



REFERENCE: 16/3/3/1/B3/28/1032/22
NEAS REFERENCE: WCP/EIA/0001100/2022
DATE OF ISSUE: 02 December 2022

The Board of Directors
Bello Campo (Pty) Ltd
P. O. Box 43
SOMERSET MALL
7137

Attention: H. Campbell

Tel.: (021) 850 9680
Email: murray@arun.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A WATERCOURSE MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT OF ERF NO. 8892, PAARL

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), 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) C. Winter (Drakenstein Municipality) Email: cindy.winter@drakenstein.gov.za
(2) C. Williams (Guillaume Nel Environmental Consultants) Email: cahlan@gnec.co.za
(3) A. Duffel-Canham (CapeNature) Email: aduffel-canham@capenature.co.za
(4) C. van der Walt (Department of Agriculture) Email: cor.vanderwalt@westerncape.gov.za
(5) K. Mohlodini (Department of Water and Sanitation) Email: mohlodinik@dws.gov.za



REFERENCE: 16/3/3/1/B3/28/1032/22
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A WATERCOURSE MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): PROPOSED DEVELOPMENT OF ERF NO. 8892, 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 Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated August 2022.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the MMP** for maintenance for proposed activities associated with the Berg River and rehabilitation of the riparian zone.

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

Bello Campo (Pty) Ltd
% H. Campbell
P. O. Box 43
SOMERSET MALL
7137

Tel.: (021) 850 9680
Email: murray@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 activities | Activity/Project Description |
|---|--|
| <p>EIA Regulations Listing Notice 1 of 2014: Activity Number 12</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared. | <p>The development entails the establishment of a 950m long footpath along the Berg River. The development footprint of the footpath will approximately 1668m².</p> |
| <p>Activity Number 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> | <p>A berm of approximately 19 221 m³ directly adjacent to and, in some parts, encroaching into the delineated edge of the Berg River, will be removed.</p> |

| | |
|---|--|
| <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p> | |
| <p>Activity Number 28 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p> | <p>The proposed residential development will be located outside of the urban area and on land previously used for agriculture. The total extent of land to be developed will be bigger than 1ha.</p> |

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

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposed development will comprise the following:

- 14 Gentleman's Estates with erf sizes ranging between approximately 4 000 m² and 4 513 m².
- 47 Dwelling Houses with erf sizes ranging between approximately 704 m² and 1019 m².
- 79 Townhouses with erf sizes ranging between approximately 247 m² and 447 m².
- 219 Apartments (approximately 81,4 units per hectare).
- The Existing Firwoods Homestead of approximately 1,47 hectares.
- An Open Space Zone of approximately 1,99 hectares.
- Internal roads of approximately 3,45 hectares.
- A Transport Zone of approximately 0,41 hectares.
- An Agriculture Zone of approximately 37,78 hectares.
- The construction of footpaths along the Berg River.

- The removal of the existing berm adjacent to the Berg River.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 8892, Paarl, at the following co-ordinates:

| Latitude (S) | Longitude (E) |
|----------------|----------------|
| 33° 46' 10.96" | 18° 58' 19.31" |

The SG digit code is: C05500080000889200000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")

Guillaume Nel Environmental Consultants
 % E. Visagie/C. Williams
 P.O. Box 2632
PAARL
 7620

Cell: (021) 870 1873
 Email: cahlan@gnec.co.za/eg@gnec.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 Layout Alternative 1, described in the BAR, dated August 2022, at 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 for, 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 (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
 - (b) A period of 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 activities. The notice must:
 - 5.1 make clear reference to the site details and EIA Reference number given above; and
 - 5.2 include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 12 and 13

Notification and administration of appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1 the outcome of the application;
 - 6.1.2 the reasons for the decision as included in Annexure 3;
 - 6.1.3 the date of the decision; and
 - 6.1.4 the date when the decision was issued.
 - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 6.4 provide the registered I&APs with:
 - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2 name of the responsible person for this Environmental Authorisation;
 - 6.4.3 postal address of the holder;
 - 6.4.4 telephonic and fax details of the holder;
 - 6.4.5 e-mail address, if any, of the holder; and
 - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed 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 MMP adopted as part of this Environmental Authorisation must be implemented.
10. The EMPr and MMP must be included in all contract documentation for all phases of implementation.
11. The Rehabilitation and Alien Clearing Management Plan dated 25 October 2021 must be implemented.
12. A Stormwater Management Plan must be submitted to the Drakenstein Municipality for approval. The approved Stormwater Management Plan must be submitted to this Department prior to the commencement of construction activities on the site.

Monitoring

13. 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.
14. The ECO must conduct fortnightly monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority 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.
15. A copy of the Environmental Authorisation, EMPr, MMP, 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.
16. 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

17. 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, the EMPr and the MMP. 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 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).

Specific Conditions

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

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

19. 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.

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 that activity/ies, 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 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>.

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 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: 02 DECEMBER 2022

CC: (1) C. Winter (Drakenstein Municipality)
(2) C. Williams (Guillaume Nel Environmental Consultants)
(3) A. Duffel-Canham (CapeNature)
(4) C. van der Walt (Department of Agriculture)
(5) K. Mohlodini (Department of Water and Sanitation)

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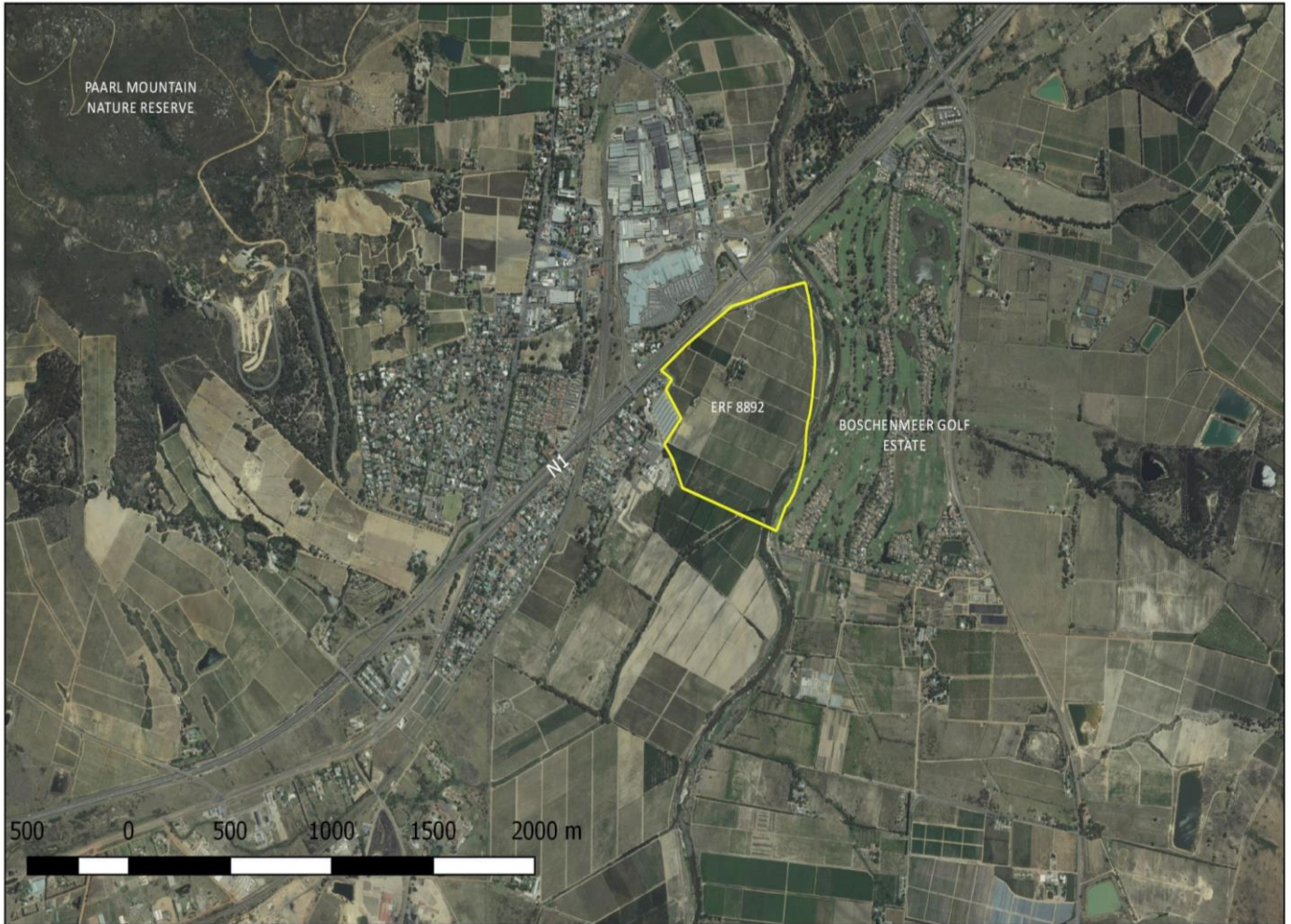
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ANNEXURE 1: LOCALITY MAP



PROPOSED DEVELOPMENT OF ERF 8892, FIRWOODS, PAARL

LOCALITY MAP

Guillaume Nel
environmental consultants

Figure 1: Location of the proposed development.

ANNEXURE 2: SITE DEVELOPMENT PLAN

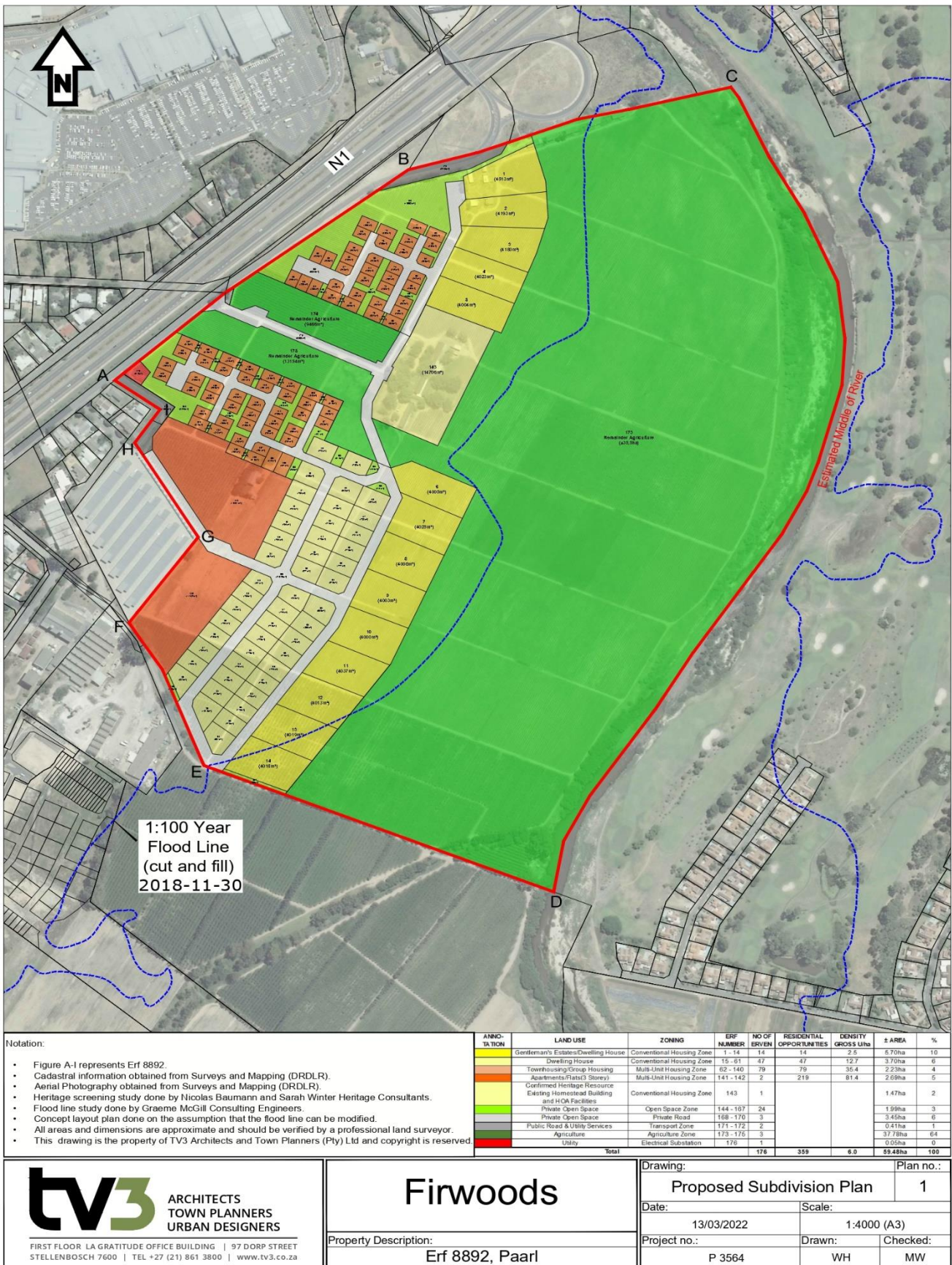


Figure 2: Site development plan for the proposed development.

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 28 May 2020, the final BAR dated August 2022 and the EMPr and MMP submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated August 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Paarl Post' on 18 June 2020;
- fixing notice boards at various locations within and around the area where the listed activities are to be undertaken on 19 June 2020;
- 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 19 June 2020, 8 November 2021, 10 November 2021, 11 November 2021, as well as on 18 and 20 May 2022; and
- making the pre-application draft BARs available to I&APs for public review from 19 June 2020 and 8 November 2021 and the in-process draft BAR from 19 June 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all 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 proposed development entails the construction of a residential development. The alternatives assessed as part of this application relate to the different layouts and the “no-go” alternative, and are discussed below.

Layout Alternative 1 (Herewith Authorised)

This alternative entails the construction of a residential area, which will include the following:

- 14 Gentleman's Estates with erf sizes ranging between approximately 4 000 m² and 4 513 m².
- 47 Dwelling Houses with erf sizes ranging between approximately 704 m² and 1019 m².
- 79 Townhouses with erf sizes ranging between approximately 247 m² and 447 m².
- 219 Apartments (approximately 81,4 units per hectare).
- The Existing Firwoods Homestead of approximately 1,47 hectares.
- An Open Space Zone of approximately 1,99 hectares.
- Internal roads of approximately 3,45 hectares.
- A Transport Zone of approximately 0,41 hectares.
- An Agriculture Zone of approximately 37,78 hectares.
- The construction of footpaths along the Berg River.
- The removal of the existing berm adjacent to the Berg River.

This alternative is preferred for the following reasons:

- More residential opportunities are available compared to Layout Alternative 2.
- There is no self-storage facility that forms part of this layout, so that the proposed development will not impact on the self-storage facility adjacent to the southwestern boundary of the site.
- This alternative is less visually intrusive compared to Layout Alternative 2.
- Permanent and temporary employment opportunities will be generated during the construction and operational phases of the project.

Layout Alternative 2

This alternative will include the development of:

- 79 Townhouses along New Eskdale Street.
- 126 Apartments along the Western border of the site.
- 47 Single Residential stands to the south of the apartments.
- 14 Gentleman's Estates looking onto the Berg River.
- A clubhouse in the manor house; and
- Self-storage units along the Western border (8 400 m²).

This alternative is not preferred for the following reasons:

- Less residential opportunities are available compared to Layout Alternative 1.
- The self-storage facility that forms part of this layout may impact on the existing self-storage facility adjacent to the southwestern boundary.
- This alternative is more visually intrusive compared to Layout Alternative 2.

"No-Go" Alternative

The "no-go" option was considered and is not preferred because the opportunity to develop underutilised land that is earmarked for urban development will not materialise. The opportunity to provide a range of different residential opportunities will be lost and both temporary and permanent employment opportunities will not be created.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

According to the Drakenstein Municipal Spatial Development Framework (2020) ("SDF"), the site is located within the urban edge. The proposed development seeks to use underutilised land within the urban edge of Drakenstein Municipality for a medium density residential estate. The site is surrounded by an industrial area, residential golf estate, a retail centre and agricultural areas. The proposed development is therefore in keeping with the surrounding land uses and the forward planning vision for the area. It will form part of the transition from an urban to a rural landscape. Furthermore, the proposed development will create employment opportunities in both the construction and operational phases.

3.2 Biodiversity and Biophysical Impacts

The site has been completely transformed through agricultural activities, with no natural vegetation remaining. As such, there will be no negative impacts on biodiversity resulting from the proposed development.

According to the Freshwater Assessment dated May 2020, compiled by K. Marais, the Berg River borders the eastern boundary of the site. The Berg River is largely modified but is considered to have a high ecological importance and sensitivity. The proposed development will entail the infilling of the 1:100-year flood line to the extent of 70,000m² along the Gentlemen's Estate plots, as well as the removal of the berm along the Berg River to allow for improved drainage. A series of ponds (hereafter referred to as 'drainage ponds') will be excavated below the new 1:100-year flood line. These drainage ponds will be excavated to accommodate a total volume of 50,000m³ which, as determined by the flood line modelling, would have been the volume of water that inundated the 70,000 m² area that will be infilled. This will be done to offset the infilling and realignment of the 1:100-year flood line, to ensure that the infilling activities do not impact the flood line within the neighbouring properties. These ponds will be utilised as part of the stormwater management of the development and will be landscaped in such a way as to provide ecological services and habitat. Through the implementation of the specialist's recommendations and the EMPr (accepted in Condition 8), the impacts on aquatic features will be mitigated.

An MMP has been compiled for the Berg River along the eastern boundary of Erf No. 8892, Paarl. The removal of the existing berm, as well as the reshaping and rehabilitation of riparian zone along the Berg River in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any

new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA)

3.3 Heritage Impacts

According to the Heritage Impact Assessment dated 27 October 2021, compiled by Ms. S. Winter and Mr. N. Baumann of Nicolas Baumann Urban Conservation and Planning, the subject property is interwoven with the history of Paarl since its settlement. The wagon route from Cape Town crossed the land granted here to early settlers and connected the northern and southern portions of the valley. This irregular shaped lot (Erf 8892) at the southern entrance to the valley lay between the wagon road and what became the public outspan on its northwest boundary, and the river floodplain to the southeast. The site forms part of a cultural landscape comprising a collection of historical homesteads and agricultural lands strung out along the Berg River traversing the Drakenstein Valley. The integrity of the broader landscape context has been compromised to a large extent by the N1 corridor, urban development to the west and Boschenmeer Golf Estate to the east. The Visual Baseline Study (2019) describes it as a landscape in transition in a valley of high visual significance. Notwithstanding broader visual issues, the site is bounded by urban development on more than one boundary. It is largely wedged between urban development on both the east and west which creates a barrier to the rural landscape to the east. Through the implementation of the specialist recommendations included in the EMPr (accepted in Condition 8) and the incorporation of the historical "werf" into the development, heritage impacts can be mitigated to an acceptable level.

3.4 Visual Impacts

According to the Visual Impact Assessment dated 23 September 2021, compiled by Mr. D. Gibbs, the site lies at the base of the Berg River valley, between the Paarl Mountains (west) and the Drakenstein Mountains (east). Although part of an agricultural 'ribbon' along the Berg River, the site is bounded by urban development to the southwest and northwest, as well as the Boschenmeer Estate (east). The N1 passes the site along its western boundary. The site is located lower in the landscape than the N1 and is therefore virtually invisible from the N1. The site is, however, clearly visible from New Eskdale Street. At the urban / rural interface, this is a cultural landscape in transition; with agricultural vineyards giving way to urban residential and urban 'industrial' landholdings on the edges of the town of Paarl. Given the scale of the proposed development, the regional landscape character of the site is considered to have medium sensitivity, as it is associated with areas of visual / scenic amenity. The local landscape character of the site is considered to be moderately sensitive, given the proximity of heritage features and visual corridors. The specialist concludes that the Visual Absorption Capacity of the site is considered to be moderate because of surrounding developments and the ability of the

proposed development to fit into the existing landscape. Through the implementation of the specialist recommendations included in the EMPr (accepted in Condition 8), visual impacts can be mitigated to an acceptable level.

3.5 Traffic Impacts

According to the Transport Impact Assessment dated May 2020, compiled by Ms. C. Sequeira and J. Brink of Innovative Transport Solutions ("ITS"), the proposed development will be served by two vehicular accesses. The existing access on New Eskdale Street will be the main access to the whole development. It is located approximately 400m from the N1 on-ramp. A secondary access is proposed approximately 150m south-west of the main access from New Eskdale Street. It will connect to the adjacent business premises, The Storage Place's access road. This access will be an emergency access and is also proposed to be used by construction vehicles during the development of the site. The minimum access spacing is in accordance with the Western Cape Government's Access Management Guidelines (WCG, 2019). All intersections will continue operating at an acceptable Level of Service ("LOS") with adequate spare capacity by 2025. Based on the traffic analyses results, no capacity constraints are expected on the surrounding road network. No mitigation measures are therefore recommended. The specialist concluded that the expected development traffic will not have a significant impact on the external road network and will thus not require major road improvements. Through the implementation of the specialist recommendations included in the EMPr (accepted in Condition 8), traffic impacts can be mitigated to an acceptable level.

3.6 Services

In a comment dated 25 October 2022 from Drakenstein Municipality, the availability of bulk infrastructure for both water supply and sewerage reticulation in proximity to the proposed development was confirmed. However, in both instances, the developer will be responsible for the installation of connecting infrastructure.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will have an impact on the visual landscape, however, this will be mitigated to acceptable levels.
- Impacts of low significance are anticipated for indigenous vegetation.
- There will be a slight increase in traffic as a result of the implementation of the development.
- There will be an increase in noise and dust impacts during the construction phase, however, mitigation measures for these impacts are addressed in the EMPr.

Positive impacts:

- The proposal will utilise land within the urban edge for urban development.
- The rehabilitation of the Berg River within the development site will be implemented.
- Additional residential opportunities will be made available within the area.
- Economic investment/growth within the southern Paarl area will be stimulated.
- Employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

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

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

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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