms may be developed outright. Limited residential development could be considered on land that is not actively farmed or is not suitable for farming contiguous to urban areas, provided that such proposals are subject to detailed studies that will, *inter alia*, investigate the impact on heritage and visual resources.

Considering the above and the nature of the development, a Heritage Impact Assessment ("HIA") with specific reference to the visual impacts of the proposed development on the existing cultural landscape and the impact of the proposed development on the peri-urban landscape of Paarl, including urban design indicators with design principles and design approaches, was required by Heritage Western Cape. The integrated HIA, which included a Visual Impact Assessment ("VIA") and Archaeological Impact Assessment ("AIA"), considered the impact of the development on the rural cultural landscape. The site is largely undeveloped, although it includes small numbers of structures on its periphery. One of these, a former farm labourers' cottage that is now used for tourist accommodation, situated in the north-western corner of the site, is earmarked for demolition. Other buildings earmarked for demolition are situated in the south-eastern corner of the site. None of the buildings earmarked for demolition are older than 60 years and are therefore not considered to have architectural or historical significance.

The farm werf that contains the main cluster of Picardie's buildings, including the homestead, is situated to the west of the development area and will not be affected by the proposed development.

In summary, while the HIA found that the subject site contributes to a broader agricultural landscape of high heritage significance and shares an important historical spatial relationship with the adjacent Laborie historic werf, the development footprint does not have any heritage significance. The AIA also concluded that the site has been severely disturbed, and that the proposed development will not impact on significant archaeological heritage.

Mitigation measures include setbacks from the Laborie werf and vineyards, scaling down of the nearest new buildings to Laborie, the implementation of the Estate Guidelines and landscaping (including large tree planting). As such, Heritage Western Cape is in support of the proposed development, on condition that the recommendations as set out in the HIA and VIA are implemented and adhered to. The Heritage Western Cape's Impact Assessment Committee endorsed the HIA as having complied with the provisions of Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). These have been incorporated into the preferred layout and the EMP accepted in Condition 8 of this Environmental Authorisation. In light of the above, the heritage impact is deemed to have been addressed satisfactorily.

Negative Impacts:

- The proposed development will have a negative impact during the construction phase in terms of noise, dust nuisance, traffic and visual impacts. The impacts will however be mitigated to a satisfactory level with the implementation of and adherence to the EMP.
- There will be visual, heritage and traffic impacts during the operational phase, which have been mitigated to an acceptable level through the incorporation of the specialist input and I&AP input into the preferred layout design.

Positive impacts:

- The proposed development will assist in addressing the need for housing opportunities in the municipal area and will provide employment opportunities during the construction and operational phase.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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