



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

Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/6/7/1/B3/28/1037/18  
**ENQUIRIES:** Ms. Saa-rah Adams  
**DATE:** 05.04.2019

The Municipal Manager  
Drakenstein Municipality  
P. O. Box 1  
PAARL  
7620

**Attention: Mr C. Jacobs**

Tel: 021 807 4500  
Fax: 021 872 8054

Dear Sir

**COMMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED MIXED USE DEVELOPMENT ON ERVEN 13480 AND 21128, PAARL**

1. The pre-application Basic Assessment Report ("BAR") dated 27 February 2019, received by the Department on the same date, refers.
2. Following the review of the information submitted to this Department, it is noted:
  - 2.1. The proposal entails the establishment of a mixed use development on erven 13480 and 21128, Paarl.
  - 2.2. The properties are currently zoned Open Space and are approximately 13ha in extent.
  - 2.3. The proposal entails the development of:
    - 165 single residential erven;
    - 371 duplex houses;
    - 5 mixed use residential and commercial units;
    - 3 community facilities;
    - Public open spaces including a sports facility that will serve as a storm water detention facility in the winter months; and
    - Public roads.
  - 2.4. The site is located within an urban area, and although largely disturbed, it contains indigenous vegetation. According to available mapping information sources, the site should comprise of Boland Granite Fynbos which is categorised as a "vulnerable" ecosystem in terms of Section 52 of the National Environmental Management: Biodiversity Act (NEM:BA), 2004.

- 2.5. An earth dam is located within the property boundary in the south western corner which is not fed by watercourses.
3. The following is the Department's provisional comment on the pre-application BAR:
- 3.1. Having considered the information contained in the pre-application BAR, it is noted that the site will need to be rezoned from its current "private open space" zoning. You are required to determine the applicability of the following listed activities:

**Activity 28 of Listing Notice 1**

*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:*

- (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.*

**Activity 15 of Listing Notice 1**

*The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.*

**f. Western Cape**

**i. Outside urban areas, or**

**ii. Inside urban areas:**

- (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010;*
- (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or*
- (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority.*

Should the activities be applicable, please include it in your application form as well as subsequent reports.

- 3.2. In addition, a portion of Erf 21128 is located outside of the urban edge and is considered to be earmarked for development for agricultural purposes. Please confirm whether an application to amend the urban edge is required for the proposed development. Confirmation that such an application has been submitted to the relevant competent authority must be included. You are also required to obtain comment from the municipality in this regard.
- 3.3. It is noted that the proposal includes the modification of the earth dam located on the south-western corner of the site, to allow for additional storage capacity and will be

designed in such a manner that it will serve as a sporting facility. Descriptive design and construction details regarding the proposed modification of the earth dam must be included in the report.

- 3.4. Comments from, but not limited to, the following relevant authorities must be obtained during the Public Participation Process and included in the BAR submitted for decision-making:
- Department of Transport and Public Works;
  - Breede-Gouritz Catchment Management Agency;
  - CapeNature; and
  - Drakenstein Municipality.
- 3.5. The applicant/EAP is reminded to include the following PPP information, in terms of the EIA Regulations, 2014, in the BAR for decision-making:
- Details of the public participation process undertaken in terms of regulation 41 of these Regulations, including copies of the supporting documents and inputs; and
  - A summary of the issues raised by Interested and Affected Parties ("I&APs"), and an indication of the manner in which the issues were incorporated, or the reasons for not including them.
  - Comments from Organs of State as mentioned above.
- 3.6. In line with the information requirements of Appendices 1 and 4 of the EIA Regulations, 2014, please ensure the following is included in the BAR submitted to the Department for decision-making once formal application has been made:

*For inclusion in the BAR:*

- 3.6.1. The Surveyor General code of each cadastral land parcel;
- 3.6.2. A summary of the findings and impact management measures identified in any specialist report complying with Appendix 6 of the Regulations and an indication as to how these findings and recommendations have been included in the final report;
- 3.6.3. Any aspects which were conditional to the findings of the assessment either by the EAP or specialist which are to be included as conditions of authorisation.

*For inclusion in the EMPr:*

- 3.6.4. The expertise of that EAP to prepare an EMPr, including a curriculum vitae;
- 3.6.5. A map of the proposed activity and its' associated infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided.

- 3.7. Note legible and clearly marked site layout plans must be included in the subsequent reports.
- 3.8. Note original signed and dated applicant, specialist and EAP declarations are required to be submitted with the draft and final BARs to this Department for decision-making.

It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.

4. Please note that omission of any required information in terms of Appendices 1 and 4 of the NEMA EIA Regulations, 2014, with regards to the submission to the Department of the BAR and EMPr respectively may result in the application for environmental authorisation being refused.
5. The Department awaits the submission of the Application Form prescribed by Regulation 16 of the EIA Regulations, 2014.
6. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
7. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A(1)(a) of the 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. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
8. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms. E. Visagie (Guillaume Nel Environmental Consultants)  
(2) Ms. C. Winter (Drakenstein Municipality)

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