



REFERENCE: 16/3/3/1/B3/28/1051/20
DATE OF ISSUE: 05 May 2021

Drakenstein Municipality
P. O. Box 1
PAARL
7622

Attention: Mr. P. Pansegrouw

Tel: (021)807 6452
E-mail: phillip.pansegrouw@drakenstein.gov.za

Dear Sir

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: THE PROPOSED MIXED-USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERVEN 21128 AND 13480, 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, 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 alternative as described in the Basic Assessment Report ("BAR"), dated 29 January 2021.

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

Drakenstein Municipality
P. O. Box 1
PAARL
7622

Tel: (021)807 6452
E-mail: phillip.pansegrouw@drakenstein.gov.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	Project Description
<p>Listing Notice 1 – Activity Number: 27 <i>The clearance of an area of 1 hectares of more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for –</i> <i>(i) the undertaking of a linear activity; or</i> <i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</i></p>	<p>The proposed development entails the clearance of more than 1ha of indigenous vegetation</p>
<p>Listing Notice 3 – Activity Number: 4 <i>The development of a road wider than 4 meters with a reserve less than 13.5 meters</i> i. Western Cape <i>i. Areas zoned for use as public open space or equivalent zoning;</i> <i>ii. Areas outside urban areas;</i> <i>(aa) Areas containing indigenous vegetation;</i> <i>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</i> <i>iii. Inside urban areas:</i> <i>(aa) Areas zoned for conservation use; or</i> <i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The proposed development will include the development of roads wider than 4 meters in areas zoned for use as public open space.</p>

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

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

The proposed development will entail a mixed-use development and associated infrastructure on Erven 21128 and 13480, Paarl, which comprises the following:

- 158 Single Residential units;
- 371 Row houses / Duplexes;
- 3 Mixed Use erven;
- 2 community facilities;
- Public open spaces including a sport facility (soccer field) that will serve as a detention facility;
- Internal roads (approximately 5-6m wide)
- Two new access roads with a width of approximately 7.5m and a length of approximately 20m each;
- Boundary walls for single and double storey residences along the N1 and R101; and
- Associated infrastructure (water and sewage pipelines).

The development footprint of the proposed development will be approximately 13.066ha.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Erven 13480 and 21128, Paarl and has the following co-ordinates:

Latitude (S)	33°	44'	28.52''
Longitude (E)	18°	00'	10.68''

The SG digit codes are:

Erf 13480 : C05500080001348000000

Erf 21128 : C05500080002112800000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants
c/o Mr. G. Nel & Ms. E. Visagie
P.O. Box 2632
PAARL
7620

Tel: (021) 870 1874

E-mail: gn@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 preferred Alternative described in the BAR dated 29 January 2021 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. 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.
5. 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

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

Conditions: 7, 8 and 11

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.

- 7.2 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 detailed in Section F below;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder,
 - 7.4.6 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.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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.

Management of activity

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

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr, and the conditions contained herein.
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 above 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, 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, that is not the ECO and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The Environmental Audit Reports must be submitted to the Competent Authority every six months during the construction phase. A final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

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. A search and rescue operation of all transplantable bulbs must be carried out by a suitably qualified person, before the commencement of any site clearing activities. The bulbs rescued from the site must be translocated to the Paarl Mountain Nature Reserve, or another suitable receptor site as identified by the Botanical Specialist.
18. The construction footprint must be demarcated prior to the commencement of construction activities. All areas outside the construction footprint must be demarcated as "no-go" areas.

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 a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for

Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 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 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.

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 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 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 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)

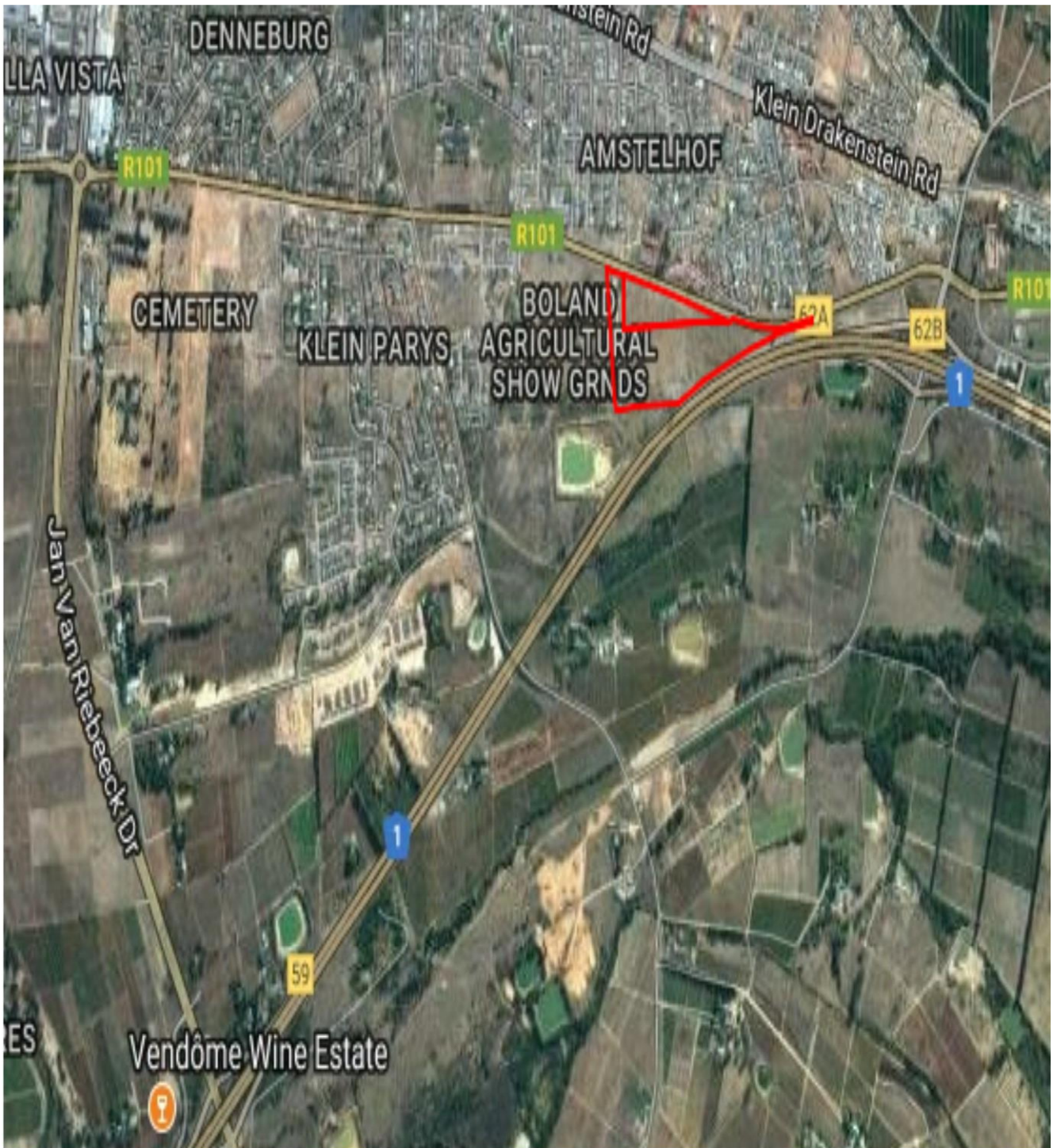
DATE OF DECISION: 05 MAY 2021

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

Email: eg@gnec.co.za

Email: cindy.winter@drakenstein.gov.za

ANNEXURE 1: LOCALITY MAP



Erf 13480 & Erf 21128, Paarl		
Locality Map	Tel: (021) 870 1874 Fax: 086 6933 802 Cell: 072 1571 321	Figure 1

Figure 1: Location of the proposed mixed-use development.

ANNEXURE 2: SITE PLAN

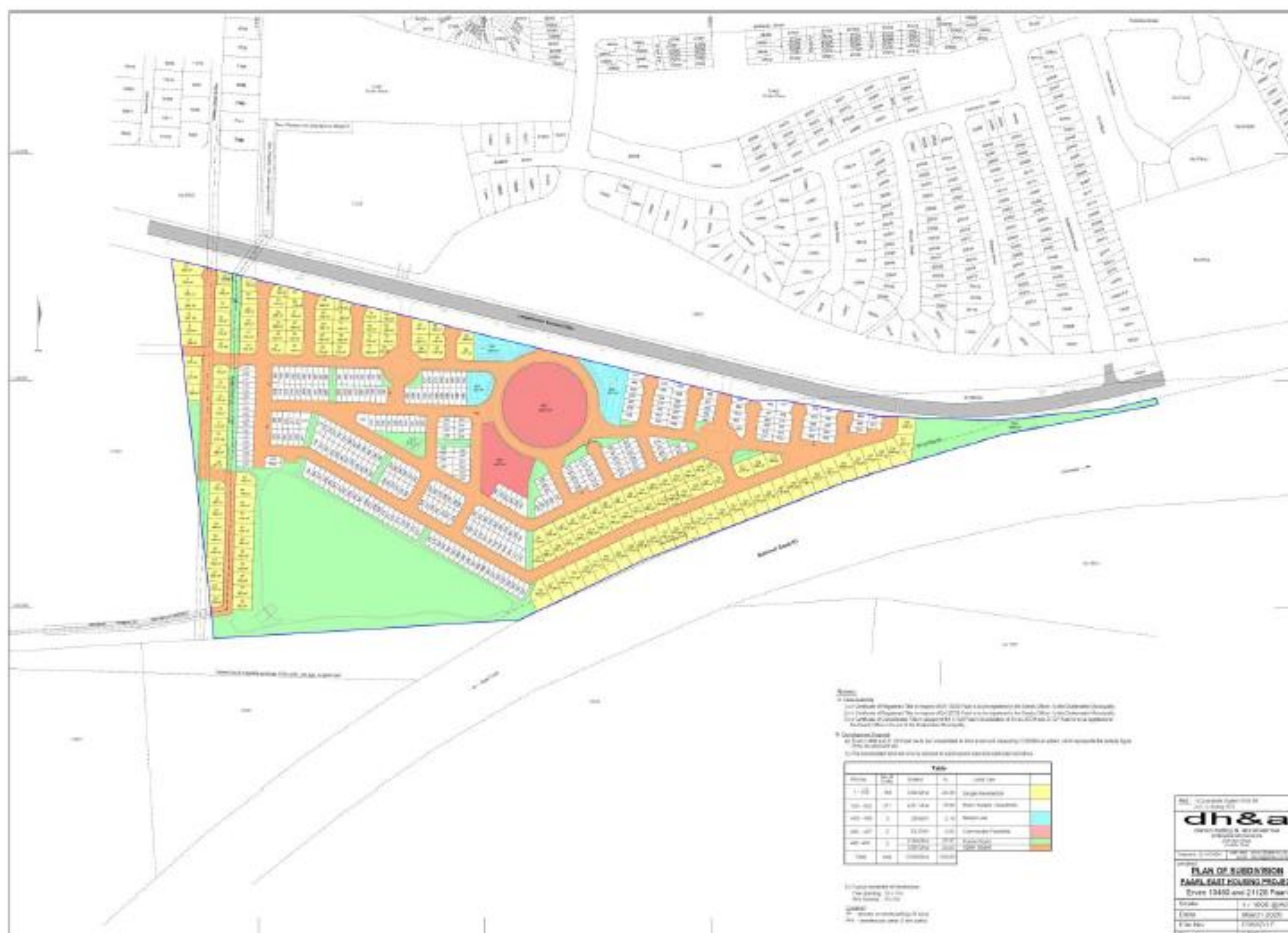


Figure 2: Proposed layout plan

ANNEXURE 3: REASONS FOR THE DECISION

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

- The information contained in the Application Form received by the Department on 12 October 2020, the EMPr submitted together with the Basic Assessment Report on 29 January 2021 and the additional information received by the Department on 24 February 2021, 16 March 2021 and 9 April 2021.
- Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- 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);
- The comments received from I&APs and responses to these, included in the Basic Assessment Report received on 29 January 2021 and the additional information received; and
- 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 in the consideration of the application for Environmental Authorisation. A summary of the issues that were the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activities are to be undertaken on 20 February 2019;
- the placing of a newspaper advertisement in the 'Paarl Post' on 21 February 2019;
- 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 20 February 2019, 9 July 2020 as well as on 23 October 2020; and
- making the pre-application draft BAR available to I&APs for public review from 20 February 2019 to 29 March 2019 and 9 June 2020 to 30 July 2020 and the in-process draft BAR from 23 October 2020 to 27 November 2020.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and that 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

Preferred alternative – (Herewith authorised)

This alternative comprises the following:

- 158 Single Residential units;
- 371 Row houses / Duplexes;
- 3 Mixed Use erven;
- 2 community facilities;
- Public open spaces including a sport facility (soccer field) that will serve as a detention facility;
- Internal roads (approximately 5-6m wide)
- Two new access roads with a width of approximately 7.5m and a length of approximately 20m each;
- Boundary walls for single and double storey residences along the N1 and R101; and
- Associated infrastructure (water and sewage pipelines).

This alternative is preferred since it will achieve the optimal number of residential units on the site, while providing other community services as part of the mixed uses proposed. The layout takes into

consideration the comments received during the public participation process, as well as the recommendations made by the specialists assessing the site sensitivities.

Layout Alternative 1

This alternative comprises the following:

- 165 Single Residential units;
- 371 Row houses / Duplexes;
- 5 Mixed Use erven;
- 3 community facilities;
- Public open spaces including a sport facility (soccer field) that will serve as a detention facility in the wetter winter months and
- Public roads.

This alternative was not preferred as it did not address the local authority's requirements related to mitigating noise, visual and social impacts.

Layout Alternative 2

This alternative comprises the following:

- 396 Apartment units that will include 33 Apartment blocks consisting of 3 floor walk-ups each with 3 bedrooms and 12 units per apartment block;
- 4 mixed use erven; and
- 223 single residential units with erven sizes of 125m² and 205m².

This alternative was not preferred since the local authority was not in support of 3 storey apartment units and requested that duplex units (max 2 storeys) be developed. Furthermore, no provision was made for community facilities in this alternative.

The No-Go Alternative

The "No-Go" option of not proceeding with the mixed-use development was not preferred as it would not provide much needed housing opportunities for the area.

3. Impact Assessment and Mitigation measures

3.1. Activity needs and desirability.

The provision of housing and services to communities is considered a priority and is an ongoing issue of national importance. The proposed housing development will assist in alleviating the housing shortage in the Paarl area by providing approximately 529 new housing opportunities and other related facilities including sport facility and public road. The proposed site is located within the urban edge of Paarl. The proposed development is consistent with Drakenstein Municipality's Spatial Development Framework as the site has been earmarked for urban infill development.

3.2. Biophysical Impacts

According to the Botanical Impact Assessment Report (dated January 2018 and compiled by Bergwind Botanical Surveyors and Tours), the proposed site is highly degraded and is considered to

be transformed. The area no longer contains the originally occurring vegetation type, Boland Granite Fynbos. Further, the proposed site has not been identified as a Critical Biodiversity Area. No species of conservation concern occur on the proposed site, however, it is possible that some of the bulbs found on the site could be species of conservation concern. The specialist indicated that a search and rescue must be undertaken to translocate all suitable species (bulbs) to a suitable receptor site in the Paarl Mountain Nature Reserve. According to the specialist report, the impacts associated with the loss of vegetation and ecological processes are regarded to be of low negative significance.

3.3. Noise Impacts

According to the Noise Impact Assessment Report (dated 28 November 2019 and compiled by Jongens Keet Associates) the proposed site is bounded by the R101, Langenhoven Avenue, to the north, the N1 National Road to the south and the Boland Agricultural Show Grounds, also known as Eurolux Boland Park, to the west. The specialist report indicates that noise impacts associated with traffic from the R101 and N1 will be of low negative significance should the mitigation measures as included in the report be implemented. These mitigation measures have been included in the EMPr.

3.4. Heritage Impacts

Heritage Western Cape, in their final comment dated 18 January 2018, confirmed that there is no reason to believe that the proposed development will impact on heritage resources, therefore no further studies are required under Section 38(3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

The development will result in both negative and positive impacts.

Negative Impacts:

- Increased traffic;
- Loss of indigenous vegetation; and
- Noise impacts

Positive impacts:

- Provision of housing, commercial and educational opportunities in the area;
- Employment opportunities during construction;
- Optimal use of available land in the area; and
- Improving the living conditions of communities.

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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