



REFERENCE: 16/3/3/5/A6/57/2001/22 - A
NEAS REFERENCE: WCP/EIA/AMEND/0000594/2022
DATE OF ISSUE: 05 April 2022

The Board of Directors
Serina Investments (Pty) Ltd.
P.O. Box 100
NOORDHOEK
7985

Attention: Mr. Sybrand van der Spuy

E-mail: sybrand@icon.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 ENVIRONMENTAL AUTHORISATION ISSUED ON 07 FEBRUARY 2011 (REFERENCED: E12/2/3/2-A5/455-0163/07); THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 30 SEPTEMBER 2011 (REFERENCED: E12/2/4/6-A5/455-2019/11); THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 14 DECEMBER 2015 (REFERENCED: 16/3/3/5/A6/12/2031/15) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 30 OCTOBER 2018 (REFERENCED: 16/3/3/5/A6/57/2028/18) FOR THE MIXED-USE DEVELOPMENT ON ERF NO. 701 (THE CONSOLIDATION OF ERF NO. 549 AND REMAINDER OF ERF NO. 552) AND ERF NO. 551, NOORDHOEK.

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 (as amended), 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 (as amended), 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) Ms. Adél Groenewald (Doug Jeffery Environmental Consultants (Pty) Ltd.)

Email: adel@dougjeff.co.za

(2) Mr. Andrew Greenwood (City of Cape Town)

Email: Andrew.Greenwood@capetown.gov.za

(3) Mr. James Wilson (Amdec Residential Developments (Pty) Ltd.)

E-mail: shannonn@evergreenlifestyle.co.za

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 ENVIRONMENTAL AUTHORISATION ISSUED ON 07 FEBRUARY 2011 (REFERENCED: E12/2/3/2-A5/455-0163/07); THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 30 SEPTEMBER 2011 (REFERENCED: E12/2/4/6-A5/455-2019/11); THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 14 DECEMBER 2015 (REFERENCED: 16/3/3/5/A6/12/2031/15) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 30 OCTOBER 2018 (REFERENCED: 16/3/3/5/A6/57/2028/18) FOR THE MIXED-USE DEVELOPMENT ON ERF NO. 701 (THE CONSOLIDATION OF ERF NO. 549 AND REMAINDER OF ERF NO. 552) AND ERF NO. 551, NOORDHOEK.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as the “Environmental Authorisation”) with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

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 Environmental Authorisation issued on 07 February 2011 (EIA Reference Number: E12/2/3/2-A5/455-0163/07); the amended Environmental Authorisation issued on 30 September 2011 (EIA Reference Number: E12/2/4/6-A5/455-2019/11); the amended Environmental Authorisation issued on 14 December 2015 (EIA Reference Number: 16/3/3/5/A6/12/2031/15) and the amended Environmental Authorisation issued on 30 October 2018 (EIA Reference Number: 16/3/3/5/A6/57/2028/18).

1. The Environmental Authorisation issued on 30 October 2018 is hereby amended to be issued to two holders in accordance with Regulation 27(2)(a) of the EIA Regulations, 2014 (as amended).
2. The amended Environmental Authorisation issued on 30 October 2018 will be split into two to reflect new ownership of a portion of the development and to transfer the rights and obligations relating to Erf No. 704, Noordhoek from Serina Investments (Pty) Ltd., to Amdec Residential Developments (Pty) Ltd.
 - 2.1 Portion 5 of Cape Farm No. 1387 was subdivided into three portions i.e., Erven 549, 551 and 552.
 - 2.2 Erf No. 552 Chapmans Peak was further subdivided into 2 portions i.e., Erf No. 704 and Remainder of Erf No. 552.

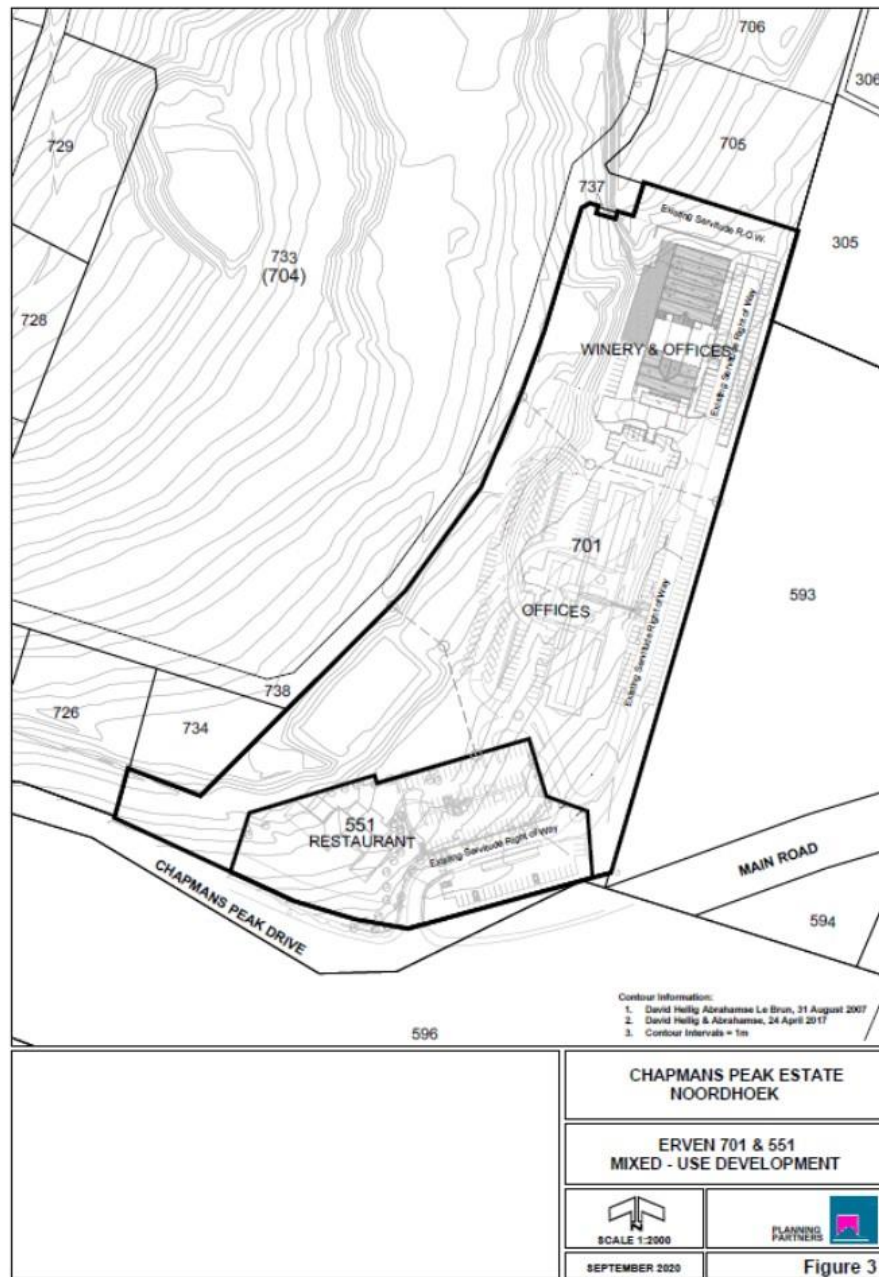
- 2.3 The Remainder of Erf No. 552 was consolidated with Erf No. 549 to form Erf No. 701.
 - 2.4 General Plan No. 197/2015 for Erf No. 552 was cancelled by the Surveyor General's office and a new General Plan No. 2792/2019, was approved for the erf that is now known as Erf No. 704.
 - 2.5 Serina Investments (Pty) Ltd. will be the owner of Erf No. 701 (the consolidation of Erf No. 549 and Remainder of Erf No. 552) and Erf No. 551, Noordhoek.
 - 2.6 Environmental Authorisation A is therefore for the mixed-use development on Erven 701 and 551, Noordhoek.
 - 2.7 Remainder of Erf No. 552 is in the process of being transferred from Amdec Residential Developments (Pty) Ltd. to Serina Investments (Pty) Ltd.
 - 2.8 Amdec Residential Developments (Pty) Ltd. will be the owner of Erf No. 704 (a portion of Erf No. 552), Noordhoek.
 - 2.9 Environmental Authorisation B is therefore for a residential development on Erf No. 704 (a portion of Erf No. 552), Noordhoek.
3. The description of the authorised development issued to Serina Investments (Pty) Ltd., on 30 October 2018, is herewith replaced as follows:

The mixed-use development on Erf No. 701 (the consolidation of Erf No. 549 and Remainder of Erf No. 552) and Erf No. 551, Noordhoek, comprises of the following:

Land use	Total extent
Restaurant (with wine tasting and sales)	925m ² GLA
Winery (with wine tasting and sales, farm offices and ancillary uses. Approximately 254m ² are farm offices	Approximately 1740m ²
Offices (Phase 1)	930m ² GLA
Offices (Phase 2)	3064m ² GLA

Figure 1 depicts the locality plan for the mixed-use development on Erf No. 701 (the consolidation of Erf No. 549 and Remainder of Erf No. 552) and Erf No. 551, Noordhoek.

Figure 1:



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 Environmental Authorisation issued on 07 February 2011 (EIA Reference Number: E12/2/3/2-A5/455-0163/07); the amended Environmental Authorisation issued on 30 September 2011 (EIA Reference Number: E12/2/4/6-A5/455-2019/11); the amended Environmental Authorisation issued on 14 December 2015 (EIA Reference Number: 16/3/3/5/A6/12/2031/15) and the amended Environmental Authorisation issued on 30 October 2018 (EIA Reference Number: 16/3/3/5/A6/57/2028/18), 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 17 January 2022, the additional information received via electronic mail correspondence on 23 February 2022 and 28 March 2022, respectively, were considered.
3. The environment and the rights and interests of other parties are not likely to be adversely affected.
4. The following similarly listed authorised activities have commenced on Erf No. 701 (the consolidation of Erf No. 549 and Remainder of Erf No. 552) and Erf No. 551, Noordhoek:

Activity 19 of Listing Notice 1: infilling of material of more than 10m³ into, and the excavation, removal or moving of soil, sand, or rock from a watercourse has taken place.

Activity 15 of Listing Notice 2: clearance of more than 20ha of indigenous vegetation has taken place.

Activity 4 of Listing Notice 3: a road wider than 4m has been developed on areas containing indigenous vegetation.

Activity 12 of Listing Notice 3: clearance of more than 300m² of indigenous vegetation within a critically endangered or endangered ecosystem has taken place.

5. The amendment to the Environmental Authorisation issued on 07 February 2011 (EIA Reference Number: E12/2/3/2-A5/455-0163/07); the amended Environmental Authorisation issued on 30 September 2011 (EIA Reference Number: E12/2/4/6-A5/455-2019/11); the amended Environmental Authorisation issued on 14 December 2015 (EIA Reference Number: 16/3/3/5/A6/12/2031/15) and the amended Environmental Authorisation issued on 30 October 2018 (EIA Reference Number: 16/3/3/5/A6/57/2028/18) is for the purpose of excluding Erf No. 704 (a portion of Erf No. 552). This 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 conditions contained in the Environmental Authorisation issued on 07 February 2011 (EIA Reference Number: E12/2/3/2-A5/455-0163/07); the amended Environmental Authorisation issued on 09 September 2011 (EIA Reference Number: E12/2/4/6-A5/455-2019/11); the amended Environmental Authorisation issued on 14 December 2015 (EIA Reference Number: 16/3/3/5/A6/12/2031/15) and the amended Environmental Authorisation issued on 30 October 2018 (EIA Reference Number: 16/3/3/5/A6/57/2028/18), respectively, remain unchanged and in force.

C. CONDITION

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).

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: 05 APRIL 2022

CC: (1) Ms. Adél Groenewald (Doug Jeffery Environmental Consultants (Pty) Ltd.) Email: adel@dougjeff.co.za
(2) Mr. Andrew Greenwood (City of Cape Town) Email: Andrew.Greenwood@capetown.gov.za
(3) Mr. James Wilson (Amdec Residential Developments (Pty) Ltd.) E-mail: shannonn@evergreenlifestyle.co.za

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