

EIA REFERENCE: 16/3/3/5/B3/28/1013/24
NEAS REFERENCE: WCP/EIA/AMEND/0000820/2024
DATE OF ISSUE: 18 MARCH 2024

The Board of Directors
Val de Vie Investments (Pty) Ltd
PO Box 6223
PAARL
7620

Attention: Mr. JD Labuschagne

Tel.: (021) 863 6106
Email: jd.labuschagne@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 8 MARCH 2023 (DEA&DP: 16/3/3/5/B3/28/1055/22): PEARL VALLEY II DEVELOPMENT ON FARM 1693 AND PORTION 3 OF FARM NO. 826 AND ERVEN 549 AND 550, PAARL (PREVIOUSLY KNOWN AS PORTIONS 3, 6, 8, 9 AND 11 OF FARM NO. 826, PAARL)

1. With reference to the above application, this Directorate hereby notifies you of its decision to grant the amendment of the amended Environmental Authorisation issued on 8 March 2023 (DEA&DP Ref: 16/3/3/5/B3/28/1055/22) 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr B Bosman (Guillaume Nel Environmental Consultants)
(2) Ms E Visagie (Guillaume Nel Environmental Consultants)
(3) Ms C Winter (Drakenstein Municipality)

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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 ENVIRONMENTAL AUTHORISATION ISSUED ON 8 MARCH 2023 (DEA&DP: 16/3/3/5/B3/28/1055/22): PEARL VALLEY II DEVELOPMENT ON FARM 1693 AND PORTION 3 OF FARM NO. 826 AND ERVEN 549 AND 550, PAARL (PREVIOUSLY KNOWN AS PORTIONS 3, 6, 8, 9 AND 11 OF FARM NO. 826, 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), this Directorate herewith **grants** the amendment of the amended Environmental Authorisation issued on 8 March 2023 (DEA&DP Ref: 16/3/3/5/B3/28/1055/22) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

1. Description of the activity:

"Amendment 2: Densification of approved land uses

To authorise the densification of approved land uses within Precincts No.3 (Erf No. 956), 4 (Erf No. 957) and 6 (Erf No. 959) within the Pearl Valley Phase II development as follows:

- *The density for Precinct 3 (referred to as "La Domaine") which was approved for 140 group housing units is increased to 190 group housing units. This increases from 9.89 du/ha to 13.43 du/ha.*
- *The density for Precinct 4 (referred to as "Evergreen") which was approved for 418 units, in addition to other related facilities, is increased to 608 life right units (inclusive of 80 assisted living/frail care units). This is an increase in density of 45.5% from 12.6 du/ha to 18.32 du/ha."*

is amended to read:

- *Precinct No. 3: 178 Resort Zone II erven for group housing units (approximately 14.15ha).*
- *Precinct No. 4: 620 Resort Zone II erven for a retirement village and related facilities and amenities (approximately 33.18ha).*

2. ANNEXURE 2: SITE PLAN is amended to include the following the following figure:



Figure 3: Detail design of the Evergreen Retirement village on Precinct 4. With the location of the 12 additional units indicated.

B. REASONS FOR THE DECISION

In reaching its decision, this Directorate 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 8 March 2023.
2. 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.
3. The amendment entails the transfer of 12 residential units from Precinct 3 to Precinct 4. Precinct 3 (zoned Resort Zone II) was approved for 190 residential erven, however, the area set aside for this purpose can only accommodate 178 of the approved 190 residential erven. Precinct 4 (also zoned Resort Zone II) was approved for 608 residential erven as part of a Retirement Village and related frail care and assisted living facilities and amenities. Precinct 4 is currently under construction and in the detailed design phase and has enough space to cater for the 12 residential erven that could not be accommodated in Precinct 3. Therefore, the EA holder wishes

to transfer the 12 residential erven from Precinct 3 to Precinct 4. The number of approved residential erven for the development remains unchanged and the proposed transfer of units from one precinct to another precinct does not trigger any listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

4. No additional upgrades to the bulk service infrastructure are required, and the amendment will have a minimal influence on service infrastructure, with no additional impacts.
5. 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.
6. 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 8 March 2023 (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

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

DATE OF DECISION: 18 MARCH 2024

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Annexure A