



EIA REFERENCE: 16/3/3/5/B3/34/1014/22
NEAS REFERENCE: WCP/EIA/AMEND/0000600/2022
DATE OF ISSUE: 03 May 2022

The Board of Directors
Val de Vie Investments (Pty) Ltd
P. O. Box 6223
PAARL
7646

Attention: Mr. Morne Bosch

Tel: (021) 863 6100
Email: Morne.Bosch@valdevie.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 6 AUGUST 2020 (DEA&DP: 16/3/3/5/B3/28/1013/19) FOR THE REZONING, SUBDIVISION AND REDEVELOPMENT OF LEVENDAL, SOUTHERN PAARL

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the amended Environmental Authorisation issued on 6 August 2020 (DEA&DP Ref: 16/3/3/5/B3/28/1013/19) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. ELDON VAN BOOM
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr B Bosman (GNEC)
(2) Ms C Winter (Drakenstein Municipality)
(3) Mr I McMillan (McMillan Bricks (Pty) Ltd)

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AMENDMENT ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 6 AUGUST 2020 (DEA&DP:16/3/3/5/B3/28/1013/19) FOR THE REZONING, SUBDIVISION AND REDEVELOPMENT OF LEVENDAL, SOUTHERN PAARL

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. 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 ("EIA") Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the amended Environmental Authorisation issued on 6 August 2020 (DEA&DP Ref.: 16/3/3/5/B3/28/1013/19) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The amended Environmental Authorisation is amended as set out below:

1. The description of the activity under Section A: 'DESCRIPTION OF ACTIVITY' and 'The description of the preferred alternative' under Section I: REASONS FOR THE DECISION TO GRANT THE AMENDMENT: ALTERNATIVES:

"The activity entails the rezoning, subdivision and re-development of 22 cadastral units in the Southern Paarl area to encompass 18 precincts, consisting of the following:

- Precinct 1 (approximately 9.85ha) containing Residential Zone II, Residential Zone IV, Business Zone II, Transport Zone I, Transport II and Open Space Zone II. The precinct will comprise group housing, flats, a superette or shop, public transport interchange, public roads and private open space. A maximum of 188 residential erven are provided, which will include 40 Gap Housing, 40 Social Housing and 21 Staff Housing Units.
- Precinct 2 (approximately 13.49ha) containing Residential Zone IV, Residential Zone I, Institutional Zone I, Institutional Zone II, Institutional Zone II, Open Space Zone II and Transport Zone II. This precinct includes a maximum of 162 residential erven and comprises flats, single residential dwellings, school and educational facilities, as frail care facility, a place of worship, clubhouse, community hall, sports fields and private and public roads.
- Precinct 3 (approximately 3.04ha) containing Transport Zone II and Agriculture Zone I.
- Precinct 4 (approximately 0.95ha) containing Business Zone II comprising a craft centre and coffee shop.
- Precinct 5 (approximately 86.67ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I. This precinct will include a maximum of 12 single residential erven.

- Precinct 6 (approximately 12.11ha) containing Residential Zone II and Open Space Zone II. This precinct will provide a maximum of 110 group housing opportunities.
- Precinct 7a (approximately 27.5ha) containing Residential Zone I, Residential Zone III, Resort Zone I and Open Space Zone II. This precinct comprises single residential and town housing, and will include a maximum of 71 residential erven. Other uses include a caravan park, a restaurant, coffee shop, deli, offices, private open space, waterfront picnic park, parking facilities, private and public roads.
- Precinct 7b (approximately 58.4ha) containing Residential Zone I, Residential Zone II, Residential Zone III, Residential Zone V, Open Space Zone II, Institutional Zone I, Agriculture Zone I and Agriculture Zone II, with the latter three zonings being developed in line with the new "Agribella" agricultural model. This precinct comprises single residential, group and staff housing, as well as a guesthouse. A maximum of 192 residential erven will be provided, which includes 14 staff housing units. Other uses include private open space, private roads, an agricultural training facility with ancillary uses, a farm packing store, cold storage packing shed, winery, tourist facilities, restaurant, gift shop, wine tasting and sales and a farm store.
- Precinct 8 (approximately 7.25ha) containing Agriculture Zone I and Transport Zone II for agricultural holdings and public roads.
- Precinct 9 (approximately 10.31ha) containing Residential Zone I, Transport Zone II, Open Space Zone II and Agriculture Zone I this precinct will include a maximum of 12 single residential erven.
- ~~Precinct 10 (approximately 8.11ha) containing Residential Zone I, Transport Zone II and Agriculture Zone I. This precinct will include a maximum of 13 single residential erven.~~
- Precinct 11 (approximately 2.05ha) containing Residential Zone I, Open Space Zone II, Agriculture Zone I and Agriculture Zone II. This precinct will include a maximum of 4 single residential erven, as well as a tourist facility and distillery.
- Precinct 12 (approximately 2.43ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I, this precinct will include a maximum of 6 residential erven.
- Precinct 13 (approximately 0.4ha) containing Residential Zone V and Agriculture Zone I. This precinct will include a maximum of 1 residential erf for a guesthouse.
- Precinct 14 (approximately 7.05ha) containing Residential Zone IV, Transport Zone II and Open Space Zone II. This precinct will comprise 3-storey walk-up units, with a maximum of 138 residential units, public and private roads and public open space.
- Precinct 15 (approximately 25.32ha) containing Residential Zone I, Business Zone II, Business Zone III Transport Zone II and Open Space Zone II. This precinct will include single residential and staff housing opportunities totalling a maximum of 17 residential erven. This includes the 5 staff housing units.
- Precinct 16 (approximately 1.71 ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 2 single residential erven.
- Precinct 17 (approximately 5.22ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 42 single residential erven.
- Precinct 18 (approximately 4.21ha) containing Agriculture Zone I intended for service trade.
- Precinct 19 (approximately 16.47ha) containing Agriculture Zone I intended for Agriculture."

is amended to read:

"The activity entails the rezoning, subdivision and re-development of 22 cadastral units in the Southern Paarl area to encompass 18 precincts, consisting of the following:

- Precinct 1 (approximately 9.85ha) containing Residential Zone II, Residential Zone IV, Business Zone II, Transport Zone I, Transport II and Open Space Zone II. The precinct will comprise group housing, flats, a superette or shop, public transport interchange, public roads and private open space. A

maximum of 188 residential erven are provided, which will include 40 Gap Housing, 40 Social Housing and 21 Staff Housing Units.

- Precinct 2 (approximately 13.49ha) containing Residential Zone IV, Residential Zone I, Institutional Zone I, Institutional Zone II, Institutional Zone II, Open Space Zone II and Transport Zone II. This precinct includes a maximum of 162 residential erven and comprises flats, single residential dwellings, school and educational facilities, as frail care facility, a place of worship, clubhouse, community hall, sports fields and private and public roads.
- Precinct 3 (approximately 3.04ha) containing Transport Zone II and Agriculture Zone I.
- Precinct 4 (approximately 0.95ha) containing Business Zone II comprising a craft centre and coffee shop.
- Precinct 5 (approximately 86.67ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I. This precinct will include a maximum of 12 single residential erven.
- ~~Precinct 6 (approximately 12.11ha) containing Residential Zone II and Open Space Zone II. This precinct will provide a maximum of 110 group housing opportunities.~~
- Precinct 7a (approximately 27.5ha) containing Residential Zone I, Residential Zone III, Resort Zone I and Open Space Zone II. This precinct comprises single residential and town housing, and will include a maximum of 71 residential erven. Other uses include a caravan park, a restaurant, coffee shop, deli, offices, private open space, waterfront picnic park, parking facilities, private and public roads.
- Precinct 7b (approximately 58.4ha) containing Residential Zone I, Residential Zone II, Residential Zone III, Residential Zone V, Open Space Zone II, Institutional Zone I, Agriculture Zone I and Agriculture Zone II, with the latter three zonings being developed in line with the new "Agribella" agricultural model. This precinct comprises single residential, group and staff housing, as well as a guesthouse. A maximum of 192 residential erven will be provided, which includes 14 staff housing units. Other uses include private open space, private roads, an agricultural training facility with ancillary uses, a farm packing store, cold storage packing shed, winery, tourist facilities, restaurant, gift shop, wine tasting and sales and a farm store.
- Precinct 8 (approximately 7.25ha) containing Agriculture Zone I and Transport Zone II for agricultural holdings and public roads.
- Precinct 9 (approximately 10.31ha) containing Residential Zone I, Transport Zone II, Open Space Zone II and Agriculture Zone I this precinct will include a maximum of 12 single residential erven.
- ~~Precinct 10 (approximately 8.11ha) containing Residential Zone I, Transport Zone II and Agriculture Zone I. this precinct will include a maximum of 13 single residential erven.~~
- Precinct 11 (approximately 2.05ha) containing Residential Zone I, Open Space Zone II, Agriculture Zone I and Agriculture Zone II. This precinct will include a maximum of 4 single residential erven, as well as a tourist facility and distillery.
- Precinct 12 (approximately 2.43ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I, this precinct will include a maximum of 6 residential erven.
- Precinct 13 (approximately 0.4ha) containing Residential Zone V and Agriculture Zone I. This precinct will include a maximum of 1 residential erf for a guesthouse.
- Precinct 14 (approximately 7.05ha) containing Residential Zone IV, Transport Zone II and Open Space Zone II. This precinct will comprise 3-storey walk-up units, with a maximum of 138 residential units, public and private roads and public open space.
- Precinct 15 (approximately 25.32ha) containing Residential Zone I, Business Zone II, Business Zone III Transport Zone II and Open Space Zone II. This precinct will include single residential and staff housing opportunities totalling a maximum of 17 residential erven. This includes the 5 staff housing units.
- Precinct 16 (approximately 1.71 ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 2 single residential erven.
- Precinct 17 (approximately 5.22ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 42 single residential erven.

- Precinct 18 (approximately 4.21ha) containing Agriculture Zone I intended for service trade.
- Precinct 19 (approximately 16.47ha) containing Agriculture Zone I intended for Agriculture."

B. REASONS FOR THE DECISION

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

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the amended Environmental Authorisation issued on 6 August 2020.
2. Precinct 6 was approved for Residential Zone 2 as Group housing and Open Space in terms of the amended Environmental Authorisation that was issued on 6 August 2020 for the Levendal Development. However, the landowner of Precinct 6 wishes to apply for a separate development, comprising a mixed-use development that will include business, commercial and residential land uses. The proposed mixed-use development does not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended), as confirmed in the correspondence issued by the Ministry of Local Government, Environmental Affairs & Development Planning on 24 February 2022. It was therefore elected to exclude this precinct from the Levendal Development so that the landowner can continue with the proposed mixed-use development.
3. The amendment does not trigger any listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
4. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
5. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the amended Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the amended Environmental Authorisation issued on 6 August 2020 (Attached as Annexure A), remain unchanged and in force.

D. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
 - 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 on which 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 Organs 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 Organs 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 and the responding statement must be submitted to the address listed below:

By post: 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 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 2659, 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 EA 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 appreciated.

Yours faithfully

ELDON VAN BOOM
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 03 MAY 2022

Cc: (1) Mr B Bosman (GNEC)
(2) Ms C Winter (Drakenstein Municipality)
(3) Mr I McMillan (McMillan Bricks (Pty) Ltd)

Email: intern1@gnec.co.za
Email: Cindy.Winter@drakenstein.gov.za
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Annexure A



Western Cape
Government

MINISTRY OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND
DEVELOPMENT PLANNING

REFERENCE: 16/3/3/5/B3/28/1013/19

Mr Morne Bosch
The Board of Directors
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7646

Tel: (021) 863 6100

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Email: Morne.Bosch@valdevie.co.za

Dear Mr Bosch

**APPLICATION FOR THE FURTHER AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION
GRANTED FOR THE REZONING, SUBDIVISION AND REDEVELOPMENT OF LEVENDAL, SOUTHERN
PAARL**

1. Your Application for the Amendment of the Environmental Authorisation ("EA") granted on 14 September 2009, subsequently amended on 24 August 2012, 25 June 2014, 3 February 2017 and 23 November 2018; the Final Amendment Application Report received on 13 December 2020 and the Site Inspection conducted on 12 March 2020, refer.
2. **EMPOWERING PROVISIONS IN TERMS OF THE APPLICABLE LEGISLATION:**
 - 2.1. Sub-regulation 27(1) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014) states that "The competent authority that issued an environmental authorisation has jurisdiction in all matters pertaining to the amendment of that environmental authorisation as long as the environmental authorisation is still valid, provided that the competent authority that issued such environmental authorisation still has jurisdiction in terms of the Act."
3. **DECISION**

By virtue of the powers conferred on me by the NEMA and EIA Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014), I further amend the Amended Environmental Authorisation ("EA") issued on 23 November 2018 (DEA&DP Ref.:16/3/3/5/B3/28/1085/18) in terms of Part 2 of the EIA Regulations, 2014.

 - 3.1. The Amended EA is hereby amended to:
 - 3.1.1. Accommodate the adjustment of land uses and approved densities to enable more consolidated agricultural activities and land parcels;

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- 3.1.2. Include 120 social, gap and staff housing opportunities within the Levendal Development;
- 3.1.3. Adopt a new agricultural model (Agribella CB Farm Fresh project) to replace the historical "MBB Model"; and
- 3.1.4. Exclude Precinct 10 from the Levendal Development, as set out below:

- 3.2. **The description of the activity under Section A: DESCRIPTION OF ACTIVITY and The description of the preferred alternative under Section I: REASONS FOR THE DECISION TO GRANT THE AMENDMENT: ALTERNATIVES:**
"The activity entails the rezoning, subdivision and re-development of 22 cadastral units in the Southern Paarl area to encompass 19 precincts, consisting of the following:
 - 3.2.1. *Precinct 1 (approximately 9.85ha) containing Residential Zone II, Residential Zone IV, Business Zone II, Transport Zone I, Transport II and Open Space Zone II. The precinct will comprise group housing, flats, a superette or shop, public transport interchange, public roads and private open space. A maximum of 188 residential erven are provided.*
 - 3.2.2. *Precinct 2 (approximately 13.49ha) containing Residential Zone IV, Residential Zone I, Institutional Zone I, Institutional Zone II, Institutional Zone II, Open Space Zone II and Transport Zone II. This precinct includes a maximum of 162 residential erven and comprises flats, single residential dwellings, school and educational facilities, as frail care facility, a place of worship, clubhouse, community hall, sports fields and private and public roads.*
 - 3.2.3. *Precinct 3 (approximately 3.04ha) containing Transport Zone II and Agriculture Zone I.*
 - 3.2.4. *Precinct 4 (approximately 0.95ha) containing Business Zone II comprising a craft centre and coffee shop.*
 - 3.2.5. *Precinct 5 (approximately 86.67ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I. This precinct will include a maximum of 12 single residential erven.*
 - 3.2.6. *Precinct 6 (approximately 12.11ha) containing Residential Zone II and Open Space Zone II. This precinct will provide a maximum of 110 group housing opportunities.*
 - 3.2.7. *Precinct 7 (approximately 85.9ha) containing Residential Zone I, Residential Zone II, Residential Zone III, Residential Zone V, Business Zone II, Transport Zone II, Transport Zone III, Open Space Zone II, Resort Zone I, Agriculture Zone I, Agriculture Zone II and Institutional Zone I. This precinct comprises single residential, group, town and staff housing, as well as guesthouses and will include a maximum of 263 residential erven. Other uses include private open space, waterfront picnic park, parking facilities, private and public roads, a caravan park, restaurant, offices, coffee shop, deli, gift shop, tourist facilities, wine tasting and sales, farm store, winery, and tract of agricultural land along with agricultural training facilities with ancillary uses.*
 - 3.2.8. *Precinct 8 (approximately 7.25ha) containing Agriculture Zone I and Transport Zone II for agricultural holdings and public roads.*
 - 3.2.9. *Precinct 9 (approximately 10.31ha) containing Residential Zone I, Transport Zone II, Open Space Zone II and Agriculture Zone I this precinct will include a maximum of 12 single residential erven.*

- 3.2.10. Precinct 10 (approximately 8.11ha) containing Residential Zone I, Transport Zone II and Agriculture Zone I. this precinct will include a maximum of 13 single residential erven.
- 3.2.11. Precinct 11 (approximately 2.05ha) containing Residential Zone I, Open Space Zone II, Agriculture Zone I and Agriculture Zone II. This precinct will include a maximum of 4 single residential erven as well as a tourist facility and distillery.
- 3.2.12. Precinct 12 (approximately 2.43ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I, this precinct will include a maximum of 6 residential erven.
- 3.2.13. Precinct 13 (approximately 0.4ha) containing Residential Zone V and Agriculture Zone I. This precinct will include a maximum of 1 residential erf for a guesthouse.
- 3.2.14. Precinct 14 (approximately 7.05ha) containing Residential Zone II, Residential Zone V, Transport Zone II, Open Space Zone II and Agriculture Zone I. This precinct will comprise group housing, with a maximum of 24 residential erven, as well as a residential erf for a guesthouse. The agricultural component will entail a nursery.
- 3.2.15. Precinct 15 (approximately 25.32ha) containing Residential Zone I, Residential Zone II, Transport Zone II and Open Space Zone II. This precinct will include single residential and group housing opportunities totalling a maximum of 130 residential erven.
- 3.2.16. Precinct 16 (approximately 1.7 ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 2 single residential erven.
- 3.2.17. Precinct 17 (approximately 5.22ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 42 single residential erven.
- 3.2.18. Precinct 18 (approximately 4.21ha) containing Agriculture Zone I intended for service trade.
- 3.2.19. Precinct 19 (approximately 16.47ha) containing Agriculture Zone I intended for Agriculture."

is amended to read:

"The activity entails the rezoning, subdivision and re-development of 22 cadastral units in the Southern Paarl area to encompass 18 precincts, consisting of the following:

- 3.2.20. **Precinct 1 (approximately 9.85ha) containing Residential Zone II, Residential Zone IV, Business Zone II, Transport Zone I, Transport II and Open Space Zone II. The precinct will comprise group housing, flats, a superette or shop, public transport interchange, public roads and private open space. A maximum of 188 residential erven are provided, which will include 40 Gap Housing, 40 Social Housing and 21 Staff Housing Units.**
- 3.2.21. Precinct 2 (approximately 13.49ha) containing Residential Zone IV, Residential Zone I, Institutional Zone I, Institutional Zone II, Institutional Zone II, Open Space Zone II and Transport Zone II. This precinct includes a maximum of 162 residential erven and comprises flats, single residential dwellings, school and educational facilities, as frail care facility, a place of worship, clubhouse, community hall, sports fields and private and public roads.
- 3.2.22. Precinct 3 (approximately 3.04ha) containing Transport Zone II and Agriculture Zone I.
- 3.2.23. Precinct 4 (approximately 0.95ha) containing Business Zone II comprising a craft centre and coffee shop.

- 3.2.24. Precinct 5 (approximately 86.67ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I. This precinct will include a maximum of 12 single residential erven.
- 3.2.25. Precinct 6 (approximately 12.11ha) containing Residential Zone II and Open Space Zone II. This precinct will provide a maximum of 110 group housing opportunities.
- 3.2.26. **Precinct 7a (approximately 27.5ha) containing Residential Zone I, Residential Zone III, Resort Zone I and Open Space Zone II. This precinct comprises single residential and town housing, and will include a maximum of 71 residential erven. Other uses include a caravan park, a restaurant, coffee shop, deli, offices, private open space, waterfront picnic park, parking facilities, private and public roads.**
- 3.2.27. **Precinct 7b (approximately 58.4ha) containing Residential Zone I, Residential Zone II, Residential Zone III, Residential Zone V, Open Space Zone II, Institutional Zone I, Agriculture Zone I and Agriculture Zone II, with the latter three zonings being developed in line with the new "Agribella" agricultural model. This precinct comprises single residential, group and staff housing, as well as a guesthouse. A maximum of 192 residential erven will be provided, which includes 14 staff housing units. Other uses include private open space, private roads, an agricultural training facility with ancillary uses, a farm packing store, cold storage packing shed, winery, tourist facilities, restaurant, gift shop, wine tasting and sales and a farm store.**
- 3.2.28. Precinct 8 (approximately 7.25ha) containing Agriculture Zone I and Transport Zone II for agricultural holdings and public roads.
- 3.2.29. Precinct 9 (approximately 10.31ha) containing Residential Zone I, Transport Zone II, Open Space Zone II and Agriculture Zone I this precinct will include a maximum of 12 single residential erven.
- 3.2.30. **Precinct 10 (approximately 8.11ha) containing Residential Zone I, Transport Zone II and Agriculture Zone I. This precinct will include a maximum of 13 single residential erven.**
- 3.2.31. Precinct 11 (approximately 2.05ha) containing Residential Zone I, Open Space Zone II, Agriculture Zone I and Agriculture Zone II. This precinct will include a maximum of 4 single residential erven, as well as a tourist facility and distillery.
- 3.2.32. Precinct 12 (approximately 2.43ha) containing Residential Zone I, Open Space Zone II and Agriculture Zone I, this precinct will include a maximum of 6 residential erven.
- 3.2.33. Precinct 13 (approximately 0.4ha) containing Residential Zone V and Agriculture Zone I. This precinct will include a maximum of 1 residential erf for a guesthouse.
- 3.2.34. **Precinct 14 (approximately 7.05ha) containing Residential Zone IV, Transport Zone II and Open Space Zone II. This precinct will comprise 3-storey walk-up units, with a maximum of 138 residential units, public and private roads and public open space.**
- 3.2.35. **Precinct 15 (approximately 25.32ha) containing Residential Zone I, Business Zone II, Business Zone III Transport Zone II and Open Space Zone II. This precinct will include single residential and staff housing opportunities totalling a maximum of 17 residential erven. This includes the 5 staff housing units.**
- 3.2.36. Precinct 16 (approximately 1.71 ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 2 single residential erven.
- 3.2.37. Precinct 17 (approximately 5.22ha) containing Residential Zone I and Agriculture Zone I. This precinct will include a maximum of 42 single residential erven.

- 3.2.38. *Precinct 18 (approximately 4.21ha) containing Agriculture Zone I intended for service trade.*
- 3.2.39. *Precinct 19 (approximately 16.47ha) containing Agriculture Zone I intended for Agriculture."*

4. REASONS FOR THE DECISION

Find below the reasons to amend the Amended EA:

- 4.1. The amendment applied for is in terms of Part 2 of the EIA Regulations, 2014. The adjustment of land uses, as described below, will not have an impact on the overall density of the corresponding land parcels or enhance the development rights in terms of the existing and approved land use rights.
- 4.2. The proposed site is earmarked for future urban expansion within the approved Drakenstein Municipality Spatial Development Framework ("SDF"). The development proposed for the Levendal Development is listed within the Integrated Development Plan as "Economic Growth and Development" and as "Social and Community Development". The Levendal Development is therefore aligned with the principle of providing a range of housing opportunities within the Drakenstein municipal area, thereby contributing towards addressing the identified housing shortage within the area.
- 4.3. Amendment 1: Land use adjustment and optimisation within the Levendal Development: Two of the land parcels zoned for agricultural use within Precinct 14 are located on low agricultural potential soil. In addition, the two land parcels are isolated from other agricultural activities. It was therefore decided to relocate these land parcels to a node with higher agricultural viability within Precinct 7b, which predominantly comprises of agricultural uses. Similarly, the three residential land parcels within Precinct 7b will be relocated to the area with the low potential agricultural soil within Precinct 14. This allows for a consolidation of the agricultural and residential nodes, as opposed to having fragmented nodes spread throughout the Levendal Development. The land use adjustment is therefore deemed to be mutually beneficial to the residential and agricultural components within the Levendal Development.
- 4.4. Amendment 2: Land use adjustment of approved densities within the Levendal Development to incorporate the 120 social/gap/staff housing opportunities that will be relocated from the Pearl Valley II development: The provision of 120 social/gap/staff housing opportunities was initially proposed on Erf No. 955 within Precinct 2 of the Pearl Valley II development. Based on the findings of the updated Socio-economic Impact Assessment, dated June 2019, compiled by Dr Jonathan Bloom from Multi-Purpose Solutions, only supplying top structures as part of an inclusionary housing initiative does not maximize the potential contribution to the well-being and health of residents intended to benefit from such a provision and that it is also necessary to provide community facilities, amenities, access to retail facilities and public transport. The above-mentioned site is too small for the inclusion of shops and public amenities together with the housing units on the designated site. In addition, there is no access to public transport due to the location of Precinct 2 within the Val de Vie Estate. All homeowners would be liable to high municipal taxes and estate levies due to the requirement for membership of the Val de Vie II Homeowners Association. Given that Precinct 2 was found to

be unsuitable, relocation of the 120 social/gap/staff housing units to Precincts 1 (101 units in the Levendal Village), 7b (14 units) and 15 (5 units) in the Levendal Development (all owned by the applicant), was deemed to be a more practical implementation of this component, since it will enable adequate access to transport systems, shops, amenities and other community facilities. The 120 social/gap/staff housing units will be incorporated into the existing densities for the different precincts and will not increase the overall number of approved units.

- 4.5. Amendment 3: Adoption of a new agricultural model (Agribella CB Farm Fresh project) to replace the originally approved "MBB Plan": The MBB Report is over a decade old and after review thereof it was determined that the plan was not fully implementable due to outdated and prescriptive farming methodologies, economic assumptions and dated technologies. The project team, together with the Agribella team, designed a more appropriate agricultural model that will serve Levendal and the broader Val de Vie Super Estate. The proposed Agribella project will be located on Precinct 7b and will include theoretical and practical farming training rooms, accommodation for trainees, trainers and guests, administration facilities, a processing plant for processing produce from the agricultural section, store rooms and storage sheds for agricultural materials, equipment, chemicals, farming implements and vehicles, agricultural tunnels for dedicated training and agricultural gardens for practice and experimentation. It was found that the new agricultural model can be implemented with immediate effect, does not depend on grant funding, will not place a debt burden on the Levendal Community Trust ("LCT"), will be able to generate an income for the LCT within the first year of operation, transfers more land to the previously disadvantaged community of Levendal, has a focus on job creation together with skills development and training, and offers ownership of the housing in the Levendal Village to qualifying farm workers.
- 4.6. Amendment 4: Exclusion of Precinct 10 from the Levendal Development: The landowner of Precinct 10 wishes to make the site available for an eco-school, also referred to as a Green School, as opposed to the residential development initially earmarked for the site in terms of the authorised Levendal Development. The proposed Green School does not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 Listing Notices. It was therefore elected to exclude this precinct from the Levendal Development. Once completed, the school and associated facilities will cover a footprint of approximately 2.5ha and comprise of school buildings and associated facilities and land uses that include agricultural-related buildings and uses.
- 4.7. Based on the findings of the specialist assessments undertaken, the proposed amendments to the Levendal Development are required and will benefit the greater community.
- 4.8. The Drakenstein Municipality did not object to the proposed amendments and commented *inter alia* as follows with regards to the availability of service infrastructure to accommodate the proposed amendments:
 - 4.8.1. The Drakenstein Municipality has bulk infrastructure for water in the area to accommodate the proposed amendments, although the installation of and upgrades to certain services will be the responsibility of the applicant.

- 4.8.2. The Drakenstein Municipality has bulk infrastructure for wastewater treatment in the area to accommodate the proposed amendments, although certain requirements will be done based on the availability of the municipal budget. The applicant will also be responsible for the installation of certain services.
- 4.8.3. The Drakenstein Municipality has enough capacity at its landfill to accommodate the proposed development in terms of solid waste management.
- 4.9. A public participation process was conducted for the amendment application, which comprised of the following:
 - 4.9.1. The placing of a newspaper advertisement in the 'Paarl Post' on 8 November 2018;
 - 4.9.2. Fixing notice boards at the sites where the listed activities are to be undertaken on 14 November 2018;
 - 4.9.3. Interested and Affected Parties, the municipality, the ward councillor and the relevant Organs of State, were notified of the amendment application and commenting periods on 14 November 2018, 28 March 2019, 20 June 2019 and 5 November 2019;
 - 4.9.4. The pre-application draft amendment report, in-process draft amendment report, revised draft amendment report and final amendment report were made available for a 30-day commenting period from 14 November 2018, 29 March 2019, 21 June 2019 and 5 November 2019, respectively;
 - 4.9.5. On 13 December 2019, the Final Amendment Report, including proof that the additional information contained in the Final Amendment Report was subjected to a 30-day commenting period, was submitted for decision-making to the Department;
- 4.10. At the end of the commenting period, several comments were received. Concerns raised by Interested and Affected Parties were responded to during the public participation process. Specific management and mitigation measures have been considered in this amended EA and in the EMP, in order to address the concerns raised. The public participation process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Site inspections and meeting

- 4.11. On 26 April 2019 a site inspection was conducted at the Pearl Valley II and Levendal Development sites by officials from this Department's Chief Directorate: Environmental Governance, Policy Coordination and Enforcement, the Directorate: Development Management and the Drakenstein Municipality;
- 4.12. On 3 October 2019 a site inspection was conducted at the Pearl Valley II and Levendal Development sites by officials from the Chief Directorate: Environmental Governance, Policy Coordination and Enforcement and the Directorate: Development Management;
- 4.13. On 9 October 2019, the EAP and officials from this Department had a meeting to discuss the Pearl Valley II and Levendal Development amendment applications;
- 4.14. On 12 March 2020, a site inspection was conducted by the Minister of Local Government, Environmental Affairs and Development Planning, Mr Anton Bredell; Ms Andrea Thomas from the Directorate: Development Planning; Mr Ayub Mohamed from the Chief Directorate: Environmental Governance, Policy

- Coordination and Enforcement; and Mr Luxolo Kula and Ms Jaqueta Keet from the Sub-directorate: Environmental Appeals Management.
- 4.15. No new activities are triggered by the proposed amendments in terms of the EIA Regulations, 2014 (Government Notices No. R. 983, R. 984 and R. 985 of 4 December 2014) promulgated in terms of the NEMA.

5. **CONDITIONS**

All the conditions contained in the EA granted on 14 September 2009 and subsequently amended on 24 August 2012, 25 June 2014, 3 February 2017, 23 November 2018 and in this Amended Appeal EA must be implemented and complied with.

6. **DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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.

Yours faithfully,



ANTON BREDELE
WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE: 6/8/2020

Copied to:
Mr R. Jonas/ F. Venturi (Terramanzi Group (Pty) Ltd)
Ms Cindy Winter (Drakenstein Municipality)

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