



REFERENCE NO: 14/3/1/B2/28/0667/25

The Board of Directors
Bello Campo (Pty) Ltd
P. O. Box 43
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7137

Attention: Mr. M Campbell

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Dear Sir

APPEAL LODGED AGAINST THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 2 DECEMBER 2022 FOR THE PROPOSED DEVELOPMENT OF ERF 8892, PAARL

1. The appeal lodged in terms of section 43(2) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") against the Amendment of the Environmental Authorisation issued by the Department of Environmental Affairs and Development Planning's Director: Development Management (Region 1) ("Department") issued on 21 February 2025, for the proposed development of Erf 8892, Paarl, has reference.

2. Empowering Provision -

In terms of section 43(6) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA"):

"The Minister or an MEC may, after considering such an appeal, confirm, set aside or vary the decision, provision, condition or directive or make any other appropriate decision, including a decision that the prescribed fee paid by the appellant, or any part thereof, be refunded."

3. After careful consideration of the Appeal, the Responding Statements and the information contained in the Environmental Impact Assessment ("EIA") Application, in terms of section 43(6) of the NEMA and regulation 7(3) of the National Appeal Regulations, 2014 (as amended), I have decided to **dismiss** the Appeal and **confirm** the abovementioned decision of the Delegated Competent Authority to amend the EA issued on 21 February 2025.
4. The abovementioned EA and the conditions under which the authorisation was granted must be complied with.

5. REASONS FOR THIS APPEAL DECISION:

The reasons for dismissing the Appeal and confirming the Amended EA are contained in the EA and the following are additional reasons for the decision:

APPEAL GROUND 1: HIGH FLOW EVENTS AND DAMAGE DURING 2023 AND 2024, AND EXPANSION OF THE SAND BAR AT THE PROJECT SITE

All impacts on the Berg River were assessed during the EIA Process and found to be within acceptable limits and culminated in the issuance of the positive EA on 2 December 2022 and the subsequent Water Use License.

The berm was constructed in the early 1970's to protect the crops and orchards from flooding from the Berg River and a bulk sewer line was installed between late 2023 and mid 2024 by the Drakenstein Municipality, with flood damage occurring during the high flow events of 2023 and 2024, before commencement of construction activities related to the authorized development. The alterations to the berms, said to have taken place prior to 2022 as per the appeal, on the left bank (western side) of the said river channel were not part of the authorized development, as the EA was only issued on 2 December 2022.

Furthermore, during the site inspection conducted on 7 April 2025, it was observed that the construction activities of the authorized development have only recently commenced, with only earthworks having taken place thus far.

I thus conclude that the flood events during 2023 and 2024 cannot be attributed to the authorized development.

APPEAL GROUND 2: BULK SEWER LINE ALONG THE WESTERN BANK OF THE BERG RIVER

The bulk sewer line installed by the Drakenstein Municipality does not form part of the development authorized by the EA issued on 2 December 2022 or the amended EA issued on 21 February 2025.

I concur with Guillaume Nel Environmental Consultants that the bulk sewer line is not relevant to the authorized development.

APPEAL GROUND 3: PAARL GOLF CLUB REQUIRES CONFIRMATION OF THE FOLLOWING

The removal of the berm along the Berg River formed part of the development authorized by the EA issued on 2 December 2022 (Alternative 1). As such, the removal of the berm is a requirement to ensure compliance with the EA and to avoid the applicant from being non-compliant with the EA.

As stated above, the removal of the berm is a requirement of the EA. However, its removal does not have to occur prior to the commencement of construction of the development.

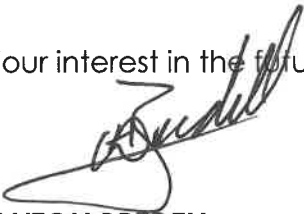
As noted by the Delegated Competent Authority, a Maintenance Management Plan ("MMP") for the greater Berg River was adopted on 1 November 2016. The parameters in this MMP included the removal of material from the river. However, the holder of the MMP (Berg River Irrigation Board) must be consulted prior to any work being undertaken, and the holder of this EA cannot be directed to remove the sand bar. Furthermore, Paarl Golf Course can also implement the Greater Berg River MMP in consultation with the Berg River Irrigation Board.

A Floodline Report, dated 21 November 2018, was compiled by Graeme McGill Consulting during the original application process. The report concluded that the flood levels can be lowered by cutting the levee and placing and compacting the material of the edge of the floodplain to the north of the existing homestead. The Part 1 Amendment process did not require this kind of reporting because the amendment was not directly related to the removal of the berm. As part of the Bigen due diligence and design process, the holder of the EA developed a separate HEC-RAS model (Version 6.6). For this model, the holder of the EA had access to detailed LiDAR data and used it to create a 2D model to evaluate and analyze the existing conditions, as well as the effects of infill and material removal in the floodplain. The post-development model considered three aspects: keeping the existing berm in place, removal of material from the floodplain, and filling within the floodplain. As such, the holder of

the EA confirms that the existing berm does not affect the flood line inundation extents for either the pre- or post-development conditions.

I am satisfied that the aspects related to the berm have been sufficiently addressed.

6. In arriving at my decision on the appeal, it should be noted that I have not responded to each and every statement set out in the grounds of Appeal and/ or Responding Statement, and where a particular statement is not directly addressed, the absence of any response should not be interpreted to mean that I agree with or abide by the statement made.
7. I have discharged my decision-making powers when making this decision and I am thus *functus officio* in this regard. My decision is final and your only recourse, should you still be aggrieved by my decision, is to apply to the Western Cape High Court to review my decision.
8. Your interest in the future of our environment is appreciated.



Mr. ANTON BREDELL

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

DATE: 20/5/2025

Copied to:

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