



Zoning and Land Use Development Schedule							
Erf	Zone	Land Use	Area	%	No. of Erven	Avg. Size	Gross Density
1 - 371	Multi-Unit Housing	Group House	7.07ha	55	371	191m <sup>2</sup>	36u/ha
372	Multi-Unit Housing	Apartment Buildings	0.92ha	7	96		
373	Community Use	Estate Facilities	0.11ha	1			
374 - 381	Open Space	Private Open Space	0.83ha	6			
382 - 384	Transport	Private Road & Gatehouse	4.00ha	31			
<b>Total</b>			<b>12.93ha</b>	<b>100</b>	<b>467</b>		

Figure A - G represents Consolidated Portions 3 & 4 of Farm 527, Paarl



<p><b>ARCHITECTS TOWN PLANNERS URBAN DESIGNERS</b></p> <p>FIRST FLOOR LA GRATITUDE OFFICE BUILDING   97 DORP STREET STELLENBOSCH 7600   TEL: +27 (21) 861 3800   WWW.TV3.CO.ZA</p>	<p><b>Mount Pearl</b></p>		<p>Drawing: 3574-P</p>
	<p>Property Description: <b>Portions 3 &amp; 4 of Farm 527, Paarl</b></p>		<p>Project no.: 3574-P</p>
<p>Proposed Rezoning &amp; Subdivision</p>		<p>Plan no.: 4</p>	<p>Scale: 1:2000 (A3)</p>
<p>Date: 26/10/2022</p>		<p>Drawn: WH</p>	<p>Checked: MW</p>
<p>Notation: Cadastral information obtained from Surveys and Mapping (DRDLR). Figure A-G represents a subdivision of a consolidated erf comprising of Portions 3 &amp; 4 of Farm 527, Paarl. Figure B.a.b.c.d represents a Right of Way Servitude over Erf 382 in favour of Farm 2/527.</p>			

\* All areas and dimensions are approximate and should be verified by a professional land surveyor.  
\* This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved



ANNEXURE F

\* All areas and dimensions are approximate and should be verified by a professional land surveyor.  
 \* This drawing is the property of TV3 Architects and Town Planners (Pty) Ltd and copyright is reserved

Drawing: Notation:  
 Street Naming & Numbering Plan 6  
 Date: 12/10/2022 Scale: 1:1500 (A3)  
 Project no.: 3574-P Drawn: WH Checked: MW

Figure A-G represents a subdivision of a consolidated erf comprising of Portions 3 & 4 of Farm 527, Paarl.  
 Alternative street names: Malbec and Syrah.

Property Description:  
**Mount Pearl**  
 Portions 3 & 4 of Farm 527, Paarl

**TV3** ARCHITECTS  
 TOWN PLANNERS  
 URBAN DESIGNERS

FIRST FLOOR LA GRATITUDE OFFICE BUILDING | 97 DORP STREET  
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# Memo

**To:** EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE DEPARTMENT  
(ATTENTION: E.CYSTER)

**From:** MANAGER: INFRASTRUCTURE DEVELOPMENT

**Enquiries:** L. PIENAAR

**Collaborator number:**

**Reference number:** 15/4/1 (F527/3&4) P (726)

**Date:** 05 June 2023

**Subject:** APPLICATION FOR CONSOLIDATION, REZONING AND SUBDIVISION  
PORTIONS 3 & 4 OF FARM 527, DAL WEIDING, PAARL.

**Time Limit on Conditions:** These conditions will be limited to a period of 2 (two) years from the date as on the covering memo from this department. If after this period no construction has commenced ( this excludes any preparatory work or site clearance) all the studies carried out for the proposed development need to be updated and revised accordingly, this shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

**NOTE:** This comment covers a number of disciplines and each section needs to be dealt with by a competent specialist in that field co-ordinated by the consultant managing the application. No correspondence will be entered into with individual consultants

## THE FOLLOWING CONDITIONS WILL APPLY

### 1 STREETS & TRAFFIC

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.2 *All conditions from the Provincial Roads Engineer as stated in the letter referenced TPW/CFS/RP/LUD/REZ/SUB-10/472 (Job 17742) dated 8 May 2023 must be adhered to, with specific reference to clause 7, relating to Swawelstert road upgrades; and*
- 1.3 *Any alterations to the existing road network will be the responsibility of the developer which includes design, approval and construction of any additional traffic control and or traffic calming measures as detailed in the Traffic Impact Assessment (TIA), ref: ITS 4106 dated April 2022.*

### 2 STORM WATER

- 2.1 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;

- 2.2 Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 2.3 Only pre-development run-off of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event; and
- 2.4 Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on 0.02m<sup>3</sup>/m<sup>2</sup> roof area.

### **3 WATER**

- 3.1 ***As per GLS services report dated 22 September 2022, the developer will be responsible for any upgrading/upsizing and or installation of new infrastructure detailed in the report;***
- 3.2 The development will be provided with a bulk metered connection at actual cost;
- 3.3 All individual portions must be provided with a separate water connection and a separate water meter to municipal specifications;
- 3.4 All the metered connections must be installed one meter inside the erf boundary of each portion;
- 3.5 Water saving devices shall be installed in toilets, bathrooms and basins;
- 3.6 A water demand management plan must be submitted to the Civil Engineering Department and must include and indicate the measures to be put in place to conserve and manage water; and
- 3.7 Any existing system that is to remain shall be upgraded to minimum municipal standards.

### **4 WASTEWATER SERVICES**

- 4.1 ***As per GLS services report dated 22 September 2022, the developer will be responsible for any upgrading/upsizing and or installation of new infrastructure detailed in the report;***
- 4.2 All individual portions must be provided with a separate wastewater connection;
- 4.3 All the connections must be installed one meter inside the erf boundary of each portion; and
- 4.4 Any existing system that is to remain shall be upgraded to minimum municipal standards.

### **5 SOLID WASTE**

- 5.1 The Municipality undertakes, after the proclamation of the development, to remove household refuse in accordance with its by-laws and shall make its own arrangements with

- the occupants of the home owner's organisation in the development, for the removal of such household refuse;
- 5.2 A waste recovery/recycling initiative has been implemented in Drakenstein and the development will have to be prepared to comply with any requirements as the project is rolled out;
- 5.3 Such collection shall be from individual erven/a single centralised waste collection site for the development;
- 5.4 Provision should be made for a waste disposal facility and entrance to the township, with lockable gate for wheelie bins (240l bins) and recyclable bags equal to the number of dwellings per development;
- 5.5 A key should be provided to Drakenstein Municipality to be able to unlock the door/gate to garbage area on collection days, from the kerbside;
- 5.6 The garbage area should be enclosed with a 1.8m high fence and need to provided with the following;
- Tap with running water;
  - A gully which is connected to an approved sewer connection;
  - Concrete floor;
- 5.7 Municipal refuse trucks will not enter the township (complex) to collect wheelie bins on collection days;
- 5.8 ***The developer and the Home Owners Association or Body Corporate, shall indemnify the Municipality from any damages or spillage caused as a result in rendering the refuse removal service on the private development area in front of the development's main entrance;***
- 5.9 ***Refuse truck movement around the main entrance must be confirmed with the Drakenstein Municipality's Manager: Roads, Traffic and Stormwater prior to the approval of any civil engineering drawings; and***
- 5.10 The developer shall submit an Integrated Solid Waste Management Plan for approval by the department before the completion of the civil works.

## **6 DEVELOPMENT CHARGES**

- 6.1 Based on the information provided in the application, the Development Charge payable by the developer is **R 17,798,046.00 (Excl VAT)**. The levy is valid until **30 June 2023** where after a new calculation is required. The value has been calculated as follows:
- 6.1.1 Water = R 4,044,389
- 6.1.2 Sewer = R 2,812,979
- 6.1.3 Roads =R 7,267,534
- 6.1.4 Stormwater = R 1,140,784
- 6.1.5 Solid Waste = R 2,532,360

- 6.2 Note that the Development Charge calculated will only be applicable to the approved SDP provided in the application. If the developer wishes to increase the Gross Leasable Area of the development in future, resulting in an additional impact on engineering services, this department will investigate whether the developer is liable for the payment of Development Charges within the given legislative and policy frameworks.

## **7 GENERAL**

- 7.1 ***When at any stage in future the municipality is required to take over ownership and maintenance of civil infrastructure, it will be the responsibility of the property owners to ensure all water and waste water connections adhere to municipal standards and by-laws;***
- 7.2 A services agreement shall be entered into, prior to the start of construction, where in shall be detailed the apportionment of funding of any new works common to the area, including but not limited to road network upgrading, sewerage treatment works upgrading, bulk water supply upgrading, sewage network upgrading;
- 7.3 When any service is to be taken over by Drakenstein Municipality, any damage caused due to the construction of houses or any other construction activity shall be repaired by the Developer. Failure to do so will result in clearances and occupation certificates being withheld and remedial works shall be done by Drakenstein Municipality for the cost of the developer;
- 7.4 The developer is responsible for the payment of a Developers Charge (water, sewer, stormwater, solid waste and roads) which can be discounted against the bulk service cost needed for the development;
- 7.5 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 7.6 The findings of the bulk service capacity analysis carried out by councils consultant GLS Engineers, needs to be implemented simultaneously with the development;
- 7.7 All of the works, including but not limited to; roads, stormwater, water, sewers, landscaping, irrigation, etc. shall be designed by a suitably registered (ECSA registration for the civil works and SACLAP registration for the landscaping) person and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Department of Drakenstein Municipality for approval prior to the commencement of construction;
- 7.8 The whole of the works shall fall under the control of a single project manager;
- 7.9 The municipality shall be represented at all site meetings for the duration of the construction of the works and to this end timeous notification of such meetings shall be supplied to the Civil Engineering Services Department;
- 7.10 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;

- 7.11 Where applicable all water network, (downstream of the valve immediately upstream of the bulk water meter, upstream of the connection to the existing system or intersection point with the existing road), sewer network, stormwater network and road network components shall be a private combined system and shall be indicated as such on all documents and plans;
- 7.12 All private combined systems (including but not limited to water, sewer, stormwater, roads, irrigation, etc.) shall be the joint and several responsibility (including but not limited to the administration of the joint account and operation and maintenance of the system) of the members of the homeowners association/body corporate and must be noted as such in any constitution of any such body and any such constitution must be submitted for approval by council. This constitution shall be notarially linked to each separate title deed;
- 7.13 A set of accurate as-built drawings as per Drakenstein Municipality: Civil Engineering Department's Standards must be submitted at the practical completion inspection; and
- 7.14 The above conditions are to be complied with in stages.
- 7.14.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;
- 7.14.2 Requirements associated with the completion of construction, development charges, as-built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any property or occupation of any property/building in the phase; and
- 7.14.3 Proof of compliance for the requirements associated with long term operations must be available on request.



**LP PIENAAR (Pr. Eng)**

**MANAGER: INFRASTRUCTURE DEVELOPMENT**

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LP/lb





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www.drakenstein.gov.za  
records@drakenstein.gov.za  
Civic Centre, Berg River Boulevard, Paarl 7646

Enquiries: L Laing  
Contact number: 021 807 4664/4684  
Reference: 5/7/2/1/202223/024  
Date: 20 October 2022

Mr. T. Bester  
2<sup>nd</sup> Floor, Avanti South Block  
Carel Cronje Drive  
**TYGER VALLEY**  
7536

**Attention: Mr. T. Bester (Tiaan@kls.co.za)**

Dear Sir

**CONFIRMATION OF ELECTRICITY CAPACITY FOR THE PROPOSED MOUNT PEARL DEVELOPMENT,  
SWAWELSTERT ROAD, ERF 527/3 & 4, PAARL**

Your request dated 19 October 2022 refers.

The proposed development's capacity requirement as stipulated by you is 1.5MVA. The development will be constructed in two consecutive phases and has a design estimation of 750kVA per phase.

Drakenstein Municipality confirm that there is currently only capacity available for phase one of the development and require excessive network upgrading to supply both phases of the proposed development of the anticipated load requirement. The previous mention future network upgrading entails the following, prior to create spare capacity to the 11kV network, as part of the master planning.

The existing secondary Vlakkeland 11kV switching station is underway to be upgraded to create adequate spare capacity for the new Vlakkeland housing development, Mbekweni and Roggeland areas. As addition to the network upgrading, a new proposed 11kV switching station will have to be constructed at the new proposed Schoongezicht housing development at Greenfields area, to accommodate for additions and alterations to the existing 11kV reticulation, as such that the load feeding from the existing secondary Groenheuwel 11kV switching station can accommodate for the additional load requirement in the demarcated area of supply. The new proposed 11kV switching station will feed directly from the 66/11kV Dalweiding substation and will be constructed in tandem with the new proposed Schoongezicht housing development.

The previous mentioned further require the construction and installation of additional switchgear within the 66/11kV Dalweiding substation. The existing rural 11kV reticulation must be relocated and changed as such to accommodate for urban design. Please note, that the above-mentioned network upgrading is subject to available funding and cannot provide timeframes for the rollout of the programme.

The development will be supplied by means of one single 11kV high tension bulk supply. All services in the development will be regarded as private and will have to be maintained and operated by a registered authorised service provider. Service servitudes will also have to be included in the layout of the development plans with respect to any service(s) which will cross the development and or adjacent landowner(s).

Any other existing services that need to be relocated to new positions, will be for the cost of the developer.

The developer will be responsible to pay network recovery cost as well as linkage and service charges with respect to the development.

The developer is required to include measures to improve energy efficiency to reduce consumption of electricity.

Office hours: 08:00 – 13:00 and 13:00 – 16:45, Fridays – 15:30.

This letter will be valid until 30<sup>th</sup> June 2023.

**Yours Sincerely**

**MIR. L. LAING**  
**MANAGER: PLANNING & CUSTOMER SERVICES**

:\Beplan3\Correspondence\202223\Cor024

# Memo

**To:** **Manager: Land Use Planning and Surveying  
(Attention: E Cyster)**

**From:** **Manager: Environmental Management**

**Enquiries:** **C. Winter**

**Collaborator number:** **1996620**

**Reference number:** **15/4/1 (F527/3 & 4)P**

**Date:** **14 NOVEMBER 2022**

**Subject:** **APPLICATION FOR CONSOLIDATION, REZONING AND SUBDIVISION: FARM NO. 527, PORTIONS 3&4, PAARL**

Reference is made to the above application for:

- Consolidation of Portions 3 and 4 of Farm 527 into a single property entity of approximately 12,93ha in extent;
- Rezoning of the abovementioned consolidated property entity as Subdivisional Area;
- The subdivision of the abovementioned consolidated property entity into 371 Multi-Unit Housing Zone erven and 96 sectional title units, with associated private road and open space zone erven;
- Approval of the Phasing, Street Name and Number Plans for the development that will be known as Mount Pearl
- Application for the approval of the Concept Site Development Plan (s) as prepared by Architect; and
- Approval for an exempted private right of way servitude over proposed subdivided Erf 382 in favour of Portion 2 of Farm 527.

Having reviewed the above application, the Environmental Management Section has the following comments:

- A detailed landscape plan, compiled by a registered Landscape Architect is to be submitted for approval by the Environmental Management Section, prior to building plan approval. Such a plan is to indicate, *inter alia*, the extent, location and design of the following:
  - existing vegetation to be retained or removed, indicating the types of all vegetation and trees;
  - all proposed newly planted vegetation, including types (species) and planting specifications;
  - tree staking details;
  - the size of all trees to be planted (if any);

- density of plant species/plant mixes to be planted;
  - all landscaping features, including fences, walls, retaining walls, paving, street furniture and lighting;
  - All Sustainable Drainage Systems (SuDS), including a cross-section of a detention pond (if implemented) and indicating landscaping and slope of embankments;
  - Irrigation plan (alternative water sources to be indicated); and
  - Phasing and timing of implementation of the landscaping plan.
- The implementation of the mitigation measures identified in the Freshwater Ecology Specialist Report is required.

Yours faithfully



.....  
**C. WINTER**  
**MANAGER: ENVIRONMENTAL MANAGEMENT**

**Ref:** TPW/CFS/RP/LUD/REZ/SUB-10/472 (Job 17742)

---

The Municipal Manager  
Drakenstein Municipality  
P.O. Box 1

**PAARL**

7622

Attention: Mr E Cyster

Dear Sir

**PORTIONS 3 AND 4 OF FARM NO. 527, PAARL, WESTERN CAPE: DIVISIONAL ROAD 1388 (SWAWELSTERT ROAD): APPLICATION FOR CONSOLIDATION, REZONING, SUBDIVISION AND THE APPROVAL OF A SITE DEVELOPMENT PLAN**

1. The following refer:
  - 1.1. The application received from TV3 Town Planning on 3 November 2022;
  - 1.2. Traffic Impact Assessment report dated April 2022 undertaken by Messrs ITS Consulting;
  - 1.3. Swawelstert Road Access Management Plan Report dated 13 February 2020 undertaken by Messrs Sturgeon Consulting;
  - 1.4. This Branch's even numbered letter 6 December 2022; and
  - 1.5. Drakenstein Municipality's letter 15/4/1 (F527)P(502) dated 17 April 2023.
2. Please note the undated Branch letter is referred to in your letter referenced in (1.5) above was not an official letter and was shared with the Municipality with a view to discuss future custodianship of the affected portion of Swawelstert Road.
3. The proposed development of 467 residential units must be considered within the context of the other proposed developments and the fact that the area under consideration is within the urban edge of Drakenstein Municipality.
4. Adjacent to this development is the residential development on Farm Calais No. 600 with 227 residential units, on Portion 2 of Farm No 527 (De Leeuw Residential) with 129 residential units, and we have been informed of a possible shopping centre on Remainder Farm Dal Weiding No. 602.
5. The above developments, totalling 823 units and the proposed shopping centre, will change the current rural roadside development environment to suburban as per the densities as outlined in the Access Management Guidelines (2020 edition).

6. Divisional Road 1388 (DR01388, Swawelstert Rd) is a functional Class 4 Road with a rural cross section (one 3,4m surfaced lane per direction with  $\pm$  1,4m wide gravel shoulders and open side drains with no sidewalks) and is within a minimum 20m wide road reserve.
7. The cross section is unsuitable for the proposed developments and require a sidewalk on at least one side of the road, public transport embayments, streetlighting and piped stormwater where the road reserve cannot accommodate the current drainage system.
8. The extent of the developments is shown in the figure below:



9. The Branch withdraws its objection to the application, provided that:
  - 9.1. The Roads Department of Drakenstein Municipality accept in writing that the affected portion of Swawelstert Road (DR1388 from km 2.0 to km 3.1) ceases to be proclaimed provincial road (in terms of Section 66(3) of Ordinance 19 of 1976) as soon as subdivision for the developments occurs and that it will then continue to exist as a Municipal Street (typical urban collector road) after which the closure process (deproclamation) of DR01388 km 2 to km km 3.1 will be implemented;
  - 9.2. That Drakenstein Municipality consider approval of the access point to the development, services and road upgrades as the future Road Authority first and make recommendations for approval to this Branch while the Branch is still the Road Authority.

Yours Sincerely

**SW CARSTENS**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE**

**DATE: 8 MAY 2023**

## ENDORSEMENTS

1. Drakenstein Municipality

Attention: Mr E Cyster (e-mail: [earl.cyster@drakenstein.gov.za](mailto:earl.cyster@drakenstein.gov.za))

Mr H Liedeman (e-mail: [Harry.Liedeman@drakenstein.gov.za](mailto:Harry.Liedeman@drakenstein.gov.za))

2. Traffic Engineering Consultant: ITS

Attention: Mr P Arangie (e-mail: [pietera@itsglobal.co.za](mailto:pietera@itsglobal.co.za))

3. Paarl District Roads Engineer

4. Mr E Smith (e-mail)

5. Mr SW Carstens (e-mail)

6. Ms S du Preez (e-mail)

7. Mr F Fakier (e-mail)



Department of Environmental Affairs and Development Planning

**D'mitri Matthews**

Directorate: Development Management, Region 1

Dmitri.Matthews@westerncape.gov.za | Tel: 021 483 8350

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

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

**Attention: W. van Wyk**

Tel.: (021) 872 0028

Email: wouter@propinvest.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A WATERCOURSE MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED MOUNT PEARL RESIDENTIAL DEVELOPMENT ON PORTIONS 3, 4 AND 35 OF FARM NO. 527 AND CONSTRUCTION OF BULK SERVICES ON PORTION 2 OF FARM NO. 600, PORTION 1 OF FARM NO. 602, REMAINDER OF FARM NO. 602, PORTION 45 OF FARM NO. 527 AND PORTION 2 OF FARM NO. 527, PAARL**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Mare-Liez  
 Oosthuizen

Digitally signed by  
 Mare-Liez Oosthuizen  
 Date: 2023.04.21  
 15:10:11 +02'00'

**MS. MARE-LIEZ OOSTHUIZEN****ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)****DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

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

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

## ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A WATERCOURSE MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED MOUNT PEARL RESIDENTIAL DEVELOPMENT ON PORTIONS 3, 4 AND 35 OF FARM NO. 527 AND CONSTRUCTION OF BULK SERVICES ON PORTION 2 OF FARM NO. 600, PORTION 1 OF FARM NO. 602, REMAINDER OF FARM NO. 602, PORTION 45 OF FARM NO. 527 AND PORTION 2 OF FARM NO. 527, PAARL**

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

### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to the Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated 14 December 2022.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the MMP** for maintenance of proposed activities associated with the unnamed tributary of the Dal River i.e., maintenance of the stormwater outlet structure.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in Section E below.

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

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

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

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

**B. LIST OF ACTIVITIES AUTHORISED**

<b>Listed activities</b>	<b>Activity/Project Description</b>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number 9: The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</p> <ul style="list-style-type: none"> <li>(i) with an internal diameter of 0,36 metres or more; or</li> <li>(ii) with a peak throughput of 120 litres per second or more;</li> </ul> <p>excluding where—</p> <ul style="list-style-type: none"> <li>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</li> <li>(b) where such development will occur within an urban area.</li> </ul>	<p>The length of the proposed stormwater pipelines will exceed 1 000 metres and the diameter of the pipeline will exceed 0.36 metres.</p>
<p>Activity Number 12: The development of—</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> </ul>	<p>The proposed development will include the construction of a stormwater outlet structure, which exceeds 100m<sup>2</sup> in size and will be located within 32m of a watercourse.</p>

<p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p>	
<p>Activity Number 19: The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>A stormwater outlet structure will be constructed within an unnamed tributary of the Dal River, which will require the infilling of more than 10m<sup>3</sup> of material. Additionally, general maintenance will be undertaken at the stormwater outlet structure located within the unnamed tributary of the Dal River.</p>
<p>Activity Number 28 Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p>	<p>The proposal entails the development of a residential estate on land larger than 1ha, which was previously used for agriculture and is located outside of the urban area.</p>

excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	
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The abovementioned list is hereinafter referred to as **"the listed activities"**.

The holder is herein authorised to undertake the development in respect of the following alternative:

The proposal entails:

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

### C. SITE DESCRIPTION AND LOCATION

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

Mount Pearl Estate site:

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

Sewer pipeline:

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

Bulk water pipeline:

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

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

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

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

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

**D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

Guillaume Nel Environmental Consultants  
% C. Becker  
P.O. Box 2632  
**PAARL**  
7620

Cell: 072 157 1321  
Email: carina@gnec.co.za

**E. Conditions of authorisation**

**Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Layout Alternative 1, described in the Basic Assessment Report ("BAR"), dated 14 December 2022, at the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
  - (b) A period of 10 years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.

4. Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information, in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

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

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
  - 5.1 make clear reference to the site details and EIA Reference number given above; and
  - 5.2 include proof of compliance with the following conditions described herein:  
Conditions: 6, 7, 12 and 19

#### **Notification and administration of appeal**

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1 notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1 the outcome of the application;
    - 6.1.2 the reasons for the decision as included in Annexure 3;
    - 6.1.3 the date of the decision; and
    - 6.1.4 the date when the decision was issued.
  - 6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
  - 6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 6.4 provide the registered I&APs with:
    - 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
    - 6.4.2 name of the responsible person for this Environmental Authorisation;
    - 6.4.3 postal address of the holder;
    - 6.4.4 telephonic and fax details of the holder;
    - 6.4.5 e-mail address, if any, of the holder; and
    - 6.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

## **Management of activity**

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The MMP submitted as an Annexure to the EMP must be implemented.
10. The Alien Management Plan submitted as Addendum H.2 must be implemented.
11. The EMPr, MMP and the Alien Management Plan must be included in all contract documentation for all phases of implementation.

## **Monitoring**

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), before commencement of any construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. The ECO must conduct one site visit prior to the commencement of construction and site clearance activities. Fortnightly monitoring inspections must be undertaken during the construction phase. Environmental Compliance Reports must be compiled and must be submitted to the Competent Authority every second month for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within one month of construction having been completed.
14. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## **Auditing**

16. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person that is not the ECO referred to in Condition 10 or the EAP and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

Environmental Audit Reports must be submitted to the Competent Authority during the construction phase. The first Environmental Audit Report must be submitted three months after the commencement of construction activities and every twelve (12) months thereafter. A final Environmental Audit Report must be submitted within three months of the construction phase having been completed.

The holder must, within 7 days of the submission of an environmental audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the

report immediately available to anyone on request and on a publicly accessible website (where the holder has such a website).

### **Specific Conditions**

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

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

18. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
19. The area containing the vulnerable sub-population of *Erepsia ramosa* just outside the site, close to the stormwater outlet structure, must be demarcated prior to the commencement of construction activities. This area must be regarded as a no-go area.

### **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity/ies, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.  
Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.
5. The manner and frequency for updating the EMPr is as follows:



Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## G. Appeals

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

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

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

**Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

Mare-Liez Oosthuizen  
Digitally signed by  
Mare-Liez Oosthuizen  
Date: 2023.04.21  
15:10:47 +02'00'

### **MS. MARE-LIEZ OOSTHUIZEN**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION:

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

## ANNEXURE 1: LOCALITY MAP



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



Figure 1: Location of the proposed development.

# ANNEXURE 2: SITE DEVELOPMENT PLAN

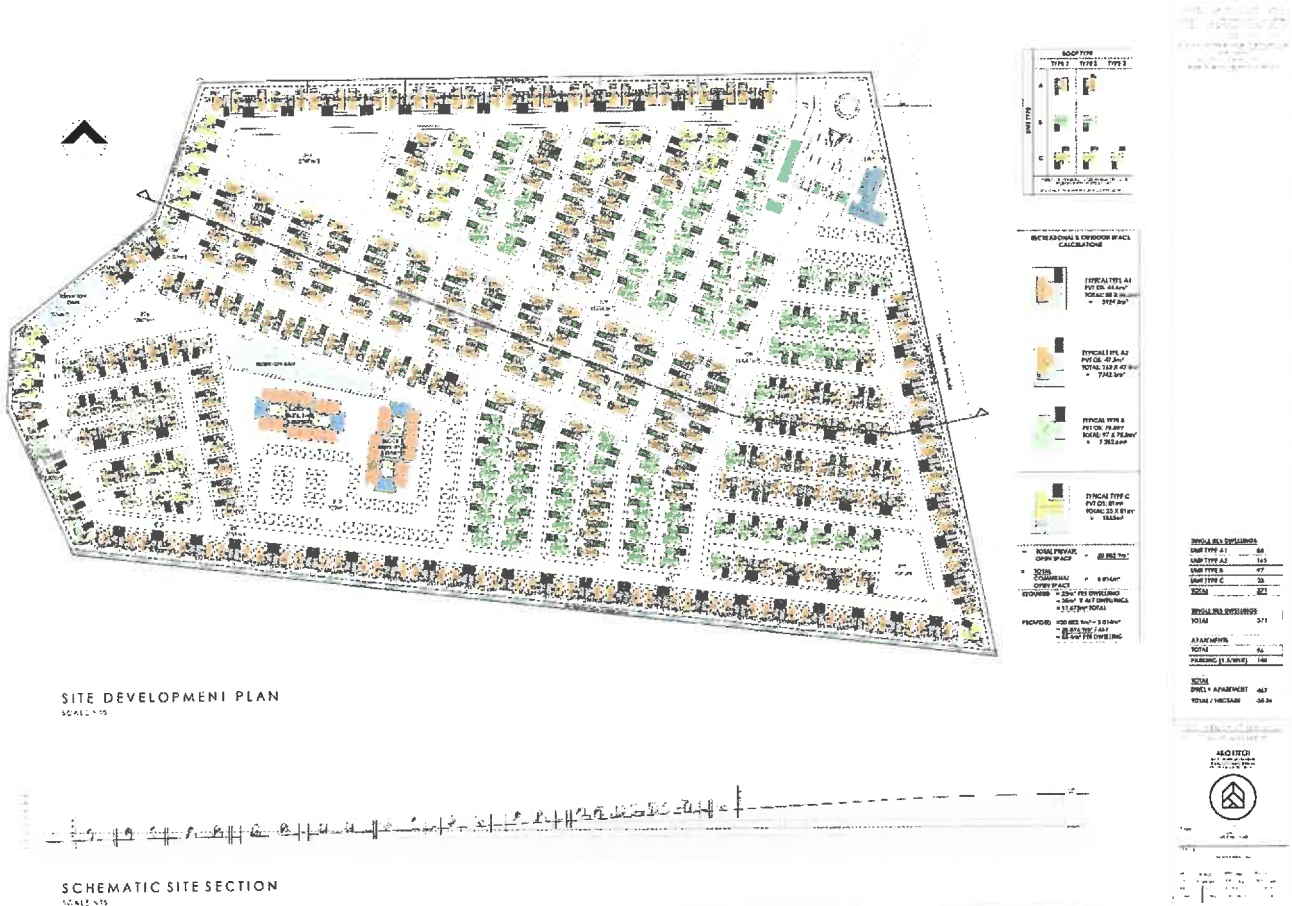


Figure 2: Site development plan for the proposed development.

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

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 20 July 2022, the final BAR dated 14 December 2022 and the EMPr submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 14 December 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

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

The public participation process included:

- identification of and engagement with I&APs;
- fixing notice boards at locations within and around the area where the listed activities are to be undertaken on 5 May 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 5 May 2022 and 4 November 2022;
- the placing of a newspaper advertisement in the 'Paarl Post' on 5 May 2022; and
- making the pre-application draft BAR available for comment from 5 May 2022 and in-process draft BAR from 4 November 2022.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

#### **2. Alternatives**

The proposed development entails the construction of a residential estate and associated infrastructure. The alternatives assessed as part of this application relate to different layout alternatives and the "no-go" alternative and are discussed below.

## 2.1 Layout Alternatives

### 2.1.1 Layout Alternative 1 (Herewith Authorised)

This alternative entails the following:

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

This alternative is preferred for the following reasons:

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

### 2.1.2 Layout Alternative 2

This alternative will include the following:

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

### 2.1.3 Layout Alternative 3

This alternative will include the following:

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

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

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

## 2.2 "No-Go" Alternative

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

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity Need and Desirability

The Cape Winelands area has experienced rapid growth with an influx of more permanent residents, which led to an increased demand for residential properties. With the site being located within the urban edge and earmarked for urban development, the proposed development will help to alleviate the housing shortage in the region. The proposed development also seeks to use underutilised land within the urban edge of the Drakenstein Municipality for a residential development. The proposed development is in keeping with the forward planning vision for the area, and it will form part of the transition from an urban to a rural landscape. Furthermore, the proposed development will create employment opportunities in both the construction and operational phases.

### 3.2 Biodiversity and Biophysical Impacts

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

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

An MMP has been compiled for the maintenance of the stormwater outlet structure within the unnamed tributary of the Dal River. The construction of the stormwater outlet and the maintenance thereof, as approved in this Environmental Authorisation, forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

### 3.3 Visual Impacts

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

### 3.4 Heritage Impacts

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

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- The proposed development will have a stormwater discharge point located in the unnamed tributary of the Dal River and may have a visual impact, however, mitigation measures for these impacts are addressed in the EMPr.

#### **Positive impacts:**

- The proposal will utilise land within the urban edge for urban development.
- Additional residential opportunities will be made available within the area.
- Economic investment/growth within the Paarl area will be stimulated.
- Employment opportunities will be created during the construction phase.

## 4. National Environmental Management Act Principles

The NEMA Principles (set out in Section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking



any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

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

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----

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1916  
3361

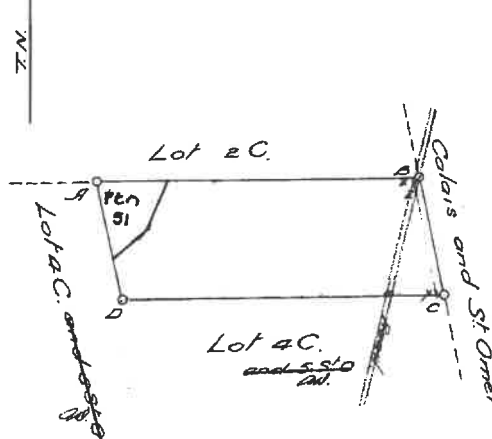
The numerical data of this Diagram are

No. 1690 1916 ✓

Examiner.

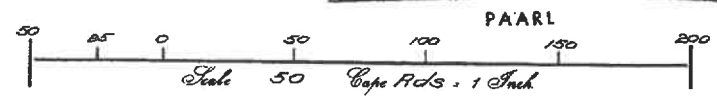
F.R. Arnold  
for

ANNEXURE V



Coordinates			
	Ys	Xs	
A	-13065.19	-6713.53	
B	-13187.19	-6714.02	
C	-13196.37	-6669.79	
D	-13074.37	-6669.30	
Angles		Sides C. Rd.	
A	78.29.50	AB	122.00
B	101.30.10	BC	45.17
C	78.29.50	CD	122.00
D	101.30.10	DA	45.17

Portion... 3 ... (the farm)  
Dal Weiding No. 527



The above diagram lettered A B C D represents 9 morgen  
0 square roods 0 square feet of land situate in the Field-Cornetcy of Dal Josaphat  
Division of Paarl being Lot 3C. of the land known as "Dal Weiding"  
granted to D. Hugo and others 8<sup>th</sup> Oct. 1910.

Bounded N by Lot 2C.  
E " Colais and St. Omer  
S " Lot 4C. and St. Omer  
W " Lot 4C. and St. Omer.

Surveyed and beaconed by me according to regulations.  
June 1916  
Adloff  
Government Land Surveyor.

I certify that this diagram belongs to the Transfer issued this day  
in favour of Carl F. W. Arnold  
5.7.1923. 5349

B

1690  
1916

SURVEY RECORD	DATE	DEPT	INITIALED
E2020/06	6881/06		
The figure x B.Cyz represents a servitude pipeline area.			

THE FOLLOWING SERVICED EASEMENTS WERE MADE FR. THIS DIAGRAM						
SURVEY RECORD	DIAGRAM NO.	SUBDIVISION	AREA HA./SQ. FT.	TRANSFER NO.	INITIALED	REMR.
E212/90	598/90	Pto 51	6053 m <sup>2</sup>	51731/93	D.R.	

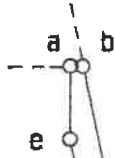
Gedeelte 2 van  
die Plaas  
Dal Weiding No 527

L.G. No.

5881-06

Goedgekeur

*A. van yser*  
Landmeter-generaal  
86/11/21



Gedeelte 3 van  
die Plaas  
Dal Weiding  
No 527

Gedeelte 2 van  
die Plaas  
Calais A No 600



Gedeelte 3 van  
die Plaas  
Dal Weiding  
No 527



Gedeelte 4 van die Plaas  
Dal Weiding No 527

Opgemeet in April 1985 - Februarie 1986  
deur my

*C. de Wet.*  
Landmeter

Skaal: 1/750

SYE METER	RIGTINGS- HOEKE	KOORDINATE			L.G. No.	
		Y	Stelsel	X		
	Konstante		+	0,00	+3700 000,00	6881-86
ab	1,08	269 27 30	a	- 1 443,19	+ 30 585,33	
bc	170,49	347 55 00	b	- 1 444,27	+ 30 585,32	Goedgekeur <i>H. van der Merwe</i> Landmeter-generaal 26/11/21
cd	1,89	89 27 30	c	- 1 479,96	+ 30 752,03	
de	163,05	167 36 40	d	- 1 478,07	+ 30 752,05	
ea	7,46	180 48 00	e	- 1 443,08	+ 30 592,79	
	3318/162	BRIT	Δ	+ 5 314,31	+ 35 083,11	
	3319/28	HAWEQS	Δ	- 6 994,99	+ 31 239,92	

Bakenbeskrywing

Alle bakens is 20mm ronde ysterpenne behalwe  
c Klipbaken

-Skaal 1:-

Die figuur a b c d e stel 'n

~~stel voor~~ serwituutpylynggebied voor oor Gedeelte 3

grond, synde

van die Plaas Dal Weiding No 527

gelee in

Administratiewe Distrik

Paarl

Provinsie Kaap die Goeie Hoop.

Opgemeet in April 1985 - Februarie 1986

*C. de Wet*

deur my,

Landmeter

Hierdie kaart is geheg aan

Die oorspronklike kaart is.

Lêer No. Parl. 527

No. gedateer

No. 1890/1918 geheg aan  
Transport/Groendrief

M.S No. E 2029/86

t.g.v.

No. 1923.104.5349

Komp. BI-5CCA (3847)

Registrateur van Aktes



GENERAL PLAN, D. 36

1888 1691  
1916

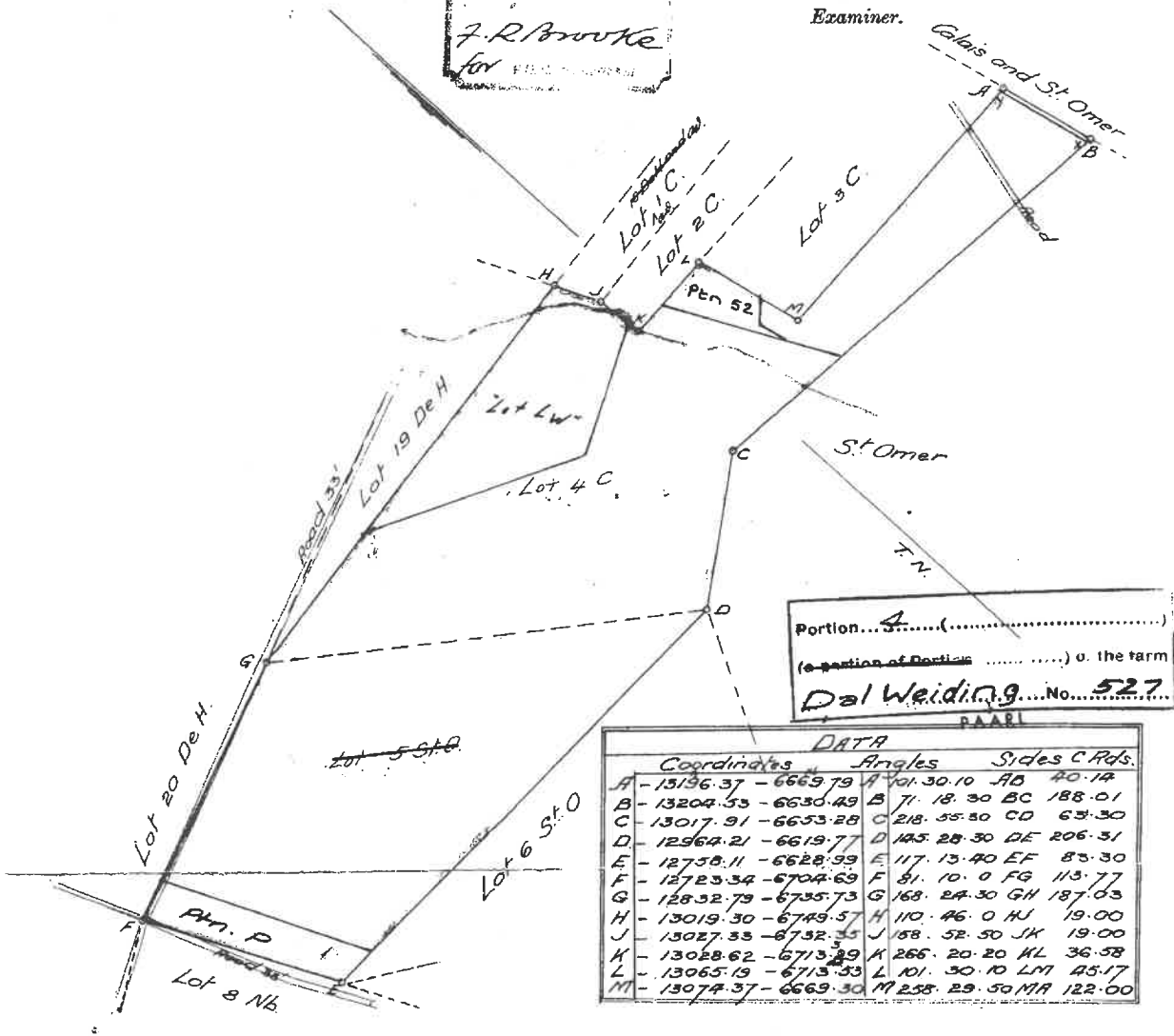
The numerical data of this Diagram are

consistent.

No. 1691 1906.

3552  
F. R. Brooke  
for

Examiner.



Portion... 4... (.....)  
(a portion of Portion ..... ) of the farm  
**Dal Weiding**... No... 527.

DATA		
Coordinates	Angles	Sides C Rds.
A - 15196.37 - 6669.79	A 701.30.10	AB 40.14
B - 13204.53 - 6630.49	B 71.18.30	BC 188.01
C - 13017.91 - 6653.28	C 218.55.50	CD 63.30
D - 12964.21 - 6619.77	D 145.28.30	DE 206.31
E - 12758.11 - 6628.99	E 117.13.40	EF 83.30
F - 12723.34 - 6704.69	F 81.10.0	FG 113.77
G - 12832.79 - 6795.73	G 168.24.30	GH 187.03
H - 13019.30 - 6749.57	H 110.46.0	HJ 19.00
J - 13027.33 - 6732.35	J 168.52.50	JK 19.00
K - 13028.62 - 6713.29	K 265.20.20	KL 36.58
L - 13065.19 - 6713.53	L 101.30.10	LM 45.17
M - 13074.37 - 6669.30	M 258.23.50	MA 122.00



The above diagram lettered A B C D E F G H J K L M represents 63 morgen <sup>8</sup>/<sub>10</sub> square roods 0 square feet of land situate in the Field-Cornetcy of Dal Josaphat Division of Paarl being Lots 4C and 5 St.O. of the land known as "Dal Weiding" granted to D. Hugo and others 8<sup>th</sup> Oct. 1910.

Bounded N by Lot 20 De H, Lot 19 De H, Lot 2C, Lot 3C  
E " Lot 1C, Lot 2C, Lot 3C, Galais and St. Omer  
S " St. Omer and Lot 6 St.O.  
W " Lot 8 Nb.

Surveyed and beaconed by me according to regulations.

June 1916

*W. J. J. J.*  
Government Land Surveyor.

I certify that this diagram belongs to the Transfer issued this day

in favour of **Jacobus Andreas Joubert**

5. 7. 1923

Deeds Office,  
190

1691/1916  
1916

Deducted

A 2279/1923 Ptn. 30 6 Morgen 371 Sq. Rds. 141 Sq. Ft. Tfd. 1923 - 8786

A 1636/1927 Ptn. 36 2 - 11 - 186 - 26 - 1927 - 6918

E 1029/86 6882/86

OFCA

X Y

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DICTIONARY.

DIE VOLGENDE AFTREKINGEN IS VAN MIJNDE KWANT. OF JOEN.

STUKKE RECORDS NEET RECORDS	DIAC. NO. ART. NO.	GRONDS VERDELING	AREA-GROOTTE M <sup>2</sup> OF SQ. FT. VS. JOET.	TRANSFER NO. ART. NO.	INITIALEN OFT TEKST.
15227/11	10-30	35	461253	1665-44	
15227/11	10-30	35	9084	51731/92	D.R.

THE FOLLOWING DEDUCTIONS HAVE BEEN MADE FROM THIS DICTIONARY.

DIE VOLGENDE AFTREKINGEN IS VAN MIJNDE KWANT. OF JOEN.

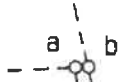
SURVEY RECORDS NEET STUKKE	DIAC. NO. ART. NO.	GRONDS VERDELING	AREA-GROOTTE M <sup>2</sup> OF SQ. FT. VS. JOET.	TRANSFER NO. ART. NO.	INITIALEN OFT TEKST.
E 1029/86	6882/86	35	461253	1665-44	
E 212/90	549/90	Pln 52	9084	51731/92	D.R.

L.G. No.  
5882-85

Goedgekeur

*M. van G...*  
Landmeter-generaal  
86/11/21

Gedeelte 3 van  
die Plaas  
Dal Weiding No 527

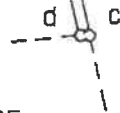


Gedeelte 2 van die Plaas  
Calais No 600

Gedeelte 4 van  
die Plaas  
Dal Weiding No 527



Gedeelte 4 van  
die Plaas  
Dal Weiding No 527



Die Plaas No 605

Opgemeet in April 1985 - Februarie 1986  
deur my

*C. de Wet.*  
Landmeter

Skaal: 1/1000



Landmeters

SERV18/2 Hierdie kaart bestaan uit 2 velle. Vel No 1

SYE METER	RIGTINGS- HOEKE	KOORDINATE			L.G. No.
		Y	Stelsel	X	
	Konstante	+	0,00	+3700 000,00	5882-86
ab	1,89	269 27 30	a	- 1 478,07	+ 30 752,05
bc	151,55	348 01 20	b	- 1 479,96	+ 30 752,03
cd	0,81	96 39 40	c	- 1 511,41	+ 30 900,28
da	151,67	167 36 40	d	- 1 510,61	+ 30 900,19
3318/162	BRIT	Δ	+	5 314,31	+ 35 083,11
3319/28	HAWEGS	Δ	-	6 994,99	+ 31 239,92

Goedgekeur  
*Adrian van*  
 Landmeter-generaal  
 86/11/21

Bakenbeskrywing

- a d 20mm Ronde ysterpen
- b Klipbaken
- c Ysterstaander in baksteenmonoliet

Skaal 1:

Die figuur a b c d stel voor 'n serwitoutpyplyngebied  
~~stel voor~~ oor gedeelte 4 van die Plaas Dal Weiding No 527 ~~grond, synde~~

geleë in

Administratiewe Distrik Paarl Provinsie Kaap die Goeie Hoop.  
 Opgemeet in April 1985 - Februarie 1986  
 deur my, *C. de Wet.*

Landmeter

Hierdie kaart is geheg aan	Die oorspronklike kaart is.	Lêer No. <b>Parl. 527</b>
No. gedateer	No. 1691/1916 geheg aan	M.S. No. E 2029/86
t.g.v.	Transport/Grondbrief	Komp. BI-5CCA (3847)
	No. 1923,104.5349	

Registrateur van Aktes

