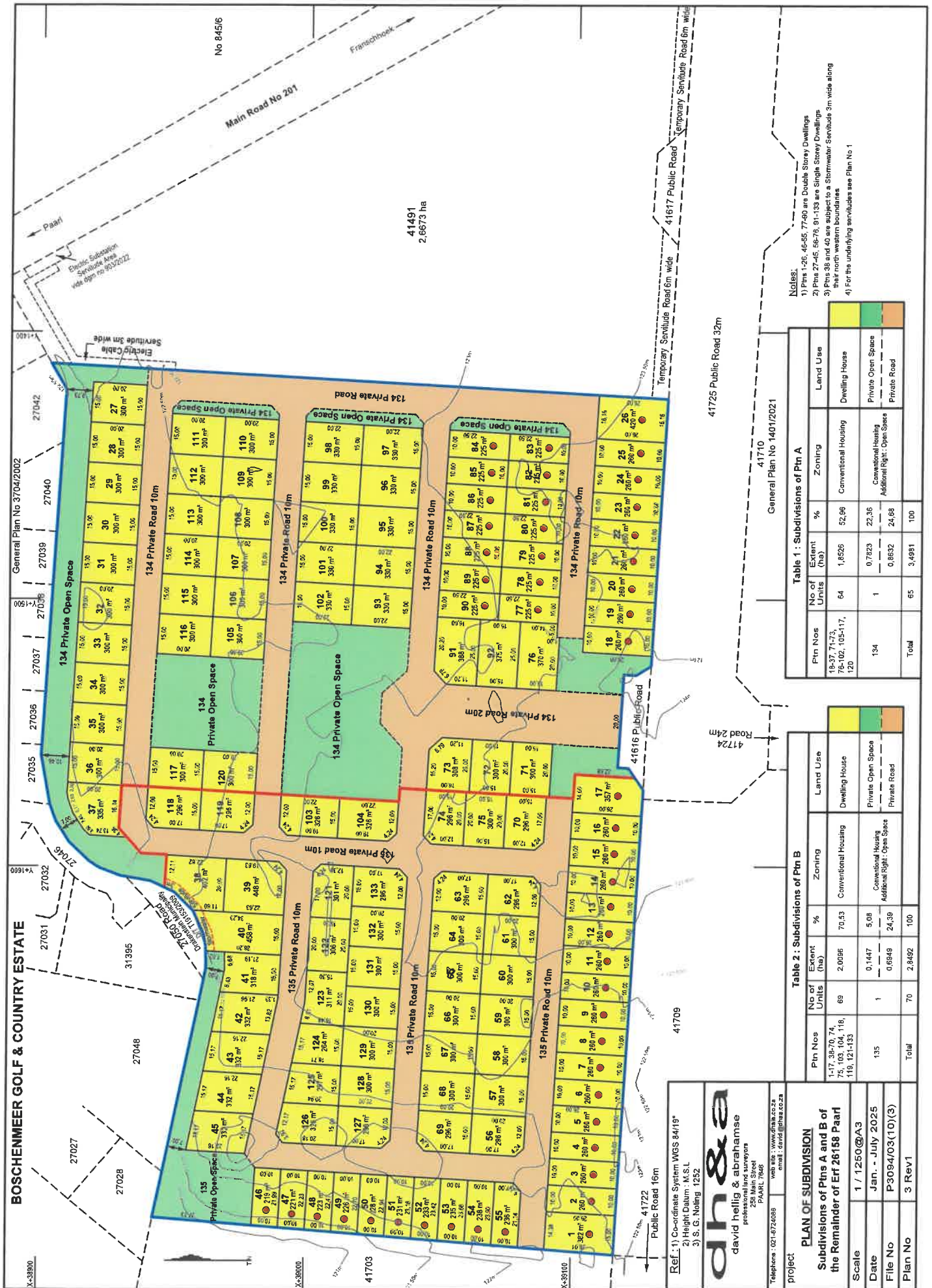
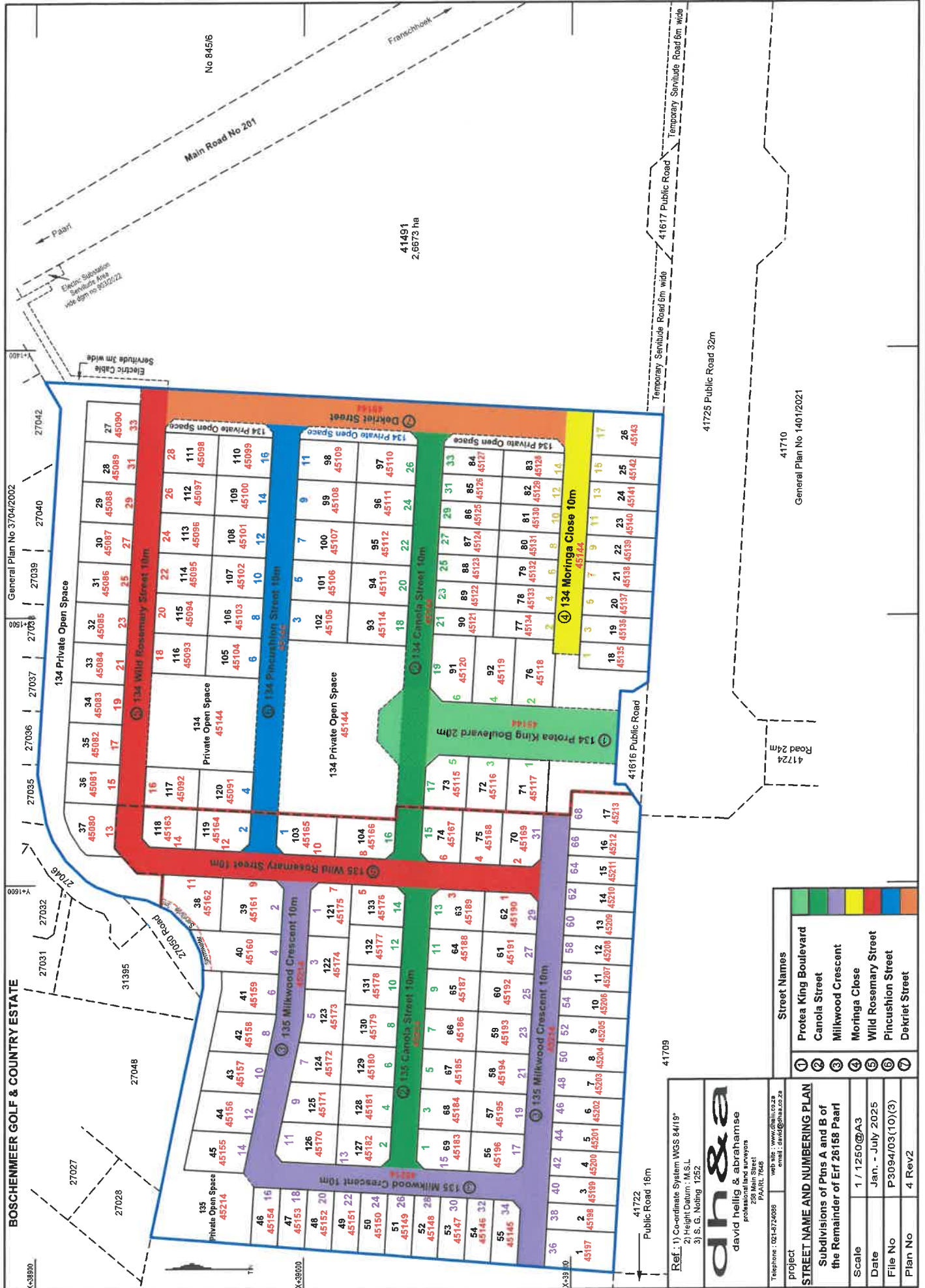


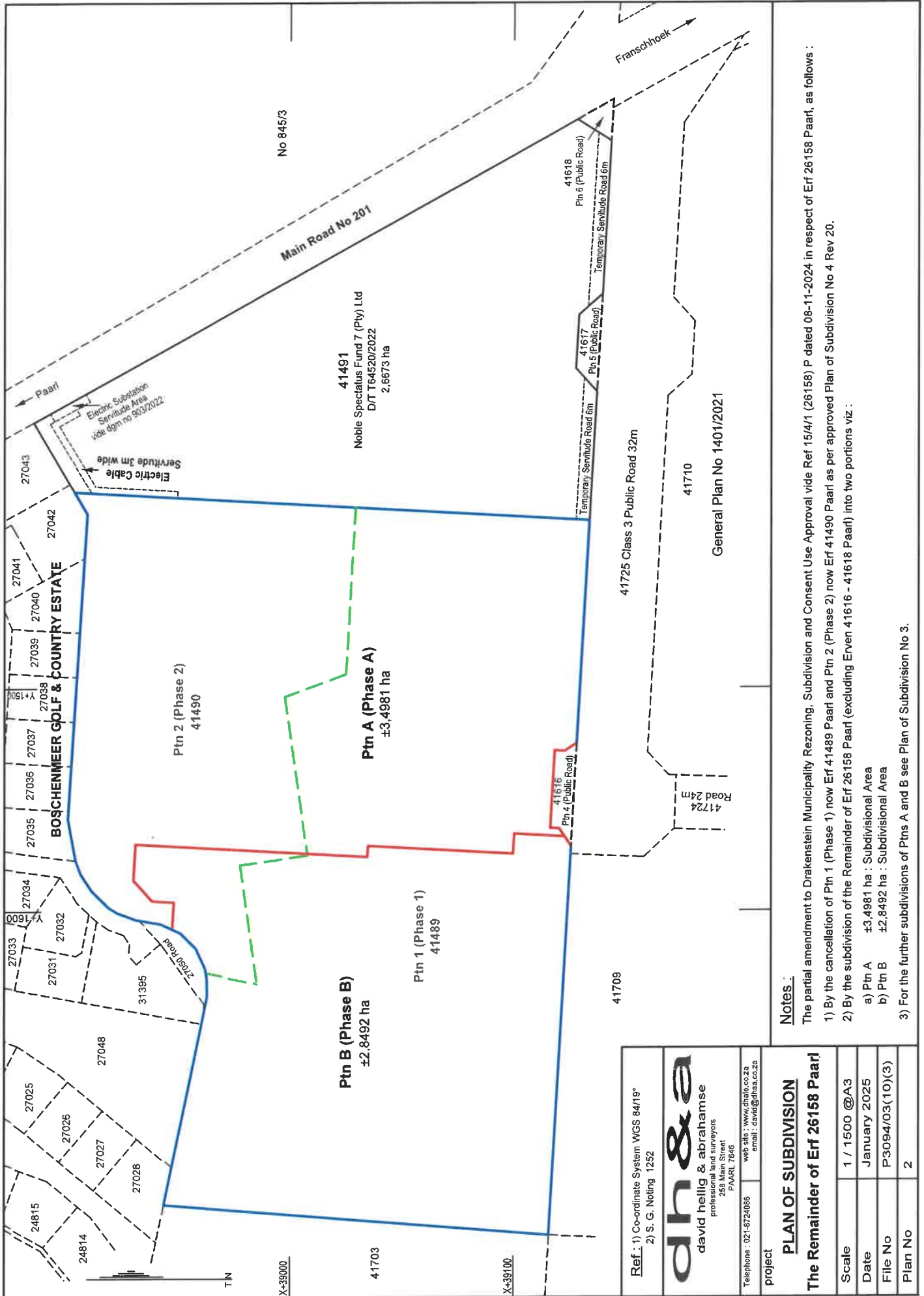
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### CONCEPTUAL SITE PLAN







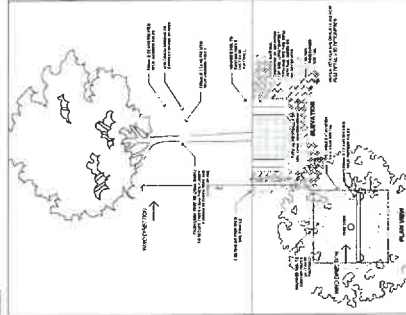






**KEY:**

NOTES  
REFER ARCHITECT'S & ENGINEER'S DRAWINGS FOR ALL WEIR, PAVING,  
STORMWATER AND CIVIL SERVICES INFORMATION.  
LANDSCAPING TO BE INSTALLED AND MAINTAINED BY THE DEVELOPER.  
A. ALTERNATIVE WATER SOURCE TO BE INVESTIGATED FOR IRRIGATION  
PURPOSES.  
STORMWATER TO BE DIRECTED TO ROOTBALLS OF TREES WHERE  
POSSIBLE.  
CONSIDER SOIL MOISTURE CONDITIONS FOR ARCHITECT'S FINAL DESIGN AND DETAIL.  
METHODS TO BE USED TO ESTIMATE THE LIKELIHOOD OF IRRIGATION USES AND  
WATER QUALITY REQUIREMENTS FOR COMBINATIONS OF SERVICES AND USES.



4  
TYPICAL TREE STAKING DETAIL N.T.S.

LB

BOUTONNE

**LE BOUTONNE DESIGN PHILOSOPHY**

**October 2024**

**TABLE OF CONTENTS**

1. INTRODUCTION.....Page 2

2. ARCHITECTURAL LANGUAGE AND DESIGN CRITERIA FOR LE BOUTONNE  
ESTATE.....Page 3

3. DESIGN REVIEW COMMITTEE AND FUNCTIONS.....Page 4

4. BUILT FORM.....

4.1. Unit A.....Page 5

4.2. Unit B.....Page 6

4.3. Unit C.....Page 7

4.4. Unit D.....Page 8

4.5. Unit E.....Page 9

## **Introduction**

The Le Boutonne Estate Architectural Guidelines are designed to preserve and enhance the distinctive character of the estate through the regulation of building activities. These guidelines provide homeowners with a clear framework for understanding the architectural language and design parameters that must be adhered to for all new construction and alterations within the estate.

The Le Boutonne Estate is characterized by a unique architectural style that reflects a harmonious blend of modern elegance and traditional elements. This architectural language is evident in the approved house plans offered by the developer and serves as a guiding principle for all future construction within the estate.

Homeowners will have the opportunity to select a plot within the Le Boutonne Estate and choose from a range of approved house plans designed and constructed by the developer. The developer will ensure that all approved house plans adhere to the established architectural language and design standards, providing homeowners with a turnkey product that seamlessly integrates into the overall aesthetic of the estate.

While additions and alterations may be permitted after the completion of the development, they must be in strict compliance with the existing contextual design parameters. The purpose of these restrictions is to safeguard the estate's authenticity and cohesive character.

All proposed additions and alterations will be subject to review and approval by a Design Review Committee. The committee will assess each application to ensure that it aligns with the established architectural language and does not compromise the visual integrity of the estate.

By adhering to the Le Boutonne Estate Architectural Guidelines, homeowners can contribute to the preservation of a truly exceptional living environment. These guidelines provide a clear framework for responsible development, ensuring that the estate's unique character and aesthetic appeal are maintained for generations to come.



### **Architectural Language and Design Criteria for Le Boutonne Estate**

The Le Boutonne Estate, nestled amidst a picturesque agricultural landscape, seeks to create a harmonious coexistence between human habitation and the natural environment. This architectural language and design criteria are intended to guide the development of the estate, ensuring that new construction and alterations contribute to its overall aesthetic and character.

The Le Boutonne Estate's architectural language is deeply rooted in its immediate context. By drawing inspiration from local forms and materials, the estate responds sensitively to the surrounding agricultural environment and takes full advantage of its unique geographical features.

The estate's north orientation provides ample natural light and stunning views of the surrounding landscape, characterized by expansive vineyards, fallow lands, pastures, and majestic mountain ranges. The architectural design incorporates elements that enhance these views, while also respecting the privacy of individual homeowners.

The architectural language of the Le Boutonne Estate is a contemporary interpretation of traditional barn buildings. This approach seeks to create a sense of familiarity and belonging while embracing modern design principles.

The pitched roof and gable structure, a defining characteristic of barn buildings, offers a flexible and adaptable framework for various building typologies. This structure allows for larger spans, maximizing views and orientation while maintaining privacy.

While the barn style is typically associated with large, imposing structures, the Le Boutonne Estate incorporates strategies to fragment the built form into smaller, less imposing elements. This approach creates a more intimate and village-like atmosphere, fostering a sense of community and belonging.

To maintain the estate's cohesive character, a limited selection of approved house plans will be offered to homeowners. These plans will adhere to the established architectural language and design criteria, ensuring that new construction contributes to the overall aesthetic and visual integrity of the estate.

The variety of building typologies within the approved house plans will create a fragmented streetscape, reminiscent of the diverse architectural styles found in traditional agricultural villages. This approach fosters a sense of coherent diversity, while also maintaining a strong sense of place.

The Le Boutonne Homeowners' Association (MHOA) reserves the right to amend the Architectural Guidelines as necessary to address evolving needs and maintain the estate's high standards. These amendments will be binding on all homeowners and will be communicated in a timely manner.

The Architectural Language and Design Criteria for Le Boutonne Estate provide a framework for responsible development that respects the natural environment and fosters a sense of community. By adhering to these guidelines, homeowners can contribute to the creation of a sustainable and aesthetically pleasing living environment.

### **Design Review Committee and Functions**

The Le Boutonne Estate Master Homeowners Association (MHOA), established at the first Annual General Meeting, will be responsible for forming the Design Review Committee. The MHOA trustees will appoint members to this committee. During the development phase, when the Design Review Committee is not yet fully operational, the developer will assume the responsibilities and function as the interim committee.

To ensure a cohesive and uniform building language, a single Architectural Guidelines and Design Review Committee will be appointed by the Le Boutonne MHOA. This committee will act in the best interests of the development and homeowners, safeguarding the prescribed design aesthetic and parameters.

All homeowners within the Le Boutonne Estate will be required to obtain written approval from the Le Boutonne MHOA for any additions or alterations to their properties, both before and after construction commences. Significant changes to the external appearance of buildings, landscaping, and external features will also require MHOA approval.

The Le Boutonne MHOA will carefully consider each homeowner's application for alterations or additions, ensuring that they align with the estate's overall design aesthetic and parameters. While individual needs will be taken into account, the MHOA reserves the right to withhold approval if the prescribed guidelines are not met.

Homeowners are responsible for obtaining all necessary approvals from the Local Authority prior to any building activities. The approval granted by the Le Boutonne MHOA does not imply or constitute any structural or authority approval.

The restrictions outlined in these guidelines complement any existing restrictions imposed by conditions of title, the Town Planning Scheme, and the National Building Regulations.

All building activities must be conducted in accordance with the established Rules of Conduct. Furthermore, new structures must incorporate ecological factors that contribute to energy efficiency, ensuring compliance with Energy Regulations SANS 10400-XA.

ERF: 10 000 x 20 000mm  
UNIT TYPE: **A**

**AREAS:**

Ground Storey:	54.30m <sup>2</sup>
Garage:	41.13m <sup>2</sup>
Covered Entrance:	4.05m <sup>2</sup>
First Storey:	64.04m <sup>2</sup>
<b>Grand Total:</b>	<b>163.52m<sup>2</sup></b>

**NOTES:**  
For accurate dimensions refer to working drawings.

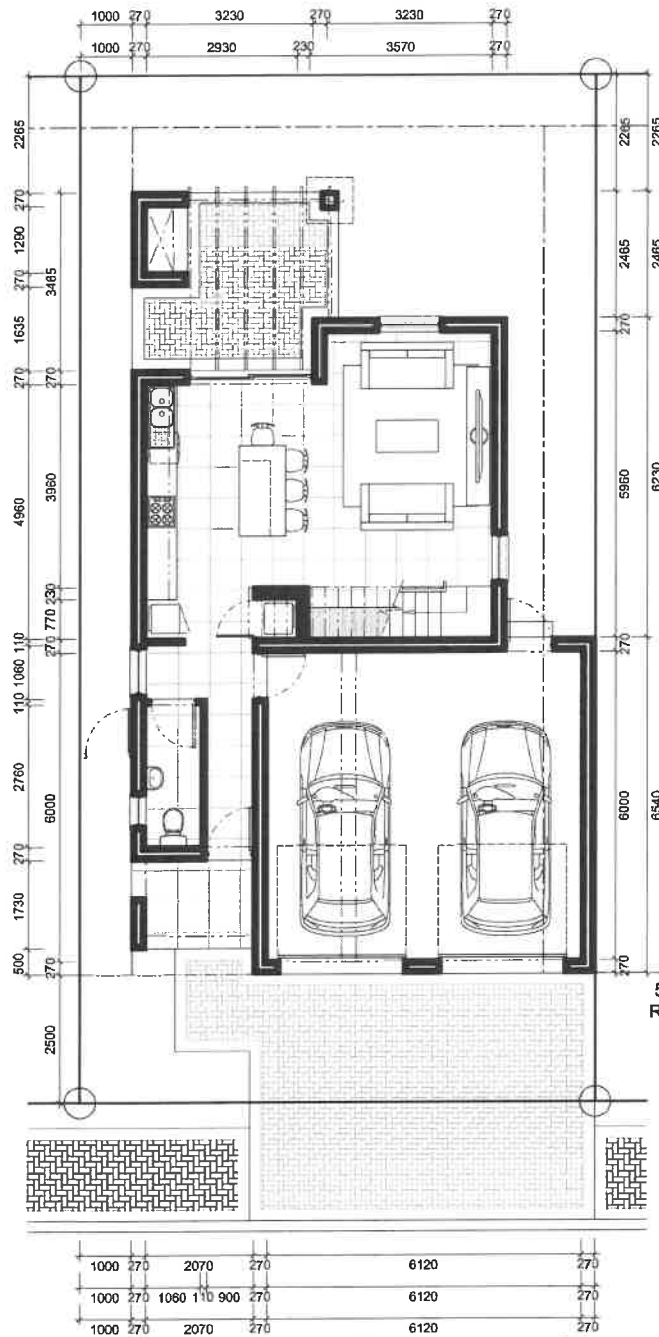
House placement done by Architect.

Landscaping for illustrative purposes only.

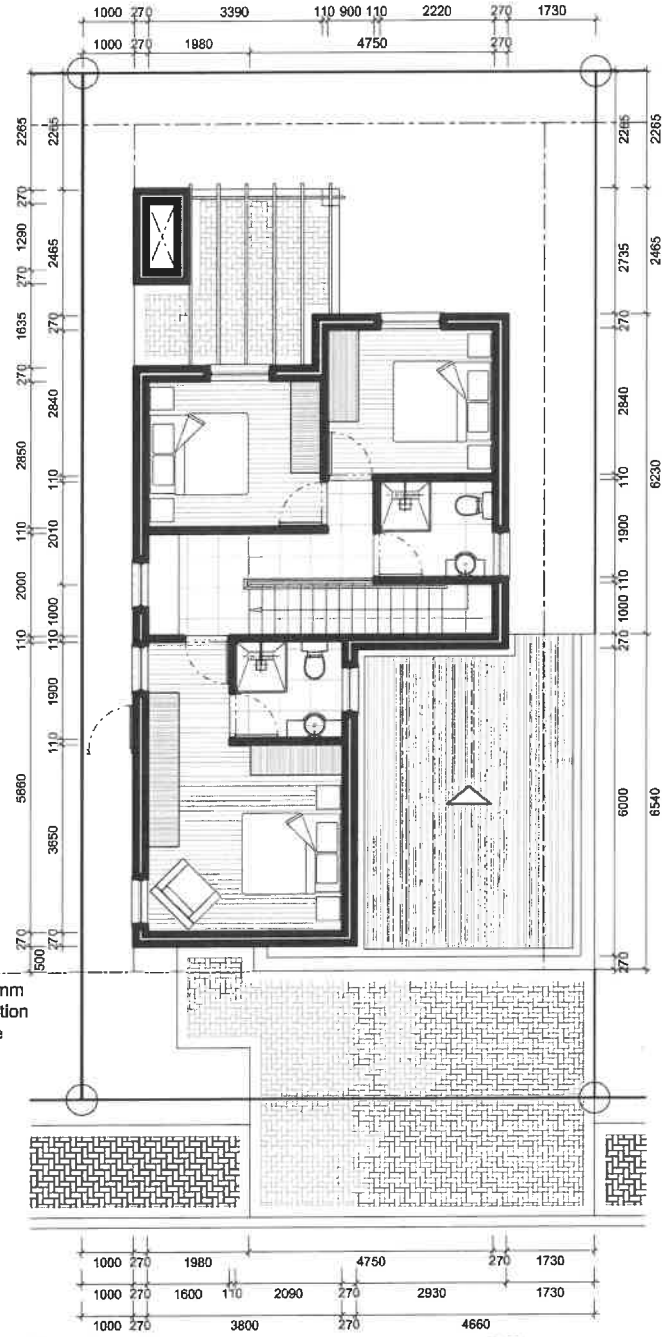
Boundary wall height and position on site and in elevation may differ according to various site and may or may not form part of erf.

Changes may be made to approved units.  
- Enlarging a room.  
- Moving internal walls.  
- Window & Door changes.

**DRAFT  
A  
UNIT A**



**GROUND STOREY PLAN**  
Scale 1:100



**FIRST STOREY PLAN**  
Scale 1:100





ERF: 10 000 x 20 000mm  
UNIT TYPE: B

#### AREAS:

Ground Storey:	53.38m <sup>2</sup>
Garage:	38.74m <sup>2</sup>
Covered Entrance:	3.53m <sup>2</sup>
First Storey:	68.00m <sup>2</sup>
<b>Grand Total:</b>	<b>163.65m<sup>2</sup></b>

NOTES:  
For accurate dimensions refer to working drawings.

House placement done by Architect.

Landscaping for illustrative purposes only.

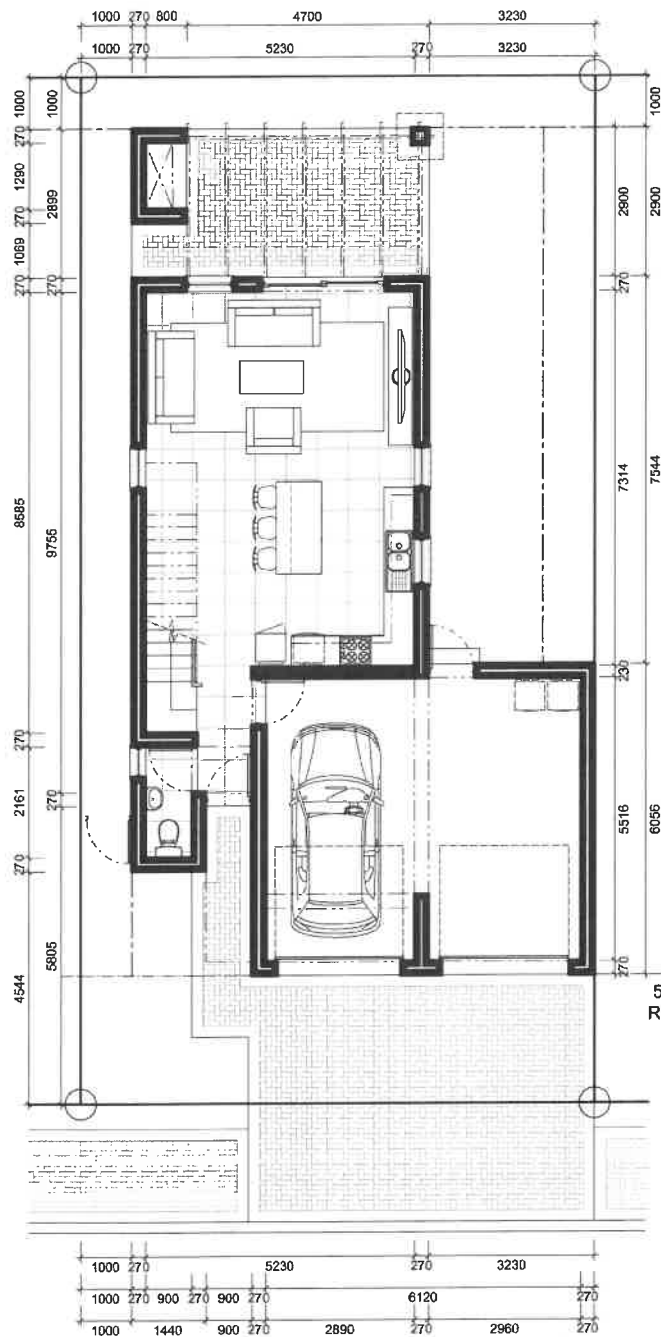
Boundary wall height and position on site and in elevation may differ according to various site and may or may not form part of erf.

Changes may be made to approved units.

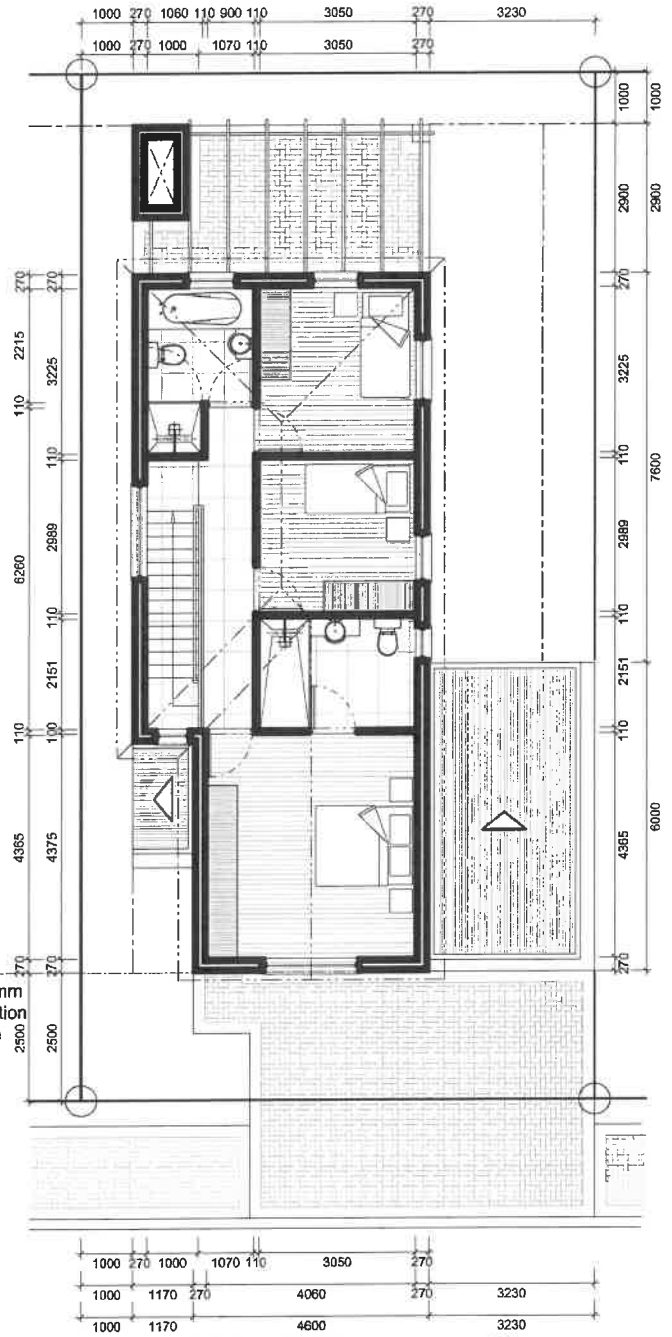
- Enlarging a room.
- Moving internal walls.
- Window & Door changes.

DRAFT  
A  
UNIT B

**E**  
BOUTONNE



**GROUND STOREY PLAN**  
Scale 1:100



**FIRST STOREY PLAN**  
Scale 1:100



ERF: 15 000 x 20 000mm

UNIT TYPE: C

#### AREAS:

Ground Storey:	136.00m <sup>2</sup>
Garage:	39.00m <sup>2</sup>
Open Patio:	16.20m <sup>2</sup>
<b>Grand Total:</b>	<b>175.00m<sup>2</sup></b>

#### NOTES:

For accurate dimensions refer to working drawings.

House placement done by Architect.

Landscaping for illustrative purposes only.

Boundary wall height and position on site and in elevation may differ according to various site and may or may not form part of art.

Changes may be made to approved units.

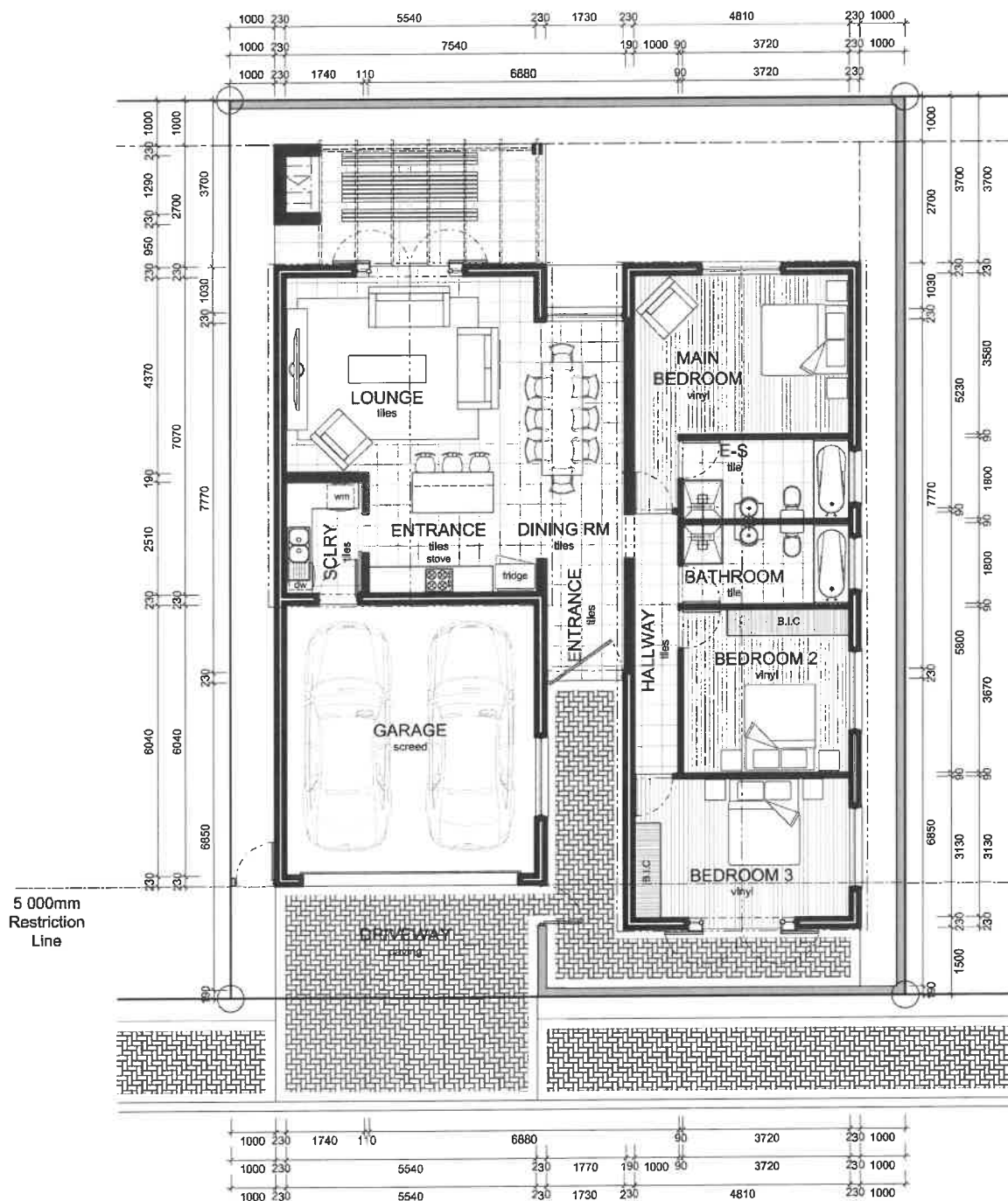
- Enlarging a room.
- Moving internal walls.
- Window & Door changes.

DRAFT

A

UNIT C

**E**  
BOUTONNE



## GROUND STOREY PLAN



ERF: 15 000 x 20 000mm

UNIT TYPE: **D**

**AREAS:**

Ground Storey: 136.00m<sup>2</sup>

Garage: 39.00m<sup>2</sup>

Open Patio: 16.20m<sup>2</sup>

Grand Total: 175.00m<sup>2</sup>

NOTES:  
For accurate dimensions refer to working drawings.

House placement done by Architect.

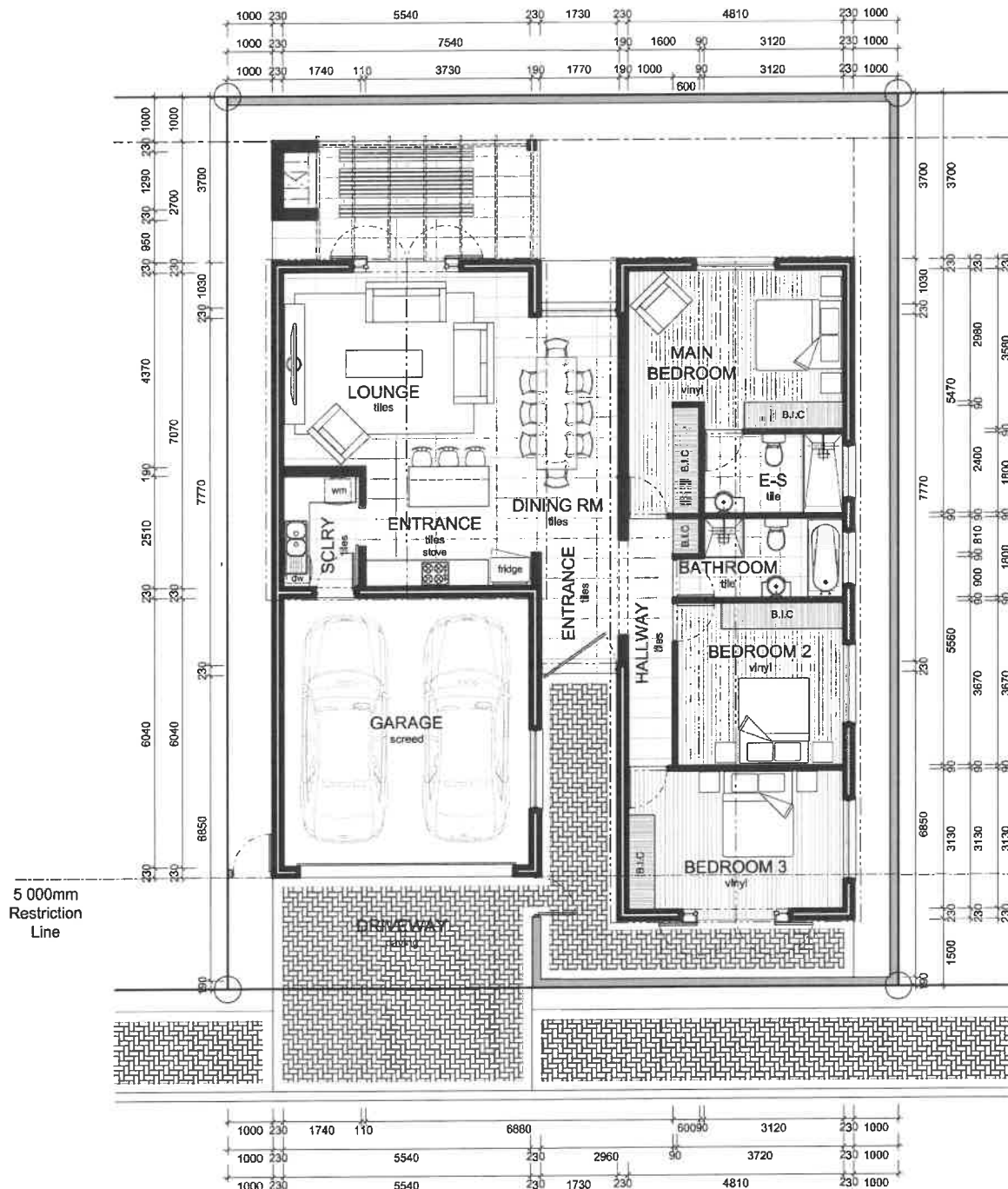
Landscaping for illustrative purposes only.

Boundary wall height and position on site and in elevation may differ according to various site and may or may not form part of erf.

Changes may be made to approved units.

- Enlarging a room.
- Moving internal walls.
- Window & Door changes.

DRAFT  
A  
UNIT D



**GROUND STOREY  
PLAN**





ERF: 15 000 x 20 000mm  
**UNIT TYPE: E**

**AREAS:**

Ground Storey: 139.70m<sup>2</sup>  
 Garage: 39.00m<sup>2</sup>  
 Open Patio: 13.50m<sup>2</sup>  
**Grand Total: 178.70m<sup>2</sup>**

**NOTES:**  
 For accurate dimensions refer to working drawings.

House placement done by Architect.

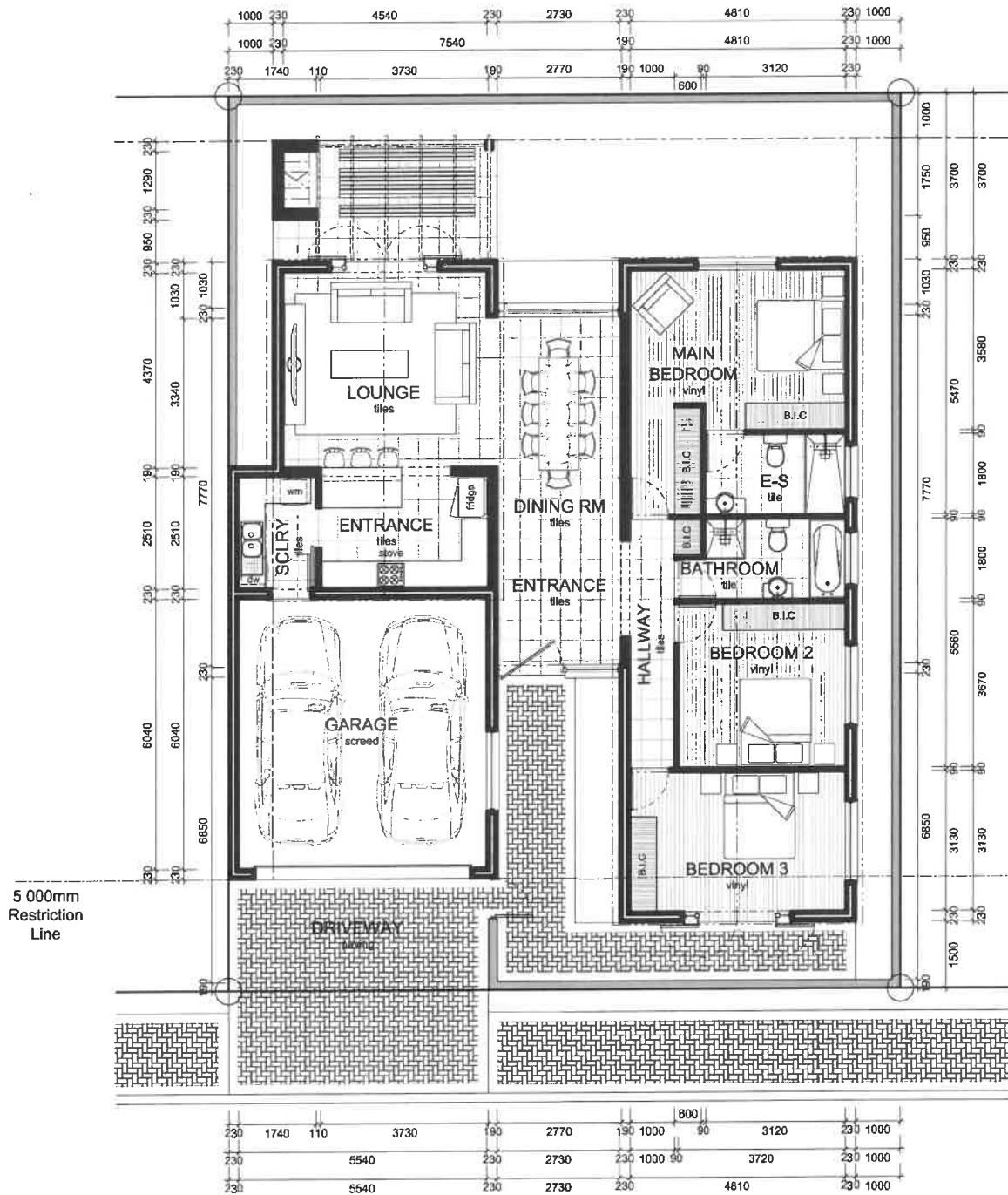
Landscaping for illustrative purposes only.

Boundary wall height and position on site and in elevation may differ according to various site and may or may not form part of erf.

Changes may be made to approved units.

- Enlarging a room.
- Moving internal walls.
- Window & Door changes.

**DRAFT  
 A  
 UNIT E**



**GROUND STOREY  
 PLAN**





# Memo

**To:** EXECUTIVE DIRECTOR: CORPORATE & PLANNING SERVICE  
(ATTENTION: E. CYSTER)

**From:** EXECUTIVE DIRECTOR: ENGINEERING SERVICES

**Enquiries:** LH. SMITH

**Collaborator number:**

**Reference number:** 15/4/1 (26158) P (0620)

**Date:** 30 April 2025

**Subject:** APPLICATION FOR PARTIAL AMENDMENT OF LAND USE PLANNING APPROVAL, CONDITIONS & SUBDIVISION PLAN FOR ERF 26158 PAARL

These conditions will be subject to review by the Engineering Services Department upon receipt of Civil and/or building plans for approval. This may require all the studies carried out for the proposed development to be updated and revised accordingly, which shall include compliance with the latest legislation, amended legislation, latest or amended standards and revised master planning.

The aforementioned is based on the possibility of changes in the physical environment in respect of engineering infrastructure between date of issuing of conditions and actual building/construction being imminent, which may impact on available relevant infrastructure capacities as at time of initial issuing of conditions.

**NOTE:** This comment covers a number of disciplines and each section needs to be dealt with by a competent specialist in that field co-ordinated by the consultant managing the application. No correspondence will be entered into with individual consultants.

## THE FOLLOWING CONDITIONS WILL APPLY

### 1 STREETS & TRAFFIC

- 1.1 Any new roads/streets and accesses will be the responsibility of the developer, including all internal and bulk connectors;
- 1.2 *Any alterations to the existing road network will be the responsibility of the developer which includes design, approval and construction of any additional traffic control and or traffic calming measures as detailed in the Traffic Impact Assessment (TIA) of ITS dated August 2018 and 11 October 2024; and*
- 1.3 *The developer will be responsible for a pro rata contribution of the new municipal class 3 road providing access to the development.*

## **2 STORM WATER**

- 2.1 No development is allowed within the 1:50 year flood line and any construction within the 1:100 year flood line must be 1m above the 1:100 year flood line;
- 2.2 Any new storm water networks will be the responsibility of the developer, including all internal and bulk connectors;
- 2.3 ***The developer shall be responsible to implement the findings of the Stormwater Management Plan of Zutari referenced, SWMP01 dated 11 September 2024, at their cost;***
- 2.4 Pollution control measures to mitigate chemical and solid pollution must be provided at inlet and outlet structures as may be relevant;
- 2.5 Only pre-development run-off of a 1:2 year storm event will be accepted into the existing system. Provision must be made to accommodate the detention of run-off for a 1:50 year storm event; and
- 2.6 Provision must be made for an effective rainwater harvesting system to be planned and designed for all roof water. The volume of the storage facilities should be based on  $0.02\text{m}^3/\text{m}^2$  roof area.

## **3 WATER**

- 3.1 ***The developer will be responsible for a pro rata contribution of the new municipal water to be installed within the new municipal class 3 road;***
- 3.2 The development will be provided with a bulk metered connection at actual cost;
- 3.3 All individual portions must be provided with a separate water connection and a separate water meter to municipal specifications;
- 3.4 All the metered connections must be installed one meter inside the erf boundary of each portion;
- 3.5 Water saving devices shall be installed in toilets, bathrooms and basins; and
- 3.6 Any existing system that is to remain shall be upgraded to minimum municipal standards.

## **4 WASTEWATER SERVICES**

- 4.1 ***The developer will be responsible for a pro rata contribution of the new municipal sewer to be installed within the new municipal class 3 road;***



- 4.2 The applicant shall ensure adherence to the various conditions in the Drakenstein Municipality, Water Services By-law (2014) relating to wastewater effluent discharge;
- 4.3 The holder of a permission issued in terms of section 75(1) Drakenstein Municipality, Water Services By-law (2014) shall provide a sampling point suited to take representative samples of the industrial effluent to be discharged into the sewage disposal system and to the satisfaction of an authorised official in respect of the industrial premises concerned;
- 4.4 All individual portions must be provided with a separate wastewater connection;
- 4.5 All the connections must be installed one meter inside the erf boundary of each portion; and
- 4.6 Any existing system that is to remain shall be upgraded to minimum municipal standards.

## **5 SOLID WASTE**

- 5.1 The Municipality undertakes, after the proclamation of the development, to remove household refuse in accordance with its by-laws and shall make its own arrangements with the occupants of home owner's organisation in the development, for the removal of such household refuse;
- 5.2 A waste recovery/recycling initiative has been implemented in Drakenstein and the development will have to be prepared to comply with any requirements as the project is rolled out;
- 5.3 Such collection shall be from individual erven/a single centralised waste collection site for the development;
- 5.4 Provision should be made for a waste disposal facility and entrance to the township, with lockable gate for wheelie bins (240l bins) and recyclable bags equal to the number of dwellings per development;
- 5.5 A key should be provided to Drakenstein Municipality to be able to unlock the door/gate to garbage area on collection days, from the kerbside;
- 5.6 The garbage area should be enclosed with a 1.8m high fence and need to provided with the following;
- Tap with running water;
  - A gully which is connected to an approved sewer connection;
  - Concrete floor;
- 5.7 Municipal refuse trucks will not enter the development to collect wheelie bins on collection days; and

- 5.8 The Developer shall indemnify the Municipality from any damages caused as a result in rendering the refuse removal service.

## **6 DEVELOPMENT CHARGES**

- 6.1 Based on the information provided in the application, the Development Charge payable by the developer is **R7,311,321.00 (Excl VAT)**. The levy is valid until **30 June 2025** where after a new calculation is required. The value has been calculated as follows:

- 6.1.1 Water = R1,597,569.00
- 6.1.2 Sewer = R1,030,528.00
- 6.1.3 Roads = R3,341,244.00
- 6.1.4 Stormwater = R398,885.00
- 6.1.5 Solid Waste = R943,095.00

## **7 GENERAL**

- 7.1 *When at any stage in future the municipality is required to take over ownership and maintenance of civil infrastructure, it will be the responsibility of the property owners to ensure all water and waste water connections adhere to municipal standards and by-laws;*
- 7.2 A services agreement shall be entered into, prior to the start of construction, where in shall be detailed the apportionment of funding of any new works common to the area, including but not limited to road network upgrading, sewerage treatment works upgrading, bulk water supply upgrading, sewage network upgrading;
- 7.3 *When any service is to be taken over by Drakenstein Municipality, any damage caused due to the construction of houses or any other construction activity shall be repaired by the Developer. Failure to do so will result in clearances and occupation certificates being withheld and remedial works shall be done by Drakenstein Municipality for the cost of the developer;*
- 7.4 The developer is responsible for the payment of a Developers Charge (water, sewer, stormwater, solid waste and roads) which can be discounted against the bulk service cost needed for the development;
- 7.5 The developer is responsible for the funding of all connections to the bulk services and all internal works;
- 7.6 The findings of the bulk service capacity analysis carried out by councils consultant GLS Engineers, needs to be implemented simultaneously with the development;

- 7.7 All of the works, including but not limited to; roads, stormwater, water, sewers, landscaping, irrigation, etc. shall be designed by a suitably registered (ECOSA registration for the civil works and SACLAP registration for the landscaping) person and any such works shall be constructed under supervision of such registered person. All such design plans shall be submitted to the Civil Engineering Services Department of Drakenstein Municipality for approval prior to the commencement of construction;**
- 7.8 The whole of the works shall fall under the control of a single project manager;**
- 7.9 The municipality shall be represented at all site meetings for the duration of the construction of the works and to this end timeous notification of such meetings shall be supplied to the Civil Engineering Services Department;**
- 7.10 All works where applicable shall be constructed to at least the minimum standards as set out in, Engineering Services: Municipal Standards;**
- 7.11 Where applicable all water network, (downstream of the valve immediately upstream of the bulk water meter, upstream of the connection to the existing system or intersection point with the existing road), sewer network, stormwater network and road network components shall be a private combined system and shall be indicated as such on all documents and plans**
- 7.12 All private combined systems (including but not limited to water, sewer, stormwater, roads, irrigation, etc.) shall be the joint and several responsibility (including but not limited to the administration of the joint account and operation and maintenance of the system) of the members of the homeowners association/body corporate and must be noted as such in any constitution of any such body and any such constitution must be submitted for approval by council. This constitution shall be notarially linked to each separate title deed;**
- 7.13 A set of accurate as-built drawings as per Drakenstein Municipality: Civil Engineering Department's Standards must be submitted at the practical completion inspection; and**
- 7.14 The above conditions are to be complied with in stages.**
- 7.14.1 Requirements associated with the preparation of plans, drawings, permits, agreements and approvals, shall be complied with prior to construction;**
- 7.14.2 Requirements associated with the completion of construction, development charges, as-built drawings, maintenance management plans, agreements, etc. These will be complied with prior to the transfer of any subdivided erf within the development property or occupation of any property/building in the phase; and**



- 7.14.3 Proof of compliance for the requirements associated with long term operations must be available on request.



**LH Smith**

**SENIOR MANAGER: INFRASTRUCTURE MANAGEMENT**

I:\DEVELOPMENT APPLICATIONS\15 town planning\15-4-1\2025\Comments\Erf 26158 Paarl - Amendment of conditions rev1.docx

LHS/



## Home

	26558 ;	0 ;	7646
1	Fraaislegen	Val de Vie	
	Paarl, Mbekwini, Wellington		
R			
1	Rabie Property Group		
0			

EXISTING DEVELOPMENT CHARGE PER SERVICE					
Water	Sanitation	Stormwater	Solid Waste	Roads	Electricity
R -123,838 R	-59,983 R	-391,815 R	-60,205 R	-54,764	

[illegible]



Date Payment Received:  
Receipt Number:

Description of proposed land use					
#REF!					



# Memo

<b>To:</b>	Senior Manager: Land Development Management For attention: H Strijdom/C van der Bank/E Cyster
<b>From:</b>	Manager: Planning and Customer Services
<b>Enquiries:</b>	L Laing
<b>Reference number:</b>	8/2/5_26158
<b>Date:</b>	19 March 2025
<b>Subject:</b>	<b>LE BOUTONNE RESIDENTIAL ESTATE, ERF 16158, PAARL</b>

Time Limit on Conditions: These conditions will be limited to a period of one (1) year from the date as on the covering memo from this department. After this period a re-application must be submitted for approval by this department.

## 1. INFORMATION REQUIRED/OUTSTANDING

1.1. None.

## 2. THE FOLLOWING CONDITIONS WILL APPLY

- 2.1. Only one service cable connection per erf is allowed.
- 2.2. No trees or any type of structures may be erected under or near any new or existing electrical infrastructure.
- 2.3. All electrical equipment shall comply with Drakenstein Municipality standards and have twenty-four-hour access for maintenance purposes.
- 2.4. The developer will be responsible for all cost in the case where he or she request or required by the municipality to relocate any infrastructure situated in the road reserve or withing the development to be moved or relocated to new proposed positions.
- 2.5. The developer is required to include measures to improve energy efficiency for any additional load requirement to the existing electrical supply.
- 2.6. Register service servitudes where existing and or new infrastructure will or have been installed.
- 2.7. Provision must be made by the developer for the installation of streetlights in the portion of the new proposed road to the development.
- 2.8. A service level agreement between the municipality and the owner or developer of above-mentioned erf must be arrange at Electro-Technical Service Department (Planning and Design division - Chief Engineering Technician).



### 3. GENERAL

- 3.1. Excessive network upgrading is required to provide the development of power.
- 3.2. NRS069 Network recovery cost will apply and will be calculated according to the following as indicated in approved tariffs: **R5 623.00 per kVA (V.A.T. included)**. The cost as mentioned above is valid until 30 June 2025 and will escalate thereafter for each upcoming financial year which is between 1 July and 30 June.
- 3.3. A single bulk supply will be provided that shall serve as mains to the development.
- 3.4. Accommodation of must be provided for metering facilities.
- 3.5. The reticulation after the municipal metering facility will be regarded as private.
- 3.6. The developer will be responsible to carry all cost of the electrical installation.
- 3.7. All upgrade and service costs must be paid at the finance section in cash before any service connection may be rendered.
- 3.8. Your attention is drawn to the following electricity by-law should the development be serviced and managed by means of private reticulation:
  - 3.8..1. Unless authorised by the municipality, no person may sell or supply electricity supplied to his or her premises or generated by him or her under an agreement with the municipality, to any other person or persons for use on any other premises, or permit or allow such resale or supply to take place.
  - 3.8..2. A reseller must comply with the licensing and registration requirements set out in the ERA.
  - 3.8..3. If electricity is resold for use upon the same premises, the electricity resold must be measured by a sub meter of a type which has been approved by South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.
  - 3.8..4. The tariff at which and the conditions of sale under which electricity is thus resold, shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality.
  - 3.8..5. Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity customers.
  - 3.8..6. The municipality may request audited reports from resellers to prove that the above resale conditions are met. The cost to obtain audited reports will be borne by the reseller.
- 3.9. A private registered consultant and installation electrician shall be used to do all designs, installations and alterations according to SANS 10142, Occupational Health and Safety Act (Act 85 of 1993), the regulations made thereunder and Drakenstein Municipal by-laws prior to the development.

3.10. A certificate of compliance and occupational certificate must be handed over to the Electro-Technical Services Department (Service section) on the day the service is rendered or as the case may be.

3.11. The Manager: Planning and Customer Services with reference to the services and conditions, has no objection against this application.

Yours faithfully

A handwritten signature in black ink, consisting of a large, loopy 'L' followed by a series of overlapping loops and a final horizontal stroke.

**L LAING**

**MANAGER: PLANNING AND CUSTOMER SERVICES**

I:BEPLAN\_3\Sub\_Divisions\_Rezoning\202425\26158




# Memo

<b>To:</b>	<b>MANAGER: LAND USE PLANNING &amp; SURVEYING (ATTENTION: C. VAN DER BANK)</b>
<b>From:</b>	<b>MANAGER: ENVIRONMENTAL MANAGEMENT</b>
<b>Enquiries:</b>	<b>S REECE</b>
<b>Collaborator number:</b>	<b>2246563</b>
<b>Reference number:</b>	<b>15/4/1(26158)P</b>
<b>Date:</b>	<b>25 MARCH 2025</b>
<b>Subject:</b>	<b>APPLICATION FOR PARTIAL AMENDMENT OF LAND USE PLANNING APPROVAL, CONDITIONS AND SUBDIVISION PLAN: ERF 26158, PAARL</b>

Reference is made to the above-mentioned application to partially amend the previous land use planning approval (previously Bretagna), the conditions applicable thereto together with the approved subdivision plan to facilitate the revised development proposal representing the Le Boutonne residential estate on erf 26158, Paarl. This amendment application will result in erf 26158, Paarl being subdivided into a total of 135 portion numbers, of which 133 are for residential purposes and the remaining 2 for Private Open Space and Private Road Purposes.

The Environmental Management Section has no objection to the proposed application on condition that:

1. Prior to approval, either an amended Environmental Authorization must be obtained, or confirmation from the Western Cape Department of Environmental Affairs and Development Planning must be submitted, confirming that no amendment to the existing Environmental Authorization is required.
2. The tree planting and landscaping plan is implemented prior to occupancy.
3. To mitigate potential noise disturbances from the proposed Parelberg Shopping Centre on erf 41491, Paarl, all residential buildings along the eastern boundary must incorporate effective noise reduction measures. This shall include the use of high-quality sound-insulating materials, such as double- or triple-glazed windows, as deemed appropriate. Compliance with this requirement will be enforced during the building plan approval stage for the relevant residential units.



**C. WINTER**  
**MANAGER: ENVIRONMENTAL MANAGEMENT**



**Ref:** DOI/CFS/RN/LU/REZ/SUB -10/590 (Application No: 2025-02-0023)

The Municipal Manager  
Drakenstein Municipality  
PO Box 1

**PAARL**

7599

Attention: Ms C van der Bank

Dear Madam

**REMAINDER ERF 26158, PAARL: MAIN ROAD 201: AMENDMENT OF PREVIOUS APPROVAL**

1. The application received from Messrs David Heilig & Abrahamse dated 3 February 2025 refers.
2. The subject property forms part of the Bretagne development, on which this Branch commented previously (Job 16747).
3. This application is for the following:
  - 3.1. To increase the Single Residential units from 54 to 85 units;
  - 3.2. To increase the Duplex units from 22 to 46 units;
  - 3.3. To remove the Retirement Village component from the SDP;
  - 3.4. Amend the previous approval conditions for the property;
  - 3.5. Amend the title deed conditions in Section B(2), (3) and (4) in terms of Act 21 of 1940.
4. It is believed that the deproclamation process for Minor Road 5252 has not been concluded. Until the process is completed the land still vests with the Western Cape Government. The Applicant must take cognisance of this fact and the associated risk.
5. This Branch offers no objection to the application in terms of the Land Use Planning Act, No. 3 of 2014, subject to the Developer acknowledging that they are cognisant of the risks of developing in the road reserve of Minor Road 5252 before it's deproclamation has been concluded.

6. The conditions this Branch placed on the development previously, apply mutatis mutandis to this amendment application.
7. In terms of Act 21 of 1940, this Branch approves the removal of Sections B (2), (3) and (4) from the title deed.

Yours Sincerely



**DD FORTUIN**

**For DEPUTY DIRECTOR-GENERAL: TRANSPORT INFRASTRUCTURE BRANCH**

**DATE: 22 APRIL 2025**





**Western Cape  
Government**

Department of Environmental Affairs and Development Planning

**Samornay Smidt**

Directorate: Development Management, Region 1

Samornay.Smidt@westerncape.gov.za | Tel: 021 483 5828

**EIA REFERENCE:** 16/3/3/5/E3/28/1020/25 (A)  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000931/2025  
**DATE OF ISSUE:** 12 MAY 2025

The Board of Directors  
Rabie Property Developers (Pty) Ltd  
4<sup>th</sup> Floor, Annex, 2 Energy Lane  
Bridgeways Precinct  
**CENTURY CITY**  
7441

**Attention: Ms. M Auret**

Tel: (021) 550 7000  
Email: mariska@rabie.co.za

Dear Madam

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 1 SEPTEMBER 2020 (DEA&DP: 16/3/3/5/B3/28/1031/20): THE PROPOSED MIXED-USE DEVELOPMENT ON ERF NO. 26158, PAARL**

1. With reference to the above application, this Directorate hereby notifies you of its decision to grant the amendment of the amended Environmental Authorisation issued on 1 September 2020 (DEA&DP Ref: 16/3/3/5/B3/28/1031/20) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the Appeal Regulations 2025, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**Zaahir Toefy**

Digitally signed by Zaahir  
Toefy  
Date: 2025.05.12 11:51:24  
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**MR. ZAAHIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms. A Groenewald (Doug Jeffery Environmental Consultants)  
(2) Ms. M Le Roux (Noble Spectatus Fund 7 (Pty) Ltd)  
(3) Ms. C Winter (Drakenstein Municipality)  
(4) Ms. M Roos (Bretagna Estate (Pty) Ltd)

Email: adel@dougjeff.co.za  
Email: martelie@nobleprop.gov.za  
Email: Cindy.Winter@drakenstein.gov.za  
Email: mroos@kabodgroup.co.za



## **AMENDMENT ENVIRONMENTAL AUTHORISATION**

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 1 SEPTEMBER 2020 (DEA&DP: 16/3/3/5/B3/28/1031/20): THE 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.

### **A. 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), this Directorate herewith **grants** the amendment of the amended Environmental Authorisation issued on 1 September 2020 (DEA&DP Ref: 16/3/3/5/B3/28/1031/20) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

#### **1. Section A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION:**

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

*Cell: 082 337 7271  
Email: mroos@kabodgroup.co.za*

#### **is amended to read:**

*Rabie Property Developers (Pty) Ltd  
c/o Ms. M Auret  
4<sup>th</sup> Floor, Annex, 2 Energy Lane  
Bridgeways Precinct  
**CENTURY CITY**  
7441*

*Tel: (021) 550 7000  
Email: mariska@rabie.co.za*

## 2. B. LIST OF ACTIVITY AUTHORISED

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 ( $\pm 3.38$ ha), 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.

**is amended to read:**

Alternative 3 consists of two development options, Alternatives 3A and 3B. These alternatives are very similar with the only difference being the installation of a temporary Package Sewerage Treatment Plant ("PSTP") or an additional single residential unit, respectively. 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 B will be implemented. The two options are as follows:

Alternative 3A:

The proposed development on the Remainder of Erf No. 26158, Paarl, comprising 20 freestanding units per hectare over an area of 6.35 hectares, including open spaces, parking, and ancillary amenities.

Provision is made for a temporary underground PSTP, to be located in the north-western corner of the site, occupying approximately 583 m<sup>2</sup> of the development area. The temporary 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.

Alternative 3B:

The proposed development on the Remainder of Erf No. 26158, Paarl, comprising 20 freestanding units per hectare over an area of 6.36 hectares, including open spaces, parking, and ancillary amenities. An additional residential unit will be developed in the place of the PSTP once municipal infrastructure is in place and the PSTP is no longer required.

### 3. **SITE AND LOCATION**

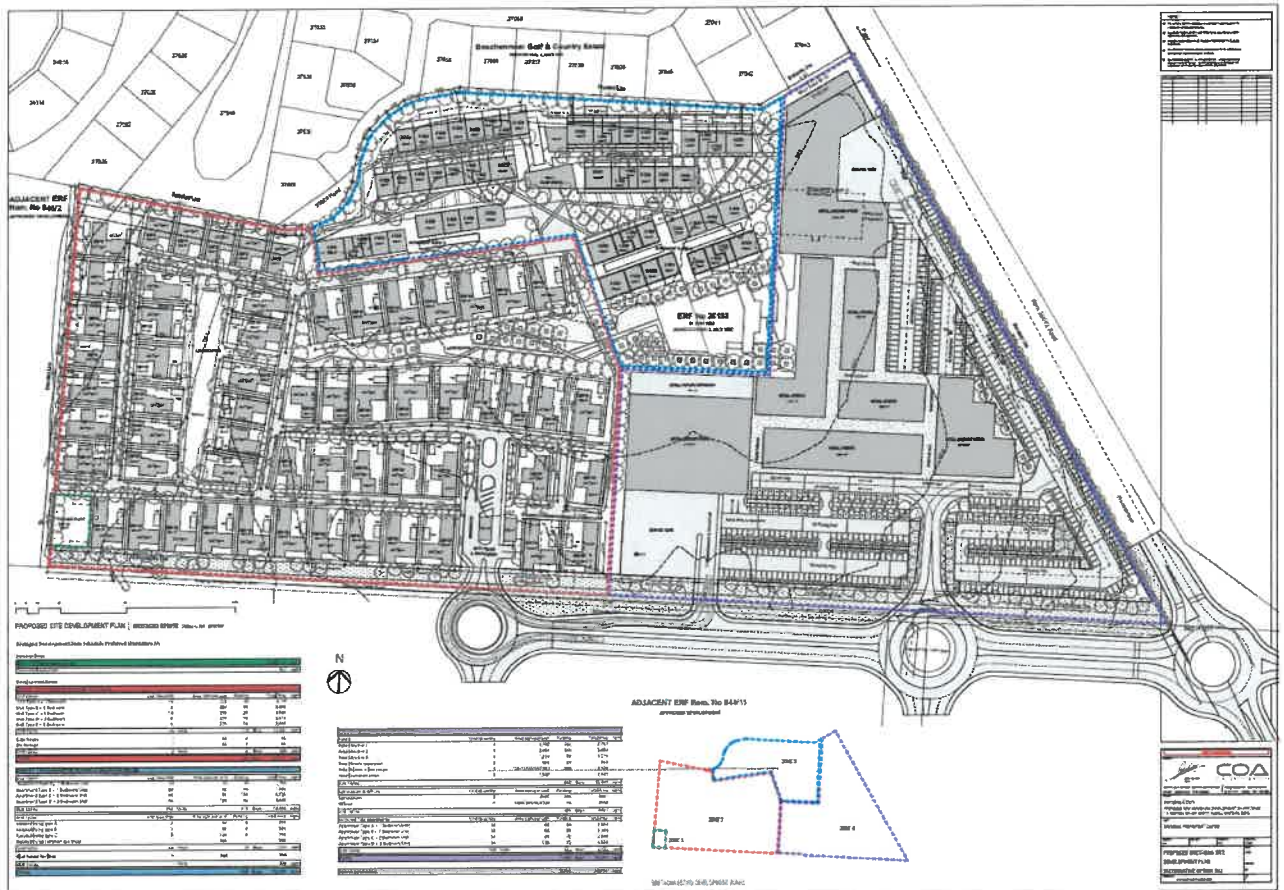
The listed activity will be undertaken on Erf No. 26158, Paarl

**is amended to read:**

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

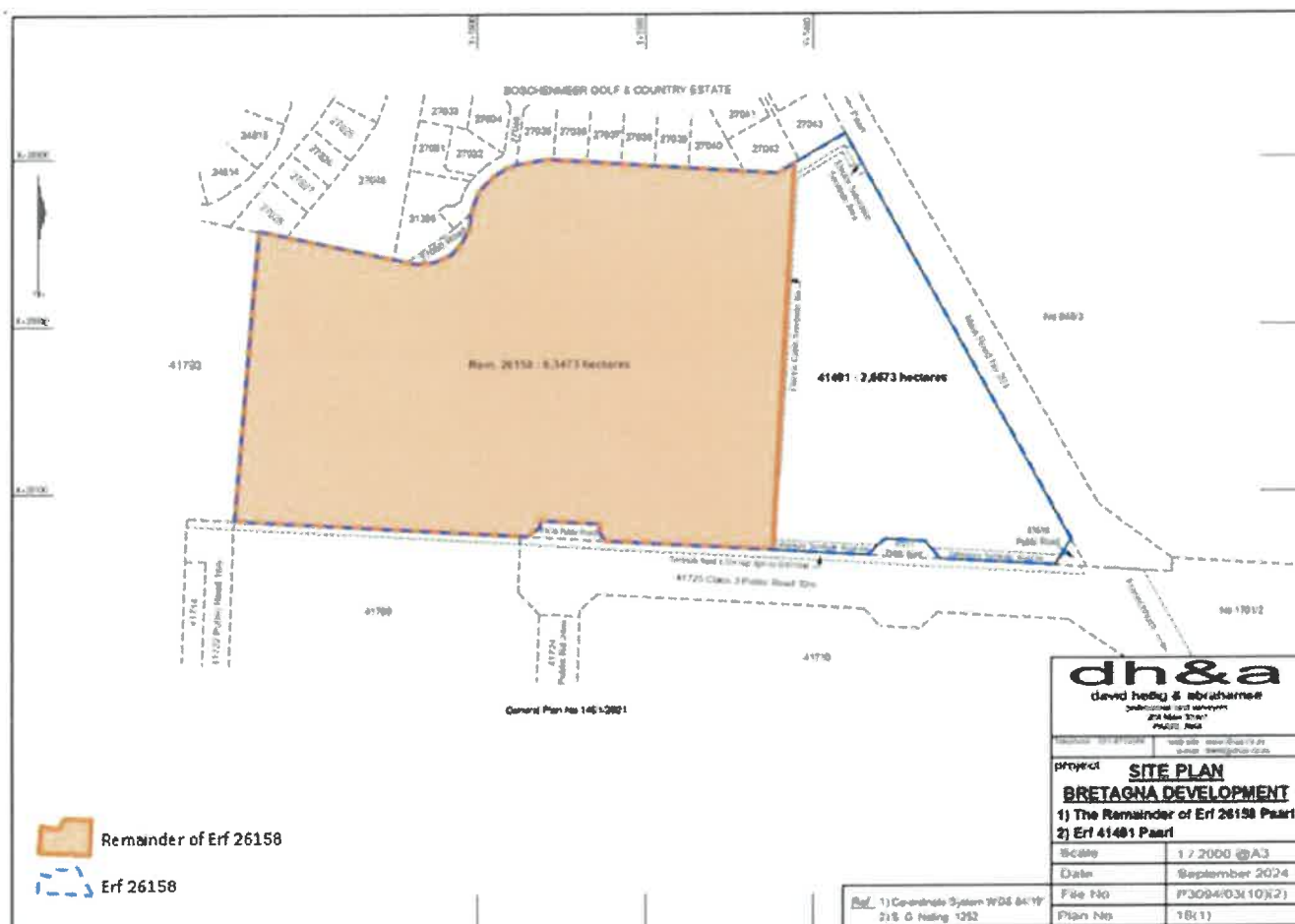


#### 4. ANNEXURE 2: SITE PLAN



is replaced with the following:





## 5. ALTERNATIVES

### 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 the 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 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.

is amended to read:

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

Alternative 3 consists of two development options, Alternatives 3A and 3B. These alternatives are very similar with the only difference being the installation of a temporary Package Sewerage Treatment Plant ("PSTP") or an additional single residential unit, respectively. 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 B will be implemented. The two options are as follows:

#### Alternative 3A:

The proposed development on the Remainder of Erf No. 26158, Paarl, comprising 20 freestanding units per hectare over an area of 6.35 hectares, including open spaces, parking, and ancillary amenities.

Provision is made for a temporary underground PSTP, to be located in the north-western corner of the site, occupying approximately 583 m<sup>2</sup> of the development area. The temporary 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.

#### Alternative 3B:

The proposed development on the Remainder of Erf No. 26158, Paarl, comprising 20 freestanding units per hectare over an area of 6.36 hectares, including open spaces, parking, and ancillary amenities. An additional residential unit will be developed in the place of the PSTP once municipal infrastructure is in place and the PSTP is no longer required.

## **B. REASONS FOR THE DECISION**

In reaching its decision, this Directorate took, *inter alia*, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014.
2. The current holder of the EA, Bretagna (Pty) Ltd, was liquidated by Order of the High Court of South Africa. Erf No. 26158, Paarl, was subsequently subdivided into the Remainder of Erf No. 26158 and Erf No. 41491. These newly created erven have been acquired by two separate entities, Rabie Property Developers (Pty) Ltd and Noble Spectatus Fund 7 (Pty) Ltd. The amendment of the previous EA is being applied for due to the change of ownership, with the new owners now assuming responsibility for the developments on their respective properties, resulting in the splitting of the EA.
3. Rabie Property Developers (Pty) Ltd, the applicant for the residential component on the Remainder of Erf 26158, seeks to reduce the residential development density. The overall scope of the development authorised in the amended Environmental Authorisation issued on 1 September 2020 will largely remain unchanged, except for a reduction in the density of the development.
4. The amendment applied for does not trigger any listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
5. The amendment applied for will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
6. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the amended Environmental Authorisation.

## **C. CONDITIONS**

1. All other conditions contained in the amended Environmental Authorisation issued on 1 September 2020 (Attached as Annexure A), remain unchanged and in force, as it pertains to residential development on Remainder of Erf 26158.

## D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2025 (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 2025 (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 2025 (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 Marius Venter (Tel: 021 483 2659)  
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 2659, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## E. DISCLAIMER

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

**Zaahir Toefy**

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Toefy  
Date: 2025.05.12 11:51:53  
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**MR. ZAAHIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 12 MAY 2025**

Cc: (1) Ms. A Groenewald (Doug Jeffery Environmental Consultants)  
(2) Ms. M Le Roux (Noble Spectatus Fund 7 (Pty) Ltd)  
(3) Ms. C Winter (Drakenstein Municipality)  
(4) Ms. M Roos (Bretagna Estate (Pty) Ltd)

Email: adel@dougjeff.co.za  
Email: martelie@nobleprop.gov.za  
Email: Cindy.Winter@drakenstein.gov.za  
Email: mroos@kabodgroup.co.za



**Annexure A: Amended Environmental Authorisation issued on 1 September 2020**



**REFERENCE:** 16/3/3/5/B3/28/1031/20  
**DATE OF ISSUE:** 01 September 2020

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

**Attention: Ms Marthia Roos**

Cell: (082) 337 7271  
Email: mroos@kabodgroup.co.za

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 NOVEMBER 2018: THE 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** the amendment of the Environmental Authorisation issued on 23 November 2018 (DEA&DP Ref: 16/3/3/1/B3/28/1043/18) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the 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)

Email: adel@dougjeff.co.za  
Email: Cindy.Winter@drakenstein.gov.za

**EIA REFERENCE:** 16/3/3/5/B3/28/1031/20  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000472/2020  
**DATE OF ISSUE:** 1 September 2020

## ENVIRONMENTAL AUTHORISATION

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 23 NOVEMBER 2018 (DEA&DP): THE 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.

### A. DECISION

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 23 November 2018 (DEA&DP Ref.: 16/3/3/1/B3/28/1043/18) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

#### 1) SECTION E: CONDITIONS OF AUTHORISATION: CONDITION 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."*

is amended to read:

The holder must appoint a suitably experienced environmental control officer ("ECO") before commencement of any land clearing or construction activity to ensure compliance with the EMPr and the conditions contained herein.

#### 2) SECTION E: CONDITIONS OF AUTHORISATION: CONDITION 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)."*

is amended to read:

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 every two years for the duration of the construction phase and submit the Environmental Audit Reports to the Competent Authority (once every two years during the construction phase). The final Environmental Audit Report must be submitted to the Competent Authority six months after construction is complete.

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).

## **B. REASONS FOR THE DECISION**

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the EA issued on 23 November 2018.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the EA.
5. The site is not considered to be sensitive from a biophysical perspective, as it has been completely transformed by agricultural use in the past.

## **C. CONDITIONS**

1. All other conditions contained in the EA issued on 23 November 2018 (Attached as Annexure A), remain unchanged and in force.

## D. 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 Marius Venter (Tel: 021 483 2659)  
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 2659, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.



## E. DISCLAIMER

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



**ZAAHIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 01 SEPTEMBER 2020**

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

Email: adel@dougjeff.co.za  
Email: Cindy.Winter@drakenstein.gov.za

## Appendix A



**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



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

### 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 where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:</i></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**

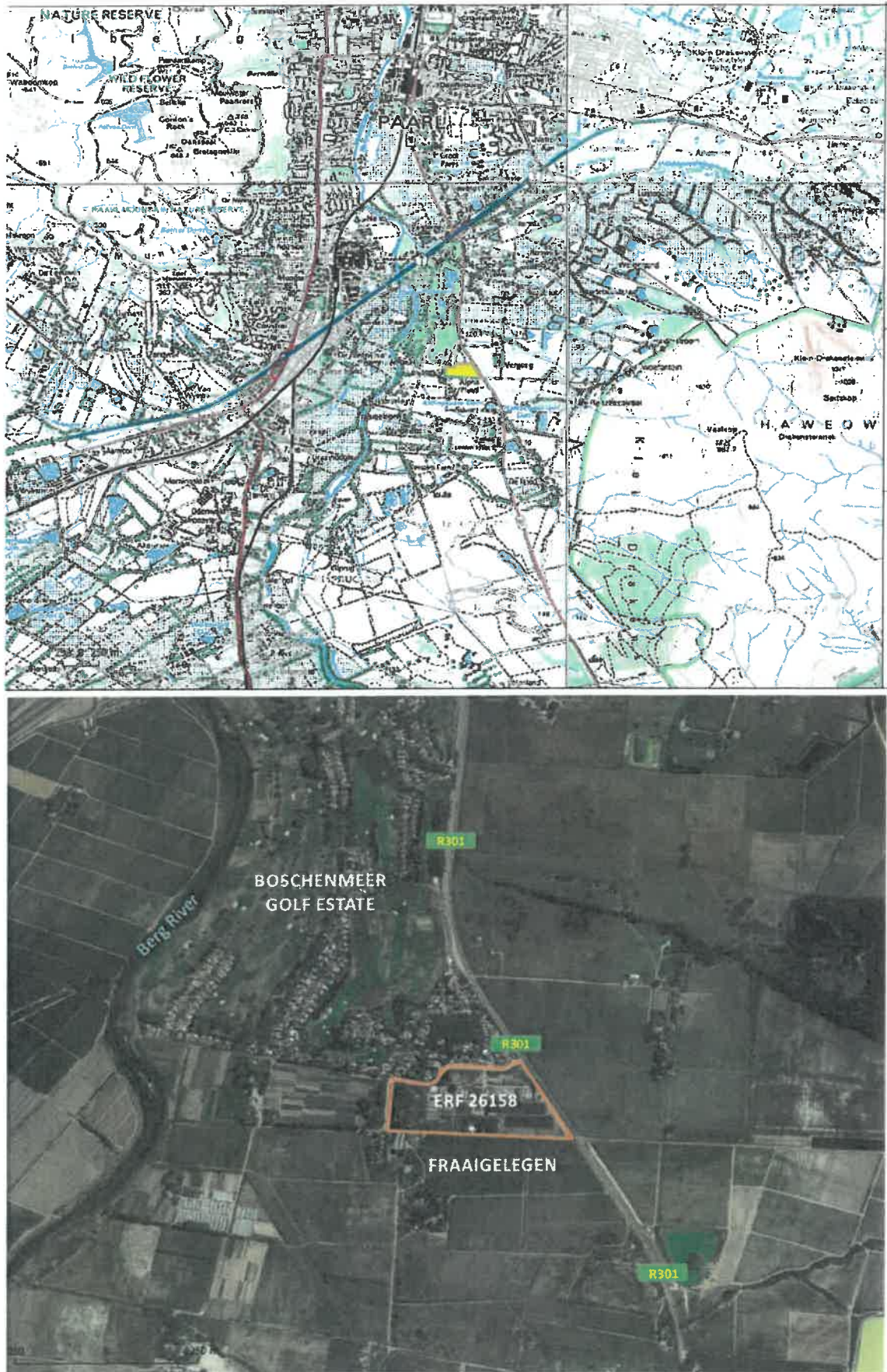
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

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





[illegible]

### **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 Fraaigeleg 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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