



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/B3/28/1027/19  
**ENQUIRIES:** S. Smidt  
**DATE:** 2019 -09- 19

The Board of Directors  
Telegenix Trading 865 (Pty) Ltd  
PO Box 10  
**SIMONDIUM**  
7670

**Attention: Mr. Mark Groenewald**

Tel.: (021) 874 1047  
Email: mark@donkerhoekdata.co.za

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL BASIC ASSESSMENT REPORT FOR THE PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT OF A MIXED USE DEVELOPMENT ON FARM CUMBERLAND NO. 915, SIMONDIUM**

1. The above-mentioned document dated 11 September 2019, as received by the Department on the same day, refers.
2. This letter serves as an acknowledgement of receipt of the above-mentioned document by this Department.
3. This Department will consider the final BAR within the prescribed time period and advise you accordingly.
4. Kindly quote the above-mentioned reference number in any future correspondence in respect of this application.
5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.

Yours faithfully

**HEAD OF COMPONENT  
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) R Kapp/G Nel (GNEC)  
(2) C Winter (Drakenstein Municipality)  
(3) A September (Heritage Western Cape)  
6<sup>th</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 5828 Fax: +27 21 483 3098  
E-mail: Samornay.Smidt@westerncape.gov.za

Email: renier@kappec.co.za  
Email: Cindy.Winter@drakenstein.gov.za  
Email: Andrew.September@westerncape.gov.za  
Private Bag X9086, Cape Town, 8000  
www.westerncape.gov.za/eadp



Western Cape  
Government

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/B3/28/1027/19  
**NEAS REFERENCE:** WCP/EIA/0000591/2019  
**ENQUIRIES:** Samornay Smidt  
**DATE OF ISSUE:** 2020 -01- 0 6

The Board of Directors  
Telegenix Trading 865 (Pty) Ltd  
PO Box 10  
SIMONDIUM  
7670

**Attention: Mr. Mark Groenewald**

Tel.: (021) 874 1047  
Email: mark@donkerhoekdata.co.za

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: PROPOSED DEVELOPMENT OF THE REZONING, SUBDIVISION AND DEVELOPMENT OF A MIXED USE DEVELOPMENT ON FARM CUMBERLAND NO. 915, SIMONDIUM**

1. With reference to the above application, the 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, 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 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) R Kapp/G Nel (GNEC)  
(2) C Winter (Drakenstein Municipality)  
(3) A September (Heritage Western Cape)

Email: renier@kappec.co.za  
Email: Cindy.Winter@drakenstein.gov.za  
Email: Andrew.September@westerncape.gov.za



**REFERENCE:** 16/3/3/1/B3/28/1027/19  
**NEAS REFERENCE:** WCP/EIA/0000591/2019  
**ENQUIRIES:** Samornay Smidt  
**DATE OF ISSUE:** 2020 -01- 0 6

## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT OF A MIXED USE DEVELOPMENT ON FARM CUMBERLAND NO. 915 AND ERF NO. 1337, SIMONDIUM**

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 Layout Alternative 1, as described in the Basic Assessment Report ("BAR"), dated 11 September 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

The Board of Directors  
Telegenix Trading 865 (Pty) Ltd  
c/o Mr Mark Groenewald  
Po Box 10  
**SIMONDIUM**  
7670

Tel: (021) 874 1047  
Email: [mark@donkerhoekdata.co.za](mailto:mark@donkerhoekdata.co.za)

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Tel: +27 21 483 5828 Fax: +27 21 483 3098  
E-mail: [Samornay.Smidt@westerncape.gov.za](mailto:Samornay.Smidt@westerncape.gov.za)

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

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

**B. LIST OF ACTIVITY AUTHORISED**

Listed Activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014 -</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; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</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) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</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;</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 footprint of the upgraded treatment plant will be approximately 50m<sup>2</sup> and the irrigation pond will be approximately 150m<sup>2</sup> and is located within 32m of a watercourse.</p>

<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p><b>Activity Number: 24</b></p> <p>The development of -</p> <p>(i) a road 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</p> <p>(ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding -</p> <p>(a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or</p> <p>(b) roads where the entire road falls within an urban area.</p>	<p>The internal road will be more than 8m wide.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p><b>Activity Number: 28</b></p> <p>Residential mixed, retail, commercial, industrial or institutional development 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><b>(ii) 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 development is located outside the urban area of Paarl and is bigger than 1 hectare.</p>
<p>EIA Regulations Listing Notice 3 of 2014 -</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><b>In Western Cape:</b></p> <p>i. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</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>ii. In urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p>	<p>The road will be wider than 8 metres and requires the clearance indigenous vegetation.</p>

<p><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	
<p>EIA Regulations Listing Notice 3 of 2014 -</p> <p><b>Activity Number: 12</b></p> <p><i>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></p> <p><b>Western Cape</b></p> <ol style="list-style-type: none"> <li><i>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;</i></li> <li><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></li> <li><i>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 or even in urban areas;</i></li> <li><i>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; or</i></li> <li><i>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.</i></li> </ol>	<p>The clearance of 300m<sup>2</sup> or more of indigenous vegetation.</p>

The abovementioned list 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 development of a mixed-use development comprising office buildings, light industry/warehousing and residential units that will be developed as separate phases, as follows:

- Portion 1 is approximately 2,5ha in extent (Business Zone III: Offices) and is located on the south-western portion of the site. Access will be via the newly constructed road from the existing entrance off Main Road 191 over Erf No. 1337.
- Portion 2 is approximately 1,7ha in extent (Industrial Zone I: light industry/warehousing) and is located on the northern portion of the property, abutting the existing industrial zoned erf (Erf No. 1337).

- The Remainder is approximately 0,6ha in extent (Residential Zone II: Group Housing), is located on the southern-most portion of the site and will accommodate 14 group houses for the existing staff members currently residing on the farm. Access will be via the existing servitude road from Main Road 205.

The existing Sewage Treatment Plant on Erf No. 1337 will be upgraded to accommodate sewage from the proposed development and new bulk infrastructure will be installed to service the proposed development.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Farm Cumberland No. 915 and Erf No. 1337, Simondium.

The SG21 digit codes are: C05500000000091500000  
C05500000000133700000

Co-ordinates:

	Latitude	Longitude
	33° 49' 39.48"	18° 56' 56.82"

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

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

Guillaume Nel Environmental Consultants (Pty) Ltd  
c/o Mr G Nel/R Kapp  
P.O. Box 2632  
**PAARL**  
7620

Tel: (021) 870 1874

Fax: (021) 870 1873

### 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, as described in the BAR dated 11 September 2019 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue, within which commencement must occur.

3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

#### **Written notice to the Competent Authority**

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

Conditions: 7, 8, 11 and 18.

#### **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") dated 11 September 2019, submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- 10. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activity to ensure compliance with the EMPr and the conditions contained herein.
- 12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
- 13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

### **Auditing**

- 14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (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**

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

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

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The relevant requirements with respect to occupational health and safety must be adhered to at all times.
18. A copy of the Phase II Heritage Impact Assessment ("HIA"), the Final Site Develop Plan and the Final Comment from Heritage Western Cape ("HWC") must be submitted to this Department for record-purposes, prior to commencement of construction activities.

### **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 activities, 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 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 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 e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

  
MR. ZAAHIR TOEFY

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

DATE OF DECISION: 20/2/2019

Cc: (1) R Kapp/G Nel (GNEC)  
(2) C Winter (Drakenstein Municipality)  
(3) A September (Heritage Western Cape)

Email: [renier@kappec.co.za](mailto:renier@kappec.co.za)  
Email: [Cindy.Winter@drakenstein.gov.za](mailto:Cindy.Winter@drakenstein.gov.za)  
Email: [Andrew.September@westerncape.gov.za](mailto:Andrew.September@westerncape.gov.za)

# ANNEXURE 1: LOCALITY MAP



**Property Layout**

**Scale:** 1:4 500  
**Date created:** February 13, 2017





## **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 18 April 2019, the EMPr submitted together with final BAR on 11 September 2019 and the additional information received between 2 and 22 October 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 11 September 2019 and the additional information received by the between 2 and 22 October 2019; 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 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;
- 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 between 26 and 29 March 2018;
- the placing of a newspaper advertisement in the 'PaarlPost' on 27 September 2018;
- fixing notice boards at the site where the listed activities are to be undertaken on 26 October 2018;
- circulating the pre-application draft BAR to I&APs from 26 October 2019;
- circulating the in-process draft BAR to I&APs from 18 June 2019;
- circulating the 2<sup>nd</sup> in-process draft BAR to registered I&APs from 8 August 2019;

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

### Layout Alternative 1 (preferred alternative herewith authorised)

The proposal entails the development of a mixed-use development comprising office buildings, light industry/warehousing and residential units that will be developed as separate phases, as follows:

- Portion 1 is approximately 2,5ha in extent (Business Zone III: Offices) and is located on the south-western portion of the site. Access will be via the newly constructed road from the existing entrance off Main Road 191 over Erf No. 1337.
- Portion 2 is approximately 1,75ha in extent (Industrial Zone I: light industry/warehousing) and is located on the northern portion of the property, abutting the existing industrial zoned erf (Erf No. 1337).
- The Remainder is approximately 0,65ha in extent (Residential Zone II: Group Housing), is located on the southern-most portion of the site and will accommodate 14 group houses for the existing staff members currently residing on the farm. Access will be via the existing servitude road from Main Road 205.

The existing Sewage Treatment Plant on Erf No. 1337 will be upgraded to accommodate sewage from the proposed development and new bulk infrastructure will be installed to service the proposed development.

This alternative is preferred, as it does not solely provide industrial units in accordance with the adjacent development on Erf No. 1337. It also makes provision for residential units to accommodate the existing residents currently residing on the farm. Given the increase in residential developments in the vicinity of Simondium, including the expansion of existing surrounding estates, it was deemed commercially necessary to allow for the development of office space, as part of the preferred alternative.

### Layout Alternative 2

Layout Alternative 2 proposed the development of the site into 21 industrial erven ranging in size from 1219m<sup>2</sup> to 3711m<sup>2</sup>. This layout was initially proposed to best integrate with the adjacent industrial development on Erf No. 1337. Based on further assessment of the potential impacts, as well as market research and input from local residents, this alternative was not deemed a viable option. Especially since it does not provide any residential opportunities for the existing residents on site. Given the current and proposed residential developments in the vicinity of Simondium, including the expansion at surrounding estates, it was deemed commercially viable to also incorporate office space into the proposed development, giving rise to the new preferred alternative.

### "No-Go" Alternative

The "no-go" option was also investigated and was not preferred since the property is located inside the municipal urban edge and is designated for light industrial and urban infill in the municipal Spatial Development Framework ("SDF"). An opportunity to provide housing, business and industrial opportunities on a site demarcated for urban infill development in the municipal SDF will therefore be lost.



### 3. Impact Assessment and Mitigation measures

#### 3.1 Activity need and desirability

The proposed development site, together with the adjoining Erf no. 1337, forms an isolated urban area, surrounded by vineyards. The site is located within the Drakenstein urban edge and is designated as light industrial and urban infill in terms of the Drakenstein SDF. The proposed mixed-use development is therefore in line with this designation.

The proposed development would contribute towards the current need for housing in Paarl by accommodating all the families currently residing on the farm. The Drakenstein SDF encourages the proposed mixture of erf sizes and the proposal is therefore in line with the objectives of this forward planning document. Vacant land within the urban edge is becoming increasingly scarce. The optimal development of available land is thus crucial to prevent large scale development and extensions outside urban areas, resulting in urban sprawl. The proposed development is therefore also consistent with the planning policy and principles on a municipal and national level.

#### 3.2 Biophysical Impacts

A small section in the western corner of the site is designated as a Critical Biodiversity Area. The mapped natural vegetation for the area is Swartland Alluvium Fynbos, which is classified critically endangered. However, the Botanical Baseline Study compiled by Bergwind Botanical Surveys and Tours, dated February 2017, concluded that the site has been completely transformed due to past farming activities and does not contain any remaining intact natural vegetation, does not play an important role in terms of ecological corridors and has a very low restoration potential. Therefore, the site does not pose any development constraints from a botanical perspective. Nonetheless, the proposed landscaping will ensure the use of appropriate indigenous vegetation.

The site contains no watercourses. The Berg River is located approximately 1.2 km east of the proposed mixed-use development and an unnamed tributary of the Berg River is located approximately 230m north of the development site. Based on the findings of the Freshwater Resource Ecological Assessment compiled by Scientific Aquatic Services CC, dated March 2019, the proposed development activities within the boundary of Farm No. 915 is considered to be of low risk significance. The proposed discharge of treated effluent and storm water from the proposed development into the tributary on Erf No. 1377 does however pose a moderate risk significance to the tributary. The existing Sewage Treatment Plant located on Erf No. 1337 will be upgraded to create a combined treatment plant for this development and the mixed-use development proposed on Erf No. 1337. The treated effluent will be used for irrigation purposes during summer months and 50% thereof will be released into the tributary during winter months. The recommendations from the specialist study have been incorporated into the development and EMP, which will adequately minimise the significance of the identified potential impacts.

#### 3.3 Services

In order to service the proposed development on Farm Cumberland No. 915, new bulk infrastructure will be installed on the property to provide storm water management, sewerage disposal, potable water and electrical services.

The existing Sewage Treatment Plant located on Erf No. 1337 will be upgraded to create a combined treatment plant for this development and the mixed-use development proposed on Erf No. 1337. The upgraded plant will have a capacity of 66kl/day and will treat the effluent to General Standards. Treated effluent will be utilised, *inter alia*, for irrigation of the landscaped and open areas, with the remainder of the treated effluent to be stored in a dam. During winter months it is

estimated that 50% of treated effluent will be utilised and the remaining 50% will be released into the adjacent watercourse towards the north of the Sewage Treatment Plant. The recommended engineering mitigation measures have been incorporated into the development to address the associated potential impacts. A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has also been submitted to the Department of Water and Sanitation, who will further investigate the watercourse related impacts. Once the municipal sewer capacity is upgraded the development will connect to the Drakenstein municipal network.

### 3.4 Heritage Impact Assessment and Visual Impact Assessment

Based on the findings of the Phase 1 Heritage Impact Assessment ("HIA") dated June 2018 and compiled by Cindy Postlethwayt, although the site has historical associations with Ongegund, these are not significant. The historical and all other buildings on the site are not regarded as having any heritage value (not conservation worthy) and there are no aesthetic or social values attached to property as a whole. The site therefore has not intrinsic heritage significance even though it is surrounded by an agricultural landscape of high heritage significance and is partially located behind the unique historic warehouse on Erf No. 1337.

The general landscape character is sensitive to visual impact but the actual site visibility is low. Visual Absorption Capacity is Moderate to High with significant screening provided by the surrounding topography, vegetation and existing and approved land uses.

The development layout is sensitive to its surrounds, is sufficiently setback from the historical cellars and is unlikely to have a visual or physical impact on it. It is therefore concluded that the development of the property is appropriate and that the potential impacts on heritage resources can be adequately mitigated.

These findings were supported by the HWC, subject to the incorporation of the design parameters into the proposed development and the submission of a Phase II HIA and Final Site Development Plan for approval and endorsement by the HWC (included as a Condition 18 in this environmental authorisation).

#### **Negative Impacts:**

- The proposed construction works will result in elevated noise and dust levels and increased traffic volumes during the construction phase.
- The proposed development will have a potential visual impact.

#### **Positive impacts:**

- The proposed development will provide housing and contribute to the local economy.
- The development will create employment opportunities during the construction and operational phase.

## **4. National Environmental Management Act Principles**

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

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

## **5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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