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NEAS REFERENCE NUMBER: WCP/EIA/0000958/2021
ENQUIRIES: Bernard Kgosana
DATE OF ISSUE: 22 March 2022

The Trustees
D.F Malan Beleggings Trust
P. O. Box 23
RIEBEEK WEST
7306

Attention: Mr. D. F. Malan

Tel.: (022) 461 2320

E-Mail: info@allesverloren.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ALLESVERLOREN LIFESTYLE ESTATE DEVELOPMENT ON ERVEN 23, 32, 36, 138, 1845-1850 AND A PORTION OF PORTION 8 OF THE FARM ALLESVERLOREN NO. 642, RIEBEEK WEST.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** the Environmental Authorisation, 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 decision on the application, that all registered Interested and Affected Parties ("I&APs") are provided with access to the decision 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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation below.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. N. Hanekom (Enviro-EAP)
(2) Mr. A. Burger (Swarthland Municipality)

Email: nicolaas@enviro-eap.co.za

Email: alwynburger@swarthland.org.za

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ALLESVERLOREN LIFESTYLE ESTATE DEVELOPMENT ON ERVEN 23, 32, 36, 138, 1845-1850 AND A PORTION OF PORTION 8 OF THE FARM ALLESVERLOREN NO. 642, RIEBEEK WEST.

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) and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation and hereby adopts the Maintenance Management Plan** (dated 11 November 2021) to the applicant to undertake the listed activities specified in section B below with respect to Layout Alternative 1b (i.e. the Preferred Alternative) as described in the BAR dated 12 November 2021.

The granting of this Environmental Authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Trustees
c/o Mr. Danie F Malan
D.F Malan Beleggings Trust
P. O. Box 23
RIEBEEK WEST
7306

Tel: (022) 461 2320
Email: info@allesverloren.co.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Describe the portion of the proposed development to which the applicable listed activity relates.
<p>Listing Notice 1 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 9 Activity Description:</p> <p><i>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</i></p> <p>(i) <i>with an internal diameter of 0,36 metres or more; or</i></p> <p>(ii) <i>with a peak throughput of 120 litres per second or more;</i></p> <p><i>excluding where—</i></p> <p>(a) <i>such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i></p> <p>(b) <i>where such development will occur within an urban area.</i></p> <p>Activity Number: 12 Activity Description:</p> <p><i>The development of—</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p>(a) <i>within a watercourse;</i></p> <p>(b) <i>in front of a development setback; or</i></p> <p>(c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i></p> <p><i>excluding—</i></p> <p>(aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p>	<p>The proposed development will include the development of the internal stormwater network, which will consist of side inlet catch pits, manholes and concrete pipes with sizes varying from 375mm diameter to 600mm diameter.</p> <p>The development of a stormwater retention pond of 27m x 26m x 1m deep to accommodate stormwater volumes including the infrastructure within 32m of the ephemeral stream network and the natural seep wetland.</p>

<p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</p> <p>Activity Number: 19 Activity Description:</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p> <p>Activity Number: 24 Activity Description:</p> <p><i>The development of a road—</i></p>	<p>The proposed development will include the piping of a diverted stream to form part of the stormwater network and the upgrading of an existing access road, which traverses the ephemeral stream network.</p> <p>The proposed internal roads required for the group housing units and town houses will require a minimum road reserve of approximately 8m.</p>
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<p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter.</p> <p>Activity Number: 28 Activity Description:</p> <p><i>Residential, mixed, retail, commercial, industrial or institutional developments 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><i>excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.</i></p>	<p>Approximately 2.4620ha of Portion 8 of Farm Allesverloren No. 642, Riebeeck West, which is used for agriculture and is located outside an urban area will be developed for residential / business / open space / community uses.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014, (as amended):</p> <p>Activity Number: 4 Activity Description:</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p> <p>i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas;</p>	<p>The proposed internal roads will be between 4.5 to 6.5m in width with a reserve less than 13.5m, outside an urban area and on areas containing indigenous vegetation.</p>

<p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	
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The abovementioned is hereinafter referred to as "the listed activities".

The holder is herein authorised to undertake the following alternative that includes the listed activities relating to the authorised development:

The authorised development entails the development of the Allesverloren Lifestyle Estate on Erven 23, 32, 36, 138, 1845-1850 and a portion of Portion 8 of the Farm Allesverloren No. 642, Riebeek West. The estate will be developed in four phases and will comprise of the following:

Phase 1 will consist of the development of the following:

- Day Clinic & pharmacy;
- Frail care centre with assisted living;
- Memory Care Centre;
- Restaurant and Clubhouse;
- Gymnasium and associated amenities
- Ninety-one (91) town house units;
- 12 Apartments;
- 25 erven for group housing;
- Roads, parking and associated infrastructure;
- Open areas; and
- Associated infrastructure.

Phase 2 will consist of the development of the following:

- 48 Apartments and associated parking infrastructure;
- 24 erven for group housing;
- Open space; and
- Associated infrastructure.

Phase 3 will consist of the development of the following:

- 21 erven for group housing and associated parking infrastructure;
- Open space; and
- Associated infrastructure.

Phase 4 will consist of the development of the following:

- 18 erven for group housing and associated parking infrastructure;
- Open space; and
- Associated infrastructure.

A no development buffer of at least 15m (except the upgrading of the existing access road located within the buffer) will be located along the ephemeral stream network and will be maintained during all phases of the proposed development.

Internal roads will be approximately 4.5m to 6.5m wide. The stormwater network will consist of side inlet catch pits, manholes and concrete pipes with sizes varying from 375mm diameter to 600mm diameter. Where possible, the stormwater will be discharged directly into swales situated along the side of the road from where it will flow into the channel on the southern boundary of the site. A dry stormwater pond and swale will be developed. The stormwater pond will be approximately 27mX26mX1m deep to accommodate the stormwater retention required for the proposed development and will be fenced for safety purposes. The diverted stream will be piped and will form part of the stormwater network.

All services will be provided by the local authority. Electricity will be supplied by Eskom.

The development footprint of the proposed development and associated infrastructure will be approximately 15.3ha in extent.

C. PROPERTY DESCRIPTION AND LOCATION

The authorised listed activities will be undertaken on Erven 23, 32 36, 138, 1845 – 1850 and a portion of Portion 8 of Farm Allesverloren No. 642, Riebeek West. Access to the proposed site will be located off Malan Street.

The 21-digit Surveyor General Codes for the proposed site are:

Erf 23	C04600110000002300000
Erf 32	C04600110000003200000
Erf 36	C04600110000003600000
Erf 138	C04600110000013800000
Erf 1845	C04600110000184500000
Erf 1846	C04600110000184600000
Erf 1847	C04600110000184700000
Erf 1848	C04600110000184800000
Erf 1849	C04600110000184900000
Erf 1850	C04600110000185000000
Portion 8 of Farm No. 642	C04600110000064200008

Site co-ordinates for the proposed site is as follows:

Latitude (S)	33°	21'	22.71" South
Longitude (E)	18°	52'	16.69" East

Refer to Annexure A: Preferred Alternative 1 and Annexure B: Proposed Site Development Plan ("SDP").

The said section of land is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Enviro-EAP (Pty) Ltd
 Mr. N. Hanekom
 2 School Street
AGULHAS
 7287

Cell: 0662109892
 Fax: 086 435 4691
 Email: nicolaas@enviro-eap.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in the BAR dated 12 November 2021 on the site described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development/construction activities must be concluded within **ten (10) years** from the date the commencement of the listed activity.
4. The holder must ensure compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the description set out in Section B must be 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. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1. make clear reference to the site details and EIA Reference number given above; and
 - 6.2. include proof of compliance with the following conditions described herein:

Conditions: 7, 8, 12 and 18.

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 Appeal 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. the name of the responsible person for this Environmental Authorisation;
 - 7.4.3. the postal address of the holder;
 - 7.4.4. the telephonic and fax details of the holder;
 - 7.4.5. the e-mail address if any, of the holder; and
 - 7.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event

that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

8. The listed activity, including site preparation, must not be commenced with within 20 (twenty) calendar days from the date the holder notifies 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 activities, including site preparation, must not be commenced with until the appeal is decided.

Management of activity

9. The Environmental Management Programme ("EMPr") (compiled by Enviro-EAP and dated 08 September 2021) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Maintenance Management Plan ("MMP") (compiled by Enviro-EAP (Pty) Ltd and dated 11 November 2021) adopted as part of this Environmental Authorisation must be implemented.
11. The EMPr, including the MMP, must be included in all contract documentation for all phases of implementation.

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.
13. 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 on a publicly accessible website.
14. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorized 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

15. 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 Environmental Audit Report must be prepared by an independent person, with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 15.1. The holder must undertake an environmental audit within three (3) months of the commencement of the development activities and submit the Environmental Audit Report to the Competent Authority one (1) month after the completion of the undertaking of the environmental audit.
 - 15.2. A final Environmental Audit Report must be submitted to the Competent Authority one (1) month after the completion of the development activities. This must include a report on any maintenance activities undertaken during the reporting period.
 - 15.3. The holder must, within seven (7) days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request.

Specific conditions

16. In accordance with the Heritage Impact Assessment (compiled by CTS Heritage and Claire Abrahamse Architects and dated February 2020) and as included in the EMPr, should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. 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 bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; 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.
17. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate. Uncontaminated building rubble generated on the premises can be used as back-filling material on site.
18. The proposed site must be clearly demarcated prior to the commencement of development activities. The site demarcation must remain visible for the duration of the development activities (where practical).
19. No vehicles, machinery or dangerous goods must be stored within 32m of a watercourse during the development phase.
20. Surface, storm or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
21. The recommendations of the Freshwater Impact and Risk Assessment (compiled by EnviroSwift and dated August 2019), as included in the EMPr, must be implemented during all phases of the proposed development.
22. Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.

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 activities.
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 activities within the period specified in Condition 2, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. An application for amendment of the Environmental Authorisation must be submitted 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 must –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. M. Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

5. The 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>.

H. DISCLAIMER

The Western Cape Government, the holder, 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 22 MARCH 2022

Copied to: (1) Mr. N. Hanekom (Enviro-EAP)
(2) Mr. A. Burger (Swartland Municipality)

Email: nicolaas@enviro-eap.co.za
Email: alwynburger@swartland.org.za

ANNEXURE 1: LOCALITY MAP:

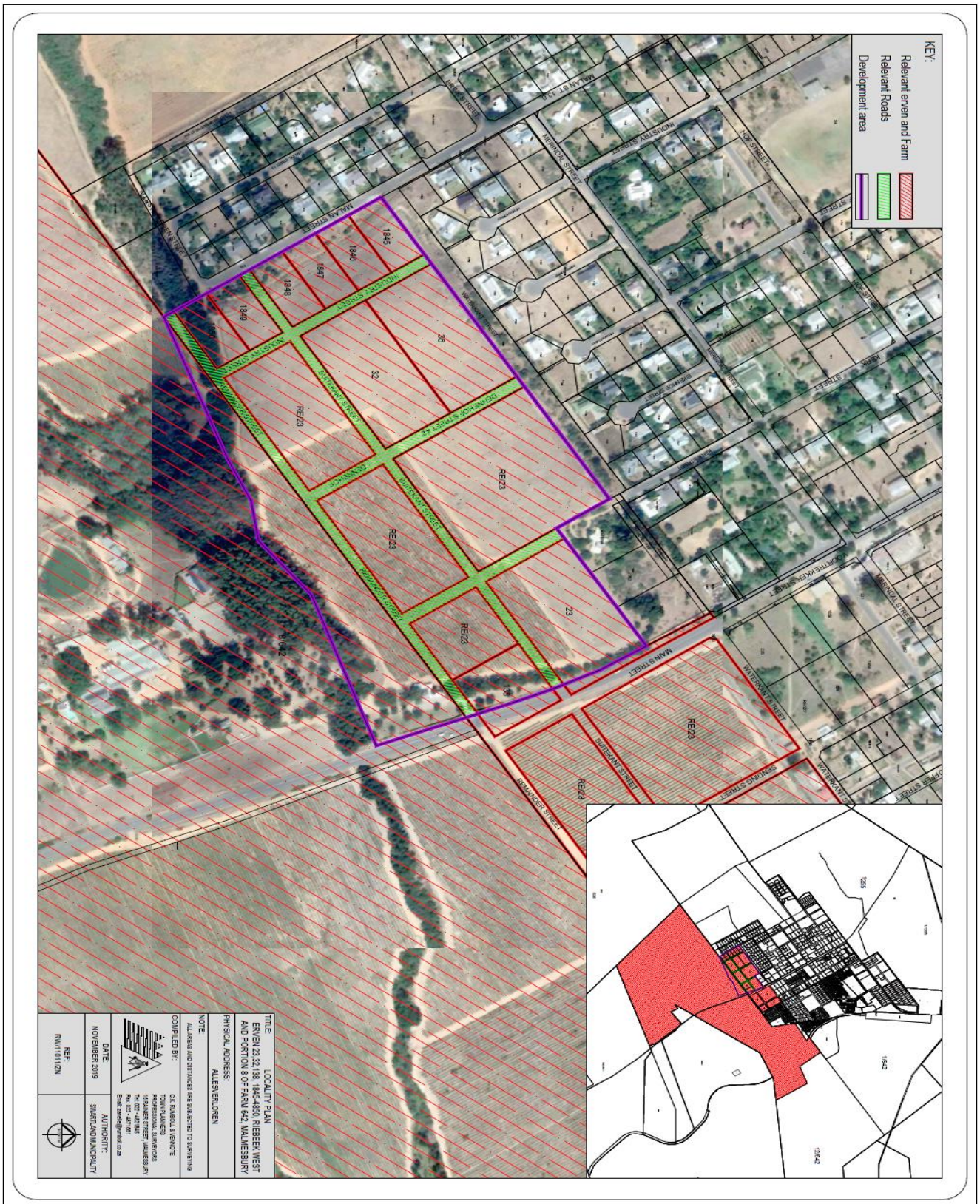
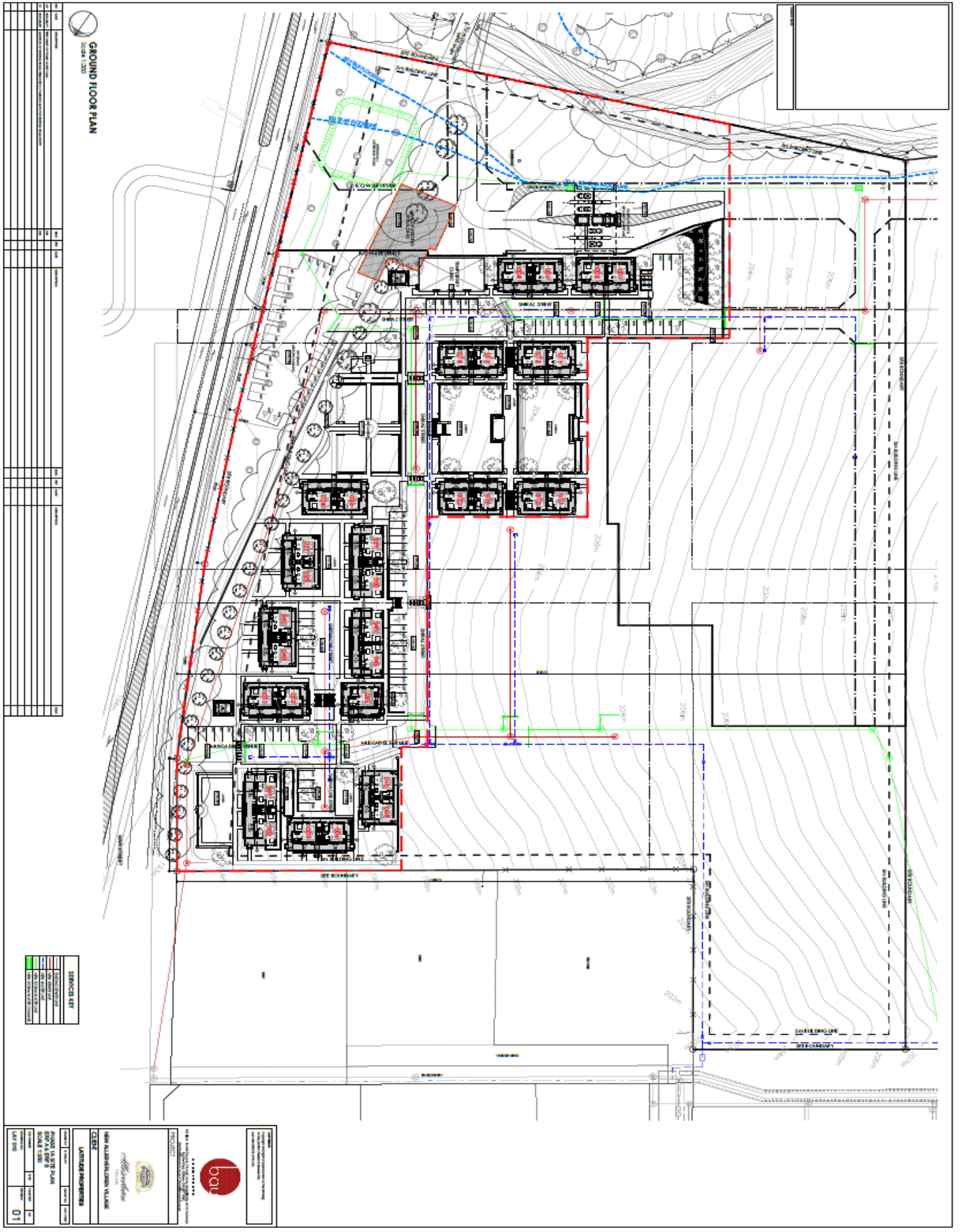
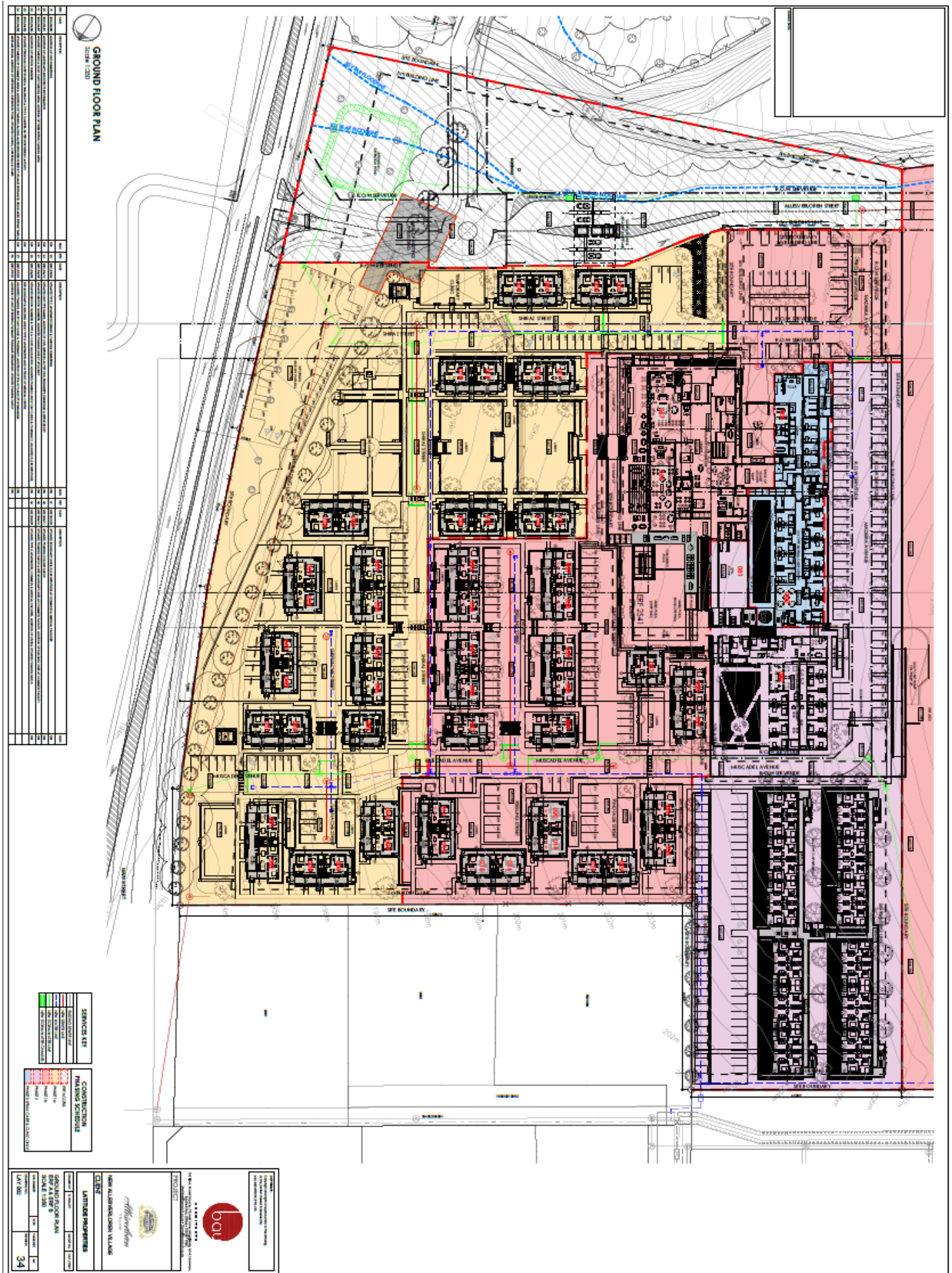
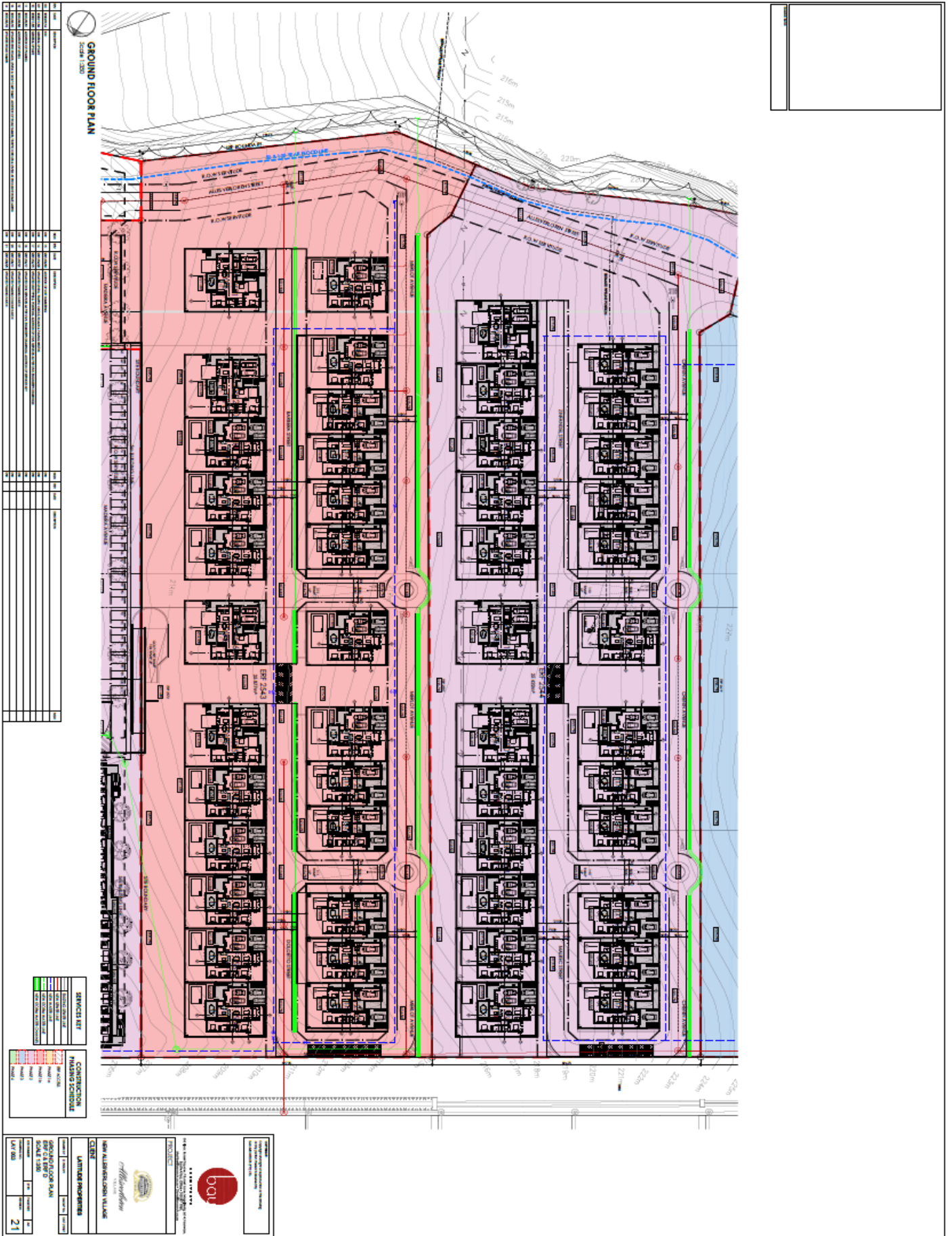
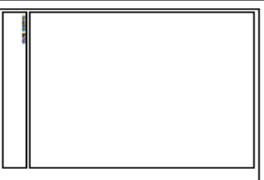


Figure 1: Locality map depicting the location of proposed integrated mixed-use development on Erven 23, 32, 36, 138 and 1845-1850 and farm 642/8.

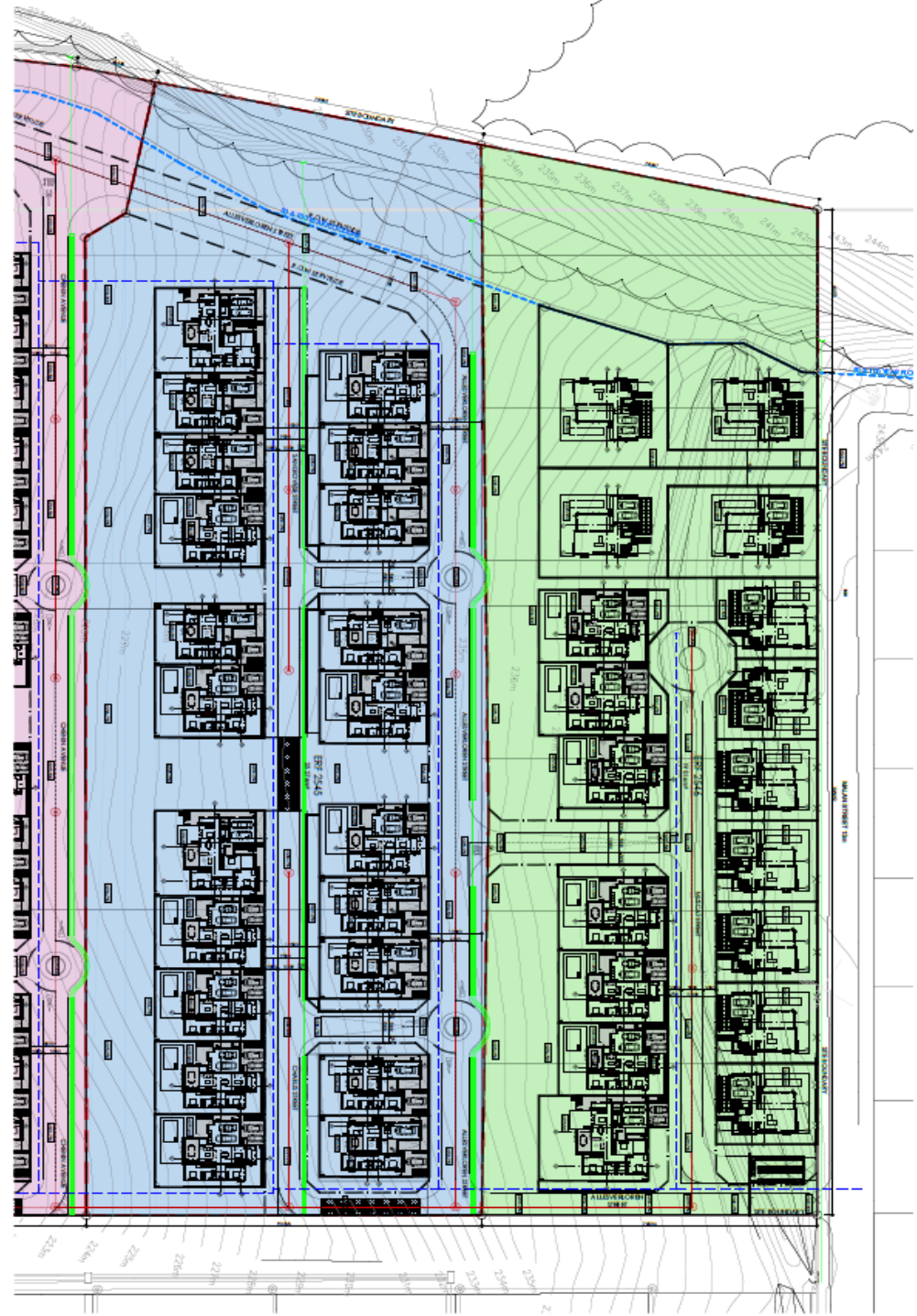








GROUND FLOOR PLAN



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	2024/01/20
2
3
4
5
6
7
8
9
10

SERVICES SET	
✓	STRUCTURE
✓	ELECTRICAL
✓	PLUMBING
✓	Mechanical
✓	Water
✓	Sanitary
✓	Storm
✓	Other

CONSTRUCTION MARKING SCHEME

Red	Foundation
Green	Structure
Blue	Services
Yellow	Other

PROJECT INFORMATION

CLIENT	WESTERNCAPE GOVERNMENT
PROJECT	NEW ALBERICIEN VILLAGE
DATE	2024/01/20
SCALE	1:500
LAYOUT	20

BOU

BOU ENGINEERS

REGISTERED PROFESSIONAL ENGINEER

MEMBER OF THE ENGINEERING COUNCIL OF SOUTH AFRICA

MEMBER OF THE SOUTH AFRICAN INSTITUTE OF PROFESSIONAL ENGINEERS

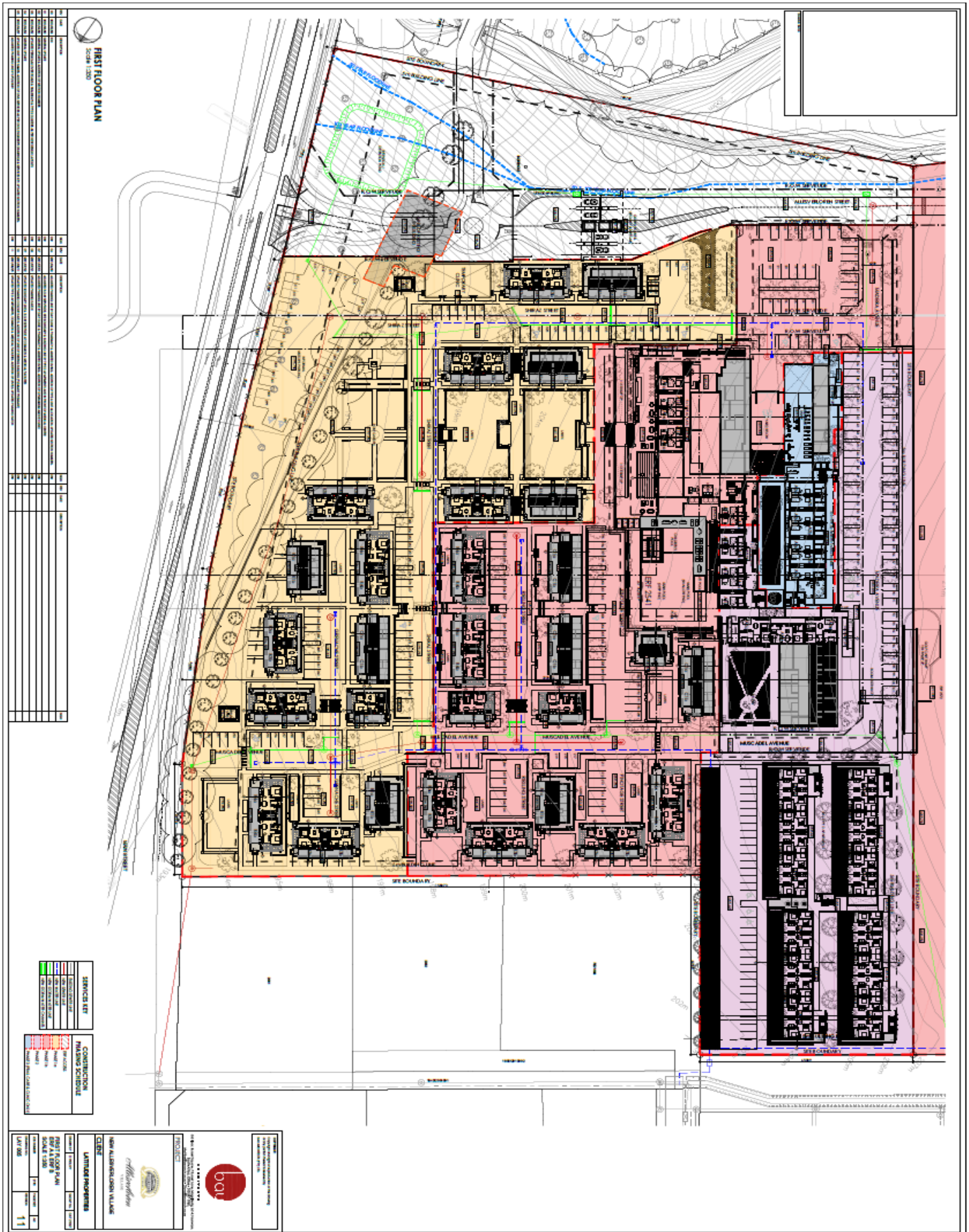


Figure 2: Site Development Plan ("SDP"): Depicting the proposed integrated mixed-use development on Erven 23, 32, 36, 138 and 1845-1850 and farm 642/8.

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 and received by the Competent Authority on 04 August 2021, the final BAR (dated 12 November 2021), the EMPr (dated 08 September 2021) and the MMP submitted together with the final BAR on 12 November 2021;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 12 November 2021; and
- e) The balancing of negative and positive impacts and proposed mitigation measures;

No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

All information presented to the Competent Authority was taken into account during 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 ("PPP") was undertaken in accordance with a Public Participation Plan approved on 23 August 2021:

- Identification of and engagement with Interested and Affected Parties ("I&APs");
- Fixing a notice board on the site where the listed activities is to be undertaken on 15 July 2020;
- Written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 16 July 2020;
- The placing of a newspaper advertisement in the "Breederiver Gazette" on 14 July 2020. Confirmation that the "Breederiver Gazette" newspaper was distributed in the Swartland Municipal area has been provided;
- Making the pre-application draft BAR available to I&APs for comment from 14 September 2020 to 15 October 2020;
- Making the draft BAR available to I&APs for comment from 09 September 2021 to 11 October 2021; and
- All reports were made available electronically via a Google Drive link and on the EAP's website.

All of the concerns raised by I&APs were responded to and adequately addressed during the public participation process. This Department is satisfied that the PPP that was followed met the minimum legal requirements and all the comments and responses report thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

2. Alternatives

No site alternatives were considered since the proposed site is owned by the applicant and the proposed site is located inside the urban edge of Riebeeck West. Layout Alternatives and the "No-Go" Alternative were investigated and are discussed below.

2.1. Layout Alternative 1a

Layout Alternative 1a entails the development of the Allesverloren Lifestyle Estate on Erven 23, 32, 36, 138, 1845-1850 and a portion of Portion 8 of the Farm Allesverloren No. 642, Riebeek West. The estate will be developed in four phases and will be divided into three main uses, namely, residential, medical care and assisted living and recreational amenities.

Layout Alternative 1a was not deemed the preferred alternative since Layout Alternative 1a did not take cognisance of the recommendations of the Heritage Impact Assessment (dated February 2022) in that the additional space required to create a larger foreground of the vines was not accommodated.

2.2. Layout Alternative 1b (i.e. the Preferred Alternative - herewith authorised)

Layout Alternative 1b (i.e. the Preferred Alternative) entails the development of the Allesverloren Lifestyle Estate on Erven 23, 32, 36, 138, 1845-1850 and a portion of Portion 8 of the Farm Allesverloren No. 642, Riebeek West. The estate will be developed in four phases and will comprise of the following:

Phase 1 will consist of the development of the following:

- Day Clinic & pharmacy;
- Frail care centre with assisted living;
- Memory Care Centre;
- Restaurant and Clubhouse;
- Gymnasium and associated amenities
- Ninety-one (91) town house units;
- 12 Apartments;
- 25 erven for group housing;
- Roads, parking and associated infrastructure;
- Open areas; and
- Associated infrastructure.

Phase 2 will consist of the development of the following:

- 48 Apartments and associated parking infrastructure;
- 24 erven for group housing;
- Open space; and
- Associated infrastructure.

Phase 3 will consist of the development of the following:

- 21 erven for group housing and associated parking infrastructure;
- Open space; and
- Associated infrastructure.

Phase 4 will consist of the development of the following:

- 18 erven for group housing and associated parking infrastructure;
- Open space; and
- Associated infrastructure.

A no development buffer of at least 15m (except the upgrading of the existing access road located within the buffer) will be located along the ephemeral stream network and will be maintained during all phases of the proposed development.

Internal roads will be approximately 4.5m to 6.5m wide. The stormwater network will consist of side inlet catch pits, manholes and concrete pipes with sizes varying from 375mm diameter to 600mm diameter. Where possible, the stormwater will be discharged directly into swales situated along the side of the road from where it will flow into the channel on the southern boundary of the site. A dry stormwater pond and swale will be developed.

The stormwater pond will be approximately 27mX26mX1m deep to accommodate the stormwater retention required for the proposed development and will be fenced for safety purposes. The diverted stream will be piped and will form part of the stormwater network.

All services will be provided by the local authority. Electricity will be supplied by Eskom.

The development footprint of the proposed development and associated infrastructure will be approximately 15.3ha in extent.

Layout Alternative 1b (i.e. the Preferred Alternative) was deemed the preferred since the recommendations of the Heritage Impact Assessment (dated February 2020) and the Freshwater Impact Assessment (dated August 2019) were taken into account when Layout Alternative 1b (i.e. the Preferred Alternative) was finalised. In addition, the proposed development is in line with the planning policies applicable to the area in terms of densification and optimal use of the land.

2.3. Layout Alternative 2

Layout Alternative 2 entailed the development of residential units within the existing land-use approval for the proposed site. This would have entailed the development of 14 residential dwellings on a large area.

Layout Alternative 2 was not deemed the preferred alternative since the proposed development does not promote the optimal use of the developable area. In addition, these larger erven do not fit into the grain of the other erven in Riebeeck West.

2.4. "No-Go" Alternative

The "No-Go" alternative will result in the *status quo* being maintained. Since the proposed development will not result in unacceptable environmental impacts, the "no-go" alternative was not warranted.

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

3.1. Activity Need and Desirability

All erven, except for Portion 8 of Farm No. 642, Riebeeck West is zoned for residential purposes. Portion 8 of Farm No. 642, Riebeeck West is zoned for agricultural purposes. The proposed development complies with the Western Cape Provincial Spatial Development Framework policy initiatives on densification and the optimal utilization of infrastructure and services within the urban context. The proposed development will promote smart growth by ensuring the efficient use of land and infrastructure by containing urban sprawl and prioritising infill development. Although a portion of the proposed site is located outside an urban area, the proposed development further complies with the planning policies applicable to the area.

3.2. Agricultural Impacts

According to the Screening Report (generated from the Screening Tool developed by the National Department of Environmental Affairs and dated 09 April 2020) the proposed site was mapped to be located in a very high sensitivity area from an agricultural perspective. An Agricultural Impact Statement (compiled by Johann Lanz and dated 28 May 2021) was undertaken in terms of the Protocols. The specialist indicated that only a small portion of the proposed site is currently used for vineyards. The specialist confirmed that the proposed site is of low sensitivity from an agricultural perspective and has further confirmed that the designation of the proposed site for residential purposes will prevent future agricultural use of the land. The specialist therefore recommended that the proposed development be approved and no mitigation measures have been provided.

The specialist provided an additional statement (dated 27 August 2021) indicating that the sensitivity in the Screening Report is further disputed based on the fact that the Screening Report does not take cognisance of fact that the proposed site has been designated for urban development, which negates any future agricultural production potential.

The Department of Agriculture, Land Reform and Rural Development (in their comments dated 11 October 2021 and 20 April 2021) offered no objection to the proposed development and advised that a detailed rehabilitation plan be included in the EMPr.

3.3. Flora and Faunal Impacts

A Terrestrial Plant Species Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated November 2021) was undertaken in terms of the Protocols. The specialist indicated that the medium sensitivity, as highlighted in the Screening Report, is disputed based on the fact that the proposed site is transformed due to previous agricultural activities and does not contain indigenous vegetation. In addition, no species of conservation concern were recorded on the proposed site. No mitigation measures were provided by the specialist.

A Terrestrial Animal Species Compliance Statement (compiled by Enviro-EAP (Pty) Ltd and dated November 2021) was undertaken in terms of the Protocols. The specialist indicated that the medium sensitivity, as highlighted in the Screening Report, is disputed based on the fact that the proposed site is transformed due to previous agricultural activities and no species of conservation concern were recorded on the proposed site. No mitigation measures were provided by the specialist.

CapeNature (in their comment dated 08 October 2021) offered no objection against the proposed development.

3.4. Freshwater impacts

A Freshwater Impact and Risk Assessment (compiled by EnviroSwift and dated August 2019) was undertaken to determine the potential freshwater impacts associated with the proposed development. A desktop review and field survey of the proposed site formed part of the specialists' assessment of the proposed site. An ephemeral stream network, a natural seep wetland, a diverted natural stream and an artificial drainage channel were identified and delineated by the specialist.

Two ephemeral streams were identified on a portion of Portion 8 of Farm No. 642, Riebeeck West. The northern stream was delineated. A number of smaller streams were identified within the riparian zone between the two main streams and has likely formed as a result of erosion. The streams were not flowing at the time of the field survey. A natural seep wetland was identified and delineated within the south-western portion of the proposed site, approximately 15m south of the concrete road crossing. A natural stream has been diverted and incorporated into a formal piped stormwater system. Mixed stream water and residential stormwater enters the diverted stream at the northwestern corner of the proposed site and traverses the western boundary of the proposed site, which discharges into the ephemeral stream network. An artificial channel located on the south-southwestern section of the ephemeral stream network was encountered.

A river Index of Habitat Integrity Assessment was applied and the specialist determined that the habitat integrity of the ephemeral stream network was Category D: Largely modified, which indicates that a large loss of natural habitat, biota and basic ecosystem functions has occurred. The Ecological Importance and Sensitivity of the ephemeral stream network was determined to moderate.

The WET-Health method was used to assess the Present Ecological State of the seep wetland. The overall score for the seep wetland was Category E, which indicates some loss of natural habitat and biota with some natural habitat remaining. The Ecological Importance and Sensitivity of the seep wetland was determined to moderate.

The diverted portion of the stream lacked a distinctive riparian area and is no longer considered as an active watercourse due to the redirection of the stream. The Index of Habitat Integrity Assessment was applied and the specialist determined that the habitat integrity of the diverted stream was Category E, which indicates the loss of natural habitat, biota and basic ecosystem functions is extensive. The Ecological Importance and Sensitivity of the diverted stream was determined to be low/marginal. The specialist provided recommended Ecological Categories for the seep wetland and ephemeral stream in order to maintain and/or improve the Ecological Importance and Sensitivity. Recommendations to improve the Ecological Categories for the seep wetland and ephemeral stream such as alien clearing, general maintenance and phased introduction of hardy indigenous species, have been provided by the specialist. A no development buffer area of at least 15m along the ephemeral stream network, with the exception of the proposed upgrading of the existing access road, has also been recommended by the specialist. No recommendations to improve the Ecological Category for the diverted stream has been recommended since the diverted stream will be piped.

The proposed development will result in the loss of limited habitat and function associated with the diverted stream as a result of its conversion to an enclosed pipe. The potential loss was found to be minimal as no indigenous riparian species will be lost as a result of the proposed development. The specialist indicated that the proposed development would have a minor impact on the adjacent ephemeral stream network provided that the recommended mitigation measures are implemented during all phases of the proposed development. The specialist's recommendations have been included as a condition set in this Environmental Authorisation and in the EMPr. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) will be met. The Department of Water and Sanitation have confirmed (in their correspondence dated 14 October 2021) that the Water use Authorisation Application has been submitted.

3.5. Geotechnical considerations

A Geotechnical Investigation (compiled by R. A. Bradshaw and Associates cc and dated 15 November 2019) was undertaken to determine the geotechnical capabilities of the proposed site. Twelve test pits were excavated. Fill soils, surficial sandy soils, alluvial sand, coarse soils and sandy silty clay were encountered. No groundwater was encountered in any of the trial pits. The specialist provided recommendations for the different foundation layouts required for the different ground conditions that will be encountered. These mitigation measures have been included in the EMPr.

3.6. Heritage/Archaeological Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). It was indicated that a Heritage Impact Assessment in terms of Section 38(8) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) was required.

A Heritage Impact Assessment (compiled by CTS Heritage and Heritage and Claire Abrahamse Architects and dated February 2020) was undertaken to determine the potential impacts on heritage resources. The specialist identified a number of stand-alone elements on the proposed site that contribute to the character of Riebeeck West. These elements included, *inter alia*, the stream course and associated vegetation located to the south of the proposed site, the row of oak trees along the eastern boundary of the proposed site, the foreground of existing vines and the meandering edge of Allesverloren. The specialist further indicated that the foreground of the existing vines forms the primary heritage significance of the proposed site since this characteristic marks the transition between the rural context (to the south) and the urban context (to the north). The other identified stand-alone elements are of additional heritage significance in this regard.

The initial proposed development took cognisance of the stand-alone elements that are of additional heritage significance. This includes, *inter alia*, largely aligning the existing access roads to the proposed development to remain within the historic street grid pattern, the inclusion of a buffer area between the proposed development and the 1:100 year floodline and the retaining of the existing oak trees to maintain the meandering edge to Allesverloren.

However, the primary heritage significance (i.e. the foreground of vines) were not taken into account in the initial proposed development. The specialist therefore recommended that the density of the residential units in the foreground be reduced to create a foreground space that is more open with the recommended "foreground of vines" heritage-related design indicator. The preferred alternative was therefore amended to include the recommendation of the specialist. The specialist indicated that from a heritage perspective there is no objection to the proposed development provided that the recommendations of the specialist is implemented. The recommendations of the specialist have been included as a condition set in this Environmental Authorisation and has been included in the EMPr.

HWC indicated (in their comment dated 11 June 2020) that the landscape plans (drawing number: 497-OvP-ANV-001 rev 05, dated June 2020) in conjunction with the SDP has been endorsed and approved.

3.7. Traffic Impacts

A Traffic Impact Assessment (conducted by Sturgeon Consulting (Pty) Ltd and January 2020) was conducted to determine the potential traffic impacts associated with the proposed development. Two existing access points to the property were identified. It was determined that the existing access point located east of the MR227 be relocated to the new proposed access point and that the existing access point to the existing restaurant be closed. An emergency access point and a single access point will be developed off Malan Street. The specialist applied the 2019 present traffic demand, 2024 background traffic demand (i.e., 2019 traffic volumes escalated with a growth rate) and 2024 total traffic demand (i.e., background traffic volumes including development trips). The traffic scenarios applied indicated that the study intersections are expected to operate at an acceptable level of service for all phases of the proposed development. The specialist therefore indicated that from a traffic engineering perspective, the application for the proposed development is supported.

3.8. Services

All services will be required to service the proposed development. A Services Report (compiled by SKCMasakhize Engineers (Pty) Ltd and dated 16 October 2020) was undertaken to determine the service infrastructure and the service capacity requirements to service the proposed development. Roads (i.e., access to the proposed site and internal roads), the stormwater network, the water network, the sewer network and solid waste disposal was considered by the engineers. Cognisance of the Traffic Impact Assessment (compiled by Sturgeon Consulting Engineers and dated January 2020) in relation to the proposed access to the development and internal road network was included in the report.

The stormwater network will consist of side inlet catch pits, manholes and concrete pipes with sizes varying from 375mm in diameter to 600mm in diameter. Where possible, the stormwater will discharge directly into swales situated along the side of the road from where it will flow into the channel on the southern side of the proposed site. Where possible, polishing facilities will be included and landscaped accordingly. A swale and retention pond will be included in the proposed development. The stormwater system will be designed to accommodate a 1:2 year recurrence interval run off from the proposed development.

Potable water will be supplied from the existing municipal water network. Phase 1 of the proposed development will connect to the existing low pressure network and no network upgrades will be required. The remainder of the proposed development will connect to the existing high pressure network and the supply line in Malan Street will be upgraded from a 75mm diameter pipeline to a 160mm diameter pipeline. The internal network will range between 110mm and 160mm diameter pipelines. Since potable water will be gained from existing reservoirs, the accepted guideline is that a minimum capacity equal to 48 hours of water demand be supplied. The additional storage capacity required for Phase 1 of the proposed development will be met.

However, the additional storage capacity for the remainder of the development requires additional storage capacity. Bulk capital contribution for water is proposed to be set aside for creating future storage capacity for this network.

The sewer network will consist of 160mm diameter pipelines and will connect to the existing municipal sewer network.

Eskom (as the electricity supply authority in the area) confirmed (in their correspondence dated 09 April 2020) that they have sufficient electrical capacity to supply the proposed development.

The Swartland Local Municipality confirmed (in their correspondence dated 10 March 2021) that sufficient, spare and unallocated potable water supply, sewer services and solid waste collection services are available to support the proposed development.

3.9. Dust, visual and noise

Potential dust, visual and noise impacts are anticipated during the construction phase of the proposed development. However, the potential dust, noise and visual impacts will be limited to the development phase and mitigation measures have been included in the EMP to ensure that potential dust, visual and noise impacts are limited.

Visual impacts during the operational phase will be mitigated by the implementation of the landscape plan to ensure that the proposed development is in keeping with the surrounding environment.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential freshwater impacts;
- Potential traffic impacts during the development phase;
- Potential dust, visual and noise impacts during the development phase; and
- Some loss in vineyards.

Positive impacts include:

- The improvement and maintenance of the freshwater features on the proposed site;
- Optimal use of the land;
- Provision of residential opportunities and associated recreational amenities;
- Some employment opportunities; and
- Economic gain for the applicant.

4. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and

- the selection of the best practicable environmental option.

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 activities 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 activities can be mitigated to acceptable levels.

You are reminded of the general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

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