



**AMENDMENT REFERENCE:** 16/3/3/5/A6/45/2034/22  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000628/2022  
**DATE OF ISSUE:** 08 July 2022

The Board of Directors  
Contemporary Investments (Pty) Ltd  
14 High Constantia  
2 Groot Constantia Road  
**CONSTANTIA**  
7806

**For Attention: Mr. Farrell Bernberg**

Cell: 082 449 6604  
E-mail: [farrell@amberry.co.za](mailto:farrell@amberry.co.za)

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION (“EA”) ISSUED ON 11 JUNE 2018 (REFERENCE: 16/3/3/5/A6/45/2030/18), WITH RESPECT TO THE AUTHORISED ESTABLISHMENT OF A HOUSING DEVELOPMENT ON ERF 5144, KOMMETJIE**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment to the Amended EA together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the Amended EA, 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Amended EA.

Your interest in the future of our environment is appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1**  
**WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: (1) Ms. Monique Sham (Monique Sham Environmental Consultants)  
(2) Mr. Andrew Greenwood (City of Cape Town)

E-mail: [monique@ms-ec.co.za](mailto:monique@ms-ec.co.za)  
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## AMENDMENT TO THE AMENDED ENVIRONMENTAL AUTHORISATION

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION (“EA”) ISSUED ON 25 JULY 2013 (E12/2/4/1-A5/268-2012/11), READ TOGETHER WITH THE EA ISSUED ON 11 JUNE 2018 (REFERENCE: 16/3/3/5/A6/45/2030/18), WITH RESPECT TO THE AUTHORISED ESTABLISHMENT OF A HOUSING DEVELOPMENT ON ERF 5144, KOMMETJIE**

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 NEMA and the EIA Regulations, 2014 (as amended), this Department herewith **grants** the amendment of the EA issued on 25 July 2013 (E12/2/4/1-A5/268-2012/11), read together with the EA issued on 11 June 2018 (Reference: 16/3/3/5/A6/45/2030/18).

**The Amended EA is amended as set out below.**

The details of the Holder of the EA issued on 25 July 2013, reads as follows:

*“The Board of Directors  
Kompanjiesuin Development Company (Pty) Ltd  
C/O Mr. J. C. Schooling  
Private Bag X16  
**CONSTANTIA**  
7848  
Tel.: (021) 794 0904  
Fax: (021) 794 4123”*

The details of the Holder of the EA issued on 25 July 2013, is hereby amended to read in the following manner:

"The Board of Directors  
Contemporary Investments (Pty) Ltd  
C/O Mr. Farrell Bernberg  
14 High Constantia  
2 Groot Constantia Road  
**CONSTANTIA**  
7806

Cell: 082 449 6604  
E-mail: [farrell@amberry.co.za](mailto:farrell@amberry.co.za)"

## **B. REASONS FOR THE DECISION**

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

1. The information contained in the application form for a Part 1 amendment of the EA issued on 25 July 2013 (E12/2/4/1-A5/268-2012/11), read together with the EA issued on 11 June 2018 (Reference: 16/3/3/5/A6/45/2030/18), received by the Department on 20 June 2022.
2. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the EA issued on 25 July 2013 (E12/2/4/1-A5/268-2012/11), read together with the EA issued on 11 June 2018 (Reference: 16/3/3/5/A6/45/2030/18).
3. The amendment is for the change of ownership of the EA issued on 25 July 2013 (E12/2/4/1-A5/268-2012/11) and the transfer of rights and obligations.
4. The environment and the rights and interests of registered I&APs will not be adversely affected by this decision to amend the EA issued on 25 July 2013 (E12/2/4/1-A5/268-2012/11), read together with the EA issued on 11 June 2018 (Reference: 16/3/3/5/A6/45/2030/18).

## **C. CONDITIONS**

1. The holder must in writing, within fourteen (14) 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 Appeals 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;
  - 1.4 provide the registered I&APs with:
    - 1.4.1 the name of the holder (entity) of this Amended EA;
    - 1.4.2 name of the person responsible for this Amended EA;
    - 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 Appeals Regulations, 2014 (as amended).

2. All other Conditions contained in the EA issued on 25 July 2013 (E12/2/4/1-A5/268-2012/11), read together with the EA issued on 11 June 2018 (Reference: 16/3/3/5/A6/45/2030/18), 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 twenty (20) calendar days from the date the 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 twenty (20) calendar days from the date 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 Organ 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 Organ of State must submit their responding statements, if any, to the Appeal Administrator and the appellant within twenty (20) 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  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Administrator at: Tel.: (021) 483 3721, E-mail: [DEA&DP.Appeals@westerncape.gov.za](mailto:DEA&DP.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 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 greatly appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT REGION 1**  
**WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 08 JULY 2022**

Copied to: (1) Ms. Monique Sham (Monique Sham Environmental Consultants)  
(2) Mr. Andrew Greenwood (City of Cape Town)

E-mail: [monique@ms-ec.co.za](mailto:monique@ms-ec.co.za)  
E-mail: [Andrew.Greenwood@capetown.gov.za](mailto:Andrew.Greenwood@capetown.gov.za)

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