



24G Application: 14/2/4/2/2/A5/55/0026/21

ENVIRONMENTAL AUTHORISATION

The Managing Director
Legaro Properties (Pty)Ltd
Private Bag x16
CRAIGHALL
2024

Email: roger@legaro.co.za

Tel: (010) 035 3410

Attention: Roger Nicholas Brookes

Dear Sir

APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL COMMENCEMENT OF A LISTED ACTIVITY: THE UNLAWFUL CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT ON PTN 8 OF FARM 851, PAARL

With reference to your application of January 2022 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

A. DECISION

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the application and environmental assessment of January 2022.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Legaro Property Development (Pty) Ltd

C/o Mr Roger Brookes

Suite 8

Private Bag x16

CRAIGHALL

2024

Tel: 074 441 0474

Email: roger@legaro.co.za

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

C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<i>Government Notice No. R. 327 of 2017 –</i> Activity Number: 28 <i>Activity Description: Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game</i>	The proposed development involves the rezoning of agricultural land to establish a residential estate. The proposed development site is located outside an urban area and the total land to be

<i>farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i>	developed is approximately 14.33 hectares. The holder has however, commenced with development on the site by constructing a show house and the entrance gate of the property with a total built area of 277m ² with a coverage of 152m ² .
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The abovementioned list is hereinafter referred to as "the listed activity/development".

D. PROPERTY DESCRIPTION AND LOCATION

The listed activities commenced on Portion 8 of Farm 851, Paarl.

The SG digit code is: C0550000000085100008

The co-ordinates for the site and property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 45' 51.48" South	18° 59' 8.48" East
2	33° 45' 53.02" South	18° 59' 18.00" East
3	33° 46' 4.80" South	18° 59' 17.15" East
4	33° 46' 4.01" South	18° 59' 0.61 East

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

Herein-after referred to as "the site".

E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

Doug Jeffery Environmental Consultants

c/o Kim Williams and/or Doug Jeffery

PO Box 44

KLAPMUTS

7625

Tel: (021) 875 5272

Email: kim@dougjeff.co.za

F. DETAILS OF THE ACTIVITIES UNDERTAKEN

The holder has commenced with clearing of a portion of the site, and the construction of a show house and entrance gate on Portion 8 of Farm 851 with a total built area of 277m² with a coverage of 152m². These activities have since ceased. These activities are considered in furtherance of the commenced listed activities and thus linked to the larger “Drakenzicht” residential development on the site. The site development plan/layout is of medium density consisting of 207 dwelling units in total translating into a density of 16 dwelling units per hectare (du/ha). Other facilities include 12 single storey storage units, a single storey Montessori School and a club house with two penthouses on the first floor.

Residential component

The development proposes a housing potential of 207 total units. 205 single residential units are proposed made up by various typologies, translating to a GROSS density of 16 dwelling units per hectare (du/ha). All units are double storey, stand-alone and consisting of a combination of three- or four-bedroom units. Unit floor areas vary between 250m² to 280m², with varying ground and first floor areas. The “plot” sizes are approximately 337m² with the plot coverage less than 50%. Architectural variation of the contemporary style will be achieved using different materials, colours and finishes for roofs, façades and fenestration. Two penthouses are proposed above the lifestyle centre.

Lifestyle centre

The Lifestyle Centre, “club house”, is a two-storey building with the club house facility, including a pool and gym on the ground floor for the Drakenzicht residents.

Pre-primary school

The proposal is to accommodate a Montessori School. The school design as proposed by the SDP will provide for approximately 180 pre-school learners accommodated in seven classrooms. That is, two classrooms for toddlers and five pre-school classrooms. Other supporting facilities will also be provided within the building. It is anticipated that approximately 25% of the learners will be from the Drakenzicht Estate. The school will therefore attract visitors from outside.

Storage units

A total of 12 private storage units is proposed along the cadastral boundary shared by the future Checkers site and the development. The storage units are for usage by the estate management or by residents of the estate. The units will have a functional purpose as well as providing a visual and physical barrier between the back of the Checkers, which would be aesthetically unpleasing, and the residential units. The storage units will be developed to the same contemporary architecture style as the rest of the estate.

Landscaping

A Landscape Plan has been compiled by LEAP Environmental which considers existing trees to be retained and those to be removed. Furthermore, the landscape plan considers the recommendations of the visual impact assessment with regards to weaving the new and existing landscape, to mitigate visibility from Wemmershoek Road and Lustigan Road.

Water distribution system

The calculated annual average daily demand for this development is 146.2 kl/d excluding the fire flow criteria (moderate risk) of 25 L/s at 10 m. Upgrades to the system are proposed: the existing 400 mm diameter (Ø) pipeline in Drakenstein Road is to be extended to Wemmershoek Road. A portion of the proposed 450mm Ø pipeline along the Wemmershoek Road is to be implemented along the western boundary of Farm 851/8. In this instance, a six-metre-wide servitude is required.

Sewer network

The development falls within the Paarl rural bulk sewer drainage area and is also identified as a sewer priority area. The recommended position for the sewer connection for the proposed development is at a future outfall. The peak day dry weather flow (PDDWF) is calculated at 117.0 kl/d. Network infrastructure upgrades will be required since there is currently no infrastructure between the proposed development and the existing sewer network. It has been agreed that a package plant will only be allowed for phase 1. For phase 2 to 4, the developer will be responsible for the required upgrades where the development will then tie into the municipal network. In terms of the package plant proposed, Water Purification Solutions (Pty) Ltd have been approached for information relating to their services offered in terms of sewage

package plants. It is proposed that three Clarus Units will be required to treat up to 40 kl of sewage per day. The treated effluent will irrigate an area of 5.757 ha. The total footprint of the package plant is 10 m X 8 m for the full plant. The effluent will be treated to Discharge General Limits according to the Department of Water and Sanitation standards. The treated effluent will be used to irrigate over the phase 2 area for the duration of the phase 1 construction at less than 1mm / m² per day. Excess treated effluent will be discharged into the irrigation pond located northwest on the Site Development Plan, just east of the development boundary between Checkers and the Drakenzicht development. Thereafter, it will be released into the municipal stormwater system.

Electricity

The maximum electricity demand of the development is approximately 738kVA. The Electrical Report notes that there is not sufficient capacity. The Drakenstein Municipality has noted that a new 132/66/11kV main substation is required to accommodate future developments. In the meantime, the Drakenstein Municipality indicated that they are in the process of installing a temporary solution for the time being until such time that the 132/66/11kV main substation is constructed. The temporary solution involves the installation of new medium voltage networks that will be supplied from its existing Parys 66/11kV main substation.

Solid Waste Capacity

The Drakenstein Municipality has undertaken to remove household refuse from the proposed development. It was stated that municipal trucks will not enter the proposed development to collect wheelie bins. However, in discussion with the municipality, it is agreed that the developer and the municipality will enter into a Service Level Agreement in this regard which will allow for collection of refuse from the refuse room within the development.

Stormwater Management System

Two stormwater attenuation structures are proposed on the western portion of the site along Wemmershoek Road. The northern attenuation structure is 1650m² and proposed depth between 1,2 and 1,4 metres with a dissipation headwall into the attenuation structure. The proposed volume is 2145 cubic metres (m³). The southern attenuation structure is 550m² with a proposed depth of between 1,2 and 1,5 metres with a dissipation headwall into the attenuation structure. The proposed volume is 742.5m³. The existing attenuation structure will be infilled. As a result of the elevational difference between the two proposed attenuation structures each will have their own controlled outlet. The outlets of each attenuation structure will link to a single discharge point into the existing open drain along Wemmershoek Road. It is anticipated that 300 mm diameter pipes will be used for the internal piped system. The stormwater management system accommodates the 1:50 year storm event. Pre-development run-off equal to the 1:2

storm event will be discharged into the existing stormwater system. Excess run-off will enter the attenuation facilities that will be designed as a bio-retention system.

G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

PART I

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section C above in accordance with and restricted to the proposed property/activity alternative described in the application and assessment report of January 2022 on the site as described in Section D above.
2. The development must be concluded within 10 years from the date of continuation of the listed activity/development.
3. 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.
4. Any changes to, or deviations from the scope of the alternative described in Section F 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 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.

PART II

Written notice to the competent authority

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before continuation of commencement of construction activities.

5.1 The notice must make clear reference to the site details and 24G Reference number given above.

5.2 The notice must also include proof of compliance with conditions 6 and 7 of this environmental authorisation.

PART III

Notification and administration of an appeal

6. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–

6.1 notify all registered Interested and Affected Parties (“I&APs”) of –

- 6.1.1 the outcome of the application;
- 6.1.2 the reasons for the decision as included in Annexure 3;
- 6.1.3 the date of the decision; and
- 6.1.4 the date when the decision was issued.

6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the *National Appeals Regulations, 2014* detailed in Section I below.

6.3 draw the attention of all registered I&APs to the manner in which they may access the decision.

6.4 provide the registered I&APs with:

- 6.4.1 the name of the holder (entity) of this Environmental Authorisation;
- 6.4.2 name of the responsible person for this Environmental Authorisation;
- 6.4.3 postal address of the holder;
- 6.4.4 telephonic and fax details of the holder;
- 6.4.5 e-mail address, if any, of the holder; and
- 6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the *National Appeal Regulations, 2014*.

7. The listed activity, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. 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.

PART IV

Management of the activity/development

8. The draft Environmental Management Programme ("EMPr") of January 2022 compiled by Doug Jeffery Environmental Consultants and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

PART V

Monitoring

10. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website (if applicable).
11. Access to the site referred to in Section D 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.

PART VI

Auditing

12. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and the closure plan (where applicable) and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

PART VII

Activity/ Development Specific Conditions

13. 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts 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.

14. 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.
15. The recommendations provided in the Noise Impact Assessment of September 2021, compiled by Mackenzie Hoy Consulting Acoustic Engineers, must be adhered to.

H. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the NEMA for a person to commence with a listed activity if the competent authority has not granted an environmental authorisation for the undertaking of the activity.

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* 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 EMP is as follows:

Amendments to the EMP must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

I. APPEALS

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –

- 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.

2. An appellant (if NOT the holder) must –
 - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.
3. The holder (if not the appellant), the decision-maker, I&APs and Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. This appeal and responding statement must be submitted to the address listed below -
 - By post: Attention: Marius Venter
 Western Cape Ministry of Local Government, Environmental Affairs &
 Development Planning
 Private Bag X9186, Cape Town, 8000; or
 - By facsimile: (021) 483 4174; or
 - By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
 Room 809, 8th floor Utilitas Building
 1 Dorp Street, Cape Town, 8000; or
 - By e-mail: DEADP.Appeals@westerncape.gov.za

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

K. DISCLAIMER

The Western Cape Government, 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.

Yours faithfully

ADV. CHARMAINE MARÉ
DIRECTOR: ENVIRONMENTAL GOVERNANCE

Copied to:

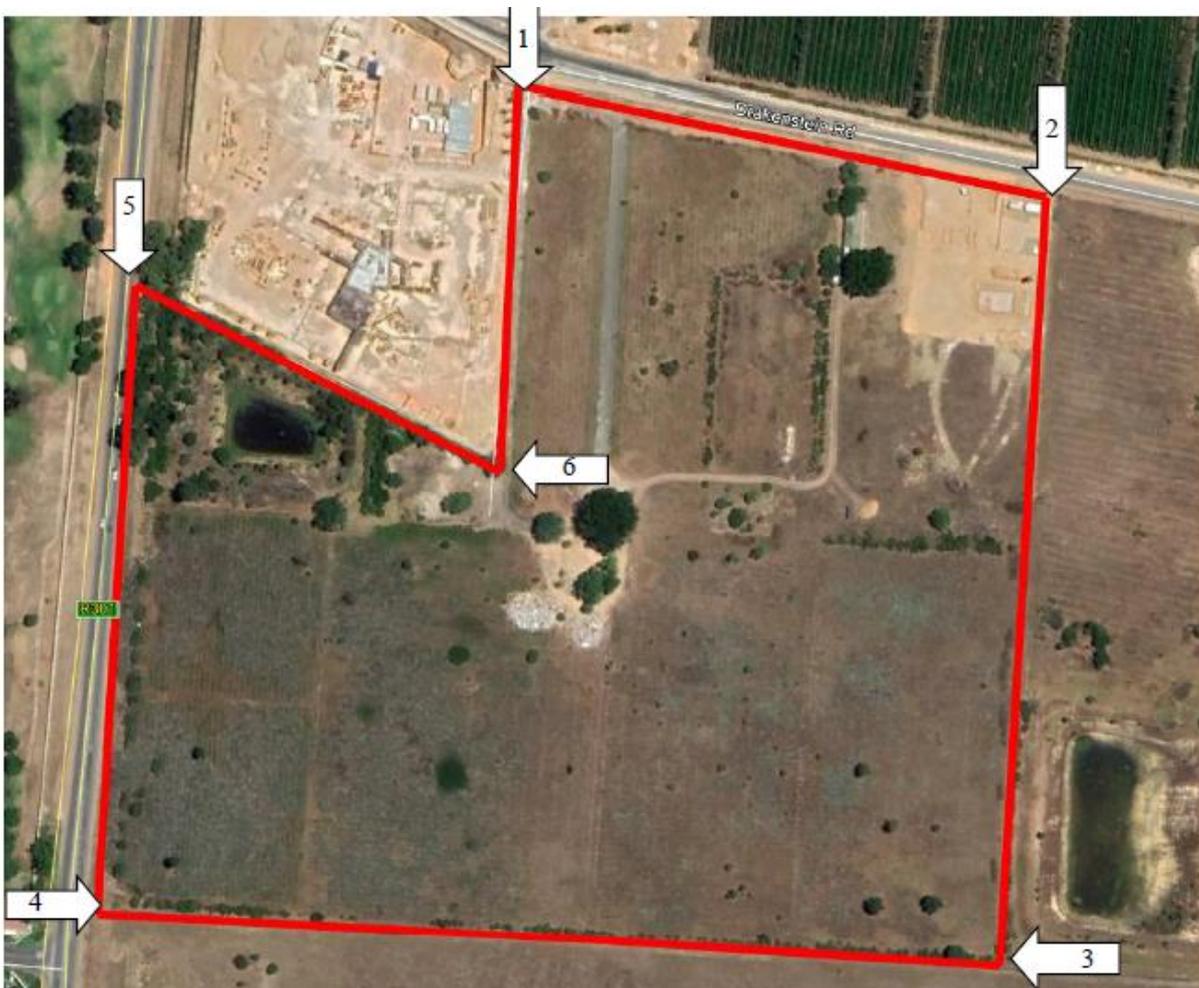
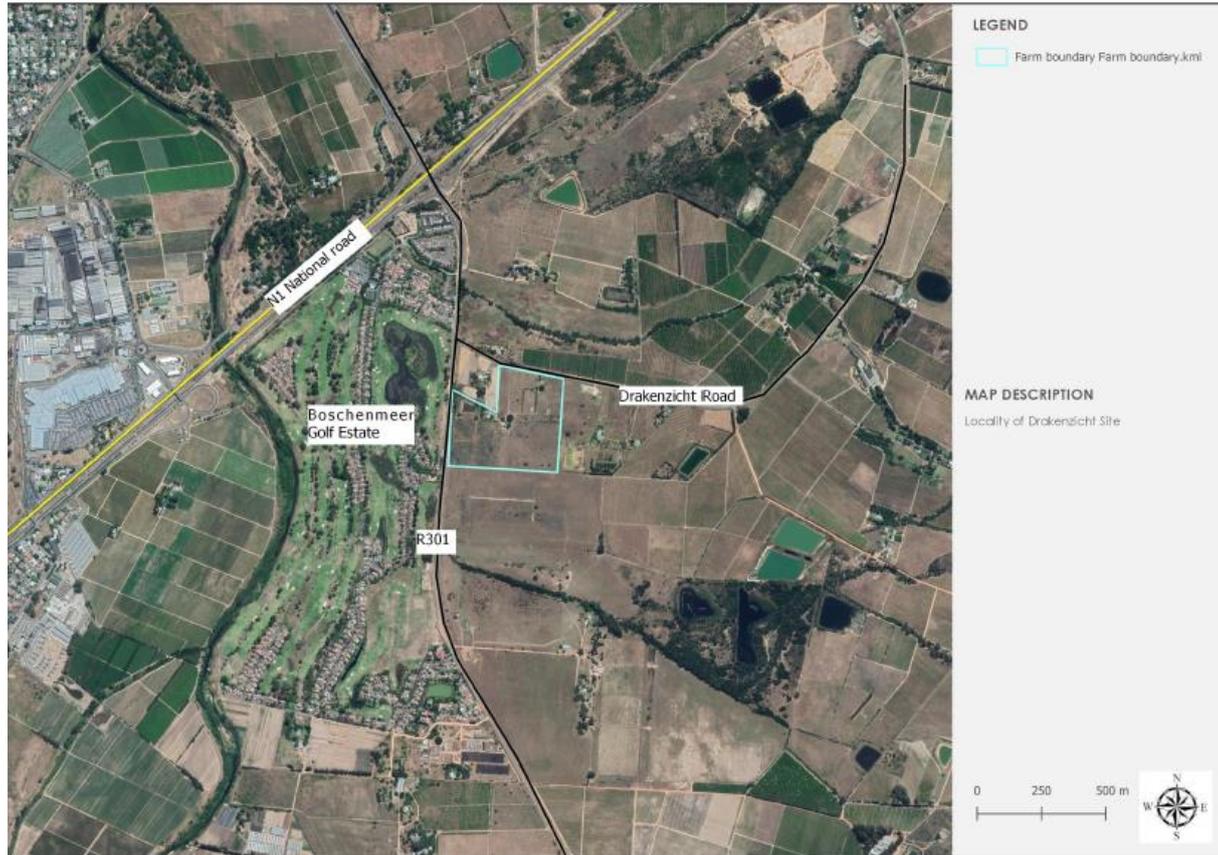
(1) Kim Williams (EAP)

(2) Cindy Winter (Drakenstein Municipality)

Email: kim@dougjeff.co.za

Email: Cindy.Winter@drakenstein.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN



FOR OFFICIAL USE ONLY:

S24G REFERENCE: 14/2/4/2/2/A5/55/0026/21

ANNEXURE 3: REASONS FOR THE DECISION

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R250 000 (Two hundred and fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

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

- a) The information contained in the application form of January 2022.
- b) The Environmental Management Programme ("EMPr") of January 2022 submitted together with the application.
- c) The Stormwater Management Plan.
- d) The Heritage Impact Assessment.
- e) The Visual Impact Assessment.
- f) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- g) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- h) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- i) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- j) The site visit conducted on 26 January 2022 attended by officials from the Directorate: Environmental Governance of this Department.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the Paarl Post newspaper on 20 May 2021;
- A site notice was erected;
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor;
- I&APs were afforded the opportunity to provide comments on the application.

1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- CapeNature
- This Department's Directorate: Pollution and Chemicals Management ("D: PCM")
- Drakenstein Local Municipality - Environmental Management ("DM: EM")
- Department of Transport and Public Works- Road Network Management ("DTPW")
- Heritage Western Cape ("HWC")

A summary of the comments received follows below.

CapeNature

CapeNature had no objections to the proposed development.

D: PCM

The D: PCM stated that with respect to the proposed package plant, it is essential that the treated effluent emanating from the plant is regularly tested and that a water quality monitoring plan is followed. Furthermore, they recommended that management actions are included in the event of a malfunctioning of the package plant.

DM: EM

The DM: EM stated that the recommendations provided in the Noise Impact Assessment dated September 2021, compiled by Mackenzie Hoy Consulting Acoustic Engineers, must be included in the conditions of approval should the competent authority grant retrospective approval.

DTPW

The DTPW stated that while the residential component has fewer units than previously proposed, the preschool proposal is a new addition and will result in a significant number of trips to and from the property, particularly in the morning peak and the impact on the intersection of Divisional Road 1110 Lustigan Road and Main Road 201 Wemmershoek Road may be a concern.

The EAP responded by stating that for the intersection in question, it is concluded that the total traffic conditions for 2025 operated at an acceptable LOS with signalization of the intersection. Notably, if the shopping centre is not realized in 2025, the development will need to signalize the intersection.

HWC

HWC stated that they support the implementation of design alternative 2 as discussed and assessed in the Heritage Impact Assessment submitted as part of the application.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

2. Alternatives

2.1 Site Alternatives

Alternative 1 (Herewith authorised)

Portion 8 of the Farm No. 851, Paarl is owned by the holder and is the only site considered for the proposed development. The site is transformed as it was historically used for agricultural purposes which has since ceased several years ago. No property or site alternatives were considered as part of this application since the proposed development entails the rezoning of Portion 8 of the Farm No. 851, Paarl to allow for the establishment of the residential development which includes the lifestyle centre and Montessori School. The property, Portion 8 of the Farm No. 851, Paarl, is situated within an identified Urban Infill node of Paarl (i.e., Focus Area 5: Paarl South in the Drakenstein Spatial Development Framework (SDF)). The scale and long-term scope of the Drakenstein SDF provides for a specific proposal for the subject land unit. In terms of the Spatial Concept contained in the Drakenstein SDF (2018), the site is earmarked for "Urban-Infill" purposes. Therefore, no other sites were identified as part of this application as the proposed development was consistent with the surrounding land uses, planning policies and guidelines of the Drakenstein Municipality.

The holder has commenced with clearing of a portion of the site, and construction of a show house and entrance gate on Portion 8 of Farm No. 851 with a total built area of 277m² with a coverage of 152m². These activities have since ceased. These activities are linked to the larger “Drakenzicht” residential development on the site. The rest of the development is still to be constructed. The layout is of medium density consisting of 207 dwelling units in total translating into a density of 16 dwelling units per hectare (du/ha). Other facilities include 12 single storey storage units, a single storey Montessori School and a club house with two penthouses on the first floor.

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The Drakenstein Municipality has undertaken to remove household refuse from the proposed development. It was stated that municipal trucks will not enter the proposed development to collect wheelie bins. However, in discussion with the municipality, it is agreed that the developer and the municipality will enter into a Service Level Agreement in this regard which will allow for collection of refuse from the refuse room within the development.

Stormwater Management System

Two stormwater attenuation structures are proposed on the western portion of the site along Wemmershoek Road. The northern attenuation structure is 1650m² and proposed depth between 1,2 and 1,4 metres with a dissipation headwall into the attenuation structure. The proposed volume is 2145 cubic metres (m³). The southern attenuation structure is 550m² with a proposed depth of between 1,2 and 1,5 metres with a dissipation headwall into the attenuation structure. The proposed volume is 742.5m³. The existing attenuation structure will be infilled. As a result of the elevational difference between the two proposed attenuation structures each will have their own controlled outlet. The outlets of each attenuation structure will link to a single discharge point into the existing open drain along Wemmershoek Road. It is anticipated that 300 mm diameter pipes will be used for the internal piped system. The stormwater management system accommodates the 1:50 year storm event. Pre-development run-off equal to the 1:2 storm event will be discharged into the existing stormwater system. Excess run-off will enter the attenuation facilities that will be designed as a bio-retention system.

2.2 Activity Alternative

The proposed development will be in the form of a secure residential lifestyle estate with a central, private club house facility offering a pool and gym to residents, and a laundromat. No activity alternatives were considered as part of this application since the proposed development entails the rezoning the site from "Agriculture" to "Mixed-Use 2" in terms of Section 15(2)(a) of the Drakenstein zoning municipal by-law. The preferred alternative was

developed to be consistent with the surrounding land uses, planning policies and guidelines of the Drakenstein Municipality. The preferred alternative is not expected to have a significant impact on any environmental aspects.

2.3 Design/Layout Alternatives

Proposed development – preferred alternative

Alternative 1, the preferred layout, consists of approximately 207 residential units in total. Other facilities include 12 single storey storage units, a single storey Montessori School and a double storey club house. The development includes construction of services infrastructure and stormwater management on site.

2.4 Screened out alternative

An initial layout alternative was developed which consisted of 336 residential units that can be broken down into 126 duplex type units and 210 block type units. The developer at the time decided not to continue with the development. Subsequently a new layout was formulated.

An initial layout alternative was developed for 336 residential units. The initial layout did not include a school, storage units and a clubhouse which the proposed development (Alternative 1) includes. The first developer sold the property and consequently the new layout was formulated. The screened-out alternative described above, was not considered by the new developer because the density was deemed too high for the area in which the property is located but also the market needs and surrounding developments. Moreover, this higher density proposal would require additional service capacity which is limited. Therefore, the development would no longer be a feasible option. For the reasons given, the development proposal of 336 residential units is not assessed in this environmental process. The preferred layout (Alternative 1) was developed to be consistent with the surrounding land uses, planning policies and guidelines of the Drakenstein Municipality. The proposed "medium" density for the project is within the density requirements of the Provincial Spatial Development Framework for developments within the urban edge and also appropriate as part of the SDF identified "Node".

2.5 The option of not implementing or continuing with the activity ("No-Go" Alternative)

Should the proposed development not be approved the site will remain in its current condition. The site will continue to deteriorate with likely no maintenance to the buildings due to lack of funding. The site is not currently utilized for farming activities and the derelict vineyards will likely continue to become overgrown. Site will inevitably become a target for

other future development as farming is not economically viable given the size versus the real estate value of the property. This option will also result in social and economic benefits to be forfeited. Not implementing the proposed development will also mean that the land use of the site is not in line with the intended land use as described in the Drakenstein SDP.

3. Environmental Impact Assessment (EIA) and Mitigation Measures

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

3.1. Activity Need and Desirability/ Regional Planning Context

A land use application for the full development had been submitted but a decision had not yet been received when commencement of the activity occurred. The construction of the show house (second dwelling) and gatehouse were however permitted in terms of the property's land use rights and building plan approval was granted for these by the Drakenstein Municipality.

3.2. Services/ Bulk Infrastructure

The construction of the gatehouse and the show room did not require any service infrastructure from the Drakenstein Municipality. Section F of this environmental authorisation describes the proposed infrastructure in more detail for the proposed Drakenzicht residential development.

3.3. Biophysical and Biodiversity Impacts

The site on which the proposed development is to take place was previously disturbed agricultural land. Therefore, it is unlikely that the proposed development will result in any negative biophysical or biodiversity impacts.

3.4. Visual / Sense of Place

The proposed development is in keeping with the surrounding environment and is unlikely to result in negative impacts in terms of sense of place or heritage. Furthermore, the design alternative as proposed during the Heritage Impact Assessment is supported by Heritage Western Cape.

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

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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