



**REFERENCE:** 16/3/3/1/B3/28/1043/18  
**NEAS REFERENCE:** WCP/EIA/0000433/2018  
**ENQUIRIES:** Samornay Smidt  
**DATE OF ISSUE:** 2018 -11- 23

The Board of Directors  
Bretagna Estate (Pty) Ltd  
Private Bag X15  
**SOMERSET WEST**  
7129

**Attention: Ms Marthia Roos**

Cel.: (082) 337 7271  
Fax: (086) 684 4346

Dear Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED MIXED-USE DEVELOPMENT ON ERF NO. 26158, PAARL**

1. With reference to the above application, the Department 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 Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

  
**DIRECTOR, DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) A Groenewald (Doug Jeffery Environmental Consultants)  
(2) C Winter (Drakenstein Municipality)

Fax: (086) 660 2635  
Fax: (021) 870 1522



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## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED MIXED-USE DEVELOPMENT ON ERF NO. 26158, PAARL

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

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Alternative 3, as described in the Basic Assessment Report ("BAR"), dated August 2018.

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

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

The Board of Directors  
Bretagna Estate (Pty) Ltd  
c/o Ms Marthia Roos  
Private Bag X15  
**SOMERSET WEST**  
7129

Cell: (082) 337 7271  
Fax: (086) 684 4346

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

## B. LIST OF ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p><b>Activity Number: 28</b></p> <p><i>Residential mixed, retail, commercial, industrial or institutional development</i> where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</p> <p>(i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or</p> <p>(ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;</p> <p>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</p>	<p>The development is located inside of the urban area of Paarl and is bigger than 5 hectares.</p>

The abovementioned list is hereinafter referred to as “**the listed activity**”.

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development:

Alternative 3 consists of two development options, Alternatives 3A and 3B. These alternatives are very similar with the only difference being the installation of the Package Sewerage Treatment Plant (“PSTP”) (Zone 1) or an additional single residential erf within Zone 2, respectively. Both development options accommodate a change in the configuration and height of some of the retirement apartment units in Zone 3. Alternative 3B excludes the PSTP and includes the development of an additional single residential unit instead of the PSTP. Alternative 3B is the ultimate development option but can only be implemented once the necessary municipal infrastructure is in place. In the event that a permanent gravity connection point becomes available prior to implementation of the proposed development, the PSTP will no longer be required, hence, Alternative 3B will be implemented. The two options are as follows:

### Alternative 3A:

The proposed development on Erf 26158, Paarl entails a mixed-use, multigenerational life style estate that will consist of freehold residential erven; a multi-storey sectional title retirement scheme; and a retail complex incorporating retail space, a gymnasium, offices and also residential apartments divided into four distinct development zones, namely Zone 1 to 4, which will collectively make up a new mixed use, all set in a landscaped environment.

Zone 1: located in the north-western corner of the site will be approximately 427m<sup>2</sup> of the development. It will make provision for an underground package sewerage treatment plant (“PSTP”). The PSTP is required to serve the needs of the proposed development for an unknown interim period until the local authority is able to provide the required bulk service. The modular

PSTP can be extended as the Estate develops. Effluent will be treated to Special Standard, which qualifies it to be released into the receiving environment.

Zone 2: located in the western half of the site, comprises of approximately 3.88ha of the development and accommodates 59 freehold residential erven and 126 parking bays.

Zone 3: located in the northern section of the site, will be approximately 1.8ha of the development and will make provision for 163 sectional title retirement apartments and 10 assisted living units. Three hundred and forty-two parking bays will be provided at basement level to service the apartments. Provision will also be made for a clubhouse of approximately 300m<sup>2</sup>.

Zone 4: located in the eastern section of the development adjacent to Main Road 201 (R301), will make provision for a mixed-use component comprising retail space, a gymnasium, office space, 108 sectional title apartments and parking bays.

#### Alternative 3B

Alternative 3B will be the eventual preferred development option but is subject to the availability of the municipal sewer connection point. When the permanent gravity connection point becomes available, Alternative 3B can be implemented. This alternative entails excluding Zone 1 and the PSTP and the addition of one freehold residential erf. The layout is divided into the following zones:

Zone 1: 60 freehold residential erven with 126 parking bays (±3.88ha).

Zone 2: 163 retirement apartments, assisted living units, a club house, and a total of 318 parking bays to service these apartments (±1.8ha).

Zone 3: The mixed-use component (±3.38ha), comprising retail space, a gymnasium, office space, and 108 sectional title apartments. A total of 1 088 parking bays will be provided at basement and at-grade outdoor locations.

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

The listed activity will be undertaken on Erf No. 26158, Paarl

The SG21 digit code is: C05500080002615800000

Co-ordinates:

	Latitude	Longitude
	33° 46' 40.90"	18° 59' 01.88"

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

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

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

Doug Jeffery Environmental Consultants (Pty) Ltd  
c/o Ms Adél Groenewald  
P.O. Box 44  
**KLAPMUTS**  
7625

Tel: (021) 875 5272

Fax: (086) 660 2635

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to Alternative 3, as described in the BAR dated August 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue, within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

### Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activity.
  - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, and 11.

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

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1 notify all registered Interested and Affected Parties (“I&APs”) of –
    - 7.1.1 the outcome of the application;
    - 7.1.2 the reasons for the decision as included in Annexure 3;
    - 7.1.3 the date of the decision; and
    - 7.1.4 the date when the decision was issued.
  - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 7.4 provide the registered I&APs with:
    - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 7.4.2 name of the responsible person for this Environmental Authorisation,
    - 7.4.3 postal address of the holder,
    - 7.4.4 telephonic and fax details of the holder,
    - 7.4.5 e-mail address, if any, of the holder, and
    - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

9. The draft Environmental Management Programme (“EMPr”) dated June 2018, submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

## **Monitoring**

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activity to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

## **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit (quarterly for the duration of the construction phase) and submit Environmental Audit Reports to the Competent Authority (once every six months during the construction phase). The final Environmental Audit Report must be submitted to the Competent Authority (six months after operation commenced).

The holder must, within 7 days of the submission of the 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 on a publicly accessible website (if applicable).

## **Specific Conditions**

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

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

16. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
17. The relevant requirements with respect to occupational health and safety must be adhered to at all times.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

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

## **G. APPEALS**

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which 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 on which 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 Organs 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 Organs of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile:           (021) 483 4174; or

By hand:                 Attention: Mr Jaap de Villiers (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 [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za).

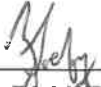
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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



**MR. ZAHIR TOEFY**

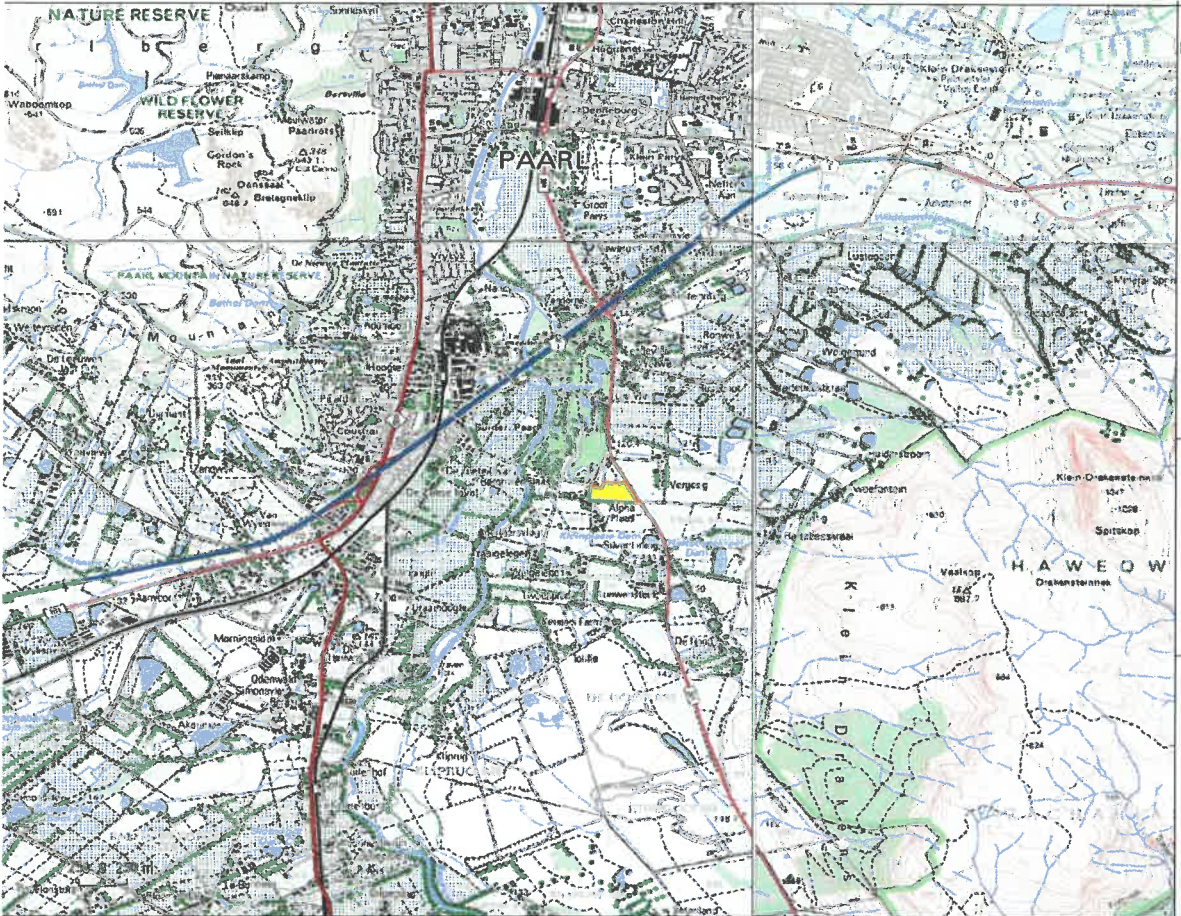
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 23/11/2018

Cc: (1) A Groenewald (Doug Jeffery Environmental Consultants)  
(2) C Winter (Drakenstein Municipality)

Fax: (086) 660 2635  
Fax: (021) 870 1522

**ANNEXURE 1: LOCALITY MAP**







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

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form dated 2 July 2018 and the BAR together with the EMPr dated August 2018 and received by the Department on 24 August 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated 24 August 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was not 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 that were considered to be the most significant for the decision is set out below.

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

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activity between 26 and 29 March 2018;
- fixing notice boards at the site where the listed activity is to be undertaken on 28 March 2018;
- the placing of a newspaper advertisement in the 'PaarlPost' newspaper on 29 March 2018;
- circulating the pre-application draft BAR to I&APs from 29 March 2018;
- circulating the in-process draft BAR to registered I&APs from 3 July 2018;

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

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

## 2. Alternatives

### Alternative 1

Alternative 1 entails the development of the 9ha property as a mixed use, multi-generational lifestyle development, which will be divided into four zones. Access will be from the south via a new access road serving planned new developments in the area. The development will consist of three main development zones namely freehold residential erven in the west, a sectional title retirement scheme in the north and a mixed-use retail complex with retail space/gymnasium/offices/residential apartments in the eastern section. The footprint of all the buildings will cover approximately 49% of the property while the balance will be taken up by the infrastructure and extensive landscaping to give the development a specific character which is in harmony with the receiving environment. The service yard of the proposed retail anchor store, situated on the border of the Boschenmeer Golf Estate, is located in-between the proposed retail anchor store and the boundary wall of the Boschenmeer Golf Estate. From a noise perspective, Alternative 1 will result in the contravention of the Western Cape Noise Control Regulations, 2013, insofar as the predicted overall noise contribution will exceed the residual noise level. The noise impact of Alternative 1 will have a significant noise impact and will require extensive mitigation measures in order to comply with the Western Cape Noise Control Regulations, 2013. The noise impact associated with this service yard of this alternative was found to be unacceptably high and therefore not preferred.

### Alternative 2

Alternative 2 entails a mixed-use development divided into four zones. Zones 1, 2 and 3 will be the same as for Alternative 1, with changes to the mixed-use retail complex in Zone 4. The mixed-use retail complex (Zone 4) will cater for a retail space, a gymnasium, offices and residential apartments. A total of 1 088 parking bays will be provided at basement and at-grade outdoor locations. The service yard of the proposed retail anchor store on the border of the Boschenmeer Golf Estate is now located in front of the proposed retail anchor store, away from the Boschenmeer Golf Estate. Alternative 2 will have a reduced noise impact on the Boschenmeer Golf and Country Estate due to the buffer provided by the proposed retail anchor store. The noise impact of Alternative 2 will therefore be negligible and will require little to no mitigation measures in order to comply with the Western Cape Noise Control Regulations, 2013. This alternative was not preferred due to additional concerns raised by the I&APs during the PPP relating to the potential noise impacts.

### Alternative 3: (Preferred Alternative herewith authorised)

Alternative 3 is considered as the preferred alternative following the amendments to the layout in response to the concerns raised by I&APs with respect to potential visual impacts. This alternative consists of two development options Alternatives 3A and 3B. These alternatives are very similar with the only difference being the installation of the Package Sewerage Treatment Plant ("PSTP") (Zone 1) or an additional single residential erf within Zone 2, respectively. Both development options accommodate a change in the configuration and height of some of the retirement apartment units in Zone 3. Alternative 3B excludes the PSTP and includes the development of an additional single residential unit instead of the PSTP. Alternative 3B is the ultimate development option, but can only be implemented once the necessary municipal infrastructure is in place. In the event that a permanent gravity connection point becomes available prior to implementation of the proposed development, the PSTP will no longer be required, hence, Alternative 3B will be deemed the preferred alternative.

#### Alternative 3A:

The proposed development on Erf 26158, Paarl entails a mixed-use, multigenerational life style estate that will consist of freehold residential erven; a multi-storey sectional title retirement scheme; and a retail complex incorporating retail space, a gymnasium, offices and also residential apartments divided into four distinct development zones, namely Zone 1 to 4 to which will collectively make up a new mixed use, all set in a landscaped environment.

Zone 1: located in the north-western corner of the site will be approximately 427m<sup>2</sup> of the development. It will make provision for an underground package sewerage treatment plant ("PSTP"). The PSTP is required to serve the needs of the proposed development for an unknown interim period until the local authority is able to provide the required bulk service. The modular PSTP can be extended as the Estate develops. Effluent will be treated to Special Standard, which qualifies it to be released into the receiving environment.

Zone 2: located in the western half of the site, comprises of approximately 3.88ha of the development and accommodates 59 freehold residential erven and 126 parking bays.

Zone 3: located in the northern section of the site, will be approximately 1.8ha of the development and will make provision for 163 sectional title retirement apartments and 10 assisted living units. Three hundred and forty-two parking bays will be provided at basement level to service the apartments. Provision will also be made for a clubhouse of approximately 300m<sup>2</sup>.

Zone 4: located in the eastern section of the development adjacent to Main Road 201 (R301), will make provision for a mixed-use component comprising retail space, a gymnasium, office space, 108 sectional title apartments and parking bays.

#### Alternative 3B

Alternative 3B will be the eventual preferred development option but is subject to the availability of the municipal sewer connection point. When the permanent gravity connection point becomes available, Alternative 3B can be implemented. This alternative entails excluding Zone 1 and the PSTP and the addition of one freehold residential erf. The layout is divided into the following zones:

Zone 1: 60 freehold residential erven with 126 parking bays (±3.88ha).

Zone 2: 163 retirement apartments, assisted living units, a club house, and a total of 318 parking bays to service these apartments (±1.8ha).

Zone 3: The mixed-use component (±3.38ha), comprising retail space, a gymnasium, office space, and 108 sectional title apartments. A total of 1 088 parking bays will be provided at basement and at-grade outdoor locations.

#### "No-Go" Alternative

The "no-go" option was also investigated and was not preferred since the property is not a viable agricultural unit, is located inside the municipal urban edge and is designated for urban development in the municipal Spatial Development Framework ("SDF"). An opportunity to

provide housing on a site demarcated for urban development in the municipal SDF will therefore be lost.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity need and desirability**

The proposed development would contribute towards the current need for housing in Paarl. It is located within an area demarcated for urban development. The SDF of the Drakenstein Municipality encourages the proposed mixture of erf sizes and the proposal is therefore in line with the objectives of this forward planning document. Vacant land within the urban edge is becoming increasingly scarce. The optimal development of available land is thus crucial to prevent large scale development and extensions outside urban areas, resulting in urban sprawl. The proposed development is therefore also consistent with the planning policy and principles on a municipal and national level.

#### **3.2 Biophysical Impacts**

Erf 26158 is located immediately south of the Boschenmeer Golf and Country Estate in the area referred to as Paarl South. The site is located in the Berg River catchment area, and the Berg River is located approximately 600m towards the west.

According to the 2017 Western Cape Biodiversity Spatial Plan, a small portion of the site has been classified as an Ecological Support Area ("ESA"). This ESA is defined as an area that's not essential for meeting biodiversity targets, but plays an important role in supporting the functioning of Protected Areas or Critical Biodiversity Area ("CBA") and are often vital for delivering ecosystem services. Although the site lies within the urban edge, the current land-use is agricultural and continuous with the Boschenmeer Golf and Country Estate, as well as agricultural holdings within the vicinity. The site is however completely transformed, with no natural vegetation remaining on site. Nonetheless, the proposed landscaping will ensure the use of appropriate indigenous vegetation.

#### **3.3 Services**

The development falls within the existing Paarl gravity drainage area and the sewer priority area. There is currently no infrastructure between the proposed development and the existing sewer network. GLS Consulting has identified certain items on the sewer masterplan for a new gravity sewer west of the Berg River to accommodate developments in this area. The sewer master plan has subsequently been amended to make provision for a new gravity sewer east of the Berg River, as well.

The required service infrastructure upgrades were dealt with in a separate application and the Environmental Authorisation for the proposed sewer pipeline was granted on 7 March 2018 as part of the associated infrastructure of the Fraaigelegen Mixed-Use development (DEA&DP: 16/3/1/2/B3/28/1010/14)

After discussions between the Developer, the Engineer and the Drakenstein Municipality, it was agreed that the municipality will allow the installation of a PSTP until such time that a permanent gravity connection point becomes available. The effluent from the PSTP will be treated to Special Standard, which qualifies it to be released into the receiving environment. A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been



submitted to the Department of Water and Sanitation, who will further investigate the potential impacts.

The existing Leliefontein reservoir has sufficient capacity to accommodate the proposed development. The municipality confirmed that the bulkwater supply system has sufficient capacity to accommodate the proposed development, but the current reticulation system will require upgrading of the existing water reticulation network to comply with the pressure and fire flow criteria as set out in the masterplan. The supply and distribution of water to the development will be via the future municipal reticulation system of the approved development.

The Drakenstein Municipality will provide the solid waste removal services to the proposed development. Solid waste will be disposed of at the Drakenstein Waste Disposal Site.

#### 3.4 Heritage Impact Assessment and Visual Impact Assessment

Visual, scenic and aesthetic components of the environment are valuable resources which contribute to the cultural landscape heritage of an environment.

The proposed development is at a higher density with taller elements than developments in its immediate vicinity. This is however not regarded as problematic as visual impacts can be controlled adequately through landscaping and the recommendations as set out in the Visual Impact Assessment ("VIA"). Such increased intensity of development of green fields is supported, to relieve pressure for development in heritage sensitive areas. Architectural guidelines for the development must take into account the heritage indicators set out in the Heritage Impact Assessment ("HIA") dated February 2018 and compiled by Lize Malan.

Although fairly large in extent, the site is not particularly visible from the broader context, as it lies low within the valley, and is partially screened by landform and existing vegetation. The VIA prepared by David Gibbs (2017) concludes that the development is acceptable from a visual impact perspective, particularly given that the site itself is not particularly visually sensitive and that the mitigation measures for visual impacts are regarded as adequate.

Heritage Western Cape has no objections to the proposed the development, subject to the implementation of the recommended mitigation measures.

#### 3.5 Traffic Impact Assessment and Noise Impact Assessment

The road improvements recommended to mitigate the expected traffic impact of the proposed development will benefit the area by creating an improved access to MR201 and complete a section of the planned Class 3 municipal road. This is regarded as an improvement to the No-Go Option although the proposed development will add traffic to the road network. The Traffic Impact Assessment ("TIA") prepared by Innovative Transport Solutions concluded that with the recommendations implemented, as proposed in the TIA, the development of Bretagna can thus proceed from a transport impact assessment viewpoint. Department of Transport and Public Works ("DT&PW") raised concerns regarding the proposed road upgrades, which was consequently resolved through discussions and an agreement between them, the Developer and the Drakenstein Municipality.

The findings of the NIA concluded that Alternative 1 will result in an unacceptable noise impact, while Alternative 2 will have a reduced noise impact on the Boschenmeer Golf and Country Estate due to the buffer provided by the proposed retail anchor store. The noise impact of Alternative 2

will therefore be negligible and will require little to no mitigation measures in order to comply with the Western Cape Noise Control Regulations, 2013

**Negative Impacts:**

- The proposed construction works will result in elevated noise and dust levels and increased traffic volumes during the construction phase.
- The proposed development will have a potential visual impact.

**Positive impacts:**

- The proposed development will provide housing and contribute to the local economy.
- The development will create employment opportunities during the construction and operational phase.

**4. National Environmental Management Act Principles**

The National Environmental Management 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 activity (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

**5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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