



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

EIA REFERENCE NUMBER: 16/3/3/1/F5/5/2063/18
NEAS REFERENCE NUMBER: WCP/EIA/0000519/2018
ENQUIRIES: AYESHA HAMDULAY
DATE OF ISSUE: 2019-08-06

The Board of Directors
AT Darling Green Estate (Pty) Ltd
22B Church Street
DURBANVILLE
7550

Attention: Mr Klaus-Gustav Göbel

Tel.: (021) 970 4600
Fax: (021) 975 6780

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF DARLING GREEN ESTATE ON THE FARM NO. 4401, DARLING

1. With reference to the above application, this 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 (as amended), you are hereby 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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

Copied to: (1) Nicolaas Hanekom

(Eco Impact)

E-mail: admin@ecoimpact.co.za



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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF DARLING GREEN ESTATE ON THE FARM NO. 4401, DARLING

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 Alternative that is described in the Basic Assessment Report ("BAR") received by this Department on 16 April 2019.

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

AT Darling Green Estate (Pty) Ltd
C/O Mr Klaus-Gustav Göbel
22B Church Street
DURBANVILLE
7550

Tel.: (021) 970 4600
Fax: (021) 975 6780

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Item 9 of GN No. 983 (as amended): <i>"The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</i> <i>(i) with an internal diameter of 0,36 metres or more; or</i> <i>(ii) with a peak throughput of 120 litres per second or more;</i> <i>excluding where—</i> <i>(a) 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> <i>(b) where such development will occur within an urban area."</i></p>	<p>The proposed Darling Green Estate mixed-use development on the Farm No. 4401, Darling includes the development of infrastructure exceeding 1000m in length outside of the urban area of Darling.</p>
<p>Item 24 of GN No. 983 (as amended): <i>"The development of a road—</i> <i>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i> <i>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</i> <i>but excluding a road—</i> <i>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</i> <i>(b) where the entire road falls within an urban area; or</i> <i>(c) which is 1 kilometre or shorter."</i></p>	<p>The proposed Darling Green Estate mixed-use development on the Farm No. 4401, Darling includes the development of a road outside of the urban area of Darling.</p>
<p>Item 28 of GN No. R.983 (as amended): <i>"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:</i> <i>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</i></p>	<p>The proposed Darling Green Estate mixed-use development on the Farm No. 4401, Darling will be undertaken on land previously used for agriculture and will be bigger than 1ha.</p>

<p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes."</p>	
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The abovementioned activities are hereinafter referred to as **"the listed activities"**.

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the development proposal:

The Darling Green Estate mixed-use development on the Farm No. 4401, Darling of approximately 66ha will entail the following:

- Approximately nine (9) erven occupying approximately 1ha;
- Approximately thirteen (13) erven occupying approximately 0.5ha;
- Approximately thirty (30) erven occupying approximately 0.2ha;
- Approximately sixty-seven (67) erven occupying approximately 0.125ha;
- A crafters village consisting of approximately 120 units;
- A retirement village consisting of approximately 250 units;
- A braai area and swimming pool for residents of the Darling Green Estate;
- A stage and amphitheatre;
- A food and craft market;
- An area zoned as Open Space to protect the Apolisvlei Wetland and associated buffer areas;
- An internal road network and services; and
- Stormwater will be collected in a series of three attenuation ponds with the overflow stormwater conveyed by means of the existing stormwater culvert underneath the railway line situated in the north-eastern corner of the site.

The Swartland Municipality has confirmed that the relevant municipal services will be provided to the development proposal.

Access to the site will be gained from the MR215 Main Road, approximately 1500m from the R315 Regional Road and approximately 1460m from Church Street. A secondary access will be provided off the existing gravel road, approximately 530m south-east of the main access within an existing right of way servitude.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm No. 4401, Darling.
The SG 21-digit code for the said land parcel is: C04600020000440100000

The geographic co-ordinates for the land parcel are given below:

Property	Latitude (S)	Longitude (E)
Farm No. 4401, Darling	33° 22' 58.23"	18° 23' 43.62"

Refer to Annexure 1: Locality Plan(s).

Refer to Annexure 2: Site Map(s).

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Eco Impact Legal Consulting (Pty) Ltd
C/O Mr Nicolaas Hanekom
P O Box 45070
CLAREMONT
7735

Tel.: (021) 671 1660
E-mail: admin@ecoimpact.co.za

E. CONDITIONS OF ENVIRONMENTAL 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 Section B above.
2. The holder must commence with 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.
3. This Environmental Authorisation is granted for–
 - 3.1. A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and
 - 3.2. A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the development phase, must be concluded.
4. The listed activities that have been authorised must only be carried out on the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
5. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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

7. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.

7.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 8, 9, 13 and 22

Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. 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 Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the:
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephone and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. 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 National Appeals Regulations, 2014 (as amended).

Commencement

9. The listed activities, including site preparation, must not be commenced with within twenty (20) calendar days from the date the applicant notified the registered I&APs of this decision.
10. 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 Activities

11. The EMPr (submitted with the BAR to this Department on 16 April 2019) is hereby approved and must be implemented.
12. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the listed activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.

14. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office, and must be made available to any authorised official representing the Competent Authority on request.
15. 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 the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

16. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder of this Environmental Authorisation must, for the period during which this Environmental Authorisation and EMPr remain valid, conduct environmental audits. The audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition, the environmental audit report, must –

- 16.1. provide verifiable findings, in a structured and systematic manner, on–
 - 16.1.1. level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - 16.1.2. the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2. identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3. evaluate the effectiveness of the EMPr;
- 16.4. identify shortcomings in the EMPr;
- 16.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.6. indicate the date on which the construction work was commenced with and completed or in the case where the authorised development is incomplete, the progress of the authorised development and rehabilitation;
- 16.7. include a photographic record of the site applicable to the audit; and
- 16.8. be informed by the ECO reports.

The first environmental audit must be undertaken within three (3) months of the authorised listed activities being commenced with. Subsequent environmental audits must be undertaken biannually during the construction phase of the authorised development. The final environmental audit report must be submitted to the Competent Authority within one calendar month of the final environmental audit being undertaken.

The holder must, within seven (7) calendar days of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request.

Specific Conditions

17. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further 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 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.

18. A qualified archaeologist and/or paleontologist 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.
19. The impacted areas must be re-vegetated with locally indigenous vegetation within three (3) months of the completion of construction activities. Rehabilitated areas must be irrigated if required.
20. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed.
21. The holder of the Environmental Authorisation must ensure that adequate training is provided in the appropriate language to all on-site personnel, to help ensure that the conditions of the Environmental Authorisation are complied with and the EMP requirements are met.
22. The exact boundary of the development footprint must be clearly demarcated before the authorised listed activities can be commenced with. All construction work must, as far as possible, be limited to within the authorised development footprint.
23. The recommendations contained in the Transport Impact Assessment compiled by Innovative Transport Solutions (Pty) Ltd dated March 2019 must be implemented. The recommendations are attached hereto as Appendix A.
24. The recommendations contained in the Freshwater Resource Verification and Risk Assessment compiled by Scientific Aquatic Services CC dated January 2019 must be adhered to, with specific reference to the recommendation to revegetate the 32m buffer area of the Apolisvlei Wetland with floral species representative of the Swartland Fynbos Renosterveld vegetation type. The recommendations are attached hereto as Appendix B.
25. The recommendations contained in the letter of comment from the Directorate: Pollution and Chemicals Management dated 14 August 2018 must be adhered to. The recommendations are attached hereto as Appendix C.
26. The recommendations contained in the letter of comment from the Directorate: Waste Management dated 07 August 2018 must be adhered to. The recommendations are attached hereto as Appendix D.
27. The recommendations contained in the letter of comment from CapeNature dated 22 March 2018 must be implemented. The recommendations are attached hereto as Appendix E.
28. The recommendations contained in the letter of comment from the Cape West Coast Biosphere Reserve regarding the technology alternatives for water systems and green energy systems, sustainable development, biodiversity and ecology dated 13 December 2018 must be adhered to. The recommendations are attached hereto as Appendix F.

29. Prior to departure/closure from the site, the contractor must ensure that all rubble, debris, cement deposits/residue, effluent, wash-off, building materials, builder's infrastructure, signage, machinery etc., associated with the development proposal and contractors' camp site are removed and the affected areas are cleaned appropriately.

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 any Condition of this Environmental Authorisation or approved EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse 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 lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted 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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (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 twenty (20) 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 twenty (20) 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 twenty (20) 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 No. 809
08th Floor Utilitas Building, 01 Dorp Street, Cape Town, 8001

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


5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority at Tel.: (021) 483 3721, E-mail: DEA&DP.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 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 greatly appreciated.

Yours faithfully



MR ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 06/08/2019

Copied to: (1) Nicolaas Hanekom

(Eco Impact)

E-mail: admin@ecoimpact.co.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/1/F5/5/2063/18

NEAS REFERENCE NUMBER:

WCP/EIA/0000519/2018

ANNEXURE 1: LOCALITY PLAN(S)



LEGEND:

- ■ ■ ■ ■ PROPOSED NEW URBAN EDGE
- ▨ ▨ ▨ ▨ ▨ SUBJECT PROPERTIES

**SWARTLAND MUNICIPALITY
DELINEATION OF URBAN EDGE
DARLING**

COMPILED BY

C.K. RUMBOLL & VENNOTE
STADS- EN STREEKBEPLANNERS
PANIERSSTRAAT 16, MALMESBURY

SCALE:



REFERENCE:
DAR/UE/5

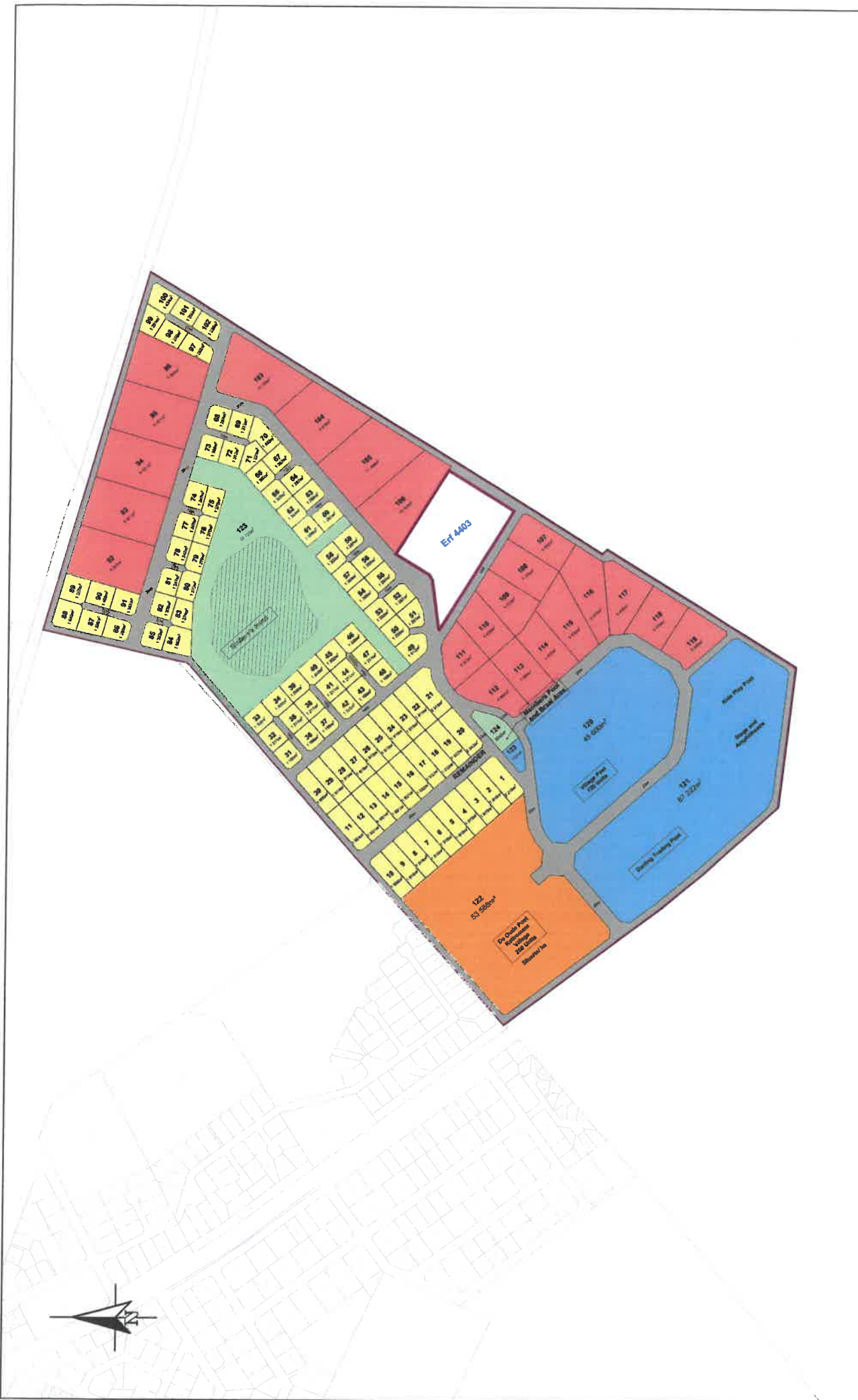
DATE:
JULY 2010

ANNEXURE 2: SITE MAP(S)



Figure 3: Proposed site layout plan for the Darling Green Estate.





SCALE 1:7500

<p>PROJECT:</p> <p>TIA GREEN ESTATE, DARLING</p>	<p>FIGURE:</p> <p>SITE DEVELOPMENT PLAN</p>
<p>NUMBER:</p> <p>A2</p>	<p>PROJECT:</p> <p>TIA GREEN ESTATE, DARLING</p>



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 received by this Department on 09 November 2018, and the EMPr submitted together with the BAR on 16 April 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the BAR;
- e) The balancing of negative and positive impacts and proposed impact mitigation measures; and
- f) No site visit was 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 considered to be the most significant for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") undertaken during the pre-application and formal EIA application process:

- Identification of I&APs, including the surrounding landowners, the Swartland Municipality and other relevant Organs of State and State Departments;
- Fixing a site notice at a place conspicuous to and accessible to potential I&APs on 03 July 2018;
- An advertisement was placed in the 'Swartland Gazette' on 03 July 2018;
- Making the pre-application BAR available to relevant State Departments and other Organs of State for review and comment;
- Copies of the consultation BAR were provided to representatives of the relevant State Departments and other Organs of State for their review and comment; and
- A copy of the consultation BAR was submitted to the Competent Authority for comment as is required in terms of the EIA Regulation, 2014 (as amended).

The following State Departments and/or Organs of State were provided with an opportunity to comment on the development proposal:

- CapeNature;
- Heritage Western Cape;
- Swartland Municipality;
- West Coast District Municipality;
- The Western Cape Government: Agriculture;
- Western Cape Government: Environmental Affairs and Development Planning – Pollution and Chemicals Management;
- Western Cape Government: Environmental Affairs and Development Planning – Waste Management;
- Western Cape Government: Environmental Affairs and Development Planning – Air Quality Management;
- Western Cape Government: Transport and Public Works; and
- The National Department of Water and Sanitation.

The EAP responded to the comments made on the BAR by, *inter alia*, making reference to relevant provisions in the EMPr, specialist recommendations contained in the specialist reports

appended to the BAR and the mitigation hierarchy used to address potential impacts. Where impacts could not altogether be avoided, they will be mitigated to acceptable levels.

2. Alternatives

Preferred Alternative (Herewith Authorised)

The Darling Green Estate mixed-use development on the Farm No. 4401, Darling of approximately 66ha will entail the following:

- Approximately nine (9) erven occupying approximately 1ha;
- Approximately thirteen (13) erven occupying approximately 0.5ha;
- Approximately thirty (30) erven occupying approximately 0.2ha;
- Approximately sixty-seven (67) erven occupying approximately 0.125ha;
- A crafters village consisting of approximately 120 units;
- A retirement village consisting of approximately 250 units;
- A braai area and swimming pool for residents of the Darling Green Estate;
- A stage and amphitheatre;
- A food and craft market;
- An area zoned as Open Space to protect the Apolisvlei Wetland and associated buffer areas;
- An internal road network and services; and
- Stormwater will be collected in a series of three attenuation ponds with the overflow conveyed by means of the existing stormwater culvert underneath the railway line situated in the north-eastern corner of the site.

The Swartland Municipality has confirmed that the relevant municipal services will be provided for the development proposal.

Access to the site will be gained from the MR215 Main Road, approximately 1500m from the R315 Regional Road and approximately 1460m from Church Street. A secondary access will be provided off the existing gravel road, approximately 530m south-east of the main access within an existing right of way servitude.

'No-Go' Alternative

The 'No-Go' option means maintaining the status quo on the site. This means abandoning the current development proposal and developing the site in accordance with the approved Residential Zone 1 zoning of the site. This will mean that no additional affordable housing opportunities will be provided for the area of Darling from the proposed site. The housing shortages of Darling will therefore persist, with only few job opportunities being realised in Darling. This alternative was therefore deemed undesirable.

3. Key Factors Affecting the Decision

In reaching its decision to grant authorisation for the development proposal, this Department took into account the following:

3.1 Need and Desirability

Erf 4401, Darling has been included in the Swartland Municipal Spatial Development Framework and is situated within the urban edge of Darling. Tourism opportunities relating to Darling are geared toward the agricultural and agri-tourism sectors. The development proposal links well with the agri-tourism sector in the Swartland Municipality's town growth strategy.

3.2 Planning Context

The applicant will submit an application in terms of the relevant land use planning legislation to the Swartland Municipality, in order to obtain a permit for the development proposal on the site.

3.3 Botanical and Freshwater Impacts

The freshwater features on the site consist of the Apolisvlei Wetland and a man-made seepage area with a defined channel in the northern corner of the site. Hydro-pedological processes have been irreversibly altered as a result of extensive cultivation and thus the hydrological drivers of the seepage areas have been permanently destroyed.

Freshwater Resource Verification and Risk Assessment compiled by Scientific Aquatic Services CC dated January 2019 concluded that the risk significance of the development proposal on the Apolisvlei Wetland is considered to be of low to moderate risk in terms of the DWS Risk Assessment Matrix (2016) with the implementation of the mitigation measures listed in Table 1 of the said specialist assessment.

3.4 Stormwater

Stormwater will be collected in a series of three attenuation ponds with the overflow situated in the north-eastern corner of the site and conveyed by means of the existing stormwater culvert underneath the railway line.

Stormwater will be conveyed in pipelines of between 375mm and 600mm in diameter, with a total length of approximately 4.2km. The three stormwater attenuation ponds will have retention capacities of approximately 750m³, 660m³ and 1080m³ respectively.

3.5 Municipal Services

The Swartland Municipality, in two letters dated 09 January 2019, has confirmed that sufficient unallocated capacity exists to accommodate bulk municipal services required for the development.

3.6 Traffic Impacts

The existing road network has sufficient spare capacity to accommodate the trips generated by the development proposal. The impact of the development proposal on traffic will be adequately mitigated with the implementation of the mitigation measures contained in the Transport Impact Assessment Report, compiled by Innovative Transport Solutions (Pty) Ltd dated March 2019. The additional trips generated by the development proposal will result in a very low significance rating on the surrounding road network and the impact will therefore be minimal.

3.7 Heritage Resources

Farm No. 4401, Darling has contextual heritage significance and a landscape of local contextual importance contributing to the broader scenic setting of the Groene Kloof Valley. One flaked quartzite cobble was found embedded in the soil close to the Apolisvlei Wetland located in the northern corner of the site. Parts of Erf 4401, Darling have scientific significance, containing relatively rare botanical species in the vicinity of the Apolisvlei Wetland. However, the property contains no structures and therefore has no architectural significance. Additionally, the property has no social, technological or spiritual significance. The impact of the development proposal on the landscape of the Groene Kloof Valley is therefore considered to be of low significance after mitigation.

Heritage Western Cape in the correspondence dated 23 July 2018 confirmed that no further action in terms of Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required and no mitigation is required prior to construction work being commenced with on the site.

In addition to this, the applicant will comply with Conditions 17 and 18 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered on the site.

3.8 Dust and Noise Impacts

The applicant is required to implement the dust and noise control measures contained in the EMP. The implementation of these measures will help to ensure that the potential dust and noise impacts of the development proposal are adequately mitigated.

3.9 Visual Impacts

The site is characterized by an open, undeveloped topography that makes it visible from parts of Malmesbury Road and the Darling approach road. However, the development proposal will have a significance rating of low the mitigation measures contained in the EMP are implemented.

3.10 Socio-economic Impacts

The proposed development will allow for the creation of some temporary and permanent employment opportunities during the development and operational phases as well as skills acquisition.

The proposed development will result in both negative and positive impacts.

Negative impacts include:

- Some visual impacts; and
- Some noise and dust impacts.

The Competent Authority took into consideration the abovementioned negative impacts and although some impacts cannot altogether be prevented/avoided, they can be mitigated/reduced to acceptable levels.

Positive impacts include:

- The proposed development will create some temporary employment opportunities during the development phase, thereby alleviating unemployment in the area to a small extent; and
- The development proposal will provide affordable housing opportunities for the local community of Darling.

4. National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

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APPENDIX A

Recommendations contained in the Transport Impact Assessment Report compiled by Innovative Transport Solutions (Pty) Ltd dated March 2019:

1. A minibus drop-off/loading zone must be provided within the development;
2. Sidewalks must be provided along the internal road network of the development; and
3. All parking for the development must be located within the site.

APPENDIX B

Recommendations contained in the Freshwater Resource Verification and Risk Assessment Report compiled by Scientific Aquatic Services CC dated January 2019:

1. The seepage area must be field verified during the wet season before the construction phase of the development is commenced with; and
2. The 32m buffer area of the Apolisvlei Wetland must be revegetated with floral species representative of the Swartland Fynbos Renosterveld vegetation type.

APPENDIX C

Recommendations contained in the letter of comment from the Directorate: Pollution and Chemicals Management dated 14 August 2018:

1. In accordance with Regulation 30 of the NEMA pertaining to the control of emergency incidents, the relevant authorities, including this Department's Directorate: Pollution and Chemicals Management, must be notified of any significant spill or leak of hazardous substances during the construction phase of the development;
2. The use of potable water must, as far as possible, be avoided during the construction phase of the development;
3. Stormwater run-off must be controlled on-site to help ensure that on-site activities do not culminate in off-site pollution or sedimentation of water ways, with specific reference to the Apolisvlei Wetland;
4. No stormwater must be directed into the Apolisvlei Wetland; and
5. A water quality monitoring and management plan must be compiled for the development and the results made available to this Department's Directorate: Pollution and Chemicals Management upon request.

APPENDIX D

Recommendations contained in the letter of comment from the Directorate: Waste Management dated 07 August 2018:

1. Construction Phase Recommendations
 - 1.1. All green waste generated during the site clearing phase must be beneficiated at a municipal or private facility approved in terms of the relevant legislation; and
 - 1.2. Residual waste must be taken to an approved recycling or municipal waste disposal facility.
2. Operational Phase Recommendations
 - 2.1. The holder must comply with this Department's ten (10) year organic waste to landfill ban by prioritizing the separation and diversion of organic waste from landfills;
 - 2.2. Alternative technologies must be used where appropriate, for the beneficiation of organic waste; and
 - 2.3. A detailed separation at source action plan indicating the manner in which waste generated from the development will be managed must be compiled for the construction phase of the development and complied with.

APPENDIX E

Recommendations contained in the letter of comment from CapeNature dated 22 March 2018:

1. The Apolisvlei Wetland, an aquatic Critical Biodiversity Area must be managed for conservation purposes and be subjected to regular monitoring to ensure successful rehabilitation and revegetation of the Swartland Fynbos Renosterveld vegetation type.

APPENDIX F

Recommendations contained in the letter of comment from the Cape West Coast Biosphere Reserve dated 13 December 2018:

Water systems must be designed with water saving methods in mind: rainwater must be harvested and used; greywater systems must be put place in all building developments; and rainwater must be able to seep back into the ground in order to hydrate the wetland and groundwater resources. Green energy systems (solar panels or any other clean energy alternative) must be included in the planning and implementation of each building within the estate (domestic and other).

The West Coast is proud of our wildflowers and it is important that the gardens of this estate reflect that. Only natural vegetation (as permitted by CapeNature) must be used in both the communal and the domestic gardens. No chemical herbicide or pesticide should be permitted in order to reduce chemical pollution to the environment and damage to any natural vegetation by inhabitants (including pets) must be prevented at all cost. This includes the Apolisvlei, which must be protected and kept in its natural state.

It is important to note that the construction activities will stimulate the germination and spread of various alien vegetation, including *Acacia saligna* (Port Jackson) and *Echium plantagineum* (Patterson's Curse) and an active management plan for alien vegetation control must be in place and fully implemented.

Recycling should also be of utmost importance, and recycling at source must be implemented; organic material must be separated and reused within the estate; glass, tin and plastic products must be separated at the source and sent for recycling purposes only.

Sustainable Development

The CWCBR strongly promotes and supports sustainable development, and in the case that job opportunities are created via the activities of the proposed Estate in Darling, the CWCBR strongly recommends that these opportunities are first and foremost given to the local community in order to promote local welfare.

Biodiversity and Ecology

It is clear that the Apolisvlei wetland is the only natural vegetation that remains on the property, however, the property is located within the Coastal Renosterbosveld vegetation type, which is highly endangered and is important in order to meet vegetation type thresholds. It also provides refuge for species that are of conservation concern, especially those listed as critically endangered. Thus, if the proposed development removes intact vegetation on the proposed site and if a significant reduction of the development footprint to avoid areas of conservation concern is not possible, then mitigation is obviously inadequate and the logical next step that a biodiversity offset must be defined.