

Proposed Residential and Mixed-
Use Development on Portion 11
of Farm No. 1426, Paarl
(‘Avec la Terre’)

March 2023

Prepared for:

Future Megawatt (Pty) Ltd.

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Author:

Adél Groenewald

adel@dougjeff.co.za

COMMENTS & RESPONSE REPORT

In terms of the National Environmental Management Act, 1998
(Act No. 107 of 1998), as amended, and the Environmental
Impact Assessment Regulations, 2014 (as amended).



DOUGJEFFERY
ENVIRONMENTAL CONSULTANTS

High Acres Farm, Simondium Road, Klapmuts

P.O. Box 44, Klapmuts 7625

021 875 5272

dougjeff.co.za

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1. INTRODUCTION

This Comments and Response Report provides the comments received during the public participation process (PPP) and responses from the Environmental Assessment Practitioner (EAP), the specialists and the rest of the project team.

The PPP was undertaken in terms of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended).

Two rounds of public consultation and authority review will be undertaken for this Scoping and EIA process, this includes the distribution of the draft Scoping Report (completed), and the distribution of the draft EIA Report (to be undertaken).

2. COMMENTS & RESPONSE ON DRAFT SCOPING REPORT

The draft Scoping Report was made available for comment from 02 February 2023 until 06 March 2023. All comments received are provided and responded to in the following tables.

2.1. Comments from Interested and Affected Parties

Date Received	Comment	I&AP	Response	Respondent
01-02-2023	<p>Thank you for the opportunity to comment.</p> <p>I hereby confirm receipt of the application, received on the 1st of February 2022.</p> <p>Please note: as a registered Interested and Affected Party, we are afforded 30 calendar days in which to give comments. Should you not receive a comment from us after 30 calendar days of sending your application, you are welcome to proceed with your application to Heritage Western Cape. All you have to do is provide them with the email you sent us, as proof of submission to our organization, and mention that you did not receive a comment from Paarl 300.</p>	Paarl 300 Foundation	The comment is noted.	<p>Doug Jeffery Environmental Consultants (DJEC)</p> <p>(Environmental Assessment Practitioner)</p>

2.2. Comments from Organs of State

Date Received	Comment	Organ of State	Response	Respondent
22-02-2023	<p>Thank you for providing CapeNature with an opportunity to comment on the Draft Scoping Report for the proposed development on portion 11 of Farm 1426. We do not have any major concerns from a biodiversity perspective at this stage. We support the implementation of an aquatic corridor within the development.</p> <p>We may provide additional comments once the DEIR and specialist reports have been provided.</p>	CapeNature	The comment is noted.	DJEC

Date Received	Comment	Organ of State	Response	Respondent
06-03-2023	<p>COMMENT ON THE DRAFT SCOPING REPORT ("DSR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED RESIDENTIAL AND COMMERCIAL DEVELOPMENT ON PORTION 11 OF FARM NO. 1426, PAARL.</p> <p>1. The electronic copy of the DSR and supporting documentation, received by this Department on 1 February 2023 and the Departmental correspondence issued on 8 February 2023, refer.</p> <p>2. According to the information submitted to this Department, it is noted that the proposal entails the following:</p> <p>2.1. The construction of a mixed-use development on Portion 11 of Farm No. 1426, Paarl comprising the following:</p> <p>2.1.1. Residential erven ranging from 400m² to 1 000m² to allow for approximately 216 units,</p> <p>2.1.2. A commercial component of approximately 156 525m²,</p> <p>2.1.3. Open spaces,</p> <p>2.1.4. Internal roads and parking areas, and</p> <p>2.1.5. Service infrastructure.</p> <p>2.2. Access will be obtained from Schuurmansfontein Road.</p>	<p>The Department of Environmental Affairs and Development Planning ("DEA&DP")</p> <p>Directorate: Development Management, Region 1</p>	<p>True and correct.</p>	<p>DJEC</p>

Date Received	Comment	Organ of State	Response	Respondent
	<p>2.3. The site is transformed by previous farming and mining activities.</p> <p>2.4. The mining excavations has created a dam area in the centre of the site that is mostly filled with groundwater and will partially be incorporated into the proposed development.</p> <p>2.5. The site is mapped to contain wetlands and Swartland Alluvium Fynbos vegetations, which is classified as an endangered vegetation type.</p> <p>2.6. The site is zoned Agricultural Zone 1 and located outside the urban area of Paarl.</p> <p>3. This Department's comments are as follows:</p> <p>3.1. Activity 12 of Listing Notice 1 may be triggered by the proposed development. If applicable, it must be included in the list of activities applied for and assessed and addressed in the Environmental Impact Reporting phase.</p> <p>3.2. It is noted that certain upgrades to the bulk engineering service infrastructure are required to accommodate the proposed development. Confirmation is required whether the upgrades trigger any listed activities. If any listed activities are applicable and the required upgrades will form a component of the proposed development, this must be included, assessed and addressed, as required.</p>		<p>The comment is noted. The listed activities will be confirmed, and the final Scoping report will be revised accordingly should the activity be triggered.</p> <p>The comment is noted.</p> <p>The EAP verified the thresholds and location of the proposed upgrades to the bulk engineering service infrastructure.</p> <p>The proposed upgrades to the bulk engineering service infrastructure will not trigger Activities 9 or 45 of Listing Notice 1.</p>	<p>DJEC</p> <p>DJEC</p>

Date Received	Comment	Organ of State	Response	Respondent
	<p>(Please note that if the proposed upgrades require environmental authorisation, but will be subjected to a separate EIA application - should this proposed development solely rely on the additional capacity that will be provided by the proposed upgrades, a decision cannot be given on this application until such time as a decision is issued for the proposed upgrades, or the application for the proposed upgrades has progressed to where an outcome can be determined.)</p> <p>3.3. The aquatic impact assessment must include an analysis to test for the presence of peat within the identified wetlands. If present, Activity No. 24 of Listing Notice 2 may be applicable, and if triggered it should be included, assessed and addressed during the Environmental Impact Reporting phase.</p> <p>3.4. Since Activity 19 of Listing Notice 1 is triggered by the proposed development, and future maintenance activities may be required within the identified watercourses, it is recommended that a Maintenance Management Plan ("MMP") forms a component of the Environmental Management Programme. Should the Department agree to the proposed MMP, future maintenance work</p>		<p>The wetlands occurring at the site are perched depression wetlands. The wetland habitat has formed relatively recently in shallow depressions, which are filled seasonally from surface water runoff. These wetlands are typically underlain by clay and are shallow features with no associated deep deposits of organic material that would have formed histosol, the soils typical of peatlands. Peat wetlands are thus not likely to be present on the site.</p> <p>Comment is noted. A MMP will be included in the EIA phase.</p>	<p>Toni Belcher (Aquatic Specialist)</p> <p>DJEC</p>

Date Received	Comment	Organ of State	Response	Respondent
	<p>specified within the MMP would not require and Environmental Authorisation prior to the undertaking thereof.</p> <p>3.5. Written municipal confirmation of sufficient capacity to provide the necessary services to the proposed development must be obtained and included the Final Environmental Impact Assessment Report.</p> <p>3.6. Proof of submission of the Water Use License Application ("WULA") to the Department of Water and Sanitation and the WULA information must be provided in the draft Environmental Impact Assessment Report.</p> <p>3.7. Please note that the Drakenstein Environmental Management Framework was adopted and gazetted on 11 November 2022. The DSR must be updated accordingly.</p> <p>3.8. Comment from, but not limited to, the following organs of state must be obtained and included in the Scoping Report:</p> <p>3.8.1. CapeNature, 3.8.2. Department of Water and Sanitation, 3.8.3. Department of Transport and Public Works, 3.8.4. Heritage Western Cape</p>		<p>The comment is noted.</p> <p>The capacity confirmation has been obtained from the Drakenstein Municipality and included in Appendix E2 of the final Scoping Report.</p> <p>The comment is noted.</p> <p>Proof of submission of the water use application will be provided in the EIA phase.</p> <p>The comment is noted. The scoping report will be updated accordingly.</p> <p>The comment is noted. All comments received from the organs of state are included in Appendix G5 of the final Scoping Report.</p>	<p>DJEC</p> <p>DJEC</p> <p>DJEC</p> <p>DJEC</p>

Date Received	Comment	Organ of State	Response	Respondent
	<p>3.8.5. This Department's Pollution and Chemical Management Directorate,</p> <p>3.8.6. This Department's Waste Management Directorate and</p> <p>3.8.7. Drakenstein Municipality.</p>			
	<p>3.9. The Public Participation Process must comply with the requirements of Regulation 41 of the NEMA EIA Regulations, 2014, and proof of compliance with all the steps undertaken must be included in the Final Scoping Report (e.g. a clipping of the newspaper advertisement that was placed).</p>		<p>The comment is noted. Proof of the public participation undertaken is included in Appendix G of the final Scoping Report.</p>	<p>DJEC</p>
	<p>3.10.A comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the Scoping Report. In addition, please ensure that copies of all the comments received are attached to the Scoping Report.</p>		<p>The comment is noted. This Comments and Response Report includes all comments received on the draft Scoping Report.</p> <p>Copies of all comments received are included in Appendix G5 of the final Scoping Report.</p>	<p>DJEC</p>
	<p>3.11. The Scoping Report must conform to the content requirement outlined in Appendix 2 of the NEMA EIA Regulations, 2014 (as amended) and any other relevant considerations, such as comments received, must be incorporated where applicable.</p>		<p>Comment is noted.</p>	<p>DJEC</p>
	<p>3.12. Please be advised that an original or electronically signed and dated applicant declaration is required to be submitted with the Final Scoping Report</p>		<p>Comment is noted.</p>	<p>DJEC</p>

Date Received	Comment	Organ of State	Response	Respondent
	<p>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.</p> <p>3.13. In addition to the above, please ensure that original or electronically signed and dated Environmental Assessment Practitioner ("EAP") declaration is also submitted with the Final Scoping Report for decision-making.</p>		<p>The comment is noted.</p>	<p>DJEC</p>
<p>07-03-2023</p>	<p>The Directorate: Pollution and Chemicals Management (D: PCM) acknowledges receipt of the Draft Scoping Report 1 February 2023. Please find comment from the D: PCM as follows:</p>	<p>DEA&DP Directorate: Pollution and Chemicals Management</p>		
	<p>1. Page 57 of the DSR states: <i>"Although the Drakenstein South: Environmental and Heritage Implications map (Figure 11) does not indicate any watercourses on the site, some wetland areas were identified on the site. An Aquatic Biodiversity Impact Assessment will be provided in the EIA phase to assess the potential impacts the proposed development will have on aquatic features."</i></p>		<p>The comment is noted.</p> <p>All recommended buffers or no-go zones, where applicable, will be described in the EIA phase. The management and mitigation measures recommended by all specialists will be incorporated into the EMPr that will be provided in the EIA phase.</p>	<p>DJEC</p>

Date Received	Comment	Organ of State	Response	Respondent
	<p>The D: PCM supports the inclusion of input from an aquatic specialist. Although dependent on the outcome of the aquatic assessment, where buffers or no-go zones are recommended, it is important that, where appropriate, these are carried through to the proposed layout alternatives, and the management and mitigation measures to be incorporated into the Environmental Management Programme (EMPr) to ensure watercourses are not negatively impacted upon.</p>			
	<p>2. A component of the proposed development is a wastewater treatment plant, which incorporates various effluent retention ponds into its design, with the intention that treated effluent will be used for irrigation across the development. It is noted that in winter months and during periods of high rainfall, these ponds may also overflow. To mitigate potential contamination, the possible mitigation measures identified in the DSR include "proper monitoring practices". It is recommended that the monitoring programme is detailed and incorporated into, or appended to, the EMPr.</p>		<p>The comment is noted. The maintenance and monitoring requirements will be included in the EMPr that will be provided in the EIA phase.</p>	<p>DJEC</p>
	<p>3. Given the proximity of the subject site to the Berg River and drainage linked to the stormwater system of the proposed development, the D: PCM supports the inclusion of the stormwater management plan (SWMP), as included in Appendix F3. It is further recommended that the aquatic</p>		<p>The comment is noted. The aquatic specialist will provide input on the SWMP and proposed water quality monitoring programme in the EIA phase.</p>	<p>DJEC</p>

COMMENTS & RESPONSE REPORT

Date Received	Comment	Organ of State	Response	Respondent
	<p>specialist (as noted in Point 1 above) provide comment on the SWMP and proposed water quality monitoring programme to be incorporated into the EMPr with respect to treated effluent, wastewater management, irrigation, runoff and overflow and the potential impact it may have on water resources.</p>			
	<p>4. The D: PCM has no further comments at this stage of the application and awaits the Draft Environmental Impact Assessment Report and EMPr.</p>		<p>Noted.</p>	<p>DJEC</p>

2.3. Comment from Drakenstein Municipality

Comments were received from the following departments/sections:

Planning and Development: Heritage Resources – Clive Theunissen (Annexure A)

The proposed development is not supported from a heritage point of view. Please see Annexure for the complete comment from this Sub-section.

Planning and Development: Spatial Planning – Alexander Rehder (Annexure B)

The development is supported from a Spatial Planning point of view, subject to the redesign of the proposed development layout that specifically considers the surrounding existing land uses. Please refer to Annexure B for the complete comment.

Planning and Development: Land Use Planning and Surveying – Jaime Meyer (Annexure C)

As the information within the scoping report is in line with the information contained in the land use application, there is no further comment from a land use management point of view. Refer to Annexure C.

Civil Engineering Services: Lawrence Smith (Annexure D)

Please refer to the minutes of the virtual meeting that was held on 16 February 2023 to discuss services capacity for the proposed development. See Annexure D for comment regarding Civil Services.

Electro Technical Services – Leon Laing (Annexure E)

The area requires network upgrading that is subject to funding being available. Please refer to Annexure E for the complete comment.

Environmental Management Section: Malcolm Lamour & Shaun Reece (Annexure F)

Please note this Section's requirements for the proposed wastewater treatment plant, Noise Impact Assessment and comment regarding a buffer area between the proposed development and the neighbouring development. Also note comment by Mr Reece regarding potential odour concerns. Please refer to annexure F to see the complete comment from this Section.

Conclusion

The Heritage Resources Sub-section requires additional information to mitigate impact on the cultural landscape and scenic quality. The Environmental Management Section also raised some concerns during the evaluation of the proposal that needs to be addressed. Upgrades are required to the electrical network to ensure sufficient capacity for the development. Please note the concerns raised by the various departments/sections must be addressed. Having reviewed the application and circulated it to the relevant departments/sections for comment, the municipality cannot support the proposal in its current state.

2.3.1. Planning and Development: Heritage Resources

NATIONAL HERITAGE RESOURCES ACT No. 25 of 1999

In a letter dated 7 September 2022, Heritage Western Cape (HWC) indicated that there is no reason to believe that the proposed mixed-use development on Portion 11 of Farm No. 1426, Paarl will impact on heritage resources. Therefore, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during execution, all works must be stopped immediately, and Heritage Western Cape must be notified without delay.

Response by DJEC

This is correct.

DRAKENSTEIN MUNICIPAL ZONING SCHEME BYLAW 2018

In terms of the Drakenstein Municipal Zoning Scheme Bylaw 2018, the proposal is located outside of the Special Character Protected Area Overlay Zone of Paarl, however it is located within the R301 Wemmershoek Road Scenic Route Overlay Zone.

The overlay zone is of high scenic value with scenic views toward the Klein Drakenstein and Wemmershoek Mountains from the R301. The scenic character of the overlay zone relates primarily to the relationship between the rural and vineyard setting of the R301 in the foreground and the mountain backdrop. The scenic corridor of the R301 also has clear defined agricultural edges, soft boundary conditions, low key farm entrances and signage.

DRAKENSTEIN HERITAGE SURVEY 2013

In terms of the Drakenstein Heritage Survey 2013, the proposal is located adjacent to the proposed Wemmershoek Heritage Overlay Zone.

The Wemmershoek Heritage Overlay Zone constitutes a good example of a historically evolved landscape with evidence of historical layering and a considerable degree of legibility, intactness and authenticity. It provides a visual setting for the mountain backdrop of Wemmershoek Mountains and exhibits a unique collection of vineyards with embedded historic homesteads. This vineyard setting on the mountain slopes is complimented by the landscape immediately to the west of the R301 which is characterized by a range of low intensity peri-urban or rural activities. It is regarded as a Grade 3 cultural landscape.

The cultural landscape of the old "Victor Verster" Prison is of historical significance due its association with the imprisonment and release of Nelson Mandela. This has recently informed the name change of Wemmershoek Road to Nelson Mandela Freedom Road. The Schuurmansfontein Road is also an important access route to "Madiba house" on Watervliet Farm, which is a Grade 1 heritage resource due to its role as site of Nelson Mandela's incarceration and negotiations during a period of significant historical transition.

CONCLUSION

In view of the above, the proposed establishment of a mixed-use development on Farm 1426 Portion 11, Paarl, is not supported from a heritage point of view.

The proposed development in its current form will have a significant impact on the cultural landscape and it is recommended that a heritage consultant be appointed to conduct a cultural landscape analysis and provide design guidelines for the development. Furthermore, the comment of the South African Heritage Resources Agency must be provided.

The development is also located within the existing Wemmershoek Scenic Route Overlay Zone, therefore the proposed development must adopt a more subdued response to acknowledge the scenic quality of the overlay zone. Besides the design guidelines recommended by the heritage consultant, the development must:

- Reduce the overall height and density of the development;
- Downscale the development towards the rural landscape and any significant resources;
- Introduce treed open space buffer zones or planted berms along the eastern and southern boundaries;
- Follow rural planting patterns;
- Avoid suburban or urban typologies in terms of any proposed gate houses, boundary conditions, built form edges and architectural responses;
- Introduce softer rural edges and boundary conditions; and
- Review the architectural response to the Wemmershoek and Schuurmansfontein Road Corner.

Response by Lize Malan (Heritage Specialist)

The response from the Drakenstein Heritage Resources Management Section ignores the fact that the site along with a strip of properties to its south, have been identified in the Drakenstein SDF for mixed-use development. It is noted that this section, as well as other heritage bodies, including local heritage organisations, HWC and SAHRA would have had an opportunity to comment on the SDF. At the time of the preparation of the SDF, the Drakenstein Heritage Resources Survey was completed, and thus would have served as an input into the preparation of the SDF. Mixed-use development implies intensive development, which should be the case when greenfield land is given up for development.

• **R301 Scenic Route**

The Drakenstein Heritage Survey clearly indicates that the views towards the Wemmerhoek slopes, i.e. to the east of the R301, are significant and not to the west of the R301. For this reason, this landscape is NOT included in a Heritage Overlay Zone. In fact it could be argued that development to the west of the R301, will only serve to enhance the significance and experience of the undeveloped rural land to the east of the R301.

• **Impact on the cultural landscape**

The site falls within an area that has not been identified as a significant cultural landscape. Given that the whole of the Drakenstein Municipal area was surveyed and numerous heritage overlay zones were identified, it is evident that this landscape, which is by and large not cultivated and much transformed by mining in the past, is not significant, nor can it be argued that development of the site would impact on the significance of the cultural landscape to the east of the R301. No distinguishable planting patterns are for instance evident in the immediate vicinity of the site.

- **Impact on the Mandela House at the end of Schuurmansfontein Road**

The Mandela House is situated at a distance of 1km from the western boundary of the site and not visible from the site. Much has been made of the sense of remoteness of the house as part of its significance, however the tarring of Schuurmansfontein Road, has had a severe impact on this sense. Development allowed to the north of Schuurmansfontein Road, to the west of the site, was set back to try and maintain this sense, but the palisade fence, a clear signifier of development, allowed on the road boundary has further compromised this experience. It could be argued that any form of urban development at the intersection of R301 and Schuurmansfontein Road, will have an impact on this sense of remoteness. But this would imply that in fact no development should have been allowed along Schuurmansfontein Road and it should never have been tarred. Tweaks to building heights, etc. will not be able to negate the fact that the site has been developed. In this regard it should be considered that the site has been earmarked for development in the SDF. There is thus in our view no point in consulting SAHRA on this matter.

- **Proposed development guidelines**

Following on the above it is argued that the proposed development guidelines set out in the comments make little sense given that the site has been earmarked for urban development. One would have to admit that tall skyscraper on the site would be inappropriate in the larger landscape, but then in terms of the economics of development, it would also never be suggested. It is our view that the proposed development is of a sufficiently modest scale to not impact on the wider Drakenstein east landscape. Given that a significant strip of land to the south of the site has been earmarked for mixed-use development, there would no point in trying to hide the development from the R301. It would also be patently unfair towards the proponent to not be allowed to expose commercial uses to the R301 (again given the site's mixed-use allocation). In this regard it is noted that the concept of commercial and other urban development to one side of a rural road, as developed by the consultants for Boschenmeer, has been accepted as a model for development in a landscape that is much greater significance than the one in which this site is located.

Response by Fi Smith (Visual Specialist)

Fi Smit from Filia Visual has been appointed to undertake a Visual Impact Assessment (VIA).

The effect of the proposed development on the visual amenity of the scenic route is a key focus to be considered in the VIA that will provided in the EIA phase.

The fact that the site falls within the demarcated Scenic Routes area of control (in terms of the Drakenstein Municipality Zoning Scheme: Scenic Route Overlay Zone) will be considered in the VIA to be included in the EIA phase. The VIA will also acknowledge the adjacent Wemmershoek Slopes HOZ, as well as the Dwars and Berg River Corridors HOZ.

Section E10 of the Scoping Report provides a description of the Cultural and Heritage Aspects of the site as well as the scenic route.

The VIA will:

- assess the potential visual impact on the Wemmershoek HOZ;
- address the need to sensitively articulate the Schuurmansfontein road interface, and assess the appropriateness of the development's proposal with regard to the road interface with the public realm and future proposed public route bearing possible social and heritage significance;
- correct the naming of the R301 as necessary.

2.3.2. Planning and Development: Spatial Planning

From a spatial town planning perspective our comments are as follows:

It should be remembered that the 2022 Drakenstein SDF is a high-level spatial core component of the IDP, and secondly, it does not confer/give rights or take away land use rights but guides and informs decisions to be made by the municipality relating to land development. Therefore, it is important to understand that the SDF is only a guiding document.

The following is important to note:

1. The proposed development is located inside the demarcated urban edge.
2. In terms of the 2022 Drakenstein SDF, the following aspects are important to note:
 - a. The subject property falls within an area that is earmarked for 'urban infill'. On page 72 of the SDF, 'urban infill' is described as follows: *A key strategy of the SDF is infill development of strategic sites in urban areas. Urban infill is largely focused on achieving higher densities in urban settlements and providing a greater variety of housing options to speed up the delivery process and create more sustainable settlements. Under urban infill, a variety of housing typologies (single residential, group housing, row housing, apartments) may be allowed. In addition, in certain instances a mixed use development is more desirable, sustainable and feasible. Therefore, a combination of various land uses may be considered in certain instances under the urban infill designation.*
 - b. The subject property borders the R301 to the east, which is annotated as a 'scenic route'. On page 7 of the SDF, 'scenic routes' are *inter alia* described as *routes that provide vistas over scenic landscapes and the experience of a sense of place. Land use management for scenic routes should be aimed at retaining the sense of place and important vistas from these routes. The focus is thus largely on managing development adjacent to these routes. The Drakenstein Municipality Zoning Scheme Bylaw, 2018 has certain areas designated as formal Scenic Route Overlay Zones.*
 - c. The subject property borders the Schuurmansfontein Road to the north which is annotated as a 'mobility route', and on page 70 of the SDF, it is described as follows: *Mobility routes refer to roads that function as primary mobility routes into settlements as well as between neighbourhoods.*
 - d. The R301 and the Schuurmansfontein Road intersection is annotated as a 'gateway'. On page 70 of the SDF, it is described that *gateways indicate entrance points to urban settlements which require urban design interventions (signage and landscaping) to enhance the sense of place. Interventions for these public land parcels are largely focused on physical upgrades, as opposed to land use management interventions.*
 - e. According to the Environmental and Heritage Implications Plan, there are some CBAs and ESAs identified over the subject property.
3. A letter by Heritage Western Cape dated 7 September 2022 states that *there is no reason to believe that the proposed mixed use development on Portion 11 of Farm 1426, corner of Schuurmansfontein Road and R301, Paarl, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.*
4. A letter by the Western Cape Department of Agriculture dated 2022-10-07 states that the *Western Cape Department of Agriculture: Land Use Management has no objection to the proposed application* but it is noted that comment is required from the relevant deciding authorities in terms of the Subdivision of Agricultural Land Act 70 of 1970.

Response by DJEC

The comments are noted.

2.3.3. Planning and Development: Land Use Planning and Surveying

As the information within the scoping report is in line with the information contained in the land use application, there is no further comment from a land use management point of view.

Response by DJEC

The comment is noted.

2.3.4. Civil Engineering Services

Attendance:

DM: Lawrence Smith, Carylne Cupido
Civil Consultant: Jan Niewoudt, Zak Burger
EAP: Adel Groenewald

Water:

- No bulk infrastructure is available in the area.
- The developer will be responsible for the implementation of the findings of the GLS report dated 16 September 2022.

Sewer:

- No municipal infrastructure available in the area.
- The proposed treatment works must get the necessary authorization.

Roads:

- PRE approval must be submitted during the land use application phase.

Stormwater:

- A SWMP must be submitted during the land use application phase.
- No municipal infrastructure in the area.
- PRE approval required for the stormwater discharge into Schuurmansfontein's system.

Solid Waste:

- Refuse to be collected at the entrance by DM and carted to our landfill.

[Response by DJEC](#)

The comments are noted.

2.3.5. Electro Technical Services

The proposed development's capacity requirement as stipulated by you is 2 326kVA.

Drakenstein Municipality confirm that there is sufficient power available at our main intake 66/11kV Dwarsrivier substation. The availability however on the 11kV network require upgrading in order to ensure the required load of 2 326kVA to the development. A new proposed 11kV switching station (20mx20m) will have to be constructed at a suitable location with twenty-four-hour access, closest to Schuurmansfontein Road, across Pearl Valley entrance adjacent to The Acres development, to accommodate for the upgrading of the existing 11kV reticulation. The proposed 11kV switching station will feed directly from the existing 66/11kV Dwarsrivier substation. It must however be noted that two additional feeder cables must be installed from the existing 66/11kV Dwarsrivier substation, as well as the extension of the existing feeder cables to the new proposed 11kV switching station. The previous mentioned further require for the construction and installation of additional switchgear within the existing 66/11kV Dwarsrivier substation.

The existing 11kV reticulation will have to change as such, that Pearl Valley and The Acres ring feeds shall feed separately from the new proposed 11kV switching station. The new proposed development shall be interconnected to form part of the The Acres ring feed. Service servitudes will also have to be included in the layout of the development plans, which can only be indicated after the final position of the proposed 11kV switching station has been confirmed.

The municipality require a minimum vertical clearance distance of at least 9m from the existing 11kV overhead line running parallel to the new proposed development boundary.

Any 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 Eskom notified maximum demand, service connection and network recovery cost charges for this development.

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

Response by DJEC

The comments are noted. Measures to improve energy efficiency will be provided in the EIA phase.

2.3.6. Environmental Management Section

Please see below comments on the Draft Scoping Report:

- It is noted that the proposed development will include a waste water treatment plant. As such, please note the following:
 - An application should be lodged with the Department of Water and Sanitation to obtain the necessary approval in terms of the National Water Act for the establishment and operation of the package plant;
 - A maintenance and management plan for the package plant is required;
 - Confirmation of who will operate the package plant;
 - The Environmental Management Section should be notified of any non-compliance of the effluent standards or any pollution incident caused by the package plant;
 - Continuous monitoring of effluent should be undertaken and these records should be made available to the municipality upon request;
 - The municipality should be allowed to sample effluent from the plant at any given time; and
 - The developer/owner will have to connect the municipal sewer line once available in that area.

Response by DJEC

The comment is noted.

An application in terms of Section 21 of the NWA will be lodged with the Department of Water and Sanitation. Proof of submission of such an application and supplementary information as requested will be included in the EIA phase.

- The proposed development is situated on a site where there are other non-residential and in some instances industrial developments in close proximity. It is therefore advised that the Noise Impact Assessment that will be conducted should investigate, assess and report on the potential impacts of the existing neighbouring developments in the proposed residential development. Also, it is advised that there is some sort of buffer area between the proposed development and the neighbouring developments.

Response by Adrian Jongens

The comment is noted.

The potential impacts of the existing neighbouring developments on the proposed development will be considered in the Noise Impact Assessment to be undertaken in the EIA phase.

- It is noted that most of the site is transformed. The applicability of Activity 15 of Listing Notice 2 of the NEMA EIA Regulations, 2014 (as amended) must therefore be clarified.

Response by DJEC

The definition of "indigenous vegetation" in the EIA Regulations, 2014 (as amended) refers to "vegetation consisting of indigenous plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed during the preceding ten years;"

The disturbance of the topsoil undertaken by the previous landowner (now deceased) was unlawful. It was confirmed by the competent authority that Activity 15 of Listing Notice 2 is therefore applicable since the proposed activities comprise the clearance of an area of more than 20ha of indigenous vegetation as per the definition; irrespective of the state of the vegetation.

Can you please also include the following comment:

- The existing agri-industrial processing facility to the south of the proposed development also generates effluent which they have a license to dispose of via irrigation. This can generate an unpleasant sour odour and the close proximity to this proposed development is a concern. This risk must be addressed in the proposal.

Response by DJEC

The comment is noted and will be addressed in the EIA phase.