The Director  
Department of Public Works / Department of Correctional Services  
Directorate: Town Planning  
Private Bag X55  
Pretoria  
0001  

Attention: Mr D Georgiadis  

Tel: (012) 337 3183  
Fax: (012) 337 2483  

Dear Sir  

APPLICATION: PROPOSED ESTABLISHMENT OF A 3000 INMATE PRISON FACILITY TO BE LOCATED ON THE EXISTING ALLANDALE PRISON COMPLEX FACILITY IN PAARL, WESTERN CAPE.  

With reference to your application, find below the Record of Decision in respect of this application.  

RECORD OF DECISION  

A. DESCRIPTION OF ACTIVITY:  

The proposed activity entails the establishment of a 3000 inmate prison facility on portions 32 and 35 of Erf No. 527, Paarl which have a combined area of 35 ha. The proposed prison site layout will occupy approximately 30 ha.  

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, as amended, being:  

Item 1(n) The construction, erection or upgrading of sewerage treatment plants and associated infrastructure; and  

2 (c) The change of land use from agricultural or zoned undetermined use or an equivalent zoning or any other land use,  

hereinafter referred to as “the activity”.  

B. LOCATION:
The proposed activity will be located at the existing Allandale prison complex in the Groenheuwel and Fairyland neighbourhood to the north east of Paarl, Western Cape.

Co-ordinates:
Latitude: 33° 42' 37" South
Longitude: 18° 59' 54" East

hereinafter referred to as "the property/site".

C. APPLICANT:
Department of Public Works (DPW) / Department of Correctional Services
% Mr Dimitri Georgades
Directorate: Town Planning
Private Bag X65
PRETORIA
0001
Tel: (012) 337 3193
Fax: (012) 337 2493

D. CONSULTANT:
Strategic Environmental Focus (Pty) Ltd (SEF)
% Mr Guillaume Nel
P.O. Box 6781
ROGGEBAAI
8012
Tel: (021) 979 3822
Fax: (021) 979 3830

E. SITE VISIT(S):
No site visits were conducted.

F. DECISION:
In accordance with regulation 4(3A) of Government Notice No. R1183 of 5 September 1997, (as amended), the Director General of the National Department of Environmental Affairs and Tourism has agreed that this application be considered by the undersigned of this Department.

In terms of Section 28A and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Applicant is hereby exempted by the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended), from:

(a) Providing a description of all alternatives identified in terms of Regulation 6(1)(d) GN No. R1183, dated 5 September 1997, as amended.

In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No R1183 of 5 September 1997, as amended, exempted the Applicant from the implementation of the following recommendations:

(a) Providing a description of all alternatives identified in terms of Regulation 6(1)(d) GN No. R1183, dated 5 September 1997, as amended.

The Built Environment / Aesthetic and Cultural Value of the Property:

The property is significant in terms of aesthetic and cultural value due to its historical and architectural significance.

The property is located in a historically significant area and its architectural features are of great importance.

The property is situated in a relatively undisturbed area and its cultural significance is significant.

The property is an important example of a specific architectural style and its cultural significance is significant.

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amended) hereby grants authorisation with the conditions contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires. In the case of an appeal submitted to the competent authority, the effect of this Record of Decision will be suspended until such time as the appeal is decided.

2. One week’s notice, in writing, must be given to the Directorate: Integrated Environmental Management (Region A), (hereinafter referred to as “this Directorate”), before commencement of construction activities.
   2.1 Such notice shall make clear reference to the site location: details and reference number given above.
   2.2 The said notice must also include proof of compliance with the following conditions described herein:
      Conditions: 1, 6, 7, 8 and 10.

3. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

4. No surface or ground water may be polluted due to any activity on the property/site.

5. The following mitigation measures must be implemented to mitigate possible visual impacts during the operational phase of the development:
   - Screening of the proposed development through the introduction of various types of indigenous trees and shrubs;
   - Natural materials and earthy paint tones must be used to reduce the glare from concrete structures;
   - Appropriate cladding materials must be used for vertical surfaces;
   - Textures must be varied to add to the visual diversity of the site.

6. An Environmental Management Plan (“EMP”) that complies with this Directorate’s standard construction phase EMP must be implemented. The EMP must be included in all contract documentation for the construction phase of the development.

7. The applicant must submit a Compliance Audit Report, (“audit report”) to this Directorate one week, and another, one year after the facility becomes operational
   7.1 The audit report must indicate the date on which construction commenced and the date on which it was completed, as well as date on which the facility became operational.
7.2 The audit report must include proof of compliance with all the conditions of this authorisation.

7.3 If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any qualified person to take such measures necessary for this purpose.

8. The applicant must, within five calendar days of the date of issue of this Record of Decision:

- Inform the relevant local authority as well as all interested and affected parties ("I & AP's") registered during the Scoping and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;

- Include in such information the provisions of Regulation 11 of Government Notice No. R. 1183 of 5 September 1997, as amended, which reads as follows:

  (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);

  (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

- Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.

- Inform all I & AP's that a signed and certified Appeal Cuestionnaire, obtainable from the Minister’s office at tel. (021) 483 3721, email [edevill@power.gov.za] or URL [http://www.capegateway/eadp] must accompany the appeal.

- If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

9. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:

The Director, Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447
PRETORIA
0001

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10. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.

11. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.

12. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:
The Directorate recommends that the following should be considered in planning this development:

- The use of water saving devices within all components of the development, e.g. low flow showerheads, dual flush toilet systems, etc.
- The use of energy saving devices within all components of the development, e.g. energy saving lamps, etc.

I. KEY FACTORS AFFECTING THE DECISION:
Sufficient information was submitted by the applicant for the relevant authority to deem the Scoping Report in order to consider the application.

Biophysical
The natural vegetation in the surrounding area is mostly described as Fynbos, with elements of Shale Renosterveld. There appears to be no rare or localised plant species on site, as the area for the proposed development is disturbed land (cultivated). No threatened or red data mammal and bird species occur on the proposed site. The majority of the possible amphibian species that occur on the site are widespread throughout the Western Cape. The North Western corner of the site is currently used as a nursery. Previously ploughed lands also occurred in the proposed expansion area, currently covered by grass. No sensitive landscape occurs in close proximity to the proposed development site.

Cultural historic
There are no sites or artefacts of cultural significance that would be impacted on by the proposed development.

Applicant's motivation for exemption
There is a great need for the proposed development because of the overpopulated prisons in South Africa. The proposed site is most suited as it is situated next to the existing Allandale prison complex with existing prison infrastructure. The proposed development is also not in conflict with the surrounding land uses, as the adjacent site is currently utilised as a prison facility.

Public Participation
The public participation process entailed the following:
Advertisements were placed in the Paarl Post (Afrikaans) and Cape Times (English) newspapers on 11 August 2005.

Three sets of notice boards in English, Afrikaans and Xhosa were erected around the proposed site on 11 August 2005.

Background Information Documents (BID) and information letters were hand delivered to the community, registered landowners and the ward councillor.

At the end of the commenting period no comments or objections were received.

Meetings held:
Date of meetings: 19 September 2006 and 15 November 2006.
People present: Mr G Nel from Strategic Environmental Focus (SEF), as well as Ms M Costhuizen and Mr B Niemand from the Department of Environmental Affairs and Development Planning (DEADP).

Authorities Consultation
Heritage Western Cape, Provincial Department of Agriculture and the Drakenstein Municipality have no objections regarding the proposed development. Comments and recommendations provided by the other relevant authorities have been considered in the evaluation of this application. Where possible and relevant, the conditions imposed by these authorities have been included in this Record of Decision insofar as it relates to the environmental aspects of the proposed activity. This authorization is issued only in terms of the Environment Conservation Act (Act 73 of 1989) and the applicant is required to obtain all other necessary approvals before commencing with the activity.

J. DURATION AND DATE OF EXPIRY:
This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

K. APPEAL:
In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals must be directed within thirty (30) days of the date of the issuing of this Record of Decision, to:

Provincial Minister for Environment, Planning and Economic Development
Private Bag X9186
CAPE TOWN
8000
Fax: (021) 483-4174

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1987, as amended.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.
A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 463 3721, email jadewill@capewc.gov.za or URL http://www.capegateway/cadp must accompany the appeal.

In terms of section 28A(4) of the aforesaid Act, the Minister or competent authority may in writing withdraw the exemption concerned or at his discretion determine new conditions, if any condition stipulated in the exemption granted is not being complied with. Furthermore, section 28A(5) states that the Minister or a competent authority, as the case may be, may from time to time review any exemption granted or condition determined, and if she deems it necessary, withdraw such exemption or delete or amend such condition.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in titre in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

CHRIS RABIE
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION A)

DATE OF DECISION: 19. 3. 2007

Copies to:
(1) Guillaume Nel (Strategic Environmental Focus) Fax: (021) 979 3930
(2) Mr K Pather / Mr T Bruns (PD Naideko & Associates) Fax: (021) 877 0189
(3) Mr H Strydom / Mr J Knaggs (Drakenstein Municipality) Fax: (021) 807 4724

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