



APPEAL FORM
In terms of the National Appeal Regulations

April 2019

Form Number: 2019

Note that:

1. This appeal must be submitted within **20 days** of being notified of the decision.
 2. This form is current as of **April 2019**. It is the responsibility of the Appellant to ascertain whether subsequent versions of the form have been released by the Appeal Administrator.
 3. This form must be used for appeals submitted in terms of National Appeal Regulations, 2014 in so far as it relates to decisions in terms of the:
 - a. Environment Conservation Act, 1989 (Act No. 73 of 1989);
 - b. National Environmental Management Act, 1998 (Act No. 107 of 1998);
 - c. National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004);
 - d. National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004);
 - e. National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008); and subordinate legislation made in terms of these laws.
 4. The required information must be inserted within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces may be expanded where necessary.
 5. Unless protected by law, all information contained in, and attached to this application, will become public information on receipt by the Department.
 6. A digital copy of this form may be obtained from the Department's website at <http://www.capegateway.gov.za/dept/eadp>.
 7. Please consult the National Appeal Regulations (dated 8 December 2014) and the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations (dated 9 December 2014), and any other relevant regulations.
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A. DECISION BEING APPEALED

1. Reference Number of the Decision being appealed:

DEA&DP Reference: 16/3/3/5/B3/28/1002/25; NEAS Reference: WCP/EIA/AMEND/0000905/2025

2. Type of Decision being appealed (please circle the appropriate option):

Environmental Authorisation	24G Administrative Fine	<u>Amendment of Environmental Authorisation</u>	Amendment of Environmental Management Programme	Waste Management Licence	Atmospheric Emission Licence	Exemption Notice
Permit in terms of NEM: BA	Administrative Notice/ Directive	ECA: OSCA Permit	Other			

3. Brief Description of the Decision:

The DEA&DP has granted the Amendment of the Environmental Authorisation issued on 02 December 2022 (Reference No.: 16/3/3/1/B3/28/1032/22), in terms of Part 1 of Chapter 5 of the National Environmental Management Act, 1998 (Act 107 Of 1998) and the Environmental Impact Assessment ("EIA") Regulations, 2014 (As Amended) for the Proposed Development of Erf No. 8892, Paarl.

4. Date of the decision being appealed (i.e. date on which the decision was made):

21 February 2025

B. APPELLANT'S INFORMATION

5. Please circle the appropriate option

Applicant	State Department / Organ of State	<u>Interested and Affected Party</u>
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6. Appellant's information:

Name: Paarl Golf Club

Paarl Golf Club: Terence Valentyn

Address: Off the R301/Wemmerhoek Road, Paarl

Tel: 021 863 1140

Cell: 084 952 6396

Fax: N/A

Email: terence@paarlqc.co.za

C. APPEAL INFORMATION

7. Did you lodge an Appeal submission within 20 days of the notification of the decision being sent to you?

Yes (this form) / **No** (Circle the appropriate response). If "Yes", attach a copy herewith.

This form and its Appendices A and B.

8. The following documents must accompany the appeal submission, kindly indicate if they have been attached to the submission:

- 8.1 a statement setting out the grounds of appeal?;

Yes / **No** (Circle the appropriate response)

This form and its Appendices A and B.

- 8.2 supporting documentation which is referred to in the appeal submission?;

Yes / **No** (Circle the appropriate response)

See Appendices A and B attached herewith.

- 8.3 a statement, including supporting documentation, by the appellant that a copy of the appeal was submitted to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:

8.3.1 the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

Yes / **No** (Circle the appropriate response).

Please indicate the date on which a copy of the Notice of the decision was sent.

Statement: The appellant hereby confirms that that a copy of this appeal form and its Appendix A was submitted to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant (i.e. within 20 days from 25 February 2025).
Date of submission of this appeal form and its Appendix A by the appellant to
above parties: Monday, 17 March 2025.

OR

~~8.3.2 the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority.~~

~~**Yes** / **No** (Circle the appropriate response).~~

~~Please indicate the date on which a copy of the Notice of the decision was sent.~~

D. GROUNDS OF APPEAL

9. Set out the ground/s of your appeal: Clearly list your appeal issues and provide an explanation of why you list each issue.

The Paarl Golf Club provides the following ground/s for this appeal:

The Environmental Impact Assessment (EIA) process was undertaken for the proposed development on Erf No. 8892, Paarl RD during 2020 to 2022, and the original Environmental Authorisation was issued on 02 December 2022. Since December 2022 and now (i.e. March 2025), the conditions along the Berg River at the project area have changed and warrants further investigation. These changes mainly include:

1. At least five large flow events have occurred in the Berg River during 2023 and 2024 (refer to Table 1 and 2 in **Appendix A** to this Appeal Form), and a sand bar in the Berg River has expanded towards the Paarl Golf Club between 2003 and 2024; and
2. The Drakenstein Local Municipality has installed a bulk sewer line along the western banks of the Berg River, directly west of the berm on Erf No. 8892, Paarl RD.

These changes, and the relevant concerns to the Paarl Golf Club, are discussed in more detail below.

1. High flow events and damage during 2023 and 2024, and expansion of the sand bar at the project site

The high flow events have created substantial damage to the right (east) bank of the Berg River along the Paarl Golf Club. These flood events have highlighted the need for careful consideration of the management of the riparian zone and the landscape that may influence the extent and magnitude of flow events and subsequent flooding of the surrounding areas.

It is the opinion of the Paarl Golf Club that alterations of the berms on the left bank (western) side, prior to 2022, most likely in 2015, in the riparian zone has contributed to the flood damages that occurred during the high flow events of 2023 and 2024.

In addition to the berm modification, the river channel has formed a bar on the inside bend (left bank), and the bar has extended towards the Paarl Golf Club between 2003 and 2024. This can be attributed to the deposition of sediment in slower flowing less turbulent water on the left bank and the densification of the vegetation on the sand bar that has formed and extended.

It is suspected that the owner of Erf No. 8892, Paarl RD has purposefully planted willow trees (not indigenous to the Berg River) in the riparian zone and that the willow trees have substantially contributed to the blocking of the secondary flow channel (on the inside of the bar), and the expansion of the bar towards the Paarl Golf Club. We suspect that the formation and expansion of the sand bar with trees, in combination with the increase in height of the berm, has been the main cause of the erosion damage that was experienced by the Paarl Golf Club.

The current approval that was issued by DEADP indicates that the berm along the Berg River will be removed in its entirety. This is assumed to be an obligatory condition of the approval. In principle, the Paarl Golf Club supports the removal of the berm to prevent its current and future contribution to flooding.

2. Bulk sewer line along the western bank of the Berg River

In the recent past, subsequent of the Environmental Authorisation being issued on 02 December 2022, the Drakenstein Local Municipality has installed a bulk sewer line along the western banks of the Berg River, west of the berm on Erf No. 8892, Paarl RD. It is unclear to what degree the sewer line will influence the removal of the berm, since the Environmental Authorisation predates the installation of the sewer line.

The Paarl Golf Club requires confirmation of the following:

1. The berm on Erf No. 8892, Paarl RD will be removed irrespective of the newly installed sewer line.
2. The removal of the berm on Erf No. 8892, Paarl RD will be the first priority with the commencement of the development and be completed before any work is done to develop the project.
3. The riparian zone Maintenance Management Plan (MMP) and rehabilitation plan for Erf No. 8892, Paarl RD will include the removal of the sand bar that has formed on the western banks of the river and that the sand bar will be removed before any work is done to develop the project. The narrowing of the river channel and the resulting increase in erosion and flooding that are taking place shall also be prevented.
4. The net effect of the development, and the sequence of the development phases, including the removal of the current berm, will not influence the pre-berm modification (pre-2015) risk of flooding and erosion on the Paarl Golf Club. A flood hydraulic engineer needs to confirm that the magnitude of the recent flood events and the short succession of these events (within 1 month apart with saturated catchment conditions) have been taken into consideration with the modelling of pre- and post-development conditions and its effect on 1:50 and 1:100 flood lines.

9.1 Is your appeal based on factors associated with the process that was followed by the applicant/Environmental Assessment Practitioner/Competent Authority in reaching the decision?

Yes / **No** (Circle the appropriate response). Please provide details.

9.2 Is your appeal based on factors associated with matters of unacceptable environmental impacts/extenuating circumstances not taken into account by the Competent Authority?

Yes / **No** (Circle the appropriate response). Please provide details.

Possibly.

9.3 Have your appeal issues been raised previously in the public participation process?

Yes / **No** (Circle the appropriate response). Please provide details.

No public participation process was undertaken as part of the Part 1 Environmental Authorisation application process.

9.4 Are you fundamentally opposed to the decision (e.g. to any development activity on the site)?

Yes / **No** / Not applicable (Circle the appropriate response). Please provide details.

The Paarl Golf Club supports the decision in principle, especially the removal of the berm that is situated along the western bank of the Berg River. We however require, *inter alia*, clarity that this will still happen, considering the changed site conditions since 02 December 2022, as referred to above.

9.5 Are you in favour of the decision if your concerns can be remedied by rectifying the process or by mitigating or eliminating an impact/s of the activity/ies?

Yes / No / Not applicable (Circle the appropriate response). Please provide details.

The Paarl Golf Club supports the decision in principle, especially the removal of the berm that is situated along the western bank of the Berg River. We however require, *inter alia*, clarity that this will still happen, considering the changed site conditions since 02 December 2022, as referred to above.

9.6 Please indicate what measures you propose to have your concerns remedied.

1. The Paarl Golf Club requires written confirmation from an appropriately qualified engineer that the berm on Erf No. 8892, Paarl RD, will be removed, despite the presence of the sewer line which runs west of the berm, and that the removal of the berm will not negatively influence the functioning and integrity of the sewer line.
2. The Paarl Golf Club requires written confirmation that removal of the berm on Erf No. 8892, Paarl RD will be the first priority with the commencement of the development and be completed before any work is done to develop the project. A due date for the removal of the berm shall be provided.
3. The Paarl Golf Club requires written confirmation that the riparian zone rehabilitation plan and MMP for Erf No. 8892, Paarl RD, will be updated to include the removal of the sand bar that has formed on the western banks of the river, and that the sand bar will be removed before any work is done to develop the project. The narrowing of the river channel and the resulting increase in erosion and flooding that are taking place shall also be prevented.
4. The Paarl Golf Club requires written confirmation from an appropriately qualified engineer that the net effect of the development, and the sequence of the development phases, including the removal of the current berm, and infilling of the floodline on Erf No. 8892, Paarl RD will not influence the pre-berm modification (pre-2015) risk of flooding and erosion on The Paarl Golf Club. A flood hydraulic engineer needs to confirm that the magnitude of the recent flood events and the short succession of these events (within 1 month apart with saturated catchment conditions) have been taken into consideration with the modelling of pre- and post-development conditions and its effect on 1:50 and 1:100 flood lines.

9.7 Does your appeal contain any new information that was not submitted to the Environmental Assessment Practitioner (EAP) / or registered I&APs/ or the competent authority prior to the decision?

Yes / No (Circle the appropriate response). If the answer above is "Yes" please explain what this information is and why it should be considered by the Appeal Authority and why it was not made available to the EAP/ or I&AP/ or the competent authority prior to the decision. (Please ensure that the new information is attached hereto.)

In the recent past, subsequent of the Environmental Authorisation being issued on 02 December 2022, the Drakenstein Local Municipality has installed a bulk sewer line along the western banks of the Berg River west of the berm on Erf No. 8892, Paarl RD. It is unclear to what degree the installation of the sewer line will influence the removal of the berm, since the Environmental Authorisation predates the installation of the sewer line.

E. SUBMISSION ADDRESS

This appeal must be submitted to the Appeal Administrator at the address listed below within 20 days of being notified of the decision:

By post: Attention: Marius Venter
Western Cape Ministry of Local Government, Environmental Affairs &
Development Planning
Private Bag X9186, Cape Town, 8000; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021-483 3721)
Room 809, 8th floor Utilitas Building
1 Dorp Street, Cape Town, 8000; or

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

Note: You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator.



Appellant's signature

17.03.2025

Date

APPENDICES:

Appendix A: Berg River flow event tables.

Appendix B: Proof that a copy of this appeal form and its Appendix A was submitted to the applicant, any registered interested and affected party and any organ of state with interest on Monday, 17 March 2025.