

REFERENCE NUMBER: 16/3/3/5/A8/106/3016/22 (A)
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000623/2022
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: 10 June 2022

The Board of Directors
Richmond Park Development Company (Pty) Ltd.
Postnet Suite 205
Private Bag X20009
GARSFONTEIN
Pretoria
0042

For Attention: Mr. A. de Beer / Mr. R. Glass

Tel: (012) 471 1600

Email: Alex@atterbury.co.za

Dear Sir(s)

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 21 SEPTEMBER 2012 (REF. NO. E12/2/4/2-A6/399-1002/10), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 01 AUGUST 2013 (REF. NO. 16/3/1/5/A5/106/1019/13) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 17 SEPTEMBER 2021 (REF. NO. 16/3/3/5/A8/106/3034/21(A)) FOR THE PROPOSED RICHMOND PARK DEVELOPMENT ON ERF 37145 (FORMERLY ERVEN 1, 853, 863, 6273 AND A PORTION OF CAPE FARM NO. 239), BOSMANSDAM, MILNERTON – TRANSFER OF RIGHTS ASSOCIATED WITH THE REMAINDER OF ERF 37145 (AND ASSOCIATED ERVEN SUBDIVIDED FROM ERF 37145), RICHMOND PARK MILNERTON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the amended Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)
(2) Mr. N. Arnott (SLR Consulting)

Email: Maurietta.Stewart@capetown.gov.za
Email: Narnott@slrconsulting.com

REFERENCE NUMBER: 16/3/3/5/A8/106/3016/22 (A)

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 21 SEPTEMBER 2012 (REF. NO. E12/2/4/2-A6/399-1002/10), THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 01 AUGUST 2013 (REF. NO. 16/3/1/5/A5/106/1019/13) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 17 SEPTEMBER 2021 (REF. NO. 16/3/3/5/A8/106/3034/21(A)) FOR THE PROPOSED RICHMOND PARK DEVELOPMENT ON ERF 37145 (FORMERLY ERVEN 1, 853, 863, 6273 AND A PORTION OF CAPE FARM NO. 239), BOSMANSDAM, MILNERTON – TRANSFER OF RIGHTS ASSOCIATED WITH THE REMAINDER OF ERF 37145 (AND ASSOCIATED ERVEN SUBDIVIDED FROM ERF 37145), RICHMOND PARK MILNERTON.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation with respect to this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation ("EA") was issued by this Department on 21 September 2012 for the proposed Richmond Park Development on Erven 1, 853, 6273, 863 and a portion of Cape Farm No. 239, Bosmansdam, Milnerton (Ref. No. E12/2/4/2-A6/399-1002/10).
2. An amended EA was issued by this Directorate on 01 August 2013 for the transfer of rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) from Clifton Dune Investment (Pty) Ltd. to Richmond Park Development Company (Pty) Ltd and amendment of the activity description of the authorised layout for the proposed Richmond Park Development on Erven 1, 853, 6273, 863 and a portion of Cape Farm No. 239, Bosmansdam, Milnerton (Ref. No. 16/3/1/5/A5/106/1019/13).
3. The site (i.e., Erven 1, 853, 6273, 863 and a portion of Cape Farm No. 239, Bosmansdam, Milnerton) was consolidated to form Erf 37145, Richmond Park, Milnerton and has since been subdivided into various smaller erven. Four (4) amended EAs were issued by this Directorate on 17 September 2021 for the transfer of rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and amended EA (Ref. No. E12/2/4/2-A6/399-1002/10) for specific erven to be developed as follows:
 - 3.1. Decision A – Richmond Park Development Company (Pty) Ltd (i.e., the existing EA holder)
 - 3.1.1. The rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and the amended EA (Ref. No. 16/3/1/5/A5/106/1019/13) associated with the remainder of the erven that form part of the larger Erf 37145, Richmond Park, Milnerton that have not yet been developed and/or leased remain in the responsibility of the existing EA holder (Ref. No. 16/3/3/5/A8/106/3034/21(A)).
 - 3.2. Decision B - Richmond Park Master Property Owner's Association
 - 3.2.1. The rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and the amended EA (Ref. No. 16/3/1/5/A5/106/1019/13) associated with the maintenance

and management activities of the open space areas located on Erven 38238 and 38239, Richmond Park, Milnerton was transferred to a new holder (i.e. Richmond Park Master Property Owner's Association) (Ref. No. 16/3/3/5/A8/106/3034/21(B)).

3.3. Decision C - WBC Properties (Pty) Ltd

3.3.1. The rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and the amended EA (Ref. No. 16/3/1/5/A5/106/1019/13) for development on Erf 38348, Richmond Park, Milnerton was transferred to a new holder (i.e. WBC Properties (Pty) Ltd) (Ref. No.16/3/3/5/A8/106/3034/21(C)).

3.4. Decision D - Richmond Park Investment Proprietary Limited

3.4.1. The rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and the amended EA (Ref. No. 16/3/1/5/A5/106/1019/13) for development on Erf 38394, Richmond Park, Milnerton was transferred to a new holder (i.e. Richmond Park Investment Proprietary Limited) (Ref. No.16/3/3/5/A8/106/3034/21(D)).

4. An application for amendment of the amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)) for the transfer of rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and amended EA (Ref. No. E12/2/4/2-A6/399-1002/10) for Erf 38353, Richmond Park, Milnerton was received by this Department on 18 March 2022.

B. 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), the Competent Authority herewith **grants** the amendment of the amended Environmental Authorisation ("EA") issued by this Department on 17 September 2021 (Ref. No. 16/3/3/5/A8/106/3034/21(A)) (attached as Annexure A) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended). The EA is amended as set out below:

1. Transfer of rights and obligations

1.1. The amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)) is herewith amended to be issued to 2 holders in accordance with Regulation 27(2)(a) of the NEMA EIA Regulations, 2014 (as amended) as follows:

1.1.1. The rights and obligation of the amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)), which relate to Erf 37145 the remainder of the erven that form part of the larger Erf 37145, Richmond Park, Milnerton remain the responsibility of the existing EA holder (i.e. Richmond Park Development Company (Pty) Ltd) (Ref. No. 16/3/3/5/A8/106/3016/22 (A)).

1.1.2. The rights and obligations of the amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)) for the development on Erf 38353, Milnerton (which forms part of Erf 37145, Milnerton) is hereby transferred to a new holder, i.e., Richmond Park Investment Proprietary Limited (Ref. No. 16/3/3/5/A8/106/3016/22 (B)).

2. Find attached herewith copies of the following:
 - 2.1. EA (Ref. No. E12/2/4/2-A6/399-1002/10) (attached as Annexure A).
 - 2.2. Amended EA (Ref. No. 16/3/1/5/A5/106/1019/13) (attached as Annexure B).
 - 2.3. Amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)) (attached as Annexure C).
 - 2.4. Layout Plan (dated May 2022) indicating Erf 38353, Richmond Park, Milnerton (attached as Annexure D).

C. CONDITIONS OF AUTHORISATION

1. The holder must in writing, within **fourteen (14)** 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 as included in Section G;
 - 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 Appeal Regulations, 2014 (as amended) detailed in Section F below;
 - 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 amended Environmental Authorisation;
 - 1.4.2. The name of the responsible person for this amended Environmental Authorisation;
 - 1.4.3. The postal address of the holder;
 - 1.4.4. The telephonic and fax details of the holder;
 - 1.4.5. The 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 Appeal Regulations, 2014 (as amended).
2. The conditions stipulated in the amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)) remain unchanged and must be implemented.
3. Proof of compliance with Condition 1 of this amended EA must be submitted along with the notification of commencement of development activities within the Richmond Park development area.

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 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 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 form/s must be submitted by means of one of the following methods:

By post: Attention: 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 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street
CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za
5. A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of 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 appreciated.

Yours faithfully

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

DATE OF DECISION: 10 JUNE 2022

Copies to: (1) Ms. M. Stewart (City of Cape Town: ERM)
(2) Mr. N. Arnott (SLR Consulting)

Email: Maurietta.Stewart@capetown.gov.za
Email: Narnott@slrconsulting.com

F. REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

1. The information contained in the application for amendment dated 17 March 2022 and received by this Department on 18 March 2022 and the additional information received by this Department on 03 May 2022, 13 May 2022 and 27 May 2022.
2. An application for amendment of the amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 18 March 2022 for the split (i.e., transfer of rights and obligations of the amended EA (Ref. No. 16/3/3/5/A8/106/3034/21(A)) into the following components:
 - 2.1. The remainder of the erven that forms part of the larger Erf 37145, Richmond Park, Milnerton that have not yet been developed and/or leased (as depicted in the layout plan dated May 2022 (attached as Annexure D) and the rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and amended EA's (Ref. No. 16/3/1/5/A5/106/1019/13 and Ref. No. 16/3/3/5/A8/106/3034/21(A)) will remain in the responsibility of the existing EA holder (i.e. Richmond Park Development Company (Pty) Ltd (Ref. No. 16/3/3/5/A8/106/3016/22 (A)).
 - 2.2. The development of Erf 38353, Richmond Park, Milnerton and the rights and obligations of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) and amended EA's (Ref. No. 16/3/1/5/A5/106/1019/13 and Ref. No. 16/3/3/5/A8/106/3034/21(A)) have been transferred to a new holder (i.e. Richmond Park Investment Proprietary Limited) (Ref. No. 16/3/3/5/A8/106/3016/22 (B)) since Erf 38353, Richmond Park, Milnerton will be developed by the new lease holder, Richmond Park Investment Proprietary Limited.
3. Since the proposed amendment is for the transfer of rights and obligations, it will not result in a change to the scope of the valid EA (Ref. No. E12/2/4/2-A6/399-1002/10) and amended EA's (Ref. No. 16/3/1/5/A5/106/1019/13 and Ref. No. 16/3/3/5/A8/106/3034/21(A)), and will not result in an increased level or change in the nature of impact, a Part 1 amendment process in terms of the NEMA EIA Regulations, 2014 (as amended) was followed.
4. The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the amended EA (Ref. No. 16/3/3/5/A8/106/3034/21 (A)).

National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), inter alia, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

-----END-----

ANNEXURE A:

Copy of the EA (Ref. No. E12/2/4/2-A6/399-1002/10) issued by this Department on 21 September 2012.

ANNEXURE B:

Copy of the amended EA (Ref. No. 16/3/1/5/A5/106/1019/13) issued by this Department on 01 August 2013.

ANNEXURE C:

Copy of the amended EA (Ref No. 16/3/3/5/A8/106/3034/21(A)) issued by this Department on 17 September 2021.

ANNEXURE D:

Copy of the Layout Plan (dated May 2022), indicating Erf 38353, Richmond Park, Milnerton (circled in red).