



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 2)

EIA REFERENCE: 16/3/3/2/B3/28/1003/16
NEAS REFERENCE: WCP/EIA/0000144/2016
ENQUIRIES: Lorretta Osborne
DATE OF ISSUE: 2017 -06- 13

The Board of Directors
Left Break (South Africa) (Pty) Ltd
PO Box 1070
BELLVILLE
7535

Attention: Mr A du Toit

Tel: (021) 919 6976
Fax: (021) 919 2508

Dear Sir

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): THE DE HOOP COMMUNITY LIFESTYLE ESTATE DEVELOPMENT ON REMAINDER OF PORTION 1 OF FARM DE HOOP NO. 838 AND FARM TITUS KLOOF NO. 893, PAARL

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 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

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Dr J Neethling (Johan Neethling Environmental Services)
(2) Mr H Strydom (Drakenstein Municipality)
(3) Ms C Winter (Drakenstein Municipality)

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REFERENCE: 16/3/3/2/B3/28/1003/16
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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): THE DE HOOP COMMUNITY LIFESTYLE ESTATE DEVELOPMENT ON REMAINDER OF PORTION 1 OF FARM DE HOOP NO. 838 AND FARM TITUS KLOOF NO. 893, 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 Layout Alternative 1, as described in the Environmental Impact Assessment Report ("EIR"), dated 23 February 2017.

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
Left Break (South Africa) (Pty) Ltd
% Mr A du Toit
PO Box 1070
BELLVILLE
7535

Tel: (021) 919 6976
Fax: (021) 919 2508

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Government Notice No. R. 327 of 7 April 2017 - Activity Number: 9 <i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water and storm water-</i> (i) <i>with an internal diameter of 0.36 metres or more;</i> <i>or</i> (ii) <i>with a peak throughput of 120 litres per second or more;</i> <i>excluding where-</i> (a) <i>such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i> (b) <i>such development will occur within an urban area.</i>	The construction of pipelines that exceeds 1000 metres in length for the transportation of water.
Government Notice No. R. 327 of 7 April 2017 - Activity Number: 10 <i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes-</i> (i) <i>with an internal diameter of 0.36 metres or more;</i> <i>or</i> (ii) <i>with a peak throughput of 120 litres per second or more;</i> <i>excluding where-</i> (a) <i>such infrastructure is for bulk the transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i> (b) <i>such development will occur within an urban area.</i>	The construction of pipelines that exceeds 1000 metres in length for the transportation of sewage.
Government Notice No. R. 327 of 7 April 2017 - Activity Number: 12 <i>The development of-</i>	

(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs- (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of watercourse; - excluding- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbor; (bb) where such development activities are related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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.	The construction of road crossings and infrastructure over drainage channels and the rehabilitation of a farm dam.
Government Notice No. R. 327 of 7 April 2017- Activity Number: 19 <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal of soil, sand shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i> <i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i> (a) <i>will occur behind a development setback;</i> (b) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> (c) <i>falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i>	The construction of road crossings and infrastructure over drainage channels and the rehabilitation of a farm dam.

(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (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. The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for – (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	
Government Notice No. R. 327 of 7 April 2017- Activity Number: 24 The development of a road- (i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) with a reserve wider than 13.5 metres, or where no reserve exists where the road is wider than 8 metres; but excluding a road- (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; or (b) where the entire road falls within an urban area; or (c) which is 1 kilometre or shorter.	The construction of roads outside the urban edge.
Government Notice No. R. 327 of 7 April 2017- Activity Number: 28 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: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	An area of approximately 135ha hectares of land containing indigenous vegetation will be cleared.

Government Notice No. R. 324 of 7 April 2017- Activity Number: 4 <i>The development of a road wider than 4 metres with a reserve less than 13.5 metres.</i> (i) In Western Cape: i. Area zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) areas containing indigenous vegetation; (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 iii. In urban areas: (aa) areas zoned for conservation use; or (bb) areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	The construction of roads outside the urban edge.
Government Notice No. R. 324 of 7 April 2017- Activity Number: 12 <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> (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.	Clearance of indigenous vegetation of more than 300m².

Activity Number: 15

The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for –
(i) *the undertaking of a linear activity; or*
(ii) *maintenance purposes undertaken in accordance with a maintenance management plan.*

An area of approximately 135ha hectares of land containing indigenous vegetation will be cleared.

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:

Layout Alternative 1:

This alternative entails the subdivision of Portion A into four portions i.e. Portion B, Portion C, Portion D and Portion E on the on Remainder of Portion 1 of Farm De Hoop No. 838 and Farm Titus Kloof No. 893, Paarl. Each of the individual portions will have a separate Home Owners Association.

The portions will be developed as follows:

- Portion B will be 10ha located in the north eastern corner of Portion A. This portion will be utilized for business purposes. It will be limited to two storey buildings.
- Portion C will be 83ha and comprises 10 individual portions, each with different land uses, which entails the following:
 - Portion 1: 6.5ha, located at the northern entrance abutting MR5255 and is earmarked for business purposes.
 - Portion 2: 14ha, located at the northern entrance, earmarked for educational purposes.
 - Portion 3: 7ha, earmarked for high density residential developments with a maximum height of 3 storeys. A total of 420 apartments will be provided on the site at a maximum density of 60 units/ha.
 - Portions 4 and 10: 6.5ha and 10ha, respectively, earmarked for town house developments. These two storey buildings will have a maximum density of 30 units/ha with a total of 495 town houses.
 - Portions 5 and 9: 7.5ha and 6ha, respectively, earmarked for single residential purposes with a maximum density of 10 units/ha. These portions are located on the western corner of Portion A to serve as a buffer area between Val de Vie Estate and the rest of the proposed development.
 - Portions 6 and 7: 4.5ha and 6ha, respectively, earmarked for town house development. These two storey buildings will have a maximum density of 40 units/ha, with a total of 420 town houses.
 - Portion 8: 3ha, earmarked for a combination of business/commercial and residential with business activities limited to the ground floor apartments on the remaining two storeys. Apart from the business activities, a total of 180 apartments is proposed, located in the centre of Portion C and will function as the De Hoop Square with a variety of business related activities.
- Portion D will be located in the southern corner of Portion A and will be 64ha. It will comprise of 10 individual portions, each with different land uses, which will entail the following:

- Portions 11, 12, 14 and 16: 4.4ha, 4.3ha, 9.3ha and 7.1ha, respectively, earmarked for double storey town houses with a maximum density of 30 units/ha. A total of 753 units will be developed.
 - Portions 13, 15, 18 and 19: 4.9ha, 4.8ha, 3.7ha and 3.9ha, respectively, earmarked for higher density three storey apartments with a maximum density of 60 units/ha. A total of approximately 1038 apartments are proposed collectively in these portions.
 - Portion 17: 9.1ha, located in the southern corner of Portion A, earmarked for low density residential development with a maximum density of 15 units/ha and a total of 136 single residential dwellings.
 - Portion 20: 6ha, earmarked for low density residential development with a maximum density of 10 units/ha. A total of 60 single residential dwellings will abut the Pearl Valley development.
 - Portion 21: 18ha, proposed main road which will be the main arterial route connecting the individual phases and land uses within the development with each other.
 - Portion 22: 0.1ha, proposed electrical substation within the development.
- Portion E will be 126ha. This portion comprises the proposed biodiversity and conservation area, which will be zoned Open Space Zone II. This area surrounds the proposed development and serves as a large buffer between the agricultural activities on the proposed Remainder of the farm and the R301 route to the east of the proposed development. The area will also serve as passive open space for the proposed development with pedestrian walkways and other recreational features. The biodiversity area will be rehabilitated in co-operation with CapeNature as a Biodiversity Stewardship Area.

External bulk water and sewerage services will also be implemented. These will include:

- A 400mm diameter water supply pipeline from the new reservoir on the Pearl Valley Reservoir site.
- A new connection chamber.
- A new 315mm diameter water supply pipeline from the Leliefontein Reservoir system that will run in the Kliprug Minor Road Reserve.
- A 400mm diameter outfall sewer pipeline that will be routed along the western boundary of the development site.
- A 160mm diameter sewer pipeline from the De Hoop commercial node.

Access to the proposed development on Portion A will be taken directly from Kliprug Minor Road No. 5255 (MR5255) which also serves as the main entrance to Val de Vie Winelands Lifestyle Estate as well as from the municipal road along the common boundary with Val de Vie and Pearl Valley. A new full entrance is also proposed along the R301 almost halfway between MR5255 and Pearl Valley entrance. These new entrances will all be public roads which will provide easy and safe access to the proposed development. The De Hoop Lifestyle Community Estate development will be developed in 8 phases.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Remainder of Portion 1 of Farm De Hoop No. 838 and Farm Titus Kloof No. 893, Paarl.

Co-ordinates:

Latitude (S)	Longitude (E)
33° 48' 24.61" South	18° 59' 12.45" East

The SG 21 digit codes are: C05500080000083800001,
C05500080000089300000

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

Johan Neethling Environmental Services CC
% Dr J Neethling
P.O Box 16594
VLAEBERG
8018

Tel: (021) 461 4386
Fax: (086) 544 4868

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 Layout Alternative 1 described in the EIR dated 23 February 2017 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **fifteen years** from the date of issue, within which commencement must occur.
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 Department before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Department 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 Department

5. Seven calendar days' notice, in writing, must be given to the Department before commencement of construction activities. The notice must:

- 5.1 make clear reference to the site details and EIA Reference number given above.
- 5.2 also include proof of compliance with the following conditions described herein:

Conditions: 6, 7 and 11.

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;
 - 6.4 provide the registered I&APs with the:
 - 6.4.1 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 of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided 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 Maintenance Management Plan ("MMP") submitted as part of the application for Environmental Authorisation, included as Appendix 34, is herewith adopted in terms of the

NEMA EIA Regulations, 2014 (as amended) relating to GN No. R. 327, Activity 19. The maintenance work specified in the MMP therefore does not require a separate environmental authorisation prior to the undertaking thereof.

10. The EMPr and the MMP must be included in all contract documentation for all phases of implementation.

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, MMP, 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 Department 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 Department. 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 Department once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Department six months after operation commenced.

The holder must, within 7 days of the submission of the report to the Department, 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. Portion E of the development proposal must be set aside as a Level 2 Biodiversity Area and included in CapeNature's stewardship programme. The stewardship agreement must be concluded within a period of 1 year dated from this Environmental Authorisation.

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, EMPr or MMP 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, 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 Department 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 Department 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 GN No. R. 327 of 7 April 2017 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 Department 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 Department 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
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to 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



MR. HENRI FORTUIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 12-6-17

CC: (1) Dr J Neethling (Johan Neethling Environmental Services)
(2) Mr H Strydom (Drakenstein Municipality)
(3) Ms C Winter (Drakenstein Municipality)

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ANNEXURE 1: LOCALITY MAP



Figure 1: Locality map of on Remainder of Portion 1 of Farm De Hoop No. 838 and Farm Titus Kloof No. 893, Paarl

ANNEXURE 2: SITE PLAN

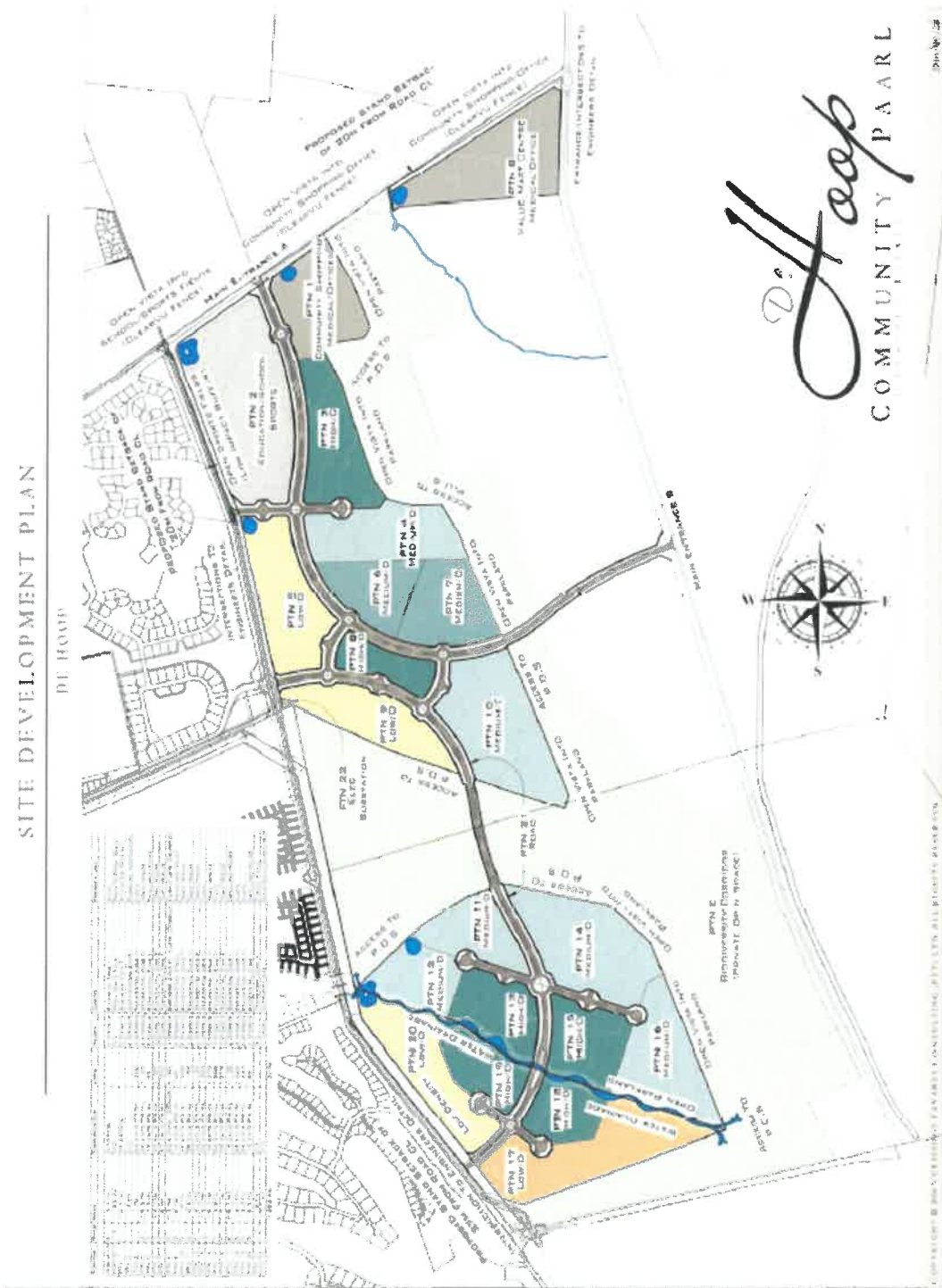


Figure 2: Layout Alternative 1 (Preferred)

ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form submitted on 11 August 2016, the Scoping Report received by the Department on 26 September 2016, the EIA Report submitted on 24 February 2017, the EMPr and MMP submitted together with the EIA Report;
- 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 EIR dated August 2016;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) The site visit conducted by officials from this Department and officials from Drakenstein Municipality on 6 July 2016.

This application was submitted in terms of the NEMA EIA Regulations, 2014. This decision takes into account the relevant amendments to the text of the said regulations promulgated on 7 April 2017.

All information presented to the Department 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;
- fixing a notice board, on 11 August 2016, at the entrance to the farm 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;
- the placing of newspaper advertisements in the "*Paarl Post*" on 21 July 2016 and 11 August 2016;
- making the Scoping Report available to I&APs for public review from 11 August 2016; and
- making the EIA Report available to I&APs for public review from 11 November 2016.

All the concerns raised by I&APs were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this Environmental Authorisation, EMPr and MMP to adequately address the concerns raised.

The Department notes the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this Environmental Authorisation.

2. Alternatives

The proposal entails the consolidation and subdivision of Remainder of Portion 1 of Farm De Hoop No. 838 and Farm Titus Kloof No. 893, Paarl into two newly configured land units of which the proposed Portion A will be developed for urban development purposes and the remainder will remain Agriculture Zone I and will continue to be farmed with no changes to the land use rights and with no cultivated land lost.

The following layout alternatives were considered for the Development on Portion A:

Layout Alternative 1 (Herewith authorized):

This alternative entails the subdivision of Portion A into four portions i.e. Portion B, Portion C, Portion D and Portion E on the on Remainder of Portion 1 of Farm De Hoop No. 838 and Farm Titus Kloof No. 893, Paarl. Each of the individual portions will have a separate Home Owners Association.

The portions will be developed as follows:

- Portion B will be 10ha located in the north eastern corner of Portion A. This portion will be utilized for business purposes. It will be limited to two storey buildings.
- Portion C will be 83ha and comprises 10 individual portions, each with different land uses, which entails the following:
 - Portion 1: 6.5ha, located at the northern entrance abutting MR5255 and is earmarked for business purposes.
 - Portion 2: 14ha, located at the northern entrance, earmarked for educational purposes.
 - Portion 3: 7ha, earmarked for high density residential developments with a maximum height of 3 storeys. A total of 420 apartments will be provided on the site at a maximum density of 60 units/ha.
 - Portions 4 and 10: 6.5ha and 10ha, respectively, earmarked for town house developments. These two storey buildings will have a maximum density of 30 units/ha with a total of 495 town houses.
 - Portions 5 and 9: 7.5ha and 6ha, respectively, earmarked for single residential purposes with a maximum density of 10 units/ha. These portions are located on the western corner of Portion A to serve as a buffer area between Val de Vie Estate and the rest of the proposed development.
 - Portions 6 and 7: 4.5ha and 6ha, respectively, earmarked for town house development. These two storey buildings will have a maximum density of 40 units/ha, with a total of 420 town houses.
 - Portion 8: 3ha, earmarked for a combination of business/commercial and residential with business activities limited to the ground floor apartments on the remaining two storeys. Apart from the business activities, a total of 180 apartments is proposed, located in the centre of Portion C and will function as the De Hoop Square with a variety of business related activities.
- Portion D will be located in the southern corner of Portion A and will be 64ha. It will comprise of 10 individual portions, each with different land uses, which will entail the following:
 - Portions 11, 12, 14 and 16: 4.4ha, 4.3ha, 9.3ha and 7.1ha, respectively, earmarked for double storey town house developments with a maximum density of 30 units/ha. A total of 753 units will be developed.

- Portions 13, 15, 18 and 19: 4.9ha, 4.8ha, 3.7ha and 3.9ha, respectively, earmarked for higher density three storey apartments with a maximum density of 60 units/ha. A total of approximately 1038 apartments are proposed collectively in these portions.
 - Portion 17: 9.1ha, located in the southern corner of Portion A, earmarked for low density residential development with a maximum density of 15 units/ha and a total of 136 single residential dwellings.
 - Portion 20: 6ha, earmarked for low density residential development with a maximum density of 10 units/ha. A total of 60 single residential dwellings will abut the Pearl Valley development.
 - Portion 21: 18ha, proposed main road which will be the main arterial route connecting the individual phases and land uses within the development with each other.
 - Portion 22: 0.1ha, proposed electrical substation within the development.
- Portion E will be 126ha. This portion comprises the proposed biodiversity and conservation area, which will be zoned Open Space Zone II. This area surrounds the proposed development and serves as a large buffer between the agricultural activities on the proposed Remainder of the farm and the R301 route to the east of the proposed development. The area will also serve as passive open space for the proposed development with pedestrian walkways and other recreational features. The biodiversity area will be rehabilitated in co-operation with CapeNature as a Biodiversity Stewardship Area.

External bulk water and sewerage services will also be implemented. These will include:

- A 400mm diameter water supply pipeline from the new reservoir on the Pearl Valley Reservoir site.
- A new connection chamber.
- A new 315mm diameter water supply pipeline from the Leliefontein Reservoir system that will run in the Kliprug Minor Road Reserve.
- A 400mm diameter outfall sewer pipeline that will be routed along the western boundary of the development site.
- A 160mm diameter sewer pipeline from the De Hoop commercial node.

Access to the proposed development on Portion A will be taken directly from Kliprug Minor Road No. 5255 (MR5255) which also serves as the main entrance to Val de Vie Winelands Lifestyle Estate as well as from the municipal road along the common boundary with Val de Vie and Pearl Valley. A new full entrance is also proposed along the R301 almost halfway between MR5255 and Pearl Valley entrance. These new entrances will all be public roads which will provide easy and safe access to the proposed development. The De Hoop Lifestyle Community Estate development will be developed in 8 phases.

This alternative is preferred since it does not include the service station, which will have a negative visual impact on the corner of the R301 and MR 5255, as illustrated in Layout Alternative 2.

Layout Alternative 2:

This alternative is similar to Layout Alternative 1 with the exception of the service station on the corner of R301 and MR 5255 as part of the commercial component of the development.

This alternative is not preferred since the service station will create a negative visual impact and a negative social impact within the area.

"No-Go" Alternative

The "no-go" option was also investigated and was not preferred as it would result in the *status quo* being maintained. The option was not preferred as the opportunity for positive socio-economic benefits for the surrounding communities and economy will not be realised. Furthermore, status quo with respect to the non-productive agricultural use of Portion due to low soil potential and the degraded state of the Critical Biodiversity Area, with no real practical prospect of rehabilitation will remain.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The Drakenstein Spatial Development Framework demarcate the proposed development site as inside the Drakenstein Urban Edge and earmarked for "Infill urban development." The relevant properties are zoned for Agricultural use. However, the soils are of low potential in terms of agricultural crop production, mainly because of the low clay content. The development will result in positive socio-economic impacts for not only the applicant, but also the local community through additional employment opportunities. In addition, the proposal will contribute to local and regional economic development. The rehabilitation of severely degraded terrestrial and aquatic conservation worthy areas will be undertaken through the implementation of the development and the development of an open space system. Portion A of the development comprising of low potential soils, uncultivated and heavily invaded by alien plant species, will be used for the proposed development, while the larger cultivated remainder will still remain as primary agricultural land. Furthermore, the proposed educational facilities as part of the development will supply schooling opportunities much closer to residential areas and farms in the vicinity. This will prevent long trips to schools in Paarl.

3.2 Biodiversity and Biophysical Impacts

The subject properties are located in the Berg River Valley between the Berg River (west) and Klein-Drakenstein Mountains to the east and has a gentle slope that runs from east to west across the properties towards the Berg River. The higher lying portions of the property will be included into the proposed Remainder which will remain agricultural land, while the lower lying portions are highly disturbed and densely invaded by alien vegetation. The site is degraded due to previous agricultural activities. A botanical impact assessment was conducted by Dr Charlie Boucher, dated 19 September 2011, who revealed that patches of conservation worthy vegetation is present on the site. These patches will be included in a conservation area as part of the development. Three variations of Swartland Alluvium Fynbos were identified, namely, a basic type, the *Ehrharta calycina*-*Passerina comosa* Alluvium Fynbos and two variations, the *Ehrharta calycina*-*Leucadendron rubrum* and *Ehrharta calycina*-*Metasia cephalotus* Swartland Alluvium Fynbos. The specialist has assessed the potential botanical impact of the development, including loss of vegetation and habitats, to be medium-low negative after mitigation with the preferred alternative considered acceptable from a botanical perspective. The preferred layout incorporates the specialist's findings and recommendations and allows for habitat connectivity and connectedness between CBAs as well as making provision for buffer areas and excluding special habitats. These are also included in the Environmental Management Programme ("EMPr") for implementation through the duration of the project.

A specialist freshwater ecosystems assessment was undertaken by Dr. Liz Day of the Freshwater Consulting Group, dated March 2011. A natural drainage channel crosses the north eastern corner of the subject properties creating a wetland. The fresh water report also identified an un-channelled wetland which was impounded to form the farm dam about 30m east of the site boundary. The site was moderately to highly transformed from a freshwater perspective due to past agricultural practices. A number of small interlinked wetland type features were discernible close proximity to the dam and a river tributary crosses the north eastern corner of the proposed development site. It is recommended that this area should not be developed but rather rehabilitated/upgraded to provide a corridor along the north western edge of the dam. It is also recommended that a buffer of at least 30m be maintained along the De Hoop Tributary at the north-eastern corner of the site to also allow for a riparian corridor along this stream. Various mitigation measures, including the adherence of buffers along drainage lines, maintenance of vegetated corridors and the retention of some of the minor watercourses, have been incorporated into the preferred layout alternative. These mitigation measures are also included in the EMPr. Furthermore, a Maintenance Management Plan ("MMP") for the affected watercourses on site, including invasive alien vegetation management, has been compiled.

It must be noted that the accepted maintenance activities only relate to the activities described in the said MMP. Should any new activities and associated infrastructure, not included in the aforementioned 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 agreed to 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).

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, whom will further investigate the watercourse related impacts. The establishment of a significant network of open space that serves as a stormwater management system will ensure that the site's freshwater features are adequately accommodated in the development.

3.3 Visual Impacts

This development is within a rural landscape. The proposed development will result in a change in the visual landscape experienced by receptors within the local area. The site development plan has been amended to mitigate visual impacts associated with the development. As mitigation, the Visual Statement, dated October 2016, provided mitigation measures for the development of the preferred layout alternative, which have been included in the EMPr.

3.3 Traffic Impacts

A Traffic Impact Assessment dated 19 April 2017 was conducted to predict the future traffic volumes in the study area. According to the Traffic Impact Assessment conducted by ITS Engineers, the proposed new access point has more than sufficient sight distances in both directions and conforms

to the requirements of the Department of Transport and Public Works. All these roads will be public roads and will provide easy and safe access for the general public to the proposed development on Portion A. The roads and access points have been designed and positioned to disperse traffic equally and to limit traffic congestion. The roads inside the individual portions which will provide direct access to the individual erven, will be privately owned and managed by the, to be established, Home Owners Association for each component of the development. It is evident from the Site Development Plan that the proposed road network provides structure to the development and represents soft curves to accentuate easy traffic flow through the development linking each component within the development with each other. Therefore, the potential impact associated with the upgrade of the existing road will be at a satisfactory level after mitigation. The potential impacts that may result from the proposed development will also be mitigated by the implementation of the EMPr.

The potential impacts that may result from the proposed development will also be mitigated by the implementation of the EMPr and MMP.

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in construction related impacts such as dust, noise and visual intrusion during the clearance of vegetation.
- Loss of indigenous vegetation from the sites and disturbance to habitats and ecological processes.
- A reduction in the extent of both terrestrial and aquatic CBAs.
- Potential construction phase impacts may result in the degradation of wetlands and drainage lines.

Positive impacts:

- The construction and operational phases will result in socio-economic upliftment through employment opportunities.
- The development will contribute positively to local economic development in the area.
- Through implementation of the recommended mitigation measures, watercourses on site will potentially be better managed and rehabilitated.
- The preferred alternative takes into account the constraints and opportunities of the sites and facilitates the conservation and buffering of significant botanical and freshwater features.

4. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;

- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

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