



REFERENCE: 16/3/3/5/A3/54/2052/22-B
NEAS REFERENCE: WCP/EIA/AMEND/0000685/2022
DATE OF ISSUE: 25 November 2022

The Board of Directors
Tamismart (Pty) Ltd.
P.O. Box 15886
PANORAMA
7506

Attention: Mr. Arno De Goede

E-mail: finance@innoviaprop.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE RECORD OF DECISION ISSUED ON 16 NOVEMBER 2005 (REFERENCED: E12/2/1-AS8-FARM 810 & 811, SOMERSET WEST), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 25 APRIL 2014 (REFERENCED: 16/3/1/5/A3/54/2039/14), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 06 OCTOBER 2021 (REFERENCED: 16/3/3/5/A3/54/2044/21-A) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2022 (REFERENCED: 16/3/3/5/A3/54/2035/22-A) FOR THE RESIDENTIAL DEVELOPMENT ON ERF NO. 19369, SOMERSET WEST.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties are provided with access to and reasons for the decision, and that all registered interested and affected parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarised 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. Marais Geldenhuys (Doug Jeffery Environmental Consultants (Pty) Ltd.) Email: marais@dougjeff.co.za
(2) Ms. Azanne van Wyk (City of Cape Town) Email: Azanne.vanWyk@capetown.gov.za
(3) Mr. Jan Bergman (Omwieco (Pty) Ltd.) E-mail: jan@jbb.co.za

REFERENCE: 16/3/3/5/A3/54/2052/22-B
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AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE RECORD OF DECISION ISSUED ON 16 NOVEMBER 2005 (REFERENCED: E12/2/1-AS8-FARM 810 & 811, SOMERSET WEST), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 25 APRIL 2014 (REFERENCED: 16/3/1/5/A3/54/2039/14), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 06 OCTOBER 2021 (REFERENCED: 16/3/3/5/A3/54/2044/21-A) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 19 JULY 2022 (REFERENCED: 16/3/3/5/A3/54/2035/22-A) FOR THE RESIDENTIAL DEVELOPMENT ON ERF NO. 19369, SOMERSET WEST.

A. DECISION

With reference to the above-mentioned application, the competent authority has decided, in terms of the EIA Regulations, 2014 (as amended), to amend the Record of Decision ("RoD") issued on 16 November 2005 (EIA Reference Number: E12/2/1-AS8-Farm 810 & 811, Somerset West), the amended Environmental Authorisation issued on 25 April 2014 (EIA Reference Number: 16/3/1/5/A3/54/2039/14), the amended Environmental Authorisation issued on 06 October 2021 (EIA Reference Number: 16/3/3/5/A3/54/2044/21-A) and the amended Environmental Authorisation issued on 19 July 2022 (EIA Reference Number: 16/3/3/5/A3/54/2035/22-A).

1. The Environmental Authorisations are hereby amended to be issued to two holders in accordance with Regulation 27(2)(a) of the EIA Regulations, 2014 (as amended).
2. A RoD referenced "E12/2/1-AS8-Farm 810 & 811, Somerset West" was issued to Quickvest 229 (Pty) Ltd., on 16 November 2005; an amended Environmental Authorisation referenced "16/3/1/5/A3/54/2039/14" was issued to Omwieco (Pty) Ltd., on 25 April 2014; an amended Environmental Authorisation referenced "16/3/3/5/A3/54/2044/21-A" was issued to Omwieco (Pty) Ltd., on 06 October 2021 and an amended Environmental Authorisation referenced "16/3/3/5/A3/54/2035/22-A" was issued to Omwieco (Pty) Ltd., on 19 July 2022 for the mixed-use development on Remainder of the Farm Die Bos No. 810 and Remainder of the Farm Onverwacht No. 811, Heritage Park, Somerset West. This amendment application is to transfer the rights and obligations of the amended Environmental Authorisations relating to the residential development on Erf No. 19369 (which was subdivided from the Remainder of the Farm Die Bos No. 810) from Omwieco (Pty) Ltd, to Tamismart (Pty) Ltd.

- 2.1 Environmental Authorisation A is therefore for the larger mixed-use development on the Remainder of the Farm Die Bos No. 810 and Remainder of the Farm Onverwacht No. 811, Heritage Park, Somerset West.
 - 2.2 Environmental Authorisation B is for the residential development on Erf No. 19369 (which was subdivided from the Remainder of the Farm Die Bos No. 810).
 - 2.3 Omwieco (Pty) Ltd., will remain the holder for the larger mixed-use development on the Remainder of the Farm Die Bos No. 810 and Remainder of the Farm Onverwacht No. 811, Heritage Park, Somerset West and Tamismart (Pty) Ltd., will be the holder for the residential development on Erf No. 19369.
3. The title of the authorised development relating to Erf No. 19369 hereby issued to Tamismart (Pty) Ltd., is as follows:

Establishment of a residential development on Erf No. 19369, Somerset West, comprising of a gated residential development of approximately 104 sectional title units.

4. Erf No. 19369 of the RoD referenced "E12/2/1-AS8-Farm 810 & 811, Somerset West", the amended Environmental Authorisation referenced "16/3/1/5/A3/54/2039/14", the amended Environmental Authorisation referenced "16/3/3/5/A3/54/2044/21-A" and the amended Environmental referenced "16/3/3/5/A3/54/2035/22-A" is transferred to:

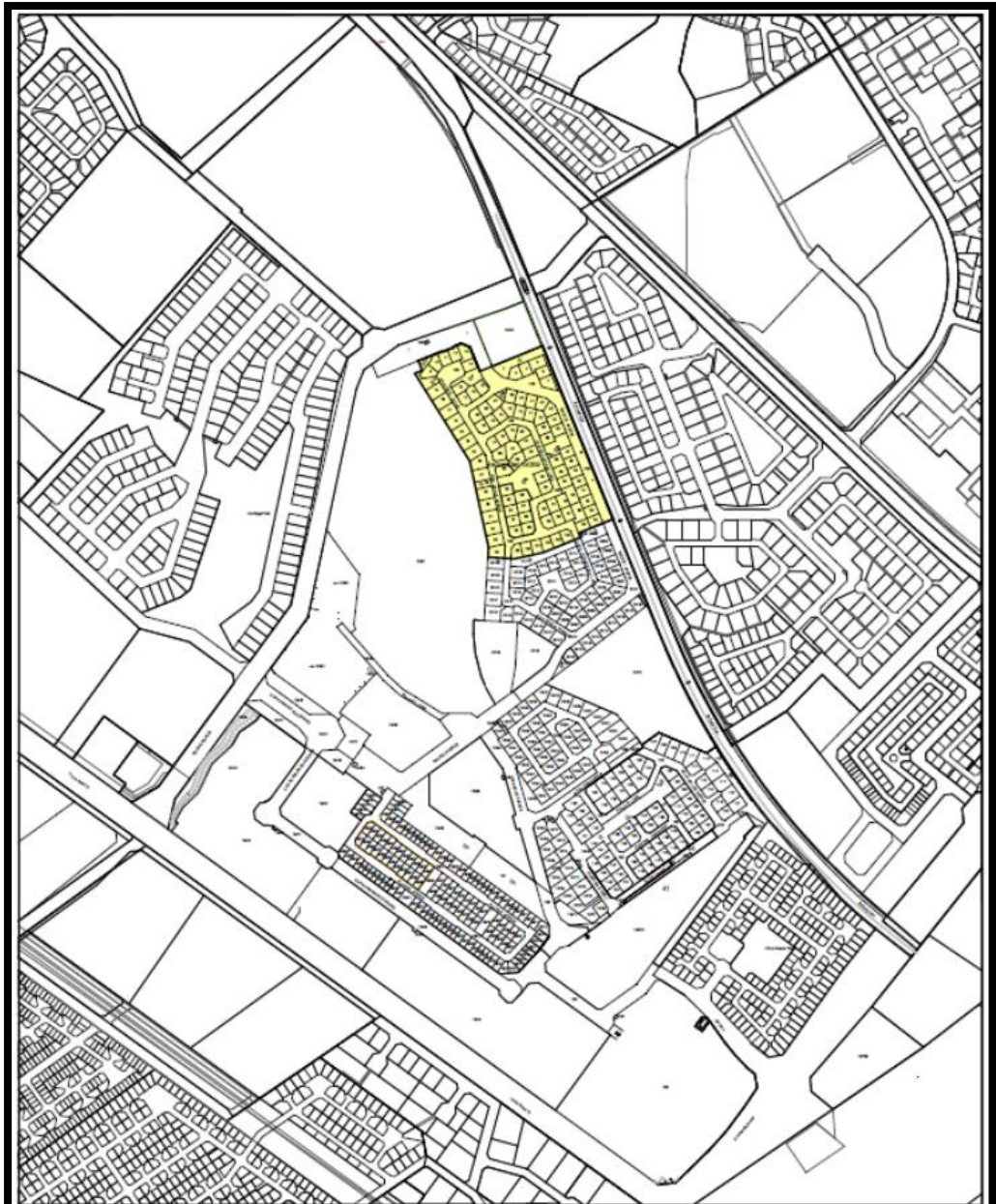
Tamismart (Pty) Ltd.
c/o Mr. Arno De Goede
P.O. Box 15886
PANORAMA
7506

Tel.: (021) 975 2341
E-mail: finance@innoviaprop.co.za

5. The holder of this amended Environmental Authorisation is authorised to undertake the following as authorised:

The proposed establishment of a residential development on Erf No. 19369, Somerset West, comprising of a gated residential development of approximately 104 sectional title units.

The below plan depicts the residential development on Erf No. 19369, Somerset West.



LOCAL CONTEXT

Remainder Erf 19369 - Somerset West

DATE	October 2021	FILE	FP/1021/1025	Not to Scale	 <small> 127 (0) 850-7165 info@firstplan.co.za www.firstplan.co.za </small>
CLIENT	Innovia Properties	ANNEX	7		



6. The holder of this amended Environmental Authorisation is authorised to undertake the residential development on Erf No. 19369, Somerset West.

Co-ordinates:

Latitude: 34° 06' 10.96" S

Longitude: 18° 52' 01.99" E

SG 21-digit code: C06700210001936900000

B. REASONS FOR THE DECISION

1. 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 RoD referenced "E12/2/1-AS8-Farm 810 & 811, Somerset West" issued on 16 November 2005; the amended Environmental Authorisation referenced "16/3/1/5/A3/54/2039/14" issued on 25 April 2014; the amended Environmental Authorisation referenced "16/3/3/5/A3/54/2044/21-A" issued on 06 October 2021 and the amended Environmental Authorisation referenced "16/3/3/5/A3/54/2035/22-A" issued on 19 July 2022, nor does it trigger any additional listed activities in terms of the EIA Regulations, 2014 (as amended).
2. The information contained in the application for amendment, as received by the competent authority via electronic mail correspondence on 14 November 2022, was considered.
3. The environment and the rights and interests of other parties are not likely to be adversely affected.
4. The following similarly listed activity is applicable to Erf No. 19369, Somerset West:

Activity 28 of Listing Notice 1: the change from agricultural land to residential through a land use management application to the City of Cape Town.

5. The amendment will not result in an increase in the level of impacts originally assessed. Furthermore, the development will take place on the same site as previously authorised.

The holder of this Environmental Authorisation will be responsible for the implementation of the conditions specified in the RoD issued on 16 November 2005, the amended Environmental Authorisation referenced "16/3/1/5/A3/54/2039/14" issued on 25 April 2014; the amended Environmental Authorisation referenced "16/3/3/5/A3/54/2044/21-A" issued on 06 October 2021 and the amended Environmental Authorisation referenced "16/3/3/5/A3/54/2035/22-A" issued on 19 July 2022, respectively. These conditions have been included in Section C of this amended Environmental Authorisation.

C. CONDITIONS

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 1.1 notify all registered interested and affected parties ("I&APs") of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 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 Appeal Regulations, 2014 (as amended);
 - 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 1.4.2 name of the responsible person for this Environmental Authorisation,
 - 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,
 - 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 Appeal Regulations, 2014 (as amended).
2. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
3. Any changes to, or deviations from the scope of the authorised development described in paragraphs 5 and 6 of Section A above must be accepted or approved, in writing, by the competent authority before such changes or deviations

may be implemented. In assessing whether to grant such acceptance/approval or not, the competent authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

4. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), or site agent where appropriate to ensure compliance with the Environmental Management Programme ("EMPr") and the conditions contained herein.
5. A copy of this amended Environmental Authorisation and the EMPr, audit reports and compliance monitoring reports must be kept at the site office and must be made available to anyone on request.
6. Access to the site referred to in paragraph 6 of Section A above must be granted and, this amended Environmental Authorisation and EMPr must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The amended Environmental Authorisation and EMPr must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
7. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended) the holder must conduct environmental audits to determine compliance with the conditions of this amended Environmental Authorisation and the EMPr and submit environmental audit reports to the competent authority.
 - 7.1 The audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended);
 - 7.2 The first audit report must be submitted to the competent authority within three (3) months of commencement of the proposed development, as described in this amended Environmental Authorisation;
 - 7.3 Thereafter, an Environmental Audit Report must be submitted to the competent authority every 5 (five) years while the Environmental Authorisation remains valid;
 - 7.4 A environmental audit report must be submitted to the competent authority within 6 months of completion of the construction activities;
 - 7.5 The audit reports must indicate compliance status with the conditions of this amended Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
 - 7.6 The holder must, within 7 days of the submission of an audit report to the competent authority, notify potential and registered I&APs of the submission and make the report available to anyone on request; and
 - 7.7 If the audit reports are not submitted, the competent authority may give 30 days' written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.
8. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains

(including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

9. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
10. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
11. Water saving devices, e.g., dual flush toilet systems, low flow showerheads etc. and energy saving devices such as geyser blankets must be used in all components of the development.
12. The holder must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
13. The holder must submit an application for amendment of this amended Environmental Authorisation in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) to the competent authority where any detail or scope with respect to this amended Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.
14. Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.
15. Non-compliance with a condition of this amended Environmental Authorisation or EMPr may result in suspension of this amended Environmental Authorisation and may render the holder liable for criminal prosecution.

D. APPEAL

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 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&AP, 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 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 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: Attention: Mr. Marius Venter
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 M. Venter (Tel.: (021) 483 3721)
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 the Appeal Authority at: Tel. (021) 483 3721, 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 Addendum to the Environmental Authorisation 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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 25 NOVEMBER 2022

CC: (1) Mr. Marais Geldenhuys (Doug Jeffery Environmental Consultants (Pty) Ltd.) Email: marais@dougjeff.co.za
(2) Ms. Azanne van Wyk (City of Cape Town) Email: Azanne.vanWyk@capetown.gov.za
(3) Mr. Jan Bergman (Omwieco (Pty) Ltd.) E-mail: jan@jbb.co.za

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