



**REFERENCE:** 16/3/3/1/A5/11/2045/22  
**NEAS REFERENCE:** WCP/EIA/0001164/2022  
**DATE OF ISSUE:** 31 March 2023

The Board of Directors  
Bracken Lake Properties (Pty) Ltd.  
Shop 1, The Rockwell  
32 Prestwich Street  
**GREEN POINT**  
8005

**Attention: Mr. André van der Merwe**

E-mail: [andre@vanderm.co.za](mailto:andre@vanderm.co.za)

Dear Sir

**APPLICATION 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): PROPOSED ESTABLISHMENT OF THE BRACKEN LAKE MIXED-USE DEVELOPMENT ON ERF NO. 11297, BRACKENFELL.**

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA 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 are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014 (as amended), which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr. Pieter de Villiers (Cornerstone Environmental Consultants (Pty) Ltd.) E-mail: [pieter@cornerstoneenviro.co.za](mailto:pieter@cornerstoneenviro.co.za)  
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town) E-mail: [sonja.warnichstemmet@capetown.gov.za](mailto:sonja.warnichstemmet@capetown.gov.za)

**REFERENCE:** 16/3/3/1/A5/11/2045/22  
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## **ENVIRONMENTAL AUTHORISATION**

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION 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): PROPOSED ESTABLISHMENT OF THE BRACKEN LAKE MIXED-USE DEVELOPMENT ON ERF NO. 11297, BRACKENFELL.**

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 NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants Environmental Authorisation to the applicant to undertake the list of activities specified in Section B below with respect to the preferred alternative as included in the Basic Assessment Report (“BAR”) dated November 2022.

The granting of this Environmental Authorisation (hereinafter referred to as the “Environmental Authorisation”) is subject to compliance with the conditions set out in Section E below.

### **A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION**

Bracken Lake Properties (Pty) Ltd.  
c/o Mr. André van der Merwe  
Shop 1, The Rockwell  
32 Prestwich Street  
**GREEN POINT**  
8005

Tel.: (021) 402 8700  
Fax: (021) 421 6335  
E-mail: [andre@vanderm.co.za](mailto:andre@vanderm.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**

Listed Activity	Activity/Project Description
<p><b>Listing Notice 1 of the EIA Regulations, 2014 (as amended):</b></p> <p><b>Activity 19:</b>  <i>"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;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(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".</i></p>	<p>The development proposal entails the removing or moving, dredging, excavation, infilling or depositing of material of more than 10m<sup>3</sup> from the watercourse.</p>
<p><b>Activity 27:</b>  <i>"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for -</i></p> <p><i>(i) the undertaking of a linear activity; or</i></p> <p><i>(ii) maintenance purposes undertaken in accordance with a maintenance management plan".</i></p>	<p>More than 1ha of indigenous vegetation will be cleared.</p>

The abovementioned list is hereinafter referred to as "the listed activities".

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

The proposed development entails the establishment of the Bracken Lake mixed-use development on Erf No. 11297, Brackenfell.

The proposed Bracken Lake development will comprise of the following uses:

- Approximately 10 apartment blocks containing approximately 1500 residential apartments. The apartment blocks will be between 3 and 5 storeys on top of a parking level;
- A clubhouse including a gym, crèche and coffee shop;
- An approximate 130-room hotel;
- A commercial space of 6000m<sup>2</sup> which will be located in the extreme western part of the site;

- An open space system. The existing storm water channel will be upgraded and expanded to create a “green spine” running the length of the site; and
- Services and associated infrastructure.

Allowance will be made for five dams throughout the site, one of which is the existing Bracken Lake (existing retention pond) that will be modified to accommodate some additional storm water storage. Due to the elevation difference between the dams, each dam will have their own controlled outlet structure. These will link with a single discharge point into the existing storm water system in William Dabbs Street.

Access to the residential component of the proposed development will be obtained via two existing signalised intersections directly off Old Paarl Road. Access will be controlled by means of security gatehouses which will allow for sufficient stacking distance off the main road. Access to the retail component will be via two new access points off William Dabbs Street. The access will provide for on-site parking for customers of the commercial facilities. The new access positions at existing intersections, as well as other road infrastructure, will also be upgraded.

The development footprint of the proposed development and associated infrastructure will be approximately 9.0506ha.

### **C. LOCATION AND SITE DESCRIPTION**

The listed activities will be undertaken on Erf No. 11297, Brackenfell.

Erf No. 11297 is situated in the Central Business District (“CBD”) of Brackenfell. The site comprises a narrow piece of land situated between the Old Paarl Road in the north and the Brackenfell railway line along the southern boundary. The property is bordered by William Dabbs Street to the west and is near the Brackenfell Train Station. The Brackenfell railway interchange is also located directly south of the property along the Northern Line of the Metrorail network.

To the southeast is the Everite Industria, while general business uses are located to the north and west. A number of general residential sites are situated to the northeast while Protea Heights is located south of the railway line.

The SG 21-digit code is: C06700040001129700000

Co-ordinates:

Latitude: 33° 52' 44.51" S

Longitude: 18° 41' 21.85" E

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

hereinafter referred to as “the site”.

### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)**

Cornerstone Environmental Consultants (Pty) Ltd.  
c/o Mr. Pieter de Villiers  
P.O. Box 12606

Die Boord  
**STELLENBOSCH**  
7613

Tel.: (021) 887 9099  
Fax: (086) 435 2174  
E-mail: [pieter@cornerstoneenviro.co.za](mailto:pieter@cornerstoneenviro.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 the preferred alternative, described in the BAR dated November 2022 on the site as described in Section C above.
2. Authorisation of the activities is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. 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; and
  - (b) A period of ten (**10**) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities must be concluded.
4. The activities that have been authorised may only be carried out at the site described in Section C above in terms of the approved Environmental Management Programme ("EMPr").
  5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 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 such information 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.

### **Notification of authorisation and right to appeal**

6. The holder of the authorisation 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;
  - 6.1.3 the date of the decision; and
  - 6.1.4 the date of issue of the decision;
- 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 Appeal Regulations, 2014 (as amended);
- 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;
  - 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

### **Commencement**

- 7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

### **Written notice to the competent authority**

- 9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
  - 9.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 9.2 The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 6, 7 and 14.

### **Management of activity**

- 10. The draft EMPr dated November 2022 (as compiled by Cornerstone Environmental Consultants (Pty) Ltd.) is hereby approved and must be implemented.
- 11. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only

be implemented once the amended EMPr has been authorised by the competent authority.

12. The EMPr must be included in all contract documentation for all phases of implementation.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activities will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

### **Monitoring**

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction phase to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.

The ECO must–

- 14.1 be appointed prior to commencement of any construction activities commencing;
- 14.2 ensure compliance with the EMPr and the conditions contained herein;
- 14.3 keep record of all activities on site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
- 14.4 remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed;
- 14.5 provide the competent authority with copies of the ECO reports within 30 days of the project being finalised; and
- 14.6 conduct monthly site inspections during the construction phase.

### **Environmental audit reports**

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid -
  - 15.1 ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
  - 15.2 submit an environmental audit report four (4) months after commencement of the construction phase to the relevant competent authority;
  - 15.3 submit an environmental audit report six (6) months after completion of the construction phase to the relevant competent authority; and
  - 15.4 submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit reports must be prepared by an independent person with expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must -

- 16.1 provide verifiable findings, in a structured and systematic manner, on–

- (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
  - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2 identify and assess any new impacts and risks as a result of undertaking the activity;
- 16.3 evaluate the effectiveness of the EMPr;
- 16.4 identify shortcomings in the EMPr;
- 16.5 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 16.6 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 16.7 include a photographic record of the site applicable to the audit; and
- 16.8 be informed by the ECO reports.
17. The holder must, within 7 days of the submission of the environmental audit report to the competent authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.

### **Specific conditions**

18. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
19. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
20. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; shipwrecks; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

21. Sanitation facilities must be located at least 30m from the edge of the watercourse.
22. The holder of the Environmental Authorisation must, at all times, ensure that the activities comply with the Noise Regulations in terms of the relevant legislation.



23. Water saving mechanisms and/or water recycling systems must be installed in order to reduce water consumption that include *inter alia*, the following:
  - 23.1 Dual-flush toilet systems.
  - 23.2 All taps must be fitted with water saving devices (i.e., tap aerators, flow restrictors and low flow shower heads).
  - 23.3 Water-wise landscaping must be established.
  
24. The development must incorporate energy/electricity saving measures, which include *inter alia*, the following:
  - 24.1 Use of energy efficient lamps and light fittings. Low energy bulbs must be installed, and replacement bulbs must also be of the low energy consumption type.
  - 24.2 Street lighting must be kept to a minimum and down lighting must be used to minimise light impacts. Streetlights must be switched off during the day.
  - 24.3 All geysers must be covered with geyser “blankets”.
  - 24.4 The installation of solar water heaters and solar panels must be considered for all buildings.

### **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. If the holder does not commence with the listed activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse for the activities, 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.
  
3. 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.

4. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, other than those mentioned above, 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.
  
5. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

## F. 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 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:           Attention: Mr. Marius Venter  
Western Cape Ministry of Local Government, Environmental  
Affairs and Development Planning  
Private Bag X9186  
CAPE TOWN  
8000

By facsimile:   (021) 483 4174; or

By hand:           Attention: Mr. Marius Venter (Tel: 021 483 3721)  
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 e-mail to [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 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## G. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 31 MARCH 2023**

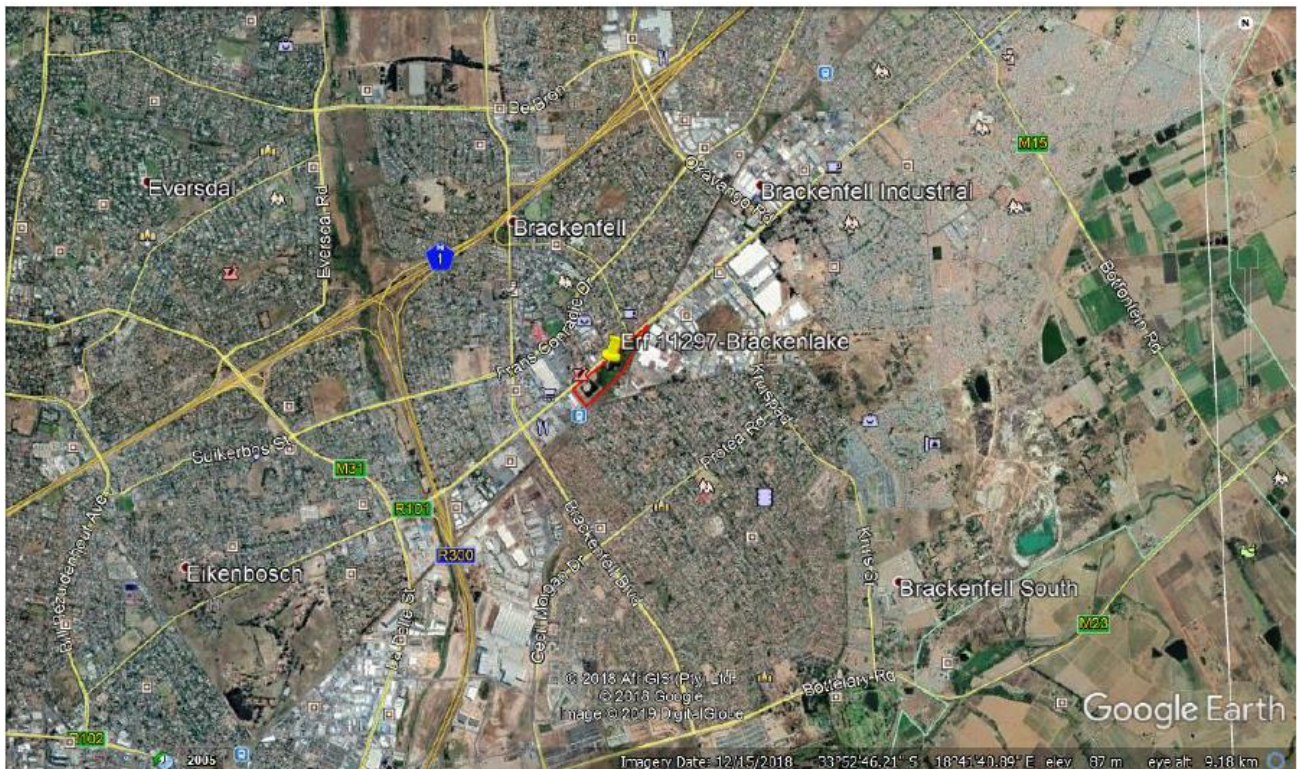
CC: (1) Mr. Pieter de Villiers (Cornerstone Environmental Consultants (Pty) Ltd.) E-mail: [pieter@cornerstoneenviro.co.za](mailto:pieter@cornerstoneenviro.co.za)  
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town) E-mail: [sonja.warnichstemmet@capetown.gov.za](mailto:sonja.warnichstemmet@capetown.gov.za)

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**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER: 16/3/3/1/A5/11/2045/22**  
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## ANNEXURE 1: LOCALITY PLAN



# ANNEXURE 2: SITE PLAN



<table border="1"> <tr> <th colspan="2">DEVELOPMENT PARAMETERS (APPLICATION)</th> </tr> <tr> <td>Site</td> <td>10000</td> </tr> <tr> <td>Area</td> <td>10000</td> </tr> <tr> <td>...</td> <td>...</td> </tr> </table>	DEVELOPMENT PARAMETERS (APPLICATION)		Site	10000	Area	10000	...	...	<table border="1"> <tr> <td>...</td> <td>...</td> </tr> <tr> <td>...</td> <td>...</td> </tr> </table>	...	...	...	...		<p>BRACKENLAKE PROPERTIES (PTY) LTD</p>	<p>ERF 11287, BRACKENLAKE APARTMENTS</p>	<p>URBAN DESIGN MASTER PLAN</p>	<table border="1"> <tr> <td>Author</td> <td>...</td> </tr> <tr> <td>...</td> <td>...</td> </tr> <tr> <td colspan="2">FOR INFORMATION</td> </tr> </table>	Author	...	...	...	FOR INFORMATION	
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### **ANNEXURE 3: REASONS FOR THE DECISION**

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

- a) The information contained in the application form received by the competent authority via electronic mail correspondence 16 September 2022; the BAR dated November 2022, as received by the competent authority via electronic mail correspondence on 01 December 2022; the EMPr submitted together with the BAR; and the additional information received by the competent authority via electronic mail correspondence on 24 March 2023, 27 March 2023, 29 March 2023 and 30 March 2023, respectively;
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- c) The comments received from I&APs and the responses provided thereon, as included in the BAR dated November 2022.
- d) 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 in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

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

The Public Participation Process comprised of the following:

- Background Information Documents were hand delivered to adjacent neighbours on 15 March 2021;
- An advertisement was placed in the "Tygerburger" newspaper on 17 March 2021;
- Two notice boards were placed on site on 06 May 2019 and 18 March 2021, respectively;
- E-mails were sent to adjacent neighbours, the ward councillor, local municipality and State Departments/organs of state on 19 March 2021 and 23 March 2021 to announce the availability of the pre-application BAR;
- A copy of the pre-application BAR was placed at the Brackenfell Public Library and on the EAP's website;
- The pre-application BAR was made available from 23 March 2021 until 26 April 2021;
- E-mails were sent on 16 September 2022 and 19 September 2022 to announce the availability of the draft BAR;
- A copy of the draft BAR was made available at the Brackenfell Public Library and on the EAP's website; and
- The draft BAR was made available from 19 September 2022 until 20 October 2022.

#### **Authorities consulted**

The authorities consulted included the following:

- City of Cape Town;
- Western Cape Department of Transport and Public Works;
- CapeNature;
- Department of Water and Sanitation; and
- Heritage Western Cape.

I&APs have raised concerns regarding *inter alia*, traffic, noise and flooding. The competent authority is satisfied that the Public Participation Process that was followed met the minimum

legal requirements. All the comments and responses that were raised were responded to and included in the BAR.

## **2. Alternatives**

The following layout alternatives were considered:

### Layout alternative 1: preferred alternative – herewith authorised:

The preferred alternative entails the establishment of the Bracken Lake mixed-use development on Erf No. 11297, Brackenfell.

The proposed Bracken Lake development will comprise of the following uses:

- Approximately 10 apartment blocks containing approximately 1500 residential apartments. The apartment blocks will be between 3 and 5 storeys on top of a parking level;
- A clubhouse including a gym, crèche and coffee shop;
- An approximate 130-room hotel;
- A commercial space of 6000m<sup>2</sup> which will be located in the extreme western part of the site;
- An open space system. The existing storm water channel will be upgraded and expanded to create a “green spine” running the length of the site; and
- Services and associated infrastructure.

Allowance will be made for five dams throughout the site, one of which is the existing Bracken Lake (existing retention pond) that will be modified to accommodate some additional storm water storage. Due to the elevation difference between the dams, each dam will have their own controlled outlet structure. These will link with a single discharge point into the existing storm water system in William Dabbs Street.

Access to the residential component of the proposed development will be obtained via two existing signalised intersections directly off Old Paarl Road. Access will be controlled by means of security gatehouses which will allow for sufficient stacking distance off the main road. Access to the retail component will be via two new access points off William Dabbs Street. The access will provide for on-site parking for customers of the commercial facilities. The new access positions at existing intersections, as well as other road infrastructure, will also be upgraded.

The development footprint of the proposed development and associated infrastructure will be approximately 9.0506ha.

This is the preferred layout for the following reasons:

- It provides for a larger green area for recreational purposes for future residents;
- The existing pond will create a waterfront element which will be unique to the surrounding CBD; and
- The central retention pond system is a continuous system which will act as a storm water retention facility.

### Layout alternative 2:

This alternative comprises of more residential units and less open space. The central retention system consists of fewer dams (three) that are not interconnected and the commercial sector will be 3000m<sup>2</sup>.

This alternative was discarded as the housing units would be located closer to the wetland. Furthermore, the layout/design incorporates two separate retention ponds which will be less effective during heavy rains or flooding.

"No-Go" Alternative:

This alternative entails maintaining the *status quo* and as such, the proposed mixed-use development will not be established. This alternative was not deemed as preferred, as the proposed development will augment the economic activities, provide for much needed housing and the benefits to the holder and creation of jobs would not be realised. The "no-go" alternative is therefore not warranted.

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

#### **3.1 Activity Need and Desirability**

The site is zoned General Business 1 and Limited Use Zone in terms of the City of Cape Town's Development Management Scheme. The site is currently one erf (Erf No. 11297), but survey diagrams have been generated for two subdivisions (Erven 13686 (a road parcel) and 13687). The subdivisions have not yet been registered, therefore Erf No. 11297 is the only registered property.

The proposed design incorporates an ecological corridor ("green spine") along the centre of the site that feeds into the water body. Residential apartment blocks will be positioned on either side of this "green spine" thereby creating a private courtyard on the inside of the site. The proposed development is therefore largely built on the perimeter block design which allows for the buildings to define the street boundary while creating a central, semi-private courtyard at the rear of the building.

The proposed development supports the priorities set out in Objective 1 of the Western Cape Provincial Spatial Development Framework (2009) with respect to the distribution of present and future populations within areas of land resource availability, close to transport routes and economic opportunities. The site is located in the Brackenfell CBD and the proposed development will regenerate and revitalise the urban economy of Brackenfell. The proposed development will attract economic activities, increase residential densities and general land use intensities, thereby ensuring the optimum utilisation of resources.

In terms of the City of Cape Town's Municipal Spatial Development Framework (2018), the site is located in the "Urban Inner Core" and therefore in an area where the City will prioritise public and private investment. The site is designated for urban development in the Northern District Plan (2012). The proposed development is directly in line with the proposals in the 2012 District Spatial Plan and will contribute to the creation of an enhanced urban form whilst creating a supply of residential and commercial opportunities in the area.

The site is located within an urban node and close to existing medium density residential housing and commercial/industrial areas, with easy access to established transport routes.

#### **3.2 Botanical impacts**

The site was historically vegetated with Cape Flats Sand Fynbos and very few Cape Flats Sand Fynbos species are left on site. Since the topsoil has not been lawfully moved during the past 10 years, the site comprises indigenous vegetation. However, several exotic plant species and grasses have invaded the site.



### 3.3 Freshwater impacts:

A Wetland Impact Assessment Report dated August 2018, was compiled by Resource Management Services, and a Freshwater Letter Report dated 30 June 2021 was compiled by BioConsulting (given that the initial assessment was undertaken during the drought experienced at the time) to assess the freshwater impacts associated with the proposed development.

An artificial wetland, a storm water retention pond which collects runoff from the surrounding area, is located on the site. According to the City of Cape Town's Biodiversity Network (2017), much of the site is classified as an "Other Ecological Support Area" ("OESA").

The site is largely dominated by weeds and alien invasive species. Weeds and alien invasive species such as kikuyu grass, purple vetch, Skotse dissel, pigweed, Pampas grass and Common Dandelion were identified on the site. Some of the indigenous species observed on the site include *Wastonia* sp., *Athanasia* sp., *Arctotheca calendula*, *Cyperaceae* sp., *Leonotis leonorus*, *Oxalis* sp., *Pelargonium* sp., *Typha capensis* and *Asparagus asparagoides*.

The areas surrounding the wetland area are dominated by hydrophytic species. The following obligate (wetland indicator) species occur on the site:

- At least two species of *Oxalis*;
- *Pelargonium* sp.;
- *Typha capensis*; and
- *Zantedeschia aethiopica* (Arum lilies).

The wetland on the site was delineated as a valley bottom wetland. The valley bottom wetland is not connected to any river channel and is an un-channelled valley bottom wetland.

The storm water retention pond and adjacent wetland are not considered to be natural functional wetlands and, while there is some natural wetland vegetation present, the site is dominated by alien vegetation. Therefore, the protection of a buffer zone around these drainage features is not considered necessary. Since the wetland is manmade and the formation of the wetland is solely as a result of the collection of water, alteration of the wetland is considered acceptable.

The Freshwater Letter Report dated 30 June 2021 concluded that the temporary and permanent zones of the wetland were accurately mapped by Resource Management Services and that the 2015-2017 drought did not influence the extent of the wetland.

A Wetland Rehabilitation Plan dated 15 August 2021 was compiled by BioConsulting and a Water Use License with Licence Number: "01/G22E/CI/11501" was issued by the Department of Water and Sanitation on 31 May 2022. The freshwater specialists' recommended mitigation measures and the Wetland Rehabilitation Plan have been included in the EMPr for implementation. The impacts have been identified as low negative post mitigation.

### 3.4 Traffic impacts:

A Traffic Impact Assessment Report dated 24 February 2021, was compiled by Zutari South Africa (Pty) Ltd., to assess the traffic impacts of the proposed development.

Access to the residential component of the proposed development will be via two existing signalised intersections from Old Paarl Road, namely, from Paradys Road intersection and from the Windmeul Street intersection. Access to the retail component will be via two new access points located within William Dabbs Street. An "entrance only" will be located approximately 70m south of Old Paarl Road with an "exit only" located 30m south of the access, allowing for one-way directional flow in the retail premises. A shared commercial and residential access will be located along the southwestern corner of the site to provide access to a small southwestern residential component. This access will align with William Dabbs Street (east-west direction) and a stop control is proposed within William Dabbs Street west approach providing preference for southbound traffic flow.

No additional public transport services or facilities are required to cater to the proposed development. There are existing sidewalks on both sides of Old Paarl Road along the site, however, the northern sidewalk will have to be extended to the east. The existing narrow sidewalk which exists within William Dabbs Street along the eastern boundary of the site must be widened to 2m due to increased pedestrian activity which is expected at the retail areas. All new accesses should have adequate pedestrian crossing facilities at the signalised intersections.

The proposed development will have an impact on the surrounding road network, but will be managed with the implementation of various upgrades. The development's traffic will have an effect on the Old Paarl Road signalised intersections at Paradys and Windmeul Streets as a result of the two southern leg access points and road upgrades within Old Paarl Road, which are proposed at these intersections. The following upgrades are required:

- An additional 60m dedicated left turn short lane westbound in Old Paarl Road at the Brackenfell Boulevard/Old Paarl Road Intersection for vehicles approaching from the east;
- At the William Dabbs Street East/Brackenfell South Centre Mall Access/Old Paarl Road Intersection, an additional 60m dedicated left turn short lane for the southern approach northbound in William Dabbs Street;
- Paradys Street/Old Paarl Road intersection:
  - West approach: widen by repainting the line markings to achieve additional lanes;
  - East approach: widen by repainting the line markings to achieve additional lanes;
  - North approach: convert the left-only lane into a left and straight through lane; and
  - South approach: construct a 40m dedicated right turn lane for exiting and a straight through and left turn lane;
- Windmeul Street/Old Paarl Road intersection:
  - West approach: widen by repainting the line markings to achieve additional lanes;
  - North approach: convert left-only lane into a left and straight through lane;
  - South approach: construct a 30m dedicated right turn lane, a single straight through and a left lane of 30m for exiting;
- The infrastructure recommendations for the signalised intersections may necessitate the localised widening of Old Paarl Road to accommodate the additional turning lanes; and
- The repainting of the medians and emergency lanes in Old Paarl Road.

The Traffic Impact Assessment concluded that with the implementation of upgrades during the opening year, the proposed development will provide sufficient road infrastructure and capacities for the immediate road network to accommodate the

traffic impacts. The various required upgrades have been included in the EMPr for implementation.

### 3.5 Storm water impacts

The proposed development will provide five dams throughout the site, one of which is the existing Bracken Lake that will be modified to accommodate some additional storm water storage. As far as possible, the storm water runoff areas will be split in proportion to the dam areas, which will be handled at the detailed design stage and covered in the final detailed Storm Water Master Plan. Due to the elevation difference between the dams each will have their own controlled outlet structure. These will link to a single discharge point into the existing storm water system in William Dabbs Street.

The control structures will limit the flow off the site to the pre-development 1:5-year storm and this will be calculated at the detailed design stage. An area of approximately 10 240m<sup>2</sup> will be allowed for attenuation structures, which provides more than adequate space for the required attenuation volumes.

Provision will be made within the internal reticulation to intercept the storm water entering the site from the adjacent industrial properties. Since the quality of the discharge cannot be controlled, it is anticipated that this discharge will be handled through its own outfall connected into the William Dabbs culvert. The risk of polluted water emanating from the industrial erven entering the Bracken Lake system will be avoided.

A Storm Water Management Plan, as required by the City of Cape Town for the proposed development, will be compiled in terms of the City's storm water policies (Management of Urban Storm Water Impacts Policy and Floodplain and River Corridor Management Policy), once detailed site designs are completed.

### 3.6 Noise impacts:

A Noise Impact Assessment Report dated September 2021, was compiled by Soundscape Consulting (Pty) Ltd., to assess the potential noise impacts associated with the proposed development.

The proposed development will result in noise impacts on receivers in the surrounding environment during both the development phase as well as the operational phase.

The impact on the closest off-site residential receivers, during the construction phase is estimated to be between 5 and 10dBA (*i.e.*, the difference between expected and desired noise level). The construction phase noise impacts have been identified as medium negative prior to mitigation, given that it is of moderate intensity but short-term in duration. The impacts were assessed as low negative, post mitigation.

The impact of sources on noise-sensitive spaces within the development will be 4dBA. According to the SANS 10103 categories of community or group response, this will result in little reaction with only sporadic complaints. The operational phase noise impacts were identified as medium negative prior to mitigation given that it is of low intensity but long-term in duration.

With the implementation of mitigation measures included in the EMPr, the cumulative impacts of outdoor noise were assessed as low negative for both the construction and operational phases. This relates to on and off-site sensitive receptors.

Construction activities will be highly variable in intensity, location, duration and time of day, however, construction activities will be limited to daytime working hours.

During the operational phase, the proposed development will result in additional road traffic with trips being generated by residents, business tenants, and visitors. Certain site services such as backup power generation and water management may also result in off-site impacts. Of these, backup power generation may be a potentially significant source of noise, if not mitigated.

Sources in the vicinity of the site, that may impact on noise-sensitive spaces within the proposed development (residential units, offices, and the club house) include road traffic and rail traffic, as well as industrial, and commercial activities. Rail traffic noise is intermittent and noise from industrial and commercial activities are mostly masked by road traffic noise which dominates the acoustic climate of the area.

The existing outdoor rating levels correspond with what is expected in urban areas with one or more of the following: workshops, business premises, offices and main roads. Since the existing outdoor day/night rating level already exceed 55dBA, residential buildings must be treated acoustically to obtain indoor rating levels in line with those listed in SANS 10103. The rating levels for urban areas with one or more of workshops, business premises, offices and main road, is deemed appropriate desired/target rating levels for the area.

The mitigation measures recommended by the specialist have been included in the EMPr.

### 3.7 Dust and visual and noise impacts

Potential dust and visual impacts are anticipated during the construction phase. However, no significant potential dust and visual impacts are anticipated as these impacts will be mitigated by the implementation of the mitigation measures included in the EMPr and Dust Management Plan.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- Potential traffic and noise impacts;
- Potential storm water impacts; and
- Potential impacts on the watercourses.

#### **Positive impacts:**

- Employment opportunities will be created during the construction and operational phases of the development;
- Optimal use of available vacant land;
- Additional residential opportunities in the Brackenfell area; and
- Contribution to the local economy.

#### **National Environmental Management Act Principles**

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all Organs of State, serve as guidelines by reference to which any Organ of State must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;

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

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.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"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."*

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