



**EIA REFERENCE NUMBER:** 16/3/3/5/A8/74/3012/23  
**NEAS REFERENCE NUMBER:** WCP/EIA/AMEND/0000714/2023  
**ENQUIRIES:** Mr. K. Govindasamy  
**DATE OF ISSUE:** 08 May 2023

The Director  
Spotprops 48 (Pty) Ltd  
P.O. Box 576  
**DURBANVILLE**  
7551

**For Attention: Mr. L. Andrag**

Tel: 082 600 0230  
Email: [louis@leggato.co.za](mailto:louis@leggato.co.za)

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 OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 24 MARCH 2017 (REF. NO. 16/3/1/1/A5/43/1044/14) FOR THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 25945 (FORMERLY PORTION 86 OF THE FARM NO. 222), PORTION 112 OF THE FARM HAASENDAL NO. 222 AND PORTION 97 OF THE FARM LANGVERWACHT NO. 241, KUILSRIVER.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the 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 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 amended Environmental Authorisation below.

Yours faithfully

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

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)  
(2) Ms. E. Visagie (Guillaume Nel Environmental Consultants)

Email: [Maurietta.Stewart@capetown.gov.za](mailto:Maurietta.Stewart@capetown.gov.za)  
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EIA REFERENCE NUMBER: 16/3/3/5/A8/74/3012/23

## AMENDED ENVIRONMENTAL AUTHORISATION

**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 OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 24 MARCH 2017 (REF. NO. 16/3/1/1/A5/43/1044/14) FOR THE RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 25945 (FORMERLY PORTION 86 OF THE FARM NO. 222), PORTION 112 OF THE FARM HAASENDAL NO. 222 AND PORTION 97 OF THE FARM LANGVERWACHT NO. 241, KUILSRIVER.**

With reference to your application, find below the amendment to the Environmental Authorisation in respect of this application.

### A. BACKGROUND

1. An Environmental Authorisation ("EA") was issued by this Department on 24 March 2017 for the proposed residential development and associated infrastructure on Portions 86 and 112 of Farm No. 222, Haasendal, and the Remainder of Portions 15 and 23 of Farm No. 241 Langverwacht, Kuilsriver (Ref. No. 16/3/1/1/A5/43/1044/14).
2. An amended EA was issued by this Department on 12 November 2020 for an amendment to the site development plan on Portions 86 and 112 of Farm No. 222 Haasendal and the Remainder of Portions 15 and 23 of Farm No. 241 Langverwacht, Kuilsriver (Ref. No. 16/3/3/5/A8/74/3042/20).
3. An amended EA was issued by this Department on 11 April 2022 for an extension to the validity period of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and to correct the property details of the proposed site on Erf 25945 (formerly Portion 86 of Farm No. 222), Portions 99 and 112 of the Farm Haasendal No. 222, and Portions 15, 81, 85, 86, 87, 88 and 97 of the Farm Langverwacht No 241, Kuilsriver (Ref. No. 16/3/3/5/A8/74/3008/22).
4. An application for amendment in terms of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 03 March 2023. The application is for the exclusion of the northern half of the proposed development from the EA (Ref. No. 16/3/1/1/A5/43/1044/14).

### B. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (as amended), the Department hereby **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 24 March 2017 (Ref. No. 16/3/1/1/A5/43/1044/14) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/1/1/A5/43/1044/14) is amended as set out below:

1. The authorised alternative in Section B and page 16 of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and as amended on 12 November 2020 (Amended EA Ref. No. 16/3/3/5/A8/74/3042/20) reads as follows:

*"The alternative entails the establishment of a residential development and associated infrastructure on Portion 86 and 112 of the Farm No. 222, Haasendal and Remainder of Portion 15 and 23 of the Farm No. 241, Langverwacht, Kuils River.*

*The development includes the following:*

- *A maximum of 262 residential units on the southern half of the site;*
- *A maximum of 143 residential units on the northern half of the site;*
- *A school;*
- *Public Open Spaces; and*
- *Associated infrastructure (including internal roads, access road (approximately 2.84km through a wetland) and pipelines for the transportation of water, sewage and stormwater).*

*The maximum 262 residential units that will be established on the southern half of the site will be established first and the maximum 143 residential units to be established on the northern portion of the site will be established only when the City of Cape Town is again able to provide the required sewage disposal services to the maximum 143 erven that will be established on the northern portion.*

*A buffer area of approximately 40m on each side of the two tributaries of the Bottelary River flowing through the site will be established in order to minimise potential negative impacts on the two watercourses. The footprint of the development and associated infrastructure will be approximately 21.54ha."*

**is hereby replaced with:**

*"The alternative entails the establishment of a residential development and associated infrastructure on Erf 25945, Portion 112 of the Farm No. 222, Haasendal and Portion 97 of the Farm No. 241, Langverwacht, Kuils River.*

*The development includes the following:*

- *A maximum of 262 residential units on the southern half of the site;*
- *Public Open Spaces; and*
- *Associated infrastructure (including internal roads, access road (approximately 1.2km through a wetland), pipelines for the transportation of water, sewage and stormwater and associated detention ponds).*

*The footprint of the development and associated infrastructure will be approximately 4.5477ha."*

2. Section C (Property Description and Location) of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and as amended on 11 April 2022 (Amended EA Ref. No. 16/3/3/5/A8/74/3008/22) reads as follows:

*"The proposed development and associated infrastructure will be located on Erf 25945 (formerly Portion 86 of the Farm No. 222) Portions 99 and 112 of the Farm Haasendal No. 222 and Portions 15, 81, 85, 86, 87, 88 and 97 of the Farm Langverwacht No. 241, Kuilsriver.*

*Co-ordinates:*

*33° 55' 09.98" South  
18° 42' 31.92" East*

*SG 21-Digit Codes:*

|  |                              |
|--|------------------------------|
| <i>Erf 25945</i>                                   | <i>C06700130002594500000</i> |
| <i>Portion 99 of the Farm Haasendal No. 222</i>    | <i>C06700000000022200099</i> |
| <i>Portion 112 of the Farm Haasendal No. 222</i>   | <i>C06700000000022200112</i> |
| <i>Portion 15 of the Farm Langverwacht No. 241</i> | <i>C06700000000024100015</i> |

|   |                       |
|---|-----------------------|
| Portion 81 of the Farm Langverwacht No. 241 | C06700000000024100081 |
| Portion 85 of the Farm Langverwacht No. 241 | C06700000000024100085 |
| Portion 86 of the Farm Langverwacht No. 241 | C06700000000024100086 |
| Portion 87 of the Farm Langverwacht No. 241 | C06700000000024100087 |
| Portion 88 of the Farm Langverwacht No. 241 | C06700000000024100088 |
| Portion 97 of the Farm Langverwacht No. 241 | C06700000000024100097 |

Co-ordinates of the new access road

Starting point

33° 56' 8.16" South  
18° 42' 27.24" East

Middle point

33° 55' 28.14" South  
18° 42' 29.77" East

End point

33° 54' 55.93" South  
18° 42' 39.63" East

hereinafter referred to as "the site".

**is hereby replaced with:**

"The proposed development and associated infrastructure will be located on Erf 25945, Portion 112 of the Farm Haasendal No. 222 and Portion 97 of the Farm Langverwacht No. 241, Kuilsriver.

Co-ordinates:

33° 55' 21.99" South  
18° 42' 28.76" East

SG 21-Digit Codes:

|   |                       |
|---|-----------------------|
| Erf 25945                                   | C06700130002594500000 |
| Portion 112 of the Farm Haasendal No. 222   | C06700000000022200112 |
| Portion 97 of the Farm Langverwacht No. 241 | C06700000000024100097 |

Co-ordinates for the new access road

Starting point

33° 56' 08.23" South  
18° 42' 27.54" East

Middle point

33° 55' 49.80" South  
18° 42' 26.94" East

End point

33° 55' 28.59" South  
18° 42' 28.17" East

*The wetland to be impacted as a result of the access road is located at:*

33° 55' 57.50" South  
18° 42' 28.65" East

*hereinafter referred to as "the site".*

3. Condition 16 of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) is herewith removed.
4. Condition 27 of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) as amended on 12 November 2020 (Amended EA Ref. No. 16/3/3/5/A8/74/3042/20) is herewith removed.
5. Please find attached copies of the following:
  - 5.1. The EA issued by this Department on 24 March 2017 (attached as Appendix A);
  - 5.2. The Amended EA issued by this Department on 12 November 2020 (attached as Appendix B); and
  - 5.3. The Amended EA issued by this Department on 11 April 2022 (attached as Appendix C).

### **C. REASONS FOR THE DECISION:**

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

1. The information contained in the application for the amendment dated and received by this Department on 03 March 2023, the additional information dated 31 March 2023 and received by this Directorate on 03 April 2023 and the additional information dated and received by this Directorate on 03 May 2023.
2. The application for amendment to the EA (Ref. No. 16/3/1/1/A5/43/1044/14) is considered as a Part 1 amendment in terms of the NEMA EIA Regulations, 2014 (as amended) due to the following:
  - 2.1. The application for amendment is for the reduction of the development footprint through the exclusion of the northern portion of the site and associated amenities.
  - 2.2. The northern portion of the proposed site has been earmarked for an alternative development, which will undergo the necessary approval processes and must be separated from the development footprint of the EA (Ref. No. 16/3/1/1/A5/43/1044/14).
  - 2.3. The two tributaries of the Bottelary River located in the northern portion of the site will no longer be impacted by the proposed development. Condition 16 of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) is therefore no longer applicable.
  - 2.4. Sewage services associated with the development of the southern portion of the site was confirmed during the initial EIA process. However, sewage services for the northern portion of the development were subject to additional sewage service confirmation from the Local Authority prior to development activities commencing for the northern portion. The exclusion of the northern portion of the site has resulted in additional sewage service confirmation no longer being required. Condition 27 of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) as amended on 12 November 2020 (Amended EA Ref. No. 16/3/3/5/A8/74/3042/20) is therefore no longer applicable.
  - 2.5. Although the proposed amendment will result in a change to the scope of a valid EA, the proposed amendment will not result in an increase in the level or nature of the impact.

- 2.6. Minor changes to the approved EMPr (dated December 2016) will be required. However, the minor changes will not entail an amendment to the impact management outcomes of the approved EMPr.
3. The EA (Ref. No. 16/3/1/1/A5/43/1044/14) is valid for a period of 10 years and the holder must commence with all the listed activities on or before 23 March 2017.
4. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.

#### **D. CONDITIONS**

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 1.1. Notify all registered interested and affected parties ("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 National Appeal Regulations, 2014 (as amended) detailed in Section E 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).
2. Proof of compliance with Condition 1 of this amended EA must be submitted along with the notification of commencement of development activities within the development area as stipulated in the EA (Ref. No. 16/3/1/1/A5/43/1044/14).
3. The updated EMPr must be submitted to the Competent Authority prior to the commencement of development activities for record purposes.
4. All other provisions contained in the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and as amended on 11 April 2022 (Amended EA Ref. No. 16/3/3/5/A8/74/3008/22) remain unchanged and in force.

## E. 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: 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. 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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

## F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this environmental authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the environment is greatly appreciated.

Yours faithfully

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

**DATE OF DECISION: 08 May 2023**

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)  
(2) Ms. E. Visagie (Guillaume Nel Environmental Consultants)

Email: [Maurietta.Stewart@capetown.gov.za](mailto:Maurietta.Stewart@capetown.gov.za)  
Email: [eg@gnec.co.za](mailto:eg@gnec.co.za)

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## **APPENDIX A**

A copy of the Environmental Authorisation issued by this Department on 24 March 2017 (Ref. No. 16/3/1/1/A5/43/1044/14).

## **APPENDIX B**

A copy of the amended Environmental Authorisation issued by this Department on 12 November 2020 (Ref. No. 16/3/3/5/A8/74/3042/20).

## **APPENDIX C**

A copy of the amended Environmental Authorisation issued by this Department on 11 April 2022 (Ref. No. 16/3/3/5/A8/74/3008/22).