



Western Cape  
Government

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/B3/28/1059/18  
**NEAS REFERENCE:** WCP/EIA/0000466/2018  
**ENQUIRIES:** Arabel McClelland  
**DATE OF ISSUE:** 2019-03-29

Board of Directors  
Keysha Investments 213 (Pty) Ltd  
P.O. Box 6223  
PAARL  
7646

**Attention: Mr. S. Rossouw**

Tel: (021) 863 6120  
Fax: (021) 863 2741

Dear Sir

**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): PROPOSED RIVER FARM DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON REMAINDER OF FARM RIVIERPLAAS NO. 1486, PAARL**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt** the Maintenance Management Plan, 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, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Ms. G. Bothma (Terramanzi Group (Pty) Ltd)  
(2) Ms. C. Winter/Mr. S. Reece (Drakenstein Municipality)  
(3) Mr. C. Van der Walt (Department of Agriculture)

Fax: (086) 558 1213  
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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): PROPOSED RIVER FARM DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON REMAINDER OF FARM RIVIERPLAAS NO. 1486, 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 Department herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Layout Alternative, as described in the Basic Assessment Report ("BAR"), dated November 2018.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) and Listing Notices 1, 2 and 3 (published in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts** the Maintenance Management Plan ("MMP") submitted as part of the application for Environmental Authorisation.

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

Keysha Investments 213 (Pty) Ltd  
c/o Mr. Sarel Rossouw  
P.O. Box 6223  
**PAARL**  
7646

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Tel: +27 21 483 2660 Fax: +27 21 483 3098  
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[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

Tel: (021) 863 6120

Fax: (021) 863 2741

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 -</p> <p><b>Activity Number: 12</b></p> <p>The development of—</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres in size;</p> <p>(ii) <b>infrastructure or structures with a physical footprint of 100 square metres or more;</b></p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) <b>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</b></p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(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;</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; or</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	<p>The proposal will require the construction and installation of structures and infrastructure with a total physical footprint exceeding 100m<sup>2</sup> within 32m of watercourses and wetlands on a site situated outside an urban area.</p>
<p>Listing Notice 1 -</p> <p><b>Activity Number: 19</b></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</p>	<p>The proposal entails the infilling and depositing of more than 10m<sup>3</sup> of material into, and the dredging, excavation, removal and moving of soil and sand of more than 10m<sup>3</sup> from a drainage line, which is to be realigned, as well as the infilling of a</p>

<p>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>further drainage channel and valley bottom wetland.</p>
<p>Listing Notice 1 -</p> <p><b>Activity Number: 28</b></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) <b>will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</b></p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The proposal entails the development of a residential estate with a total footprint of approximately 11ha. The development will be situated on a site currently zoned for agricultural purposes, located outside an urban area.</p>
<p>Listing Notice 3 -</p> <p><b>Activity Number: 4</b></p> <p>The development of a road wider than 4 metres with a reserve less than 13.5 metres.</p> <p>(i) <b>Western Cape:</b></p> <p>i. Areas zoned for use as public open space or equivalent zoning</p> <p>ii. <b>Areas outside urban areas;</b></p> <p>(aa) <b>Areas containing indigenous vegetation;</b></p> <p>(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</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The development requires the establishment of internal roads with widths exceeding 4m across the site, which contains remnants of indigenous vegetation.</p>

Listing Notice 3 -

**Activity Number: 12**

*The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.*

**(i) Western Cape:**

- i. ***Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;***
- ii. *Within critical biodiversity areas identified in bioregional plans;*
- iii. *Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or*
- iv. *On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.*
- v. *On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.*

The proposed development will result in the clearance of remnants of indigenous vegetation on the site, which will exceed a total area of 300m<sup>2</sup>. Indigenous vegetation on site would have originally comprised Swartland Alluvium Fynbos, an ecosystem type categorised as Critically Endangered in terms of National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004).

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

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

The proposal entails the establishment of the River Farm Estate, a residential development comprising the following:

- Rezoning of the remainder of Farm No. 1486 to Sub-Divisional Area and subdivision of the property into Portion A and Portion B, which will be developed in two phases.
- Development on Portion A (Phase 1), entails the following:
  - 35 Residential Zone I properties, with an extent of approximately 3.6ha;
  - Two Open Space Zone II land portions that will consist of Private Open Space, with an area of approximately 2.5ha; and
  - Private Roads, covering an area of approximately 1ha.
- Development on Portion B (Phase 2) entails the following:
  - 31 Residential Zone I dwellings, with an extent of approximately 1.6ha;
  - Two Open Space Zone II land portions that will consist of a Private Open Space, with an area of approximately 1.3ha; and
  - Private Roads, covering an area of approximately 0.6ha.

- Access to the residential estate will be taken from two points within the Val de Vie Lifestyle Estate, situated to the south of Farm No. 1486. Two private roads will be constructed across Erf No. 111 and Erf No. 197, two existing erven within the Val de Vie Lifestyle Estate to link to the new residential development.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on the Remainder of Rivierplaas No. 1486, Paarl.

The central co-ordinates of the residential development are:

Latitude (S)	Longitude (E)
33° 47' 35.05" South	18° 58' 16.59" East

The SG digit code is: C05500000000148600000

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

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Terramanzi Group (Pty) Ltd  
 c/o Ms. G Bothma  
 Postnet Suite 211  
 Private Bag X26  
**TOKAI**  
 7966

Tel: (021) 701 5228  
 Fax: (086) 558 1213

### E. CONDITIONS OF AUTHORISATION

#### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Layout Alternative, described in the BAR, dated November 2018, on the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **ten (10) 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, 12, 18 and 19.

#### **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 (as amended) detailed in Section G 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, and
    - 7.4.6 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).

8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The MMP adopted as part of this Environmental Authorisation, must be implemented.
11. The EMPr and MMP 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"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
14. 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**

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit (quarterly for the duration of the construction phase) and submit Environmental Audit Reports to the Competent Authority (once every six months during the construction phase). The final Environmental Audit Report must be submitted to the Competent Authority (six months after operation commenced).

The holder must, within 7 days of the submission of the report 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**

16. 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.

17. 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.
18. A Resettlement Action Plan must be compiled, taking into account the requirements of Section 6 of the Socio-Economic Specialist's Report, dated June 2018. Action in line with the schedule of activities must be undertaken in terms of the requirements of this Resettlement Action Plan prior to commencement of site preparation or the construction phase.
19. The construction phase disturbance footprint must be limited as far as possible by clearly demarcating the construction area before commencement of any construction activities. Construction areas must be strictly adhered to. All areas beyond the construction footprint must be considered as no-go areas.
20. The Landscape Site Development Plan, Revision 1, must be implemented.
21. The Master Stormwater Management Plan, dated June 2018, as compiled by Bigen Africa Services, must be implemented as a component of the development.
22. No development must take place within the 1 in 50-year flood line of the Berg River.
23. During the construction and post-construction phases, the Site Specific Rehabilitation and Monitoring Plan, compiled by Scientific Aquatic Services, dated July 2018, must be appropriately implemented under the supervision of a suitably qualified and experienced ecologist or freshwater specialist. A final report detailing the outcome of site rehabilitation works must be submitted to the Department and CapeNature within six months of completion of each of the construction phases.

## **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 (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, or any relevant legislation that may be applicable at the time.

## **G. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date on which the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organs of State must submit their responding statements, if any,

to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
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 e-mail to Jaap.DeVilliers@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 Jaap.DeVilliers@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



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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

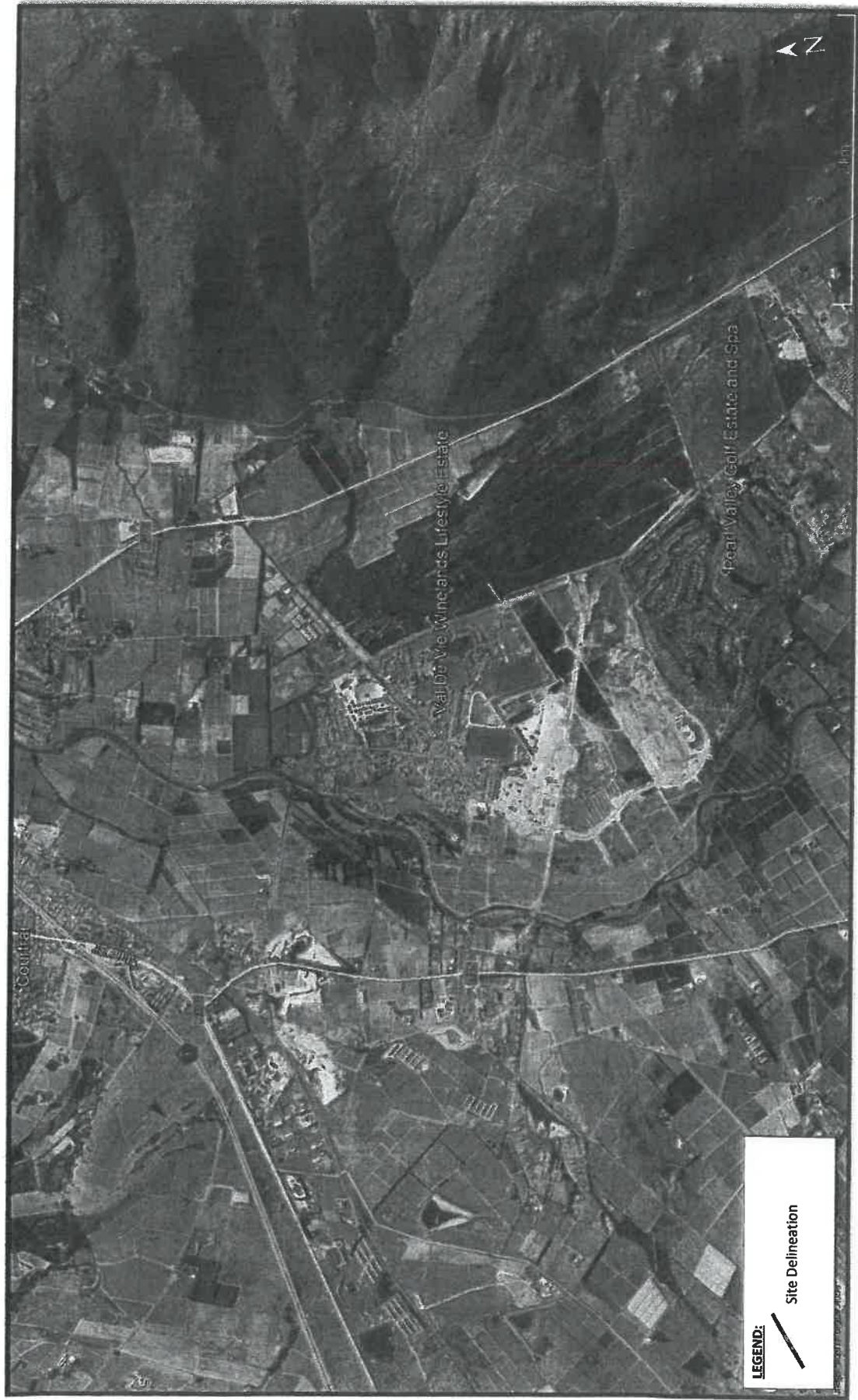
DATE OF DECISION: 29/03/2019

CC: (1) Ms. G. Bothma (Terramanzi Group (Pty) Ltd)  
(2) Ms. C. Winter/Mr. S. Reece (Drakenstein Municipality)  
(3) Mr. C. Van der Walt (Department of Agriculture)

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**ANNEXURE 1: LOCALITY MAP**

PROJECT TITLE: BASIC ASSESSMENT FOR THE RIVER FARM ESTATE DEVELOPMENT, PAARL, WESTERN CAPE PROVINCE, SOUTH AFRICA



Site Locality Map

Figure for Illustrative Purposes Only  
Terramanzi Group (Pty) Ltd Project No. 170602 (August 2018)



tel: +27 21 701 3228  
cell: +27 21 611 5228  
website: www.terramanzi.co.za  
mobile: +27 82 375 3000  
email: info@terramanzi.co.za  
postal: postnet suite 211, private bag X26, tobak, 7966

**Notes:**  
1) The Rem. of Farm No 1486 Paarl is to be rezoned from Agricultural Zone to Subdivisional Area.  
2) The rezoning is subject to the approval of the relevant authority.  
3) The rezoning is subject to the approval of the relevant authority.  
4) The rezoning is subject to the approval of the relevant authority.  
5) The rezoning is subject to the approval of the relevant authority.

Total Development			
Port No	No of Units	Extent (ha)	%
1-35	69	5.60	54.0
37-67	2	3.30	31.8
68-69	2	1.46	14.2
<b>Total</b>	<b>73</b>	<b>10.36</b>	<b>100.00</b>

Subdivisions of Portion A (Phase I)			
Port No	No of Units	Extent (ha)	%
1-35	35	3.33	31.5
37-47	1	1.36	13.0
48-53	5	2.53	24.3
54-58	4	3.78	36.2
<b>Total</b>	<b>39</b>	<b>9.99</b>	<b>100.00</b>

Subdivisions of Portion B (Phase II)			
Port No	No of Units	Extent (ha)	%
37-47	31	1.59	46.2
48-53	1	1.26	36.8
54-58	1	0.55	17.0
<b>Total</b>	<b>32</b>	<b>3.42</b>	<b>100.00</b>

**Legend:**  
 represents Open Space Zone I to be transferred to the HOA.  
 represents Open Space Zone II to be part of Phase 1, 2, 19 - 25



Y-2600

Farm No 1482 S.L.

Farm No 1312

Farm No 1526

Farm No 1061

Farm No 8414

**Val De Vje Wineyards Lifestyle Estate**

X-6000

X-6000

X-6000

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### **ANNEXURE 3: REASONS FOR THE DECISION**

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

- a) The information contained in the Application Form dated 24 August 2018, the EMPr and MMP submitted together with the BAR on 26 November 2018 and the additional information received between 23 January 2019 and 12 February 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR, dated November 2018;
- e) The additional information received on 18 January 2019 and 12 February 2019; and
- f) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was conducted on 6 July 2016, at the time when the original application was being considered. It was attended by officials from this Department and the Drakenstein Municipality.

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

#### **1. Public Participation**

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Paarl Post' on 30 August 2018;
- placement of notices on 30 August 2018 on the site where the listed activities are to be undertaken;
- 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 30 August 2018; and
- making the draft BAR available to I&APs for public review from 31 August 2018.

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, EMPr and MMP to adequately address the concerns raised.

## 2. Alternatives

Through an iterative process, with specialist input and public and authority consultation, the development proposal for the subject property, with the objective of establishing a residential estate that would constitute a congruent extension to the existing Val de Vie Lifestyle Estate, was refined and investigated during the environmental application process. As a result, layout alternatives were considered, which were influenced by the configuration of the subject property, resulting in the division of the development into two portions that could be collectively developed to ensure an integrated estate. The linkage of the estate to the existing Val de Vie Lifestyle Estate to the immediate south, as well as the 1 in 50-year and 1 in 100-year flood lines of the Berg River, which forms the western boundary of the site, were also integral to the development alternatives considered during the application process.

### Layout Alternative 1

This layout alternative entailed the development of a residential estate comprising a total of 68 residential erven and one Open Space Zone II erf constituting the remainder of the property, which was to include private roads and Private Open Space.

This alternative was not preferred for the following reasons:

- Public participation identified significant issues associated with the design of the proposed development, mostly related to access arrangements and the potential traffic impacts associated with the development.
- Further specialist input and investigation was required to address the additional identified potential impacts (including the socio-economic impact), and to inform a more feasible layout for the proposed development.

### Layout Alternative 2

Similar to Layout Alternative 1, the property would be developed in two portions with a total of 66 residential units. Portion A, measuring approximately 7ha in extent, would comprise 35 residential dwellings across approximately 4ha, one private road of approximately 1ha and Private Open Space of approximately 2ha. Portion B, covering approximately 3.5ha, would consist of 31 residential units on approximately 1.6ha, one private road of approximately 0.6ha and Private Open Space with an extent of approximately 1.3ha. Two access points from the existing Val de Vie Lifestyle Estate were proposed.

This alternative was not preferred for the following reason:

- Public participation identified recurring issues associated with potential traffic impacts, as well as new concerns related to potential noise and visual impacts. As a result, additional specialist input was required to inform the proposed layout.

### Preferred Layout Alternative (Herewith authorised)

The proposal entails the establishment of the River Farm Estate, a residential development comprising the following:

- Rezoning of the remainder of Farm No. 1486 to Sub-Divisional Area and subdivision of the property into Portion A and Portion B, which will be developed in two phases.
- Development on Portion A (Phase 1), entails the following:
  - 35 Residential Zone I properties, with an extent of approximately 3.6ha;



- Two Open Space Zone II land portions that will consist of Private Open Space, with an area of approximately 2.5ha; and
- Private Roads, covering an area of approximately 1ha.
- Development on Portion B (Phase 2) entails the following:
  - 31 Residential Zone I dwellings, with an extent of approximately 1.6ha;
  - Two Open Space Zone II land portions that will consist of a Private Open Space, with an area of approximately 1.3ha; and
  - Private Roads, covering an area of approximately 0.6ha.
- Access to the residential estate will be taken from two points within the Val de Vie Lifestyle Estate, situated to the south of Farm No. 1486. Two private roads will be constructed across Erf No. 111 and Erf No. 197, two existing erven within the Val de Vie Lifestyle Estate to link to the new residential development.

This alternative is preferred for the following reasons:

- The layout responds to various informants, including specialist input, stakeholder and authority comments.
- The proposed development takes into account the opportunities and constraints of the site.
- Using the opportunities and constraints mapped for the property, the proposed development optimises the physical development footprint and the number of dwellings. This in turn increases the area set aside on the property for Private Open Space, with an addition of 0.43ha of open space.

#### "No-Go" Alternative

The "no-go" option was also investigated but was not preferred as the *status quo* of the property would be maintained, where the development potential of the site would not be realised, with the site remaining largely under-utilised and derelict. Although the subject property is zoned Agriculture Zone I, the no-go alternative would result in the loss of employment opportunities associated with both the construction and operational phases of the development as well as residential opportunities. The development potential of the site, which has been earmarked for residential development by the Drakenstein Municipality, would be forfeited.

### **3. Impact Assessment and Mitigation measures**

#### 3.1 Activity need and desirability

The remainder of Farm Rivierplaas No. 1486 is zoned Agricultural Zone I but the farm is derelict and unused with low agricultural potential. The property is situated immediately to the north of an existing urban corridor comprising the Val de Vie Lifestyle Estate, with the development thereof constituting an extension of the existing estate. The proposed River Farm Estate development is aligned with the Drakenstein Spatial Development Framework as the property has been earmarked for "urban infill" and residential development as part of future urban expansion within the Drakenstein Municipality. The development is in line with the forward planning strategies and is consistent with projected future growth for the Drakenstein Municipality, including the objectives of the Integrated Development Plan. The proposal is also aligned to the policies and spatial principles of the Provincial Spatial Development Framework.

#### 3.2 Visual Impacts

A Visual Impact Assessment, dated 23 June 2018, was compiled by David Gibbs. Investigation of the proposed development within the local and regional context found that the site is not considered particularly visible due to its low-lying position within the valley and partial screening.

However, as it abuts the existing Val de Vie Lifestyle Estate, it will have a visual impact on the immediate neighbours. The property is currently derelict and contains no critical attributes to protect and therefore has a low visual significance. Furthermore, the potential visual impacts associated with both the construction and operational phases of the development are assessed as low, with mitigation. The design and implementation of the landscape plan is considered the primary mitigation for the visual impact of the proposed development. The layout, inclusion of landscape buffers, open spaces, orientation of roadways and individual erf boundaries also responds to the broader cultural landscape patterns and indicators of the site. The architectural measures, such as design, lighting, texture and edge conditions, are to be congruent with the adjacent precedent to further mitigate the potential impact. When viewed holistically, the development will form an extension of the existing estate and urban corridor and is considered acceptable from a visual perspective.

### 3.3 Traffic and Noise Impacts

A Traffic Impact Statement was compiled by ITS Engineers, dated 25 May 2018, to evaluate the potential traffic impact of the proposed development on the internal road network of the Val de Vie Lifestyle Estate and assess the capacity of the proposed new access streets in response to comments received from I&APs. The proposed River Farm Estate will share the main access gate with the Val de Vie Lifestyle Estate, with intersections within the estate continuing to operate at good levels of service. The expected traffic and pedestrian volumes from the proposed estate are significantly less than the maximum thresholds and not considered to be intrusive. The total traffic volumes are therefore deemed as an insignificant impact on the capacity of the internal roads of the Val de Vie Lifestyle Estate. Mitigation to reduce the potential traffic impact of the new estate includes positioning of access roads in the least intrusive locations, sufficient landscaping, road surfacing and road design, which have been incorporated into the proposal. It is important to note that establishment of the new access roads within the existing Val de Vie Lifestyle Estate do not themselves require environmental authorisation.

An Environmental Noise Impact Assessment was undertaken by Enviro Acoustic Research, dated August 2018. The assessment aimed to determine the potential noise impact of the proposed River Farm Estate on the surrounding environment, with particular emphasis placed on traffic and construction-related noise. The findings of the study indicated a medium significance noise impact for the existing residential areas from construction of the access routes and operational phase, if unmitigated. Mitigation measures would reduce the potential impact, although limits exist to the mitigation of construction-related noise. Recommended mitigation includes the implementation of a noise measurement programme, which will monitor the efficacy of noise abatement measures, management methods for the construction phase associated with heavy machinery, as well as the design of the road, the type of material for the road surface, and the installation of speed bumps at appropriate locations.

### 3.4 Social Impacts

Multipurpose Business Solutions compiled a Social Impact Assessment dated June 2018. A number of potential social impacts associated with the proposed development were identified, including *inter alia* nuisance factors during the construction phase, temporary and permanent employment opportunities, income and revenue generation, increased traffic and sense of place. The potential social impacts were assessed to be both positive and negative. The development of the proposed River Farm Estate will require the resettlement of residents on the property to the Mountain Ridge Estate. A number of potential benefits are associated with the proposed resettlement, including the opportunity for security of tenure, provision of amenities, and access to basic services, although the

transport needs, security and general well-being of the residents must be borne in mind. A Resettlement Action Plan has been provided to form the framework for a Resettlement Plan, once negotiations have been finalised. In general, to address potential socio-economic concerns associated with the estate as a whole, communication protocols in conjunction with monitoring and evaluation are key requirements, in addition to a procurement strategy and finalisation of the resettlement plan.

### 3.5 Biophysical Impacts

A Freshwater Impact Assessment was undertaken by Scientific Aquatic Services, dated September 2017 and amended July 2018. The Berg River forms the western boundary of the site, while the site itself contains both natural and artificial drainage channels, artificial impoundments and a channeled valley bottom wetland. Although not all features on site are natural, the impoundment and drainage line do contribute towards the hydrological functioning and stability of the area. While some of the features are to be infilled, the diversion of the drainage line into a landscape channel and bio-retention pond, reinstatement of indigenous vegetation and alien invasive vegetation control will improve the ecological integrity of the watercourses. The proposal will have low negative impacts on freshwater features, however, the realignment of the drainage channel and site rehabilitation, particularly of the Berg River riparian zone, will result in positive impacts, which will be further enhanced by implementation of the rehabilitation plan, MMP and Stormwater Management Plan.

A Botanical Assessment, compiled by Bergwind Botanical Surveys and Tours, dated September 2017, confirmed a high level of transformation across the site due to past agricultural activities, despite the site being mapped to contain Swartland Alluvium Fynbos, which is listed as Critically Endangered. The area along the Berg River retains clusters of indigenous vegetation, typically associated with wetland areas. The property has largely been overrun with agricultural weeds, grasses and invasive woody species, although several species of indigenous vegetation were found in confined patches. The Western Cape Biodiversity Spatial Plan indicates that there are aquatic and terrestrial Critical Biodiversity Areas extending along the Berg River, which have largely been avoided by the proposed development. This in turn maintains the ecological corridor along the river, enabling the functioning of the corridor and providing for the restoration of degraded areas as a component of the proposal. It is noted that the site supports no intact natural vegetation, threatened species or identified ecological processes, thus there would be no loss of vegetation or ecological processes, resulting in a low negative impact. Landscaping of the site with indigenous vegetation and implementation of the rehabilitation and management plans will potentially result in a positive impact on biodiversity. To support improved overall ecological functioning, restrictions should be placed on use of pesticides, both in private gardens and in common shared open spaces. The ongoing management of alien invasive vegetation is also an important maintenance requirement for the development, and on the property as a whole. With implementation of the proposed mitigation measures for both the botanical and freshwater impacts, the cumulative impact of the proposal will be low. The relevant mitigation measures have been carried through to the EMPr, MMP and conditions of this Environmental Authorisation, where appropriate.

Furthermore, a MMP, including invasive alien vegetation management as a component of ongoing works, has been compiled to address future routine maintenance activities. The maintenance of the structures authorised 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).

Due to the presence of watercourses and wetlands on site, application was made in terms of Section 21 of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") for a Water Use Licence, which was submitted to the Department of Water and Sanitation ("DWS"). Confirmation that the proposed water uses fall within the ambit of the General Authorisation, Government Gazette No. 40229, Notice No. 509, dated 26 August 2016, was issued by the DWS on 8 February 2019.

The development will result in both negative and positive impacts.

#### **Negative impacts:**

- The proposed development will result in construction related impacts such as dust, visual, security and noise impacts during the construction period.
- Construction works will result in an increase in potential traffic and an increased volume of construction vehicles entering the site.
- Operational traffic impacts will occur in terms of additional trips and the addition of two new access points to the River Farm Estate within the Val de Vie Lifestyle Estate.
- The development will result in a visual impact with visual intrusion during construction and a permanent visual impact and intrusion on sense of place following completion.
- A portion of agricultural land, approximately 10ha in extent, will be lost.
- The operational phase, including road use, will result in noise impacts.

#### **Positive impacts:**

- The development will provide temporary employment opportunities during the construction phase.
- Socio-economic opportunities will be provided to the local and regional economy through provision of residential opportunities, revenue and permanent employment.
- Families residing on the site will be provided with housing opportunities and security of tenure.
- Implementation of the landscaping plan and rehabilitation and management plans, as well as incorporation of open spaces and buffers within the layout will result in a potential positive impact for the overall biodiversity and ecological functioning of the site, the riparian zone of the Berg River and associated drainage channel.

### **3 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.

#### **4 Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr and MMP, 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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