



REFERENCE: 16/3/3/5/A6/82/2023/23
NEAS REFERENCE: WCP/EIA/AMEND/0000743/2023
DATE OF ISSUE: 03 July 2023

The Board of Directors
Country Club Holdings (Pty) Ltd.
Postnet Suite 254
Private Bag X1
MELROSE ARCH
2076

Attention: Mr. John Bayett

E-mail: johnbayett@gmail.com

Dear Sir

APPLICATION 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 PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 16 NOVEMBER 2021 (REFERENCE NO.: 16/3/3/1/A6/82/2009/20): PROPOSED INFILLING AND DIVERSION OF THE WESTERN ARM OF THE STREAM AND CLEARANCE OF INDIGENOUS VEGETATION ON ERF NO. 177476, ST JAMES.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** the amended Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Andrew Greenwood (City of Cape Town)

E-mail: Andrew.greenwood@capetown.gov.za

(2) Mr. Ludwig van der Merwe (Virdus Works Environmental (Pty) Ltd.)

E-mail: ludwig.vdmerwe@virdus.com



REFERENCE: 16/3/3/5/A6/82/2023/23
NEAS REFERENCE: WCP/EIA/AMEND/0000743/2023
DATE OF ISSUE: 03 July 2023

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 16 NOVEMBER 2021 (REFERENCE NO.: 16/3/3/1/A6/82/2009/20): PROPOSED INFILLING AND DIVERSION OF THE WESTERN ARM OF THE STREAM AND CLEARANCE OF INDIGENOUS VEGETATION ON ERF NO. 177476, ST JAMES.

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

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants the amendment of the Environmental Authorisation issued on 16 November 2021 (Reference No.: 16/3/3/1/A6/82/2009/20).

1. The Activity Description under Section B of the Environmental Authorisation issued on 16 November 2021 reads as follows:

“Erf No. 177476, St James will be subdivided into three portions, with a larger upper remaining portion (for the approved house) and two additional portions located lower down the slope. A 10m development setback buffer will be established along the eastern boundary of Portions 1 and 2 (measured from the property boundary) and an additional 10m storm water buffer be included on the southern boundary of Portion 1.

The proposed 10m development setback buffer along the eastern boundary of Portions 1 and 2 will accommodate the seasonal watercourse that traverses the property along the eastern boundary of the erf.

Each subdivided portion will be as follows:

Portion number	Size in m²
1	2140
2	1676
3 (the remainder of the erf)	4270

The western arm of the seasonal watercourse will be diverted (approximately 27m in length) into its historical channel (i.e., the eastern arm) which runs along the eastern

edge of the proposed Portion 1. The headwall will be relocated to a new position adjacent to the eastern boundary of the erf, located approximately 13m from the lower boundary of Portion 1. The new headwall will divert the watercourse into a new underground closed culvert to be located diagonally across Portion 1 to link into an existing underground culvert situated in the access servitude positioned on the western boundary of the lower portion of Erf No. 177476.

Approximately 11m² of high-quality riparian vegetation will be cleared, as well as approximately 140m² of riparian vegetation dominated by alien vegetation.

Potable water for the subdivided portions will be obtained from the existing 315mm diameter municipal water pipeline situated in Main Road. A water pipeline will be installed in the existing access servitude to service both portions. Sewerage for the two additional portions will connect to the existing sewer line in Main Road via a sewerage pipeline located in the existing access servitude from Main Road.

The existing driveway will be used to provide access to Portion 2, while Portion 1 will obtain access from Main Road via the existing servitude adjacent to the south-western section of the erf (closest to Main Road).

Since details are not yet available for the future house on the proposed Portion 1, the necessary approvals will need to be obtained prior to the development".

This is herewith replaced with the following:

Erf No. 177476, St James will be subdivided into three portions, with a larger upper remaining portion (for the approved house) and two additional portions located lower down the slope. A 10m development setback buffer will be established along the eastern boundary of Portions 1 and 2 (measured from the property boundary) and an additional 10m storm water buffer be included on the southern boundary of Portion 1.

The proposed 10m development setback buffer along the eastern boundary of Portions 1 and 2 will accommodate the seasonal watercourse that traverses the property along the eastern boundary of the erf.

Each subdivided portion will be as follows:

Portion number	Size in m ²
1	1990
2	1826
3 (the remainder of the erf)	4270

The western arm of the seasonal watercourse will be diverted (approximately 27m in length) into its historical channel (i.e., the eastern arm) which runs along the eastern edge of the proposed Portion 1. The headwall will be relocated to a new position adjacent to the eastern boundary of the erf, located approximately 13m from the lower boundary of Portion 1. The new headwall will divert the watercourse into a new underground closed culvert to be located diagonally across Portion 1 to link into an existing underground culvert situated in the access servitude positioned on the western boundary of the lower portion of Erf No. 177476.

Approximately 11m² of high-quality riparian vegetation will be cleared, as well as approximately 140m² of riparian vegetation dominated by alien vegetation.

Potable water for the subdivided portions will be obtained from the existing 315mm diameter municipal water pipeline situated in Main Road. A water pipeline will be installed in the existing access servitude to service both portions. Sewerage for the two additional portions will connect to the existing sewer line in Main Road via a sewerage pipeline located in the existing access servitude from Main Road.

The existing driveway will be used to provide access to Portion 2, while Portion 1 will obtain access from Main Road via the existing servitude adjacent to the south-western section of the erf (closest to Main Road).

Since details are not yet available for the future house on the proposed Portion 1, the necessary approvals will need to be obtained prior to the development.

2. The description of the preferred alternative under Section 2 of Annexure 3: Reasons for the Decision of the Environmental Authorisation issued on 16 November 2021 reads as follows:

“Preferred layout alternative – herewith authorised:

Erf No. 177476, St James will be subdivided into three portions, with a larger upper remaining portion (for the approved house) and two additional portions located lower down the slope. A 10m development setback buffer will be established along the eastern boundary of Portions 1 and 2 (measured from the property boundary) and an additional 10m storm water buffer be included on the southern boundary of Portion 1.

The proposed 10m development setback buffer along the eastern boundary of Portions 1 and 2 will accommodate the seasonal watercourse that traverses the property along the eastern boundary of the erf.

Each subdivided portion will be as follows:

Portion number	Size in m²
1	2140
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The western arm of the seasonal watercourse will be diverted (approximately 27m in length) into its historical channel (i.e., the eastern arm) which runs along the eastern edge of the proposed Portion 1. The headwall will be relocated to a new position adjacent to the eastern boundary of the erf, located approximately 13m from the lower boundary of Portion 1. The new headwall will divert the watercourse into a new underground closed culvert to be located diagonally across Portion 1 to link into an existing underground culvert situated in the access servitude positioned on the western boundary of the lower portion of Erf No. 177476.

Approximately 11m² of high-quality riparian vegetation will be cleared, as well as approximately 140m² of riparian vegetation dominated by alien vegetation.

Potable water for the subdivided portions will be obtained from the existing 315mm diameter municipal water pipeline situated in Main Road. A water pipeline will be installed in the existing access servitude to service both portions. Sewerage for the two additional portions will connect to the existing sewer line in Main Road via a sewerage pipeline located in the existing access servitude from Main Road.

The driveway will be used to provide access to Portion 2, while Portion 1 will obtain access from Main Road via the existing servitude adjacent to the south-western section of the erf (closest to Main Road).

Since details are not yet available for the future house on the proposed Portion 1, the prescribed approval processes are applicable and must be followed.

This is the preferred alternative as it allows for a longer ecological corridor along the eastern boundary of the site and a shorter length of the eastern arm of the watercourse will be lost (approximately 13-14 m). Furthermore, the preferred layout accommodates the anticipated flow within the watercourse, as well as runoff from the future houses, while also providing an overland escape route for higher order storm events, thereby mitigating flood risks of the neighbouring downstream house."

This is herewith replaced with the following:

Preferred layout alternative – herewith authorised:

Erf No. 177476, St James will be subdivided into three portions, with a larger upper remaining portion (for the approved house) and two additional portions located lower down the slope. A 10m development setback buffer will be established along the eastern boundary of Portions 1 and 2 (measured from the property boundary) and an additional 10m storm water buffer be included on the southern boundary of Portion 1.

The proposed 10m development setback buffer along the eastern boundary of Portions 1 and 2 will accommodate the seasonal watercourse that traverses the property along the eastern boundary of the erf.

Each subdivided portion will be as follows:

Portion number	Size in m ²
1	1990
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The western arm of the seasonal watercourse will be diverted (approximately 27m in length) into its historical channel (i.e., the eastern arm) which runs along the eastern edge of the proposed Portion 1. The headwall will be relocated to a new position adjacent to the eastern boundary of the erf, located approximately 13m from the lower boundary of Portion 1. The new headwall will divert the watercourse into a new underground closed culvert to be located diagonally across Portion 1 to link into an existing underground culvert situated in the access servitude positioned on the western boundary of the lower portion of Erf No. 177476.

Approximately 11m² of high-quality riparian vegetation will be cleared, as well as approximately 140m² of riparian vegetation dominated by alien vegetation.

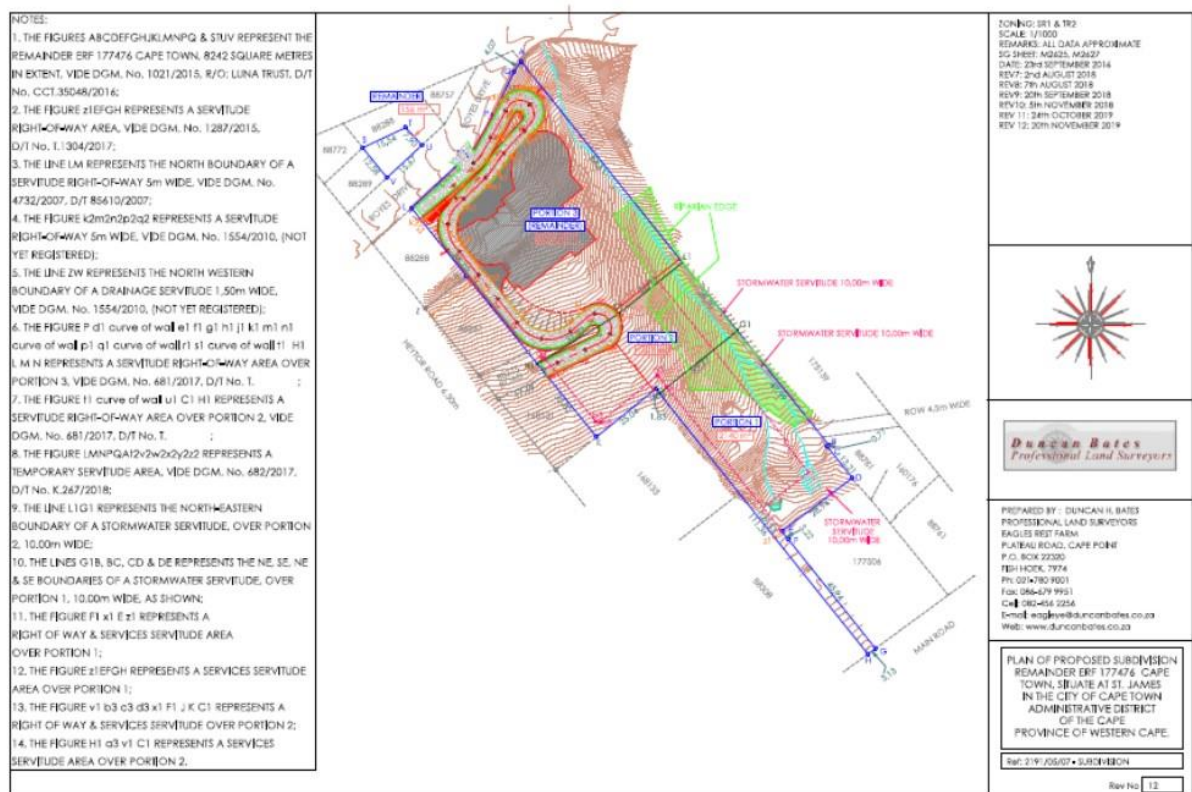
Potable water for the subdivided portions will be obtained from the existing 315mm diameter municipal water pipeline situated in Main Road. A water pipeline will be installed in the existing access servitude to service both portions. Sewerage for the two additional portions will connect to the existing sewer line in Main Road via a sewerage pipeline located in the existing access servitude from Main Road.

The existing driveway will be used to provide access to Portion 2, while Portion 1 will obtain access from Main Road via the existing servitude adjacent to the south-western section of the erf (closest to Main Road).

Since details are not yet available for the future house on the proposed Portion 1, the necessary approvals will need to be obtained prior to the development.

This is the preferred alternative as it allows for a longer ecological corridor along the eastern boundary of the site and a shorter length of the eastern arm of the watercourse will be lost (approximately 13-14 m). Furthermore, the preferred layout accommodates the anticipated flow within the watercourse, as well as runoff from the future houses, while also providing an overland escape route for higher order storm events, thereby mitigating flood risks of the neighbouring downstream house.

3. **Annexure 2: Site Plan of the Environmental Authorisation issued on 16 November 2021 is as follows:**



ZONING: SR1 & TR2
 SCALE: 1/1000
 REMARKS: ALL DATA APPROXIMATE
 SG SHEET: M2423, M2427
 DATE: 23rd SEPTEMBER 2014
 REV: 1: 24th AUGUST 2018
 REV: 2: 7th AUGUST 2018
 REV: 3: 20th SEPTEMBER 2018
 REV: 4: 5th NOVEMBER 2018
 REV: 5: 24th OCTOBER 2019
 REV: 6: 20th NOVEMBER 2019

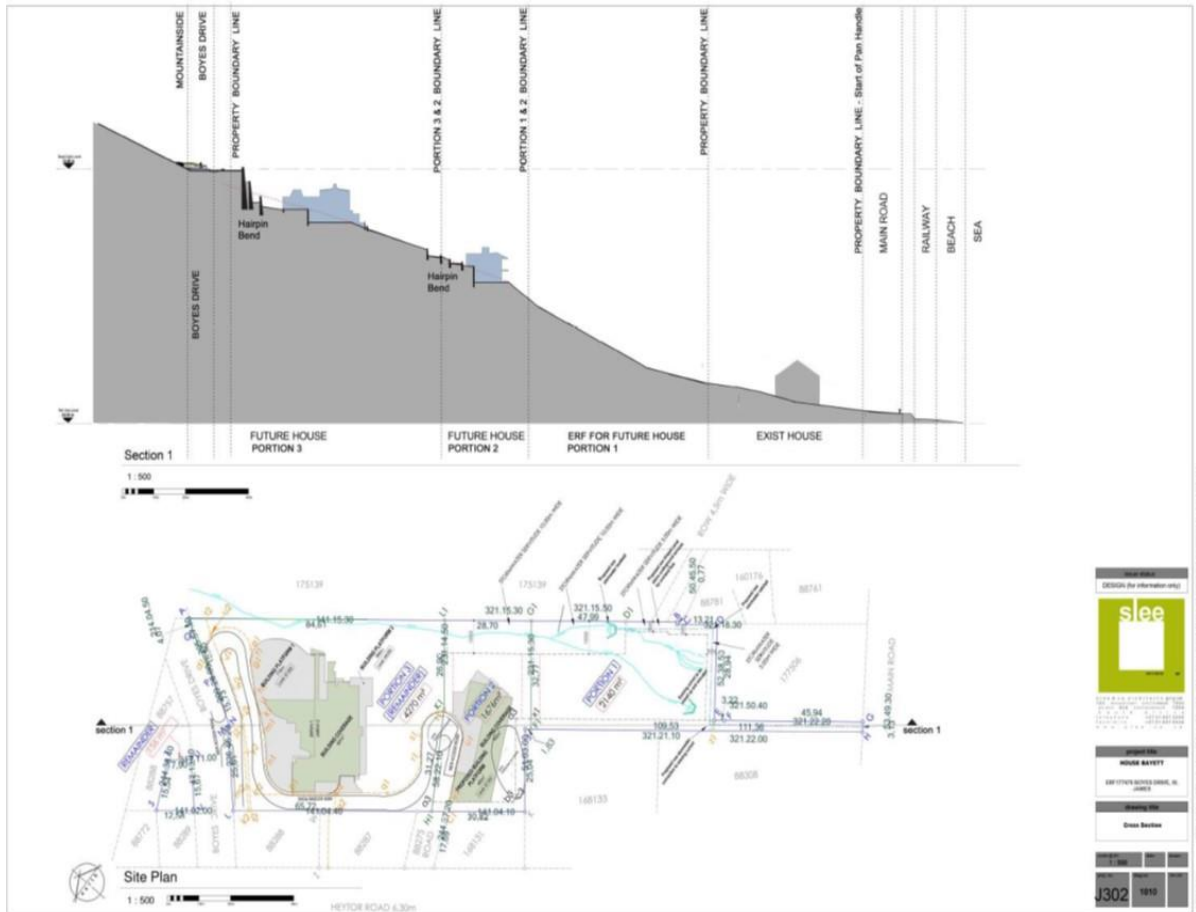


Duncan Bates
 Professional Land Surveyors

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 PROFESSIONAL LAND SURVEYORS
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PLAN OF PROPOSED SUBDIVISION
 REMAINDER ERF 177476 CAPE
 TOWN, SITUATE AT ST. JAMES
 IN THE CITY OF CAPE TOWN
 ADMINISTRATIVE DISTRICT
 OF THE CAPE
 PROVINCE OF WESTERN CAPE.

Sub: 21/1/05/07 • SUBDIVISION
 Rev No: 12



PREPARED BY
 DESIGN BY (indicated only)

slee

PROJECT NO.
 HOUSE 44571

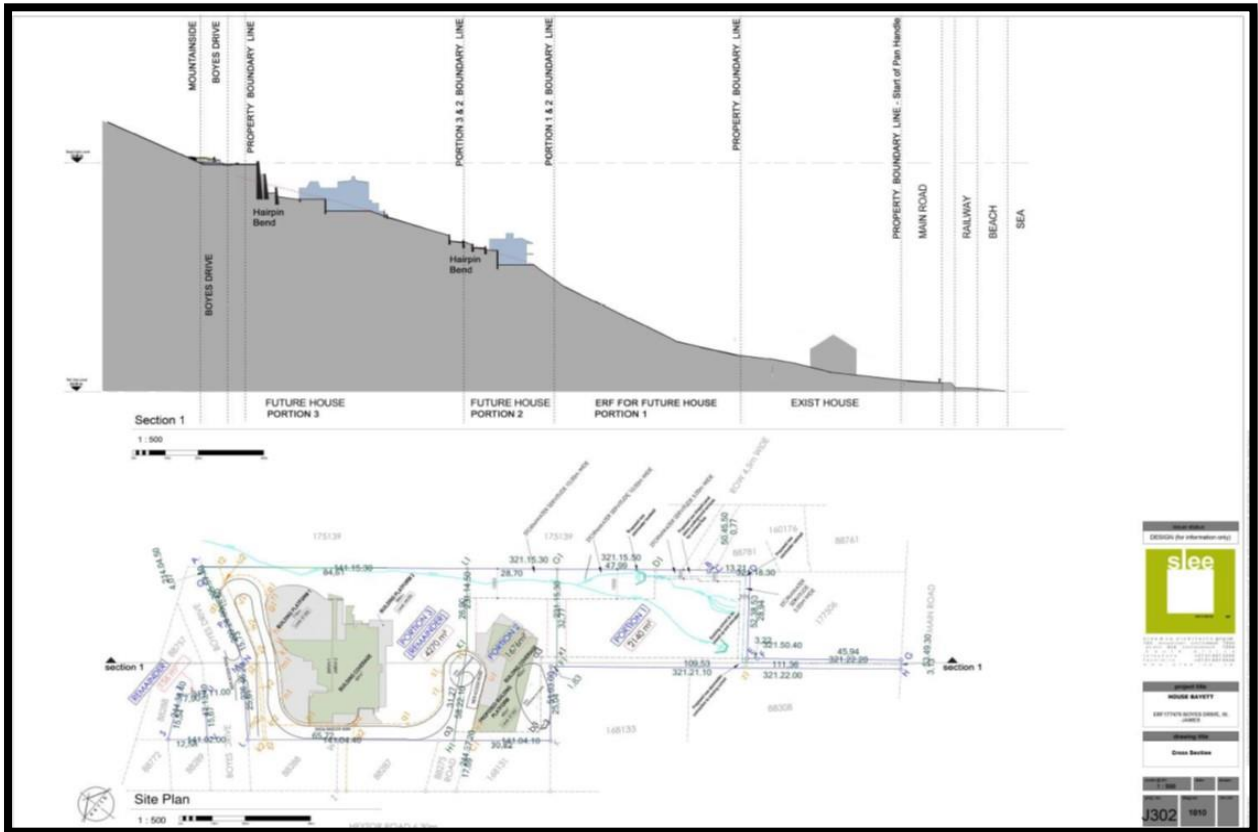
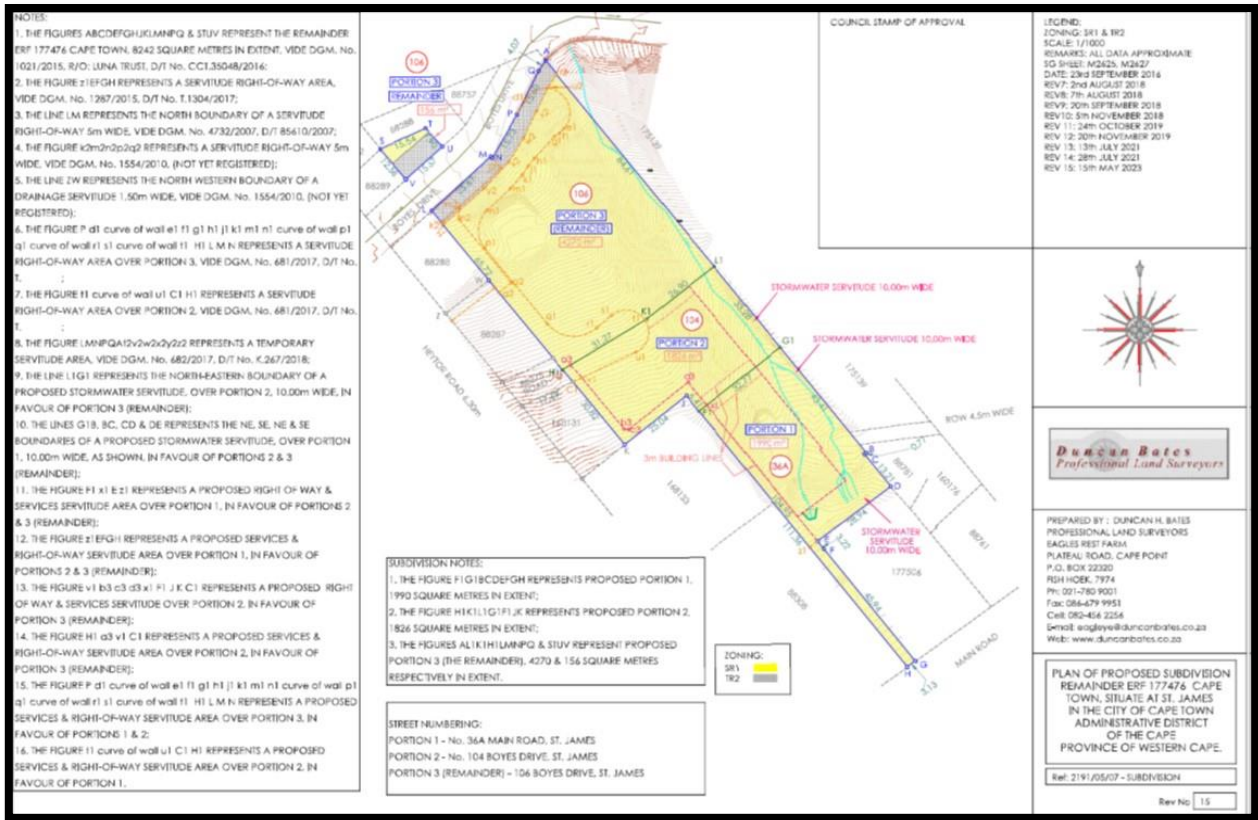
DESIGNED BY
 ERIC VAN DER MERWE, M. ARCH

PROJECT FILE
 Eric van der Merwe

DATE
 2014

NO.
 J302 1210

This is herewith replaced with the following:



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 form received by the competent authority via electronic mail correspondence on 12 June 2023.
- (b) The application is for a Part 1 amendment to the Environmental Authorisation and will not increase the level or nature of the impacts assessed as part of the EIA application.
- (c) The amendment is applied for in order to amend the subdivision layout.
- (d) No additional impacts are anticipated due to the proposed amendment. This can be justified as follows:
 - i. The proposed amendment will not result in a change in the nature of the impacts nor an increase in the nature of the impacts. Due to the boundary adjustment of Portion 2, the portion's size will be increased from 1676m² to 1826m². Further, the portion size of Portion 1 will be decreased from 2140m² to 1990m² and as such, the overall development footprint will remain 8086m².
 - ii. However, all the conditions regarding the proposed servitudes as contained in the Environmental Authorisation remain the same, *i.e.*, the developable area and development footprint will remain at 8086m².
- (e) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.
- (f) No listed activities are triggered by the proposed amendments.
- (g) The conditions contained in the Environmental Authorisation issued on 16 November 2021 still remain unchanged and in force.

C. CONDITION:

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.
 - 1.2 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 D below;
 - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

- 1.4 provide the registered I&APs 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, of the holder; and
 - 1.4.6 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).

D. APPEALS:

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

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 I&APs of this decision.
- 1.2 If the appellant is the applicant, provide any registered I&AP, 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 I&AP, 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, I&APs 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: Mr. Marius 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. Marius Venter (Tel: 021 483 3721), Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By e-mail: DEADP.Appeals@westerncape.gov.za

- 1.6 An electronic copy (word document format) of the appeal and 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 DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Amended 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)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 03 JULY 2023

CC: (1) Mr. Andrew Greenwood (City of Cape Town) E-mail: Andrew.greenwood@capetown.gov.za
(2) Mr. Ludwig van der Merwe (Virdus Works Environmental (Pty) Ltd.) E-mail: ludwig.vdmerwe@virdus.com