



**REFERENCE:** 16/3/3/5/A6/57/2028/18  
**ENQUIRIES:** RONDINE ISAACS  
**DATE OF ISSUE:** 2018 -10- 30

The Board of Directors  
Serina Investments (Pty) Ltd  
PO Box 100  
NOORDHOEK  
7985

**Attention: Mr Sybrand van der Spuy**

Tel.: (021) 785 7660  
Fax: (021) 785 7662

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 2 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 7 FEBRUARY 2011 AND THE AMENDED ENVIRONMENTAL AUTHORISATIONS ISSUED ON 30 SEPTEMBER 2011 AND 14 DECEMBER 2015:**

**PROPOSED CHAPMAN'S PEAK ESTATE DEVELOPMENT ON PORTION 5 OF CAPE FARM NO. 1387, NOORDHOEK**

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** an amendment to the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. 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) Mr Marais Geldenhuys (Doug Jeffery Environmental Consultants)

Fax: (086) 660 2635



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**PROPOSED CHAPMAN'S PEAK ESTATE DEVELOPMENT ON PORTION 5 OF CAPE FARM NO. 1387, NOORDHOEK**

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") with respect to this application.

#### **ADDENDUM TO ENVIRONMENTAL AUTHORISATION**

##### **A. DECISION**

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants the amendment of the Environmental Authorisation issued on 7 February 2011 (EIA Reference Number: E12/2/3/2-A5/455-0163/07), the amended Environmental Authorisation issued on 9 September 2011 (EIA Reference Number: E12/2/4/6-A5/455-2019/11) and the amended Environmental Authorisation issued on 14 December 2015 (EIA Reference Number: 16/3/3/5/A6/12/2031/15) in terms of Part 2 of the EIA Regulations, 2014.

## The Environmental Authorisation is amended as set out below:

The proposed Chapman's Peak Estate development on Portion 5 of Cape Farm No. 1387, Noordhoek will comprise of the following:

Land use	Total extent
Residential plots	27
Restaurant (with wine tasting and sales)	925m <sup>2</sup> GLA
Winery (with wine tasting and sales, farm offices and ancillary uses. Approximately 254m <sup>2</sup> are farm offices.	Approximately 1740m <sup>2</sup>
Offices (Phase 1)	930m <sup>2</sup> GLA
Offices (Phase 2)	3064m <sup>2</sup> GLA

## B. REASONS FOR THE DECISION

In reaching its decision, the competent authority took, *inter alia*, the following into consideration:

- (a) The information contained in the application for amendment dated 17 May 2018, as received by the competent authority on the same date; the final Amendment Application Report dated 14 August 2018, as received by the competent authority on the same date; the comment from the City of Cape Town: Energy Directorate received by the competent authority on 20 August 2018; the comment from the Department of Water and Sanitation received by the competent authority on 28 August 2018; and the comment from the Department of Agriculture received by the competent authority on 11 October 2018.
- (b) The application is for a substantive amendment in terms of the EIA Regulations, 2014 to the amended Environmental Authorisation.
- (c) Little to no negative impacts are expected due to the amendment of the original development proposal. This can be justified as follows:
  - i. Serina Investments (Pty) Ltd proposes to amend the approved Chapman's Peak Estate by incorporating a micro-brewery and micro gin distillery into the approved restaurant, slightly re-aligning the restaurant building on the same erf, providing new office space at the existing winery building and constructing three new double storey office buildings on the winery property and one of the sites previously earmarked for a residential unit.
  - ii. The amended development proposal therefore omits 1 residential erf and the 300-seat function venue.
  - iii. In addition, 225m<sup>2</sup> GLA is added to the approved restaurant and a total of 3994m<sup>2</sup> GLA of new offices.
  - iv. Traffic impacts:
    - With the additional background traffic growth of 3% and the expected traffic generated by the proposed development, the access road still operates at acceptable levels of service with minimal queues and delays on the side road.
    - The existing land configuration at the access to the proposed development is sufficient and no road upgrades are required.

- v. Botanical impacts:  
Nick Helme Botanical Surveys concluded in a letter dated 31 October 2017 that the overall botanical impact of the revised layout is likely to be the same as for the approved layout.
- vi. Geotechnical impacts:
- A number of cut and fill terraces will be created to accommodate structures and mainly parking in areas that have not previously been mined and are therefore not expected to yield any undue or unusual conditions in terms of excavation, founding or fill material.
  - Existing structures and roads in the area have performed well.
  - The platform for the restaurant will cut into the slope below the dam/detention pond and into the toe of the wall. This is likely to result in the following:
    - A reduction in the safety factor of the stability of the dam wall to an unacceptable low level or to the point of possible collapse.
    - Significant groundwater flows due to leakage from the dam, thereby egressing in the cut faces and floors below.
  - The geotechnical evaluation conducted by M. van Wieringen & Associates Consulting Geotechnical Engineers and Engineering Solutions indicated that the concerns relating to the dam can be addressed by conducting a detailed stability analysis of the dam wall. If necessary, the dam can be lined and/or the wall be modified.
  - It is indicated on the layout plan (Appendix A) that the existing irrigation dam will be reshaped to suit specifications by geotechnical and engineering requirements.
  - There are, however, no other significant geotechnical issues which prohibits the proposed development.
- vii. Freshwater impacts:  
The Freshwater Consulting Group in a letter dated 31 October 2017 indicated that the amended development proposal does not pose any new threats to the freshwater ecosystems that have been identified on the site.
- viii. Visual impacts:
- A Visual Impact Assessment was undertaken by Megan Anderson Landscape Architects to determine the visual impacts resulting from the proposed development.
  - The restaurant will be marginally more visible due to its increased footprint.
  - The building will be rotated slightly, but the change in orientation will not affect visibility.
  - The amended restaurant will be within the 6500mm height restriction of the formerly approved restaurant and will not increase the visibility.
  - The new offices of 930m<sup>2</sup> GLA (Phase 1) which is situated within the existing structure of the winery will increase visibility very slightly due to a marginal increase in height of a portion of the roof. A portion of the roof will be raised by less than 1900mm.
  - The double storey new office buildings of 3064m<sup>2</sup> GLA (Phase 2) will be more visible due to footprint and height.
  - The visual impact of the restaurant with a larger footprint, new offices in the existing buildings (Phase 1) and new offices (Phase 2) is rated as local.
  - However, the visual impact is barely noticeable from distances greater than 1.5km.

- The Visual Impact Assessment concluded that the anticipated visual impacts of the proposed development will be kept within acceptable levels with the implementation of mitigation measures.
- ix. Noise impacts:
- A Noise Impact Assessment Report dated 10 August 2017 was compiled by Mackenzie Hoy Consulting Acoustics Engineers and indicated that the only noise impact of any significance will be that of traffic during the day.
  - The impact is such that the noise will not exceed the requirements of the Western Cape Noise Control Regulations for urban districts.
  - The 62 dBA daytime noise limit does not extend beyond the Chapman's Peak Estate plot boundary and thus the proposed development will not cause noise levels to exceed those stipulated in the Western Cape Noise Control Regulations.
  - The existing berm on the plot boundary reduces noise transmission from the road.
- x. Bulk services:
- Although the proposed additional offices and amended restaurant will slightly increase the water demand, the water demand will occur at varying times, and the total Annual Average Daily Demand or peak flow will rarely occur.
  - It is also intended to develop alternative water resources at the Estate, which will include rainwater harvesting; recycling of water; creating additional water storage capacities (water tanks and the existing dam on the site); and installing water saving devices within the proposed buildings.
  - The rainwater will be treated to acceptable standards.
  - The City of Cape Town has confirmed that the bulk supply system has sufficient water resource, treatment and bulk storage and conveyance capacity to supply the estimated Average Annual Daily Demand of 61kl to the proposed development.
  - The restaurant and proposed offices will slightly increase the total sewer generated, however, the amount of sewer generated will occur at varying times.
  - The City of Cape Town has confirmed that the Wildevoelvie Waste Water Treatment Works has sufficient unallocated spare capacity to accommodate the proposed development.
  - The proposed development will only be permitted to allow the predevelopment 2-year storm event to flow from the site.
  - All storm water flow in excess of this volume will be accommodated on the site by means of detention ponds.
  - The City of Cape Town has confirmed that up to the 50-year storm event must be detained on the site.
  - The proposed development comprises of a number of open space areas, roads and parking areas that can be used to accommodate the ponds and permeable paved system for the 50-year storm event.
  - The ponds and permeable paved system will assist in recharging the underground water system.
  - All storm water generated on the site will be managed and discharged into the ponds and the permeable paving system before exiting any portion of the site.
- (d) The environment and the rights and interests of Interested and Affected Parties are not likely to be affected.
- (e) No new listed activities are triggered and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels.

- (f) The conditions contained in the Environmental Authorisation issued on 7 February 2011 and the amended Environmental Authorisations issued on 30 September 2011 and 14 December 2015, respectively remain unchanged and in force.
- (g) A Public Participation Process was conducted for the amendment application, which comprised of the following:
- Letters were posted via registered mail on 29 May 2018;
  - A notice was placed on site on 30 May 2018;
  - An advertisement was placed in the "Echo" newspaper on 31 May 2018; and
  - An Amendment Application Report was made available for comment from 31 May 2018 until 2 July 2018.

At the end of the commenting period, comments were received. The competent authority is satisfied that the comments received were adequately responded to.

**Authority Consultation:**

The following authorities were consulted:

- CapeNature;
- Heritage Western Cape;
- Department of Agriculture;
- Department of Water and Sanitation; and
- Various departments within the City of Cape Town.

**C. CONDITIONS**

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision –
  - 1.1 notify all registered Interested and Affected Parties of –
    - 1.1.1 the outcome of the application;
    - 1.1.2 the reasons for the decision;
    - 1.1.3 the date of the decision; and
    - 1.1.4 the date of issue of the decision;
  - 1.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
  - 1.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
  - 1.4 provide the registered Interested and Affected Parties with:
    - 1.4.1 the name of the holder (entity) of this Environmental Authorisation,
    - 1.4.2 name of the responsible person for this Environmental Authorisation,
    - 1.4.3 postal address of the holder,
    - 1.4.4 telephonic and fax details of the holder,
    - 1.4.5 e-mail address, if any.
2. Seven calendar days' notice, in writing, must be given to the Directorate: Development Management (Region 1) before commencement of construction activities. Commencement for the purpose of this condition includes site preparation. The said notice must also include proof of compliance with Condition 1 and 3 described in Section C of this Environmental Authorisation.

## D. APPEAL

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014. An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered Interested and Affected Parties of this decision;
- 1.2 If the appellant is the applicant, provide any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.4 The applicant (if not the appellant), the decision-maker, Interested and Affected Parties and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:
  - By post:           Attention: Jaap de Villiers  
                      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 J. de Villiers (Tel: 021 483 3721)  
                      Room 809  
                      8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
  - By e-mail:        [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za)
- 1.6 An electronic copy (word document format) of the appeal and its supporting documents must also be submitted.
- 1.7 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 [Jaap.deVilliers@westerncape.gov.za](mailto:Jaap.deVilliers@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 Addendum to the 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 greatly appreciated.

Yours faithfully



**ZAHIR TOEFY**

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 30/10/2018

CC: (1) Mr Marais Geldenhuys (Doug Jeffery Environmental Consultants)

Fax: (086) 660 2635

**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:**

**16/3/3/5/A6/57/2028/18**

**NEAS EIA REFERENCE NUMBER:**

**WCP/EIA/AMEND/0000283/2018**