



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management  
(Region 2)

**REFERENCE:** 16/3/1/1/B3/28/1019/14  
16/3/1/4/B3/28/1046/14 (Exemption)  
**ENQUIRIES:** Ms. Arabel McClelland  
**DATE:** 2015-05-12

The Board of Directors  
Watchman Properties (Pty) Ltd  
P.O. Box 6223  
PAARL  
7620

**Attention: Mr. Morné Bosch**

Tel: (021) 863 6100  
Fax: (021) 863 2741

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND EXEMPTION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE PROPOSED DEVELOPMENT OF "THE VINES ESTATE" ON PORTION 12 OF FARM NO. 826, PAARL**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

**ENVIRONMENTAL AUTHORISATION AND EXEMPTION**

**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") Amendment Regulations, 2010, and the EIA Regulations, 2014, the competent authority herewith **grants environmental authorisation and exemption** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative, Site Layout Alternative 5, described in the Basic Assessment Report ("BAR"), dated March 2015.

The applicant is herewith exempted from the following provisions of the NEMA EIA Regulations:

Regulation 10(2)(d) of Government Notice No. R.543, which reads as follows:

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Tel: +27 21 483 2660 Fax: +27 21 483 3633  
E-mail: Arabel.McClelland@westerncape.gov.za

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

10(2) The applicant must, in writing, within 12 days of the date of the decision of the application –

(d) publish a notice –

(i) informing interested and affected parties of the decision;

(ii) informing interested and affected parties where the decision can be accessed; and

(iii) drawing the attention of interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of these Regulations, if such appeal is available under the circumstances of the decision,

in the newspapers contemplated in regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

The granting of this environmental authorisation and exemption (hereinafter referred to as the "environmental authorisation") is subject to compliance with the conditions set out in section E below.

#### A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Board of Directors  
 Watchman Properties (Pty) Ltd  
 c/o Mr. Morné Bosch  
 P.O. Box 6223  
**PAARL**  
 7620

Tel: (021) 863 6100  
 Fax: (021) 863 2741

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

#### B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

**Activity Number: 9**

The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water -

- (i) with an internal diameter of 0,36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more.

excluding where:

- a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or
- b. where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the watercourse.

**Activity Number: 11**

The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;
- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

**Activity Number: 18**

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving:

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (b) occurs behind the development setback line.

**Activity Number: 23**

The transformation of undeveloped, vacant or derelict land to –

- (i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or

- (iii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -

except where such transformation takes place –

- (i) for linear activities; or  
 (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.

**Activity Number: 24**

The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule, or thereafter, such land was zoned open space, conservation or had an equivalent zoning.

Government Notice No. R546 of 18 June 2010 –

**Activity Number: 4**

The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

Geographical areas in the Western Cape province to which this activity is applicable includes:

(d) In Western Cape:

- i. In an estuary;  
 ii. All areas outside urban areas;  
 iii. In urban areas:  
     (aa) Areas zoned for use as public open space;  
     (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.

**Activity Number: 16**

The construction of:

- (i) jetties exceeding 10 square metres in size;  
 (ii) slipways exceeding 10 square metres in size;  
 (iii) buildings with a footprint exceeding 10 square metres in size; or  
 (iv) infrastructure covering 10 square metres or more;

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

(d) In Western Cape:

- i. In an estuary;  
 ii. Outside urban areas, in:

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus areas;
- (cc) World Heritage Sites;
- (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
- (ee) Sites or areas identified in terms of an International Convention;
- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (gg) Core areas in biosphere reserves;
- (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
- (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
- iii. Inside urban areas:
  - (aa) Areas zoned for use as public open space;
  - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
  - (cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line.

Government Notice No. R. 983 of 4 December 2014 -

**Activity Number: 19**

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—

- (i) a watercourse;
- (ii) the seashore; or
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater—

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

- (c) will occur behind a development setback;
- (d) is for maintenance purposes undertaken in accordance with a maintenance management plan; or
- (e) falls within the ambit of activity 21 in this Notice, in which case that activity applies.

**Activity Number: 28**

*Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture 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.*

Government Notice No. R. 985 of 4 December 2014 -

**Activity Number: 4**

*The development of a road wider than 4 metres with a reserve less than 13,5 metres.*

*(f) In Western Cape:*

- i. 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**
- ii. In urban areas:
  - (cc) Areas zoned for conservation use; or*
  - (dd) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.**

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

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The development of Portion 12 of Farm Kliprug No. 826 as follows:

- "The Vines Estate", covering an extent of approximately 12.78ha, will be developed on 'Portion A'.
- The Vines Estate will comprise 142 single residential erven, one Private Open Space erf and two private road erven.
- 'Portion B', the remainder of the property with an area of approximately 4.46ha, will be subdivided into five erven, including single residential, a private road and Open Space.
- Access to the site will be through the main access road within the existing Val de Vie Winelands Lifestyle Estate.

### C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Portion 12 of Farm Kliprug No. 826, situated off the R301 in southern Paarl.

The SG 21 digit code is: C06700000000826000012

Co-ordinates: 33° 47' 50.57" South  
18° 58' 24.74" East

hereinafter referred to as, "**the site**".

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Johan Neethling Environmental Services  
c/o Dr. Johan Neethling  
P. O. Box 16594  
**VLAEBERG**  
8018

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

### E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, **at least three (3) months prior** to the expiry of this environmental authorisation.

Note that: (1) in terms of Regulation 28(2) of the NEMA EIA Regulations, 2014, failure to lodge an application for amendment at least three months prior to the expiry of the validity period of the environmental authorisation may result in the competent authority being unable to process the application for amendment and in the lapsing of the environmental authorisation;

(2) it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an environmental authorisation for the undertaking of the activity.

2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date the applicant notified the registered interested and affected parties ("I&APs"). In the event that an appeal is lodged with the competent authority, the effect of this environmental authorisation is suspended until such time as the appeal is decided.

3. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 3.1 notify all registered I&APs of –
    - 3.1.1 the outcome of the application;
    - 3.1.2 the reasons for the decision as included in Annexure 1;
    - 3.1.3 the date of the decision; and
    - 3.1.4 the date of issue of the decision;
  - 3.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2014 detailed in Section F below;
  - 3.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
  - 3.4 provide the registered I&APs with:
    - 3.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 3.4.2 name of the responsible person for this Environmental Authorisation,
    - 3.4.3 postal address of the holder,
    - 3.4.4 telephonic and fax details of the holder,
    - 3.4.5 e-mail address, if any, of the holder,
    - 3.4.6 the 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.
4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3, and 12.
5. The holder is 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.
6. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.



7. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

The Maintenance Management Plan ("MMP"), included in Chapter B of the aforementioned EMP, is herewith agreed to in terms of the NEMA EIA Regulations, 2010 relating to GN No. R. 544, Activity 18 and the NEMA EIA Regulations, 2014 relating to Activity 19 of GN No. R. 983. The maintenance work specified in the MMP therefore does not require an environmental authorisation prior to the undertaking thereof.

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).

Should amendments to the EMP be required before an audit is required in terms of this environmental authorisation the applicant must:

- o notify the competent authority of its intention to amend the EMP at least 60 days prior to the submission of the application for amendment to the EMP;
- o obtain comment from potential I&APs, including the competent authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
- o submit the amended EMP to the competent authority for approval within 60 days of inviting comments on the proposed amendments.

The EMP and MMP must be included in all contract documentation for all phases of implementation.

8. A copy of the environmental authorisation and EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in

section C above must be granted and, the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

9. The applicant 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**, save that such application for amendment shall not include the personal details of the holder of the environmental authorisation.
  - 9.1. Where an amendment relates to the change of ownership or transfer of rights and obligations, the applicant must:
    - 9.1.1. submit an amendment application to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity/ies was/were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; and (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
    - 9.1.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation/s or an addendum to the existing environmental authorisation/s if the transfer is found to be appropriate.
  - 9.2. Any changes to, or deviations from the scope of the description set out in Section B above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the competent authority may request such information as it deems necessary 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.
10. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.

11. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase of implementation before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein.
13. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
14. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
15. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). 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: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.  
  
A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.
17. The edges of the dams that are to be retained must be shaped and made less steep with a wider shallow zone. The edges of the dams must be vegetated with indigenous wetland plants to create natural riparian areas.
18. The open channels that are to be retained or constructed for conveying water between the dams and through the site, including those forming part of the Storm Water Management Plan, must be designed and constructed in such a way that they can be appropriately vegetated, with guidance from a suitably qualified horticulturalist or freshwater ecologist.

19. A buffer of at least ten metres in width on either side of the section of the inlet stream on 'Portion B' must be created. This buffer area, to be measured from the outer edge of the stream margins, must protect the inlet stream from further ecological degradation. Rehabilitation of this section of river must be undertaken.
20. Sediment traps or sumps must be installed at the inlet to each dam that is being retained on site. These traps and/or sumps must be regularly cleared and the sediment removed and disposed of at a licensed waste disposal site.
21. No discharge of effluent or polluted water is allowed into any of the dams that are to be retained on site or any of the open channels that convey water through the site.
22. In accordance with the Department of Water and Sanitation's comment, dated 16 April 2015, the following applies:
  - 22.1. The man-made quarry's Present Ecological State ("PES"), Ecological Importance and Sensitivity ("EIS") and Recommended Ecological Class ("REC") must be determined and the REC must be maintained.
  - 22.2. Storm water outlets must end with energy dissipaters and bio retention ponds.
  - 22.3. The design for the storm water management must be as natural as possible and make use of rock and vegetation.
  - 22.4. Vegetated buffers of 10m outside the full supply level of the quarry must be implemented.
  - 22.5. Houses, fencing or impeding structures are prohibited within the flood lines.
  - 22.6. The landscape plan outlined in the draft EMP must be implemented.
  - 22.7. A monitoring and auditing plan and programme must be compiled and implemented in terms of water quality, vegetation and biota. This monitoring must be undertaken by a suitably qualified freshwater ecologist on a biannual basis and the results made available to this Department and the Department of Water and Sanitation on request.
23. Lighting must be minimised around the dams and along the streams and channels. External lighting on residential buildings, street and parking area lighting must also be limited and kept to low level lighting.
24. No kikuyu grass is to be planted as part of the development or associated landscaping.

## **F. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

1. An appellant (if the applicant) must –

- 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator and a copy of the appeal to any registered interested and affected parties, any organ of state with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the applicant was notified by the competent authority authority of this decision:
2. An appellant (if NOT the applicant) must –
  - 2.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the applicant notified the registered interested and affected parties of the this decision:
3. The applicant (if not the appellant), the decision-maker, interested and affected party and Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. This appeal and 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:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## G. 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: 12-5-15

CC: (1) Dr. Johan Neethling (Johan Neethling Environmental Services)  
(2) Mr. Henk Strijdom (Drakenstein Municipality)

Fax: (086) 544 4868  
Fax: (021) 872 8054

**FOR OFFICIAL USE ONLY:**

<b>EIA REFERENCE NUMBER:</b>	<b>16/3/1/1/B3/28/1019/14</b>
<b>EXEMPTION REFERENCE NUMBER:</b>	<b>16/3/1/4/B3/28/1046/14</b>
<b>NEAS EIA REFERENCE NUMBER:</b>	<b>WCP/EIA/0001688/2014</b>
<b>NEAS EXEMPTION REFERENCE NUMBER:</b>	<b>WCP/EIA/EX/0000563/2014</b>

**ANNEXURE 1: REASONS FOR THE DECISION**

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

- a) The information contained in the application form dated 11 February 2014, the Environmental Management Programme ("EMP") submitted together with the Final Basic Assessment Report ("BAR"), dated March 2015, received by the Department on 17 March 2015, and the additional information received by the Department on 21 April 2015;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, and in particular section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA");
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereon, as included in the Final BAR received by the Department on 17 March 2015, and the comment from the Department of Water and Sanitation, dated 16 April 2015, received by the Department on 21 April 2015;
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures; and

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2010, and was pending at the time of the promulgation of the EIA Regulations, 2014. In accordance with regulation 53(3) of Government Notice No. R. 982, activities similarly listed in terms of the NEMA EIA Regulations 2014 may be authorised as if applied for.

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.

**1. Exemption**

Exemption from Regulation 10(2)(d) is granted since the comments received during the public participation process have been adequately addressed. All registered I&APs were

notified of the exemption application, as required. No concerns were raised by I&AP's in this regard.

As such, the exemption application was regarded as appropriate by the competent authority, based on the adequate public participation process. No objections with respect to the exemption application were received.

## 2. Public Participation

The public participation process included:

- Distribution of an initial notification letter and background information document to potential I&APs and Organs of State on 12 June 2014 to allow for a 21 day public participation registration period.
- Placing site notices at the site entrance on 12 June 2014.
- Advertisements were placed in the "Paarl Post" newspaper on 12 June 2014.
- Distribution of a notification letter on 17 September 2014 to registered I&APs, relevant State Departments and Organs of State advising of the availability of the draft BAR for comment for a period of 30 days.
- Circulating the final BAR to registered I&APs and Organs of State for comment from 12 February 2015.

### Authorities Consultation:

The following authorities were consulted:

- CapeNature;
- Department of Water and Sanitation;
- Heritage Western Cape;
- Department of Transport and Public Works; and
- Drakenstein Municipality.

All the concerns raised by I&AP's were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

The Department concurs with the environmental assessment practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this environmental authorisation.

## 3. Alternatives

The general design and layout of the development was subject to an iterative process resulting in a number of design refinements and revisions that were informed by *inter alia* specialist studies, engineering input, feasibility reports and public participation.

### Site Layout Alternative 1

The original proposed land use and layout investigated use of the site for a broad concept comprising a number of cottages, possibly for use as a retirement village. At the



conceptual phase this proposal included a club house and frail care centre. The design linked the site to the Val de Vie Estate within the existing security access point.

#### Site Layout Alternative 2

This layout continued the vision of developing a retirement village, however, the proposed layout was of a higher density of 325 units with a club house and frail care centre. Three types of units were envisaged, namely larger units of 142m<sup>2</sup>, medium sized units of 111m<sup>2</sup> and small garden cottages of 53m<sup>2</sup>.

The abovementioned two alternatives were not preferred for the following reason:

- Financial and market forces were not in favour of a retirement village-type development.

#### Site Layout Alternative 3

Financial and market factors showed that a security estate-type residential development in a similar style to the existing Val de Vie was preferable. On this basis, the proposal to develop the site for residential purposes was devised. The site, Portion 12 of Farm Kliprug No. 826, totaling 17.25ha in extent, would be divided between 'Portion A' and 'Portion B', 12.78ha and 4.46ha respectively, where Portion B is to be retained by the current landowners. Portion A would be developed into "The Vines Estate". As the developers were of the opinion any future development on Portion B would impact Portion A, an agreement was reached to include both portions and development thereof in a single application. These considerations led to the design comprising the following:

- Portion A to be subdivided into 118 single residential erven, five town house erven with a total of 38 units, two Private Open Space erven and two private road erven.
- Portion B to be further subdivided into five erven comprising single residential, open space and a private road.
- Access to the site (both Portion A and Portion B) will be provided from the main access road to the Val de Vie Winelands Lifestyle Estate within the security gate complex.

#### Site Layout Alternative 4

This layout alternative is as per Site Layout Alternative 3, however, following consultation during the rezoning application process with the owners of existing adjoining erven in the Val de Vie Estate, it was agreed to introduce a water feature along the western boundary of "The Vines Estate". This feature aims to soften the edge between the new estate development and the established Val de Vie.

#### Site Layout Alternative 5: Preferred Alternative (herewith authorised)

Following reconsideration of the proposal and its financial feasibility in conjunction with the dynamics of the property market, the proposed development was revised by the professional team. As a result, all town house opportunities were replaced with single residential opportunities.

The preferred development of Portion 12 of Farm Kliprug No. 826 is therefore as follows:

- "The Vines Estate", covering an extent of approximately 12.78ha, will be developed on 'Portion A'.
- The Vines Estate will comprise 142 single residential erven, one Private Open Space erf and two private road erven.
- 'Portion B', the remainder of the property with an area of approximately 4.46ha, will be subdivided into five erven, including single residential, a private road and Open Space.
- Access to the site will be through the main access road within the existing Val de Vie Winelands Lifestyle Estate.

This alternative is preferred for the following reasons:

- The proposed development is financially feasible and best suits the current property market.
- The private road reserve has been extended to service the single residential erven.
- The open space has been relocated to make allowance for a connecting channel between the two dams. Similarly the second open space has been widened for the same purpose.

#### "No-Go" Alternative

The "no-go" option was considered, however, it is not preferred as the land would remain mostly vacant and not result in economic or social benefit to the region. As previous uses of the subject property left the site in a derelict and disturbed state, the site may deteriorate further with the potential increase of the alien pine tree infestation. Should the development not occur, a substantial capital investment would not be incurred and opportunities for temporary and permanent employment would be lost. The potential contribution to the local economy through the payment of rates and taxes would be foregone.

## **4. Impacts, assessment and mitigation measures**

### **4.1. Activity Need and Desirability**

The subject property forms an enclave to the existing Val de Vie Winelands Lifestyle Estate with the development proposal incorporating the land parcel into the larger estate thereby forming a logical extension. As a result, the new development will form part of the larger Val de Vie Estate which will in turn provide access to Portion A of the development. The inclusion of smaller single residential erven and town housing pockets allow for alternative housing options without compromising the existing character of the estate. Thus the development goes towards meeting the needs of the residential housing market, particularly within a local context.

The site is zoned Public Open Space and a rezoning application is currently underway. In terms of the forward planning for the region, the proposed development is in line with the principles of the Provincial and Drakenstein Municipality's Spatial Development Framework and the land has been reserved for urban development purposes. As the land parcel is largely surrounded by the Val de Vie Estate, it warrants infill development that also makes provision for the availability of smaller units to meet demand in the current market conditions.

#### 4.2. **Biophysical Impacts**

The site was previously a clay mining quarry and disused 4X4 site. Prior to this, the land was used for agricultural purposes and cultivated. A Freshwater Ecology Impact Assessment, dated May 2014, was compiled by Dean Ollis of Freshwater Consulting. The site would have comprised Swartland Alluvium Fynbos and Shale Renosterveld, which are both considered critically endangered ecosystems, however, due to extensive disturbance the indigenous vegetation has been largely removed. Predominantly alien invasive species have colonised the site subsequently. Small remnants of indigenous vegetation remain along the entrance channel feeding the large dam although no vegetation of value will be impacted by the development. The site consists of nine existing permanent open water bodies or dams as a result of the historical mining operations. A small inlet stream enters the site at the south eastern corner. The outlet stream flows from the north western corner; both are modified and subjected to channel manipulation. The development would result in the loss of five of the dams and a small artificial wetland. Appropriate mitigation for the development includes vegetated storm water channels and the construction of sediment traps or sumps at the inlets to the dams. As per CapeNature's comment, dated 6 November 2014, natural vegetation fringing the water bodies and wetlands should be retained and the biodiversity value of the water bodies enhanced through the creation of natural riparian areas, buffers and the conditioning of the dam edges. Similarly landscaping should encourage locally indigenous species, particularly adjacent to water bodies and channels.

A geotechnical site investigation undertaken by J.C. Engelbrecht (undated) noted that the site consists of several dams, steep slopes and has a high water table due to the number of dams as a result of extensive clay mining. Although the larger dams are to be retained, some will be drained and infilled with imported material. It is acknowledged that the integrity of these dams cannot be fully assessed until they are drained. Consequently, the final volume of imported clean infill material required will be determined once these dams have been drained.

#### 4.3. **Traffic Impacts**

A Traffic Impact Assessment ("TIA") was undertaken by Aurecon, dated October 2013. From a traffic perspective it was established that the proposed development is acceptable and that upgrading of the R301/Kliprug Minor Road intersection is not required due to the minimal additional traffic anticipated to be generated by "The Vines Estate". The existing lane configuration is suitable. It is acknowledged, however, that the N1 interchange requires upgrading although this should not impact on the development. It is noted that such an upgrade falls beyond the ambit of this application.

#### 4.4. **Heritage, Visual and Urban Design Impacts**

Following submission of a Notice of Intent to Develop to Heritage Western Cape ("HWC"), a Heritage Impact Assessment was requested. This specialist study, dated September 2014, was undertaken by Bridget O'Donoghue with input for the Visual Impact Assessment from Megan Anderson. The study noted that the site is significant to the natural and cultural landscape in the medium distance but that the existing trees are of low significance. The visual impact includes the change in

character of the site, visibility and potential light pollution. Appropriate mitigation includes landscaping, particularly the buffer areas, phased removal of alien vegetation and constructing landscaped berms to screen the new development. Street and parking area light is to be limited and kept to a low level and external lighting on residential buildings must also be restricted. In response to the HIA, HWC responded, dated 17 October 2014, by endorsing the specialists' recommendations and noting that no heritage resources will be impacted.

A landscape masterplan has been compiled for the development by Landscape Architects Uys and White, dated May 2014. The landscape model aims to enable the new development to be seen as an extension of the Val de Vie Estate in order to integrate it in terms of landscape aesthetics and streetscapes. Importantly the development allows for the successful rehabilitation of the site through effective landscaping and management of open spaces.

From an urban design perspective, the development will be incorporated into the Val de Vie Home Owners' Association and will be subject to the rules and regulations thereof, including the architectural guidelines. Buildings must be of a similar architectural character and quality. This presents an architectural identity throughout the Estate.

Potential impacts on the receiving environment associated with the proposed development will be limited through the implementation of the recommended mitigation measures and conditions of this environmental authorisation, the construction phase EMP and the operational phase EMP. As part of this environmental authorisation, the operational phase EMP, which includes a Maintenance Management Plan that has been compiled specifically for implementation for future maintenance work required in relation to the watercourses and dams on site, has been agreed to by the Department.

In summary, the proposed development is predicted to have both negative and positive impacts.

#### Negative Impacts:

- The proposed development will result in construction related impacts such as dust, visual and noise during the construction period.
- Construction activities will result in the conversion of water bodies and construction of landscaped channels.
- Construction will necessitate the importing of a large volume of fill material to site and the draining of some of the water bodies.
- The construction phase may result in increased input of sediments and erosion and potentially pollutants entering the watercourses
- The proposed activities may result in increased volumes of storm water runoff. Furthermore, runoff from construction activities may impact water quality.
- Due to disturbance, alien invasive species may be introduced or spread.
- The proposed activities will result in the loss of vegetation on site.
- The operational phase will increase the demand on municipal services.
- Light pollution will increase as a result of the development.

- The change in character of the site and building of structures on the site will be visible from a distance.
- Traffic patterns in the area will be impacted.

Positive impacts:

- Temporary employment opportunities will be created during the construction phase.
- The establishment of a residential development that caters to the market demand for smaller units within a secure estate.
- Capital investment into the area and provision of permanent employment opportunities during the operational phase.
- Through the active management of the site during its operation, the condition of the site will potentially be improved.

This Department is satisfied that the negative impacts are sufficiently addressed by the conditions contained in the environmental authorisation, including the implementation of the EMP.

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

The National Environmental Management Act 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.

## **6. Conclusion**

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

- Adherence to the NEMA principles;
- Compliance with the conditions stipulated in this environmental authorisation; and
- Compliance with the mitigation measures in the EMP.

**-END-**