



**REFERENCE:** 16/3/3/5/A5/11/2060/22  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000696/2022  
**DATE OF ISSUE:** 09 March 2023

The Board of Directors  
Cape Estates Properties Peninsula (Pty) Ltd.  
P.O. Box 12486

**GEORGE**  
6529

**Attention: Mr. Henrie Jonck**

E-mail: [henrie@capeestates.co.za](mailto:henrie@capeestates.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 TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 FEBRUARY 2022 (REFERENCE NO.: 16/3/3/1/A5/11/2039/21): PROPOSED ESTABLISHMENT OF THE WHISPERING MEADOWS RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 OF FARM HAASENDAL NO. 222, THE REMAINDER OF PORTION 5 OF FARM GROENLAND NO. 214 AND THE REMAINDER OF PORTION 12 OF FARM HAASENDAL NO. 222, BRACKENFELL.**

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) Ms. Carina Becker (Guillaume Nel Environmental Consultants (Pty) Ltd.)  
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town)

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**REFERENCE:** 16/3/3/5/A5/11/2060/22  
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## AMENDED ENVIRONMENTAL AUTHORISAION

**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 21 FEBRUARY 2022 (REFERENCE NO.: 16/3/3/1/A5/11/2039/21): PROPOSED ESTABLISHMENT OF THE WHISPERING MEADOWS RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON PORTION 9 OF FARM HAASENDAL NO. 222, THE REMAINDER OF PORTION 5 OF FARM GROENLAND NO. 214 AND THE REMAINDER OF PORTION 12 OF FARM HAASENDAL NO. 222, BRACKENFELL.**

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.

## ADDENDUM TO ENVIRONMENTAL AUTHORISATION

### 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 21 February 2022 (Reference No.: 16/3/3/1/A5/11/2039/21).

#### 1. **The Activity Description under Section B of the Environmental Authorisation issued on 21 February 2022 reads as follows:**

*“The proposal entails the establishment of a residential and storage unit development and associated infrastructure on Portion 49 of Farm Haasendal No. 222, the Remainder of Portion 5 of Farm Groenland No. 214 and the Remainder of Portion 12 of Farm Haasendal No. 222, Brackenfell. The proposed development will consist of three sections as follows:*

##### Site A:

*A section of Site A will be located on the Remainder of Portion 12 of Farm Haasendal No. 222. Site A will consist of 21 apartment blocks with a total number of 269 units. A clubhouse will be located along the north-eastern boundary of the property. Site A will be approximately 3.9ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided. A gate house will be located at the entrance to the site.*

Site B:

Site B will consist of 19 apartment blocks with a total number of 234 units. Site B will be approximately 3.3ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided.

Site C:

Site C will be approximately 0.84ha in size and be retained for storage units.

A total number of 503 residential units will be developed. An electrical mini substation will be established along the southwestern boundary of Site B and a larger substation will be provided along the southwestern corner of Site A, with both substations being located inside the erf boundary.

The proposed development will result in the loss of approximately 0.35ha semi-intact indigenous vegetation and approximately 140m<sup>2</sup> degraded and transformed indigenous vegetation. The wild olive patch on the southwest corner of Portion 49 of Erf No. 222 will be excluded from the development footprint and as many as possible of the wild olive trees on the remainder of the site will also be retained.

Access to Site A is proposed off Ronelle Street Extension, whereas access to Sites B and C is proposed off Kruin Street Extension.

Kruin Street will be extended southwards and Ronelle Street will be extended along the common erf boundary line that runs from the street's current termination point towards the Kruin Street extension.

Ronelle Street extension:

Ronelle Street, which has been surfaced up to approximately 300m east of Kruin Road will be extended. Possible future development is proposed on the property north of the Ronelle Street extension. In order for the proposed site to obtain access from Ronelle Street, the northern property owner has agreed that 10m of the eventual 16m road reserve be transferred to construct a 5.5m-wide road with sidewalk in the 10m section. The 6m required for the eventual road reserve will be provided by the southern landowners at a later stage, when additional properties begin to develop. A small triangle of land will be required from the owner of Portion 51 of Farm No. 2221 to accommodate the 20m-wide Ronelle Street reserve in the west and the initial 10m-wide road reserve in the east.

Kruin Street extension:

The proposed development will result in a section of the Kruin Street extension being constructed. This section will span from the Ronelle Street intersection to the Site C (storage use) access, for a distance of approximately 360m. The landowner of Portion 49 of Farm No. 222 will provide a 10m wide strip of land along the property's eastern boundary and a 10m wide strip will also be provided along the western boundary of the Remainder of Portion 5 of Farm No. 214.

No road reserves have been registered for the Ronelle Street and Kruin Street extensions. The roads will be 5.5m in width.

The proposed residential component including associated infrastructure (Sites A, B and C) is approximately 7.6ha in size. The road infrastructure will occupy an area of

approximately 1.6ha with the total development footprint being approximately 9.2ha in size”.

**This is herewith replaced with the following:**

The proposal entails the establishment of the Whispering Meadows residential development and associated infrastructure on Portion 49 of Farm Haasendal No. 222, the Remainder of Portion 5 of Farm Groenland No. 214 and the Remainder of Portion 12 of Farm Haasendal No. 222, Brackenfell. The proposed development will consist of the following:

Site A:

Site A will be located on Portion 49 of Farm Haasendal No. 222 and a section of the Remainder of Portion 12 of Farm Haasendal No. 222. Site A will consist of 90 residential units consisting of double and single storey houses. The mature wild olive grove on the proposed site will also be retained.

Site B:

Site B will be located on Remainder of Portion 5 of Farm Groenland No. 214. Site B will consist of 78 residential units consisting of double and single storey houses.

A total number of 168 residential units will be developed.

The proposed development will result in the loss of approximately 0.35ha semi-intact indigenous vegetation and approximately 140m<sup>2</sup> degraded and transformed indigenous vegetation. The wild olive patch on the southwest corner of Portion 49 of Erf No. 222 will be excluded from the development footprint and as many as possible of the wild olive trees on the remainder of the site will also be retained.

Ronelle Street will be extended and access will be across Portion 6 of Farm Groenland No. 214, via a servitude right of way that will be registered. The new access road will tie in with the approved Ronelle Street extension and result in a 16m wide road reserve being constructed.

**2. The description of the preferred alternative under Section 2 of Annexure 3: Reasons for the Decision of the Environmental Authorisation issued on 21 February 2022 reads as follows:**

“Preferred layout alternative – herewith authorised:

*The preferred alternative entails the establishment of a residential and storage unit development and associated infrastructure on Portion 49 of Farm Haasendal No. 222, the Remainder of Portion 5 of Farm Groenland No. 214 and the Remainder of Portion 12 of Farm Haasendal No. 222, Brackenfell. The proposed development will consist of three sections as follows:*

Site A:

*A section of Site A will be located on the Remainder of Portion 12 of Farm Haasendal No. 222. Site A will consist of 21 apartment blocks with a total number of 269 units. A clubhouse will be located along the northeastern boundary of the property. Site A will be 3.9ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided. A gate house will be located at the entrance to the site.*

Site B:

Site B will consist of 19 apartment blocks with a total number of 234 units. Site B will be 3.3ha in size. The proposed apartment blocks will be 3 storeys in height. A communal central open space, communal other open space, unit gardens and a refuse area will also be provided.

Site C:

Site C will be approximately 0.84ha in size and be retained for storage units.

A total number of 503 residential units will be developed. An electrical mini substation will be established along the southwestern boundary of Site B and a larger substation will be provided along the southwestern corner of Site A, with both substations being located inside the erf boundary.

The proposed development will result in the loss of semi-intact (0.35ha), degraded (140m<sup>2</sup>) and transformed vegetation, which make up the greater part of the site. The wild olive patch on the southwest corner of Portion 49 of Erf No. 222 will be excluded from the development footprint and as many as possible of the wild olive trees on the remainder of the site will also be retained.

Kruin Street will be extended southwards and Ronelle Street will be extended along the common erf boundary line that runs from the street's current termination point towards the Kruin Street extension.

Ronelle Street extension:

Ronelle Street, which has been surfaced up to approximately 300m east of Kruin Road will be extended. The landowner situated to the north of Ronelle Street extension wishes to develop their land in the near future. In order for the proposed site to obtain access from Ronelle Street, the northern property owner has agreed that 10m of the eventual 16m road reserve be transferred to construct a 5.5m-wide road with sidewalk in the 10m section. The 6m required for the eventual road reserve will be provided by the southern landowners at a later stage when additional properties begin to develop. A small triangle of land will be required from the owner of Portion 51 of Farm No. 2221 to accommodate the 20m-wide Ronelle Street reserve in the west and the initial 10m-wide road reserve in the east.

Kruin Street extension:

The proposed development will result in a section of the Kruin Street extension being constructed. This section will span from the Ronelle Street intersection to the Site C (storage use) access, for a distance of approximately 360m. The landowner of Portion 49 of Farm No. 222 will provide a 10m wide strip of land along the property's eastern boundary and a 10m wide strip will also be provided along the western boundary of the Remainder of Portion 5 of Farm No. 214.

No road reserves have been registered for the Ronelle Street and Kruin Street extensions. The roads will be 5.5m in width.

The proposed residential component including associated infrastructure (Sites A, B and C) is approximately 7.6ha in size. The road infrastructure will occupy an area of approximately 1.6ha with the total development footprint being approximately 9.2ha in size.

*This is the preferred alternative since as much as possible of the natural vegetation will be incorporated within the landscaping plan. This alternative is also aimed at providing the most beneficial socio-economic outcome, whilst ensuring that natural vegetation within the site is retained".*

**This is herewith replaced with the following:**

The proposal entails the establishment of the Whispering Meadows residential development and associated infrastructure on Portion 49 of Farm Haasendal No. 222, the Remainder of Portion 5 of Farm Groenland No. 214 and the Remainder of Portion 12 of Farm Haasendal No. 222, Brackenfell. The proposed development will consist of the following:

Site A:

Site A will be located on Portion 49 of Farm Haasendal No. 222 and a section of the Remainder of Portion 12 of Farm Haasendal No. 222. Site A will consist of 90 residential units consisting of double and single storey houses. The mature wild olive grove on the proposed site will also be retained.

Site B:

Site B will be located on Remainder of Portion 5 of Farm Groenland No. 214. Site B will consist of 78 residential units consisting of double and single storey houses.

A total number of 168 residential units will be developed.

The proposed development will result in the loss of approximately 0.35ha semi-intact indigenous vegetation and approximately 140m<sup>2</sup> degraded and transformed indigenous vegetation. The wild olive patch on the southwest corner of Portion 49 of Erf No. 222 will be excluded from the development footprint and as many as possible of the wild olive trees on the remainder of the site will also be retained.

Ronelle Street will be extended and access will be across Portion 6 of Farm Groenland No. 214, via a servitude right of way that will be registered. The new access road will tie in with the approved Ronelle Street extension and result in a 16m wide road reserve being constructed.

This is the preferred alternative since as much as possible of the natural vegetation will be incorporated within the landscaping plan. This alternative is also aimed at providing the most beneficial socio-economic outcome, whilst ensuring that natural vegetation within the site is retained.

**3. Annexure 2: Site Plan of the Environmental Authorisation issued on 21 February 2022 is as follows:**



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 08 December 2022, and the additional information received by the competent authority via electronic mail correspondence on 16 January 2023, 20 January 2023, 01 February 2023 and 09 March 2023, respectively.
- (b) The application is for a non-substantive amendment to the Environmental Authorisation and although there is a change in the scope of the Environmental Authorisation issued on 21 February 2022, this will not result in an increase in impacts.
- (c) The amendment is applied for since there is a demand for lower density residential units in the area and changes are required to the access road and storm water infrastructure.
- (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. The proposed amendment will result in a reduction in the density of the proposed development from 503 residential



units to 168 residential units. The clubhouse and storage unit component no longer form part of the proposed development.

ii. Traffic impacts:

A revised Transport Impact Assessment ("TIA") Report dated October 2022, was compiled by Liezl Stodart, to assess the potential traffic impacts associated with the revised proposal.

According to the revised TIA Report, the improved Bottelary Road/Kruis Road and Kruis Road/Ronelle Street intersections will continue to operate at acceptable levels of service with the addition of development trips. The proposed amendment will result in a significant reduction in traffic and bulk services. Since less residents will reside in the proposed development, less vehicle trips will be generated.

Although access to the Remainder of Portion 5 of Farm Groenland No. 214 (Site B) was approved to be from Kruin Street, the access point from Kruin Street will be amended to be across Portion 6 of Farm Groenland No. 214, via a servitude right of way that will be registered.

Access is thus proposed to be off the eastward extension of Ronelle Street. The new access road will tie in with the approved Ronelle Street extension and result in a 16m wide road reserve being constructed. However, the new access road will also not result in any additional traffic impacts.

The new access road will not exceed 1km in length and will not impact on any freshwater systems, since there are no watercourses located within 32m from the proposed road. Furthermore, the freshwater ecologist confirmed that there are no watercourses located on Portion 6 of Farm Groenland No. 214.

The area where the new access road will be located has been transformed from its natural state due to the property being used as a small holding. The proposed access road will therefore not impact on any indigenous vegetation.

iii. Storm water impacts:

Changes have been made to the storm water system, as requested by the City of Cape Town. Storm water runoff for Site B will be over attenuated to account for the storm water runoff on the portion of the proposed external road along Site B.

The pre-development and post-development storm water runoff calculated as part of the authorised development differs from the updated Storm Water Management Plan, as the storm water runoff from additional properties have been taken into account. According to the updated Storm Water Management Plan (dated October 2022), the post-development storm water will be attenuated with the implementation of the storm water management measures. This will ensure that the post-development storm water flow will not result in any additional impacts.

Storm water will not be attenuated on Site B, but rather further south on Portion 11 of Farm Groenland No. 214. Due to the storm water attenuation pond being located on Portion 11 of Farm Groenland No. 214, a storm water pipeline will span from the boundary of Site B to the proposed detention pond.

The proposed storm water pipeline will be 750mm in diameter and approximately 700m in length. The detention pond on Portion 11 of Farm Groenland No. 214 will not be constructed within 32 meters from the watercourse.

The water will discharge from the attenuation pond via an overflow outlet structure towards the Bottelary River. The outlet structure will also not be located within 32m from the Bottelary River. In addition, an overland escape route channel with check walls will be constructed. A section of the 750mm diameter storm water pipeline will also be located within the overland channel.

The area where the new storm water pond and storm water pipeline will be located has been transformed from its natural state and does not contain any indigenous vegetation. Infrastructure will also not be developed within 32m from the watercourse.

- (e) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.
- (f) No new listed activities are triggered by the proposed amendments.
- (g) The conditions contained in the Environmental Authorisation issued on 21 February 2022 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  
                          8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001  
  
By e-mail:        [DEADP.Appeals@westerncape.gov.za](mailto: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](mailto: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

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

**DATE OF DECISION: 09 MARCH 2023**

CC: (1) Ms. Carina Becker (Guillaume Nel Environmental Consultants (Pty) Ltd.) E-mail: [carina@gnec.co.za](mailto:carina@gnec.co.za)  
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town) Email: [Sonja.warnichstemmet@capetown.gov.za](mailto:Sonja.warnichstemmet@capetown.gov.za)