



**REFERENCE:** 16/3/3/1/B3/28/1079/22  
**NEAS REFERENCE:** WCP/EIA/0001181/2022  
**DATE OF ISSUE:** 21 April 2023

The Board of Directors  
PropInvest 5 (Pty) Limited  
Zomerlust Office Park, Zomerlust Estate,  
Second floor  
Cnr Bergriver Boulevard & Bergsig Avenue  
**PAARL**  
7646

**Attention: W. van Wyk**

Tel.: (021) 872 0028

Email: wouter@propinvest.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): THE PROPOSED MOUNT PEARL RESIDENTIAL DEVELOPMENT ON PORTIONS 3, 4 AND 35 OF FARM NO. 527 AND CONSTRUCTION OF BULK SERVICES ON PORTION 2 OF FARM NO. 600, PORTION 1 OF FARM NO. 602, REMAINDER OF FARM NO. 602, PORTION 45 OF FARM NO. 527 AND PORTION 2 OF FARM NO. 527, 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

**MS. MARE-LIEZ OOSTHUIZEN**

**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) C. Becker (Guillaume Nel Environmental Consultants) Email: carina@gnec.co.za  
(2) C. Winter (Drakenstein Municipality) Email: cindy.winter@drakenstein.gov.za  
(3) A. Duffel-Canham (CapeNature) Email: aduffell-canham@capenature.co.za  
(4) R.A Morrie (Cape Winelands District Municipality) Email: rmorrie@capewinealnds.gov.za  
(5) C. van der Walt (Department of Agriculture) Email: cor.vanderwalt@westerncape.gov.za

**REFERENCE:** 16/3/3/1/B3/28/1079/22  
**NEAS REFERENCE:** WCP/EIA/0001181/2022  
**DATE OF ISSUE:** 21 April 2023

## 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): THE PROPOSED MOUNT PEARL RESIDENTIAL DEVELOPMENT ON PORTIONS 3, 4 AND 35 OF FARM NO. 527 AND CONSTRUCTION OF BULK SERVICES ON PORTION 2 OF FARM NO. 600, PORTION 1 OF FARM NO. 602, REMAINDER OF FARM NO. 602, PORTION 45 OF FARM NO. 527 AND PORTION 2 OF FARM NO. 527, 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 14 December 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 of proposed activities associated with the unnamed tributary of the Dal River i.e., maintenance of the stormwater outlet structure.

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

PropInvest 5 (Pty) Limited  
% W. van Wyk  
Zomerlust Office Park, Zomerlust Estate,  
Second floor  
Cnr Bergriver Boulevard & Bergsig Avenue  
**PAARL**  
7646

Tel.: (021) 872 0028  
Email: wouter@propinvest.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**

<b>Listed activities</b>	<b>Activity/Project Description</b>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 9: The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</p> <ul style="list-style-type: none"> <li>(i) with an internal diameter of 0,36 metres or more; or</li> <li>(ii) with a peak throughput of 120 litres per second or more;</li> </ul> <p>excluding where—</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) where such development will occur within an urban area.</li> </ul>	<p>The length of the proposed stormwater pipelines will exceed 1 000 metres and the diameter of the pipeline will exceed 0.36 metres.</p>
<p>Activity Number 12: The development of—</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(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;</li> </ul>	<p>The proposed development will include the construction of a stormwater outlet structure, which exceeds 100m<sup>2</sup> in size and will be located within 32m of a watercourse.</p>

<p>(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;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>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>	
<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) 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>A stormwater outlet structure will be constructed within an unnamed tributary of the Dal River, which will require the infilling of more than 10m<sup>3</sup> of material. Additionally, general maintenance will be undertaken at the stormwater outlet structure located within the unnamed tributary of the Dal River.</p>
<p>Activity Number 28</p> <p>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>The proposal entails the development of a residential estate on land larger than 1ha, which was previously used for agriculture and is located outside of the urban area.</p>

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	
--	--

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 proposal entails:

- The construction of a total of 467 residential properties, proposed as follows:
  - 371 single residential dwelling houses, and
  - 96 apartments with 144 parking bays.
- The construction of estate facilities, to be utilised for community purposes (office, club house and gym),
- The establishment of private open spaces,
- The construction of associated bulk water, stormwater and sewer infrastructure,
- The construction of private roads and a gatehouse,
- The construction of two stormwater attenuation facilities situated in the south-western corner of the development, and
- The construction of a stormwater outlet structure within the unnamed tributary of the Dal River.
  
- The following maintenance activities will be conducted on the site:
  - Regular maintenance to the stormwater network. These regular upkeep procedures include:
    - Ensuring the inlets/outlets and pipes are free of blockages.
    - Repairing minor erosion damage to the open channel and embankments.
    - Litter removal from the attenuation dams and open channels.
    - Trimming of vegetation/landscaping.
    - Cleaning sediment traps.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portions 2, 3, 4, 35 and 45 of Farm No. 527, Portion 2 of Farm No. 600, Portion 1 of Farm No. 602 and the Remainder of Farm No. 602, Paarl, at the following co-ordinates:

Mount Pearl Estate site:

Latitude (S)	Longitude (E)
33° 42' 20.44"	19° 00' 45.70"

Sewer pipeline:

Latitude (S)	Longitude (E)
33° 42' 08.37"	19° 00' 20.44"
33° 42' 03.19"	19° 00' 33.02"
33° 42' 13.62"	19° 00' 40.78"
33° 42' 16.51"	19° 00' 39.70"
33° 42' 12.96"	19° 00' 53.15"

Bulk water pipeline:

Latitude (S)	Longitude (E)
33° 41' 59.77"	19° 00' 38.85"
33° 42' 12.84"	19° 00' 54.06"
33° 42' 13.24"	19° 00' 54.56"

33°	42'	13.00"	19°	00'	52.17"
33°	42'	13.13"	19°	00'	52.97"
33°	42'	16.56"	19°	00'	53.37"

The SG digit codes are: C05500000000052700002  
C05500000000052700003  
C05500000000052700004  
C05500000000052700035  
C05500000000052700045  
C05500000000060000002  
C05500000000060200000  
C05500000000060200001

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  
% C. Becker  
P.O. Box 2632  
**PAARL**  
7620

Cell: 072 157 1321  
Email: carina@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, Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated 14 December 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 19

#### **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 submitted as an Annexure to the EMP must be implemented.
10. The Alien Management Plan submitted as Addendum H.2 must be implemented.
11. The EMPr, MMP and the Alien Management Plan must be included in all contract documentation for all phases of implementation.

## **Monitoring**

12. 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.
13. The ECO must conduct one site visit prior to the commencement of construction and site clearance activities. Fortnightly monitoring inspections must be undertaken during the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every second month 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.
14. 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.
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 it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## **Auditing**

16. 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 and the EMPr. 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**

17. 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.

18. 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.
19. The area containing the vulnerable sub-population of *Erepsia ramosa* just outside the site, close to the stormwater outlet structure, must be demarcated prior to the commencement of construction activities. This area must be regarded as a no-go area.

### **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  
8<sup>th</sup> 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

**MS. MARE-LIEZ OOSTHUIZEN**

**ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION:

CC: (1) C. Becker (Guillaume Nel Environmental Consultants)  
(2) C. Winter (Drakenstein Municipality)  
(3) A. Duffel-Canham (CapeNature)  
(4) R.A Morrie (Cape Winelands District Municipality)  
(5) C. van der Walt (Department of Agriculture)

Email: carina@gnec.co.za  
Email: cindy.winter@drakenstein.gov.za  
Email: aduffell-canham@capenature.co.za  
Email: rmorrie@capewinealnds.gov.za  
Email: cor.vanderwalt@westerncape.gov.za

## ANNEXURE 1: LOCALITY MAP



Map of the proposed Mount Pearl Residential Development, including the proposed sewer pipeline as well as the proposed water pipeline.



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 20 July 2022, the final BAR dated 14 December 2022 and the EMPr 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 14 December 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;
- fixing notice boards at locations within and around the area where the listed activities are to be undertaken on 5 May 2022;
- 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 5 May 2022 and 4 November 2022;
- the placing of a newspaper advertisement in the 'Paarl Post' on 5 May 2022; and
- making the pre-application draft BAR available for comment from 5 May 2022 and in-process draft BAR from 4 November 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 estate and associated infrastructure. The alternatives assessed as part of this application relate to different layout alternatives and the "no-go" alternative and are discussed below.

## 2.1 Layout Alternatives

### 2.1.1 Layout Alternative 1 (Herewith Authorised)

This alternative entails the following:

- The construction of a total of 467 residential properties, proposed as follows:
  - 371 single residential dwelling houses, and
  - 96 apartments with 144 parking bays.
- The construction of estate facilities, to be utilised for community purposes (office, club house and gym),
- The establishment of private open spaces,
- The construction of associated bulk water, stormwater and sewer infrastructure,
- The construction of private roads and a gatehouse,
- The construction of two stormwater attenuation facilities situated in the south-western corner of the development, and
- The construction of a stormwater outlet structure within the unnamed tributary of the Dal River.
  
- The following maintenance activities will be conducted on the site:
  - Regular maintenance to the stormwater network. These regular upkeep procedures include:
    - Ensuring the inlets/outlets and pipes are free of blockages.
    - Repairing minor erosion damage to the open channel and embankments.
    - Litter removal from the attenuation dams and open channels.
    - Trimming of vegetation/landscaping.
    - Cleaning sediment traps.

This alternative is preferred for the following reasons:

- This layout allows for optimal provision open space areas.
- This alternative incorporates the recommendations of the visual statement.
- The layout for the parking facilities at the apartments is better placed compared to the other layout alternatives.

### 2.1.2 Layout Alternative 2

This alternative will include the following:

- 357 Single Residential Dwellings,
- 96 Apartment buildings with 144 parking bays
- Internal roads as well as a clubhouse.

### 2.1.3 Layout Alternative 3

This alternative will include the following:

- 318 Dwelling houses;
- Private open spaces;
- Internal roads and;
- The existing farm dam will be retained as part of the proposed development.

Layout Alternatives 2 and 3 are not preferred for the following reasons:

- The recommendations from the visual statement are not incorporated into the layouts.
- The open space areas are smaller compared to Layout Alternative 1.

## 2.2 “No-Go” Alternative

The “no-go” option was considered and is not preferred because the opportunity to develop underutilised land, earmarked for urban development, will not materialise. The prospect to provide additional residential opportunities will be lost. Additionally, both temporary and permanent employment opportunities will not be created.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity Need and Desirability

The Cape Winelands area has experienced rapid growth with an influx of more permanent residents, which led to an increased demand for residential properties. With the site being located within the urban edge and earmarked for urban development, the proposed development will help to alleviate the housing shortage in the region. The proposed development also seeks to use underutilised land within the urban edge of the Drakenstein Municipality for a residential development. The proposed development is in keeping with the forward planning vision for the area, and 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

Both the Botanical Impact Assessment dated March 2009, compiled by Dr. D. McDonald of Bergwind Botanical Surveys & Tours CC and the Botanical Verification Statement dated 14 June 2019, compiled by Mr. Paul Emms, confirmed that the vegetation that would have originally occurred on the site, would have been Swartland Shale Renosterveld. This ecosystem is listed as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) (“NEMBA”). However, the site has been transformed for agricultural use and no indigenous vegetation is present on the site. The Botanical Verification Statement dated 14 June 2019 found a vulnerable sub-population of *Erepsia ramose* just outside the site, close to the stormwater outlet structure that will be developed. Through the implementation of Condition 17, the Alien Management Plan and the EMPr (accepted in Section E, Condition 8), the impact on indigenous vegetation will be limited.

According to the Freshwater Ecological Assessment dated June 2020, compiled by K. Marais, an off-stream artificial impoundment was identified in the southwestern portion of the study area. This impoundment was historically created to store water for agricultural use, likely pumped from groundwater. The artificial impoundment was noted to be an earthen and unlined structure. Seepage from the impoundment was identified to the north thereof. As a result of this seepage, an artificial wet area has formed near the toe of the artificial impoundment. At the time of the assessment, the artificial seep was noted to be highly disturbed. An unnamed tributary of the Dal River, located just outside the western boundary of the study area, is considered highly disturbed, primarily due to catchment land use transformation and the replacement of the natural buffer of the river by agricultural lands. The unnamed tributary of the Dal River is described as severely modified with a moderate ecological importance on a landscape scale. The specialist who conducted the assessment concluded that the proposed development will have a low significance impact on the unnamed tributary of the Dal River, because it is located outside of the 1 in 100 year floodline, and only the stormwater discharge infrastructure will be constructed in the vicinity of the unnamed tributary of the Dal River. Through the implementation of the EMPr (accepted in Section E, Condition 8), the impact on the unnamed tributary of the Dal River will be limited.



An MMP has been compiled for the maintenance of the stormwater outlet structure within the unnamed tributary of the Dal River. The construction of the stormwater outlet and the maintenance thereof, as approved 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 Visual Impacts

According to the Visual Statement dated 16 September 2022 and the Addendum dated 12 October 2022, compiled by Megan Anderson Landscape Architects, the Landscape Master Plan makes provision for soft landscaping (trees, shrubs, groundcover, veld grass and lawn planting), hard landscaping (parking bays, paved pathways and in-situ earth pathways) and parks/play areas. The revised Landscape Plan addresses the retention ponds, provides for a 3m landscaped buffer along the southern boundary and additional trees to be planted in the parking areas. The proposed development should contribute to this scenery and not detract from it. Furthermore, through the implementation of the EMPr (accepted in Section E, Condition 8), the visual impact will be mitigated.

### 3.4 Heritage Impacts

In a comment from Heritage Western Cape, dated 24 August 2022, it was confirmed that no additional studies are required since no impacts on heritage resources are anticipated.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The proposed development will have a stormwater discharge point located in the unnamed tributary of the Dal River and may have a visual impact, 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.
- Additional residential opportunities will be made available within the area.
- Economic investment/growth within the 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 EMP, 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.

-----END-----