

REFERENCE NUMBER: 16/3/3/5/A8/74/3008/22
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000587/2022
ENQUIRIES: Bernard Kgosana
DATE OF ISSUE: 11 April 2022

The Director
Spotprops 48 (Pty) Ltd.
P. O. Box 576
DURBANVILLE
7554

Attention: Mr. L. Andrag

Tel.: (021) 910 3270
Email: louis@legatto.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED BY THIS DEPARTMENT ON 24 MARCH 2017 (REF. NO. 16/3/1/1/A5/43/1044/14) AND THE AMENDED EA ISSUED BY THIS DEPARTMENT ON 12 NOVEMBER 2020 (REF. NO. 16/3/3/5/A8/74/3042/20): THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 25945 (FORMERLY PORTION 86 OF THE FARM NO. 222), PORTIONS 99 AND 112 OF THE FARM HAASENDAL NO. 222, AND PORTIONS 15, 81, 85, 86, 87, 88 AND 97 OF THE FARM LANGVERWACHT NO. 241, KUILSRIVER.

1. With reference to the above application, this Department hereby notifies you of its decision to **grant** the Environmental Authorisation, 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 below.

Yours faithfully

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

Copied to: (1) Mr. C. Williams (Guillaume Nel Environmental Consultants)
(2) Mr. D. Georgeades (City of Cape Town: ERM)

Email: cahlan@gnec.co.za
Email: Dimitri.Georgeades@capetown.gov.za

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED BY THIS DEPARTMENT ON 24 MARCH 2017 (REF. NO. 16/3/1/1/A5/43/1044/14) AND THE AMENDED EA ISSUED BY THIS DEPARTMENT ON 12 NOVEMBER 2020 (REF. NO. 16/3/3/5/A8/74/3042/20): THE PROPOSED RESIDENTIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON ERF 25945 (FORMERLY PORTION 86 OF THE FARM NO. 222), PORTIONS 99 AND 112 OF THE FARM HAASENDAL NO. 222, AND PORTIONS 15, 81, 85, 86, 87, 88 AND 97 OF THE FARM LANGVERWACHT NO. 241, KUILSRIVER.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation was issued by this Department on 24 March 2017 for the proposed residential development and associated infrastructure on Portions 86 and 112 of Farm No. 222 Haasendal and the Remainder of Portions 15 and 23 of Farm No. 241 Langverwacht, Kuilsriver (Ref. No. 16/3/1/1/A5/43/1044/14).
2. An amended Environmental Authorisation was issued by this Department on 12 November 2020 for an amendment to the site development plan on Portions 86 and 112 of Farm No. 222 Haasendal and the Remainder of Portions 15 and 23 of Farm No. 241 Langverwacht, Kuilsriver (Ref. No. 16/3/3/5/A8/74/3042/20).
3. An application for amendment in terms of the EIA Regulations, 2014 (as amended) was received by this Department on 11 February 2022. The application is for an extension to the validity period of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and to correct the property details of the proposed site as authorised in the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and the amended EA (Ref. No. 16/3/3/5/A8/74/3042/20).

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 hereby **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 24 March 2017 (Ref. No. 16/3/1/1/A5/43/1044/14) and the amended EA issued by this Department on 12 November 2020 (Ref. No. 16/3/3/5/A8/74/3042/20) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/1/1/A5/43/1044/14) and amended EA (Ref. No. 16/3/3/5/A8/74/3042/20) is amended as set out below:

1. All reference to "Portion 86 and 112 of the Farm No. 222, Haasendal and Remainder of Portion 1 and 23 of Farm No. 241, Langverwacht, Kuilsriver"

Is herewith replaced with:

"Erf 25945 (formerly Portion 86 of the Farm No. 222), Portions 99 and 112 of the Farm Haasendal No. 222 and Portions 15, 81, 85, 86, 87, 88 and 97 of the Farm Langverwacht No. 241, Kuilsriver".

2. **Section C (Property Description and Location), which reads:**

"SG 21-Digit Codes:

Portion 86 of the Farm Haasendal No. 222	C01600730000022200086
Portion 112 of the Farm Haasendal No. 222	C06700000000022200222
RE Portion 1 of the Farm Langverwacht No. 241	C06700000000024100001
RE Portion 23 of the Farm Langverwacht No. 241	C06700000000024100023"

is herewith replaced with:

"SG 21-Digit Codes:

Erf 25945	C06700130002594500000
Portion 99 of the Farm Haasendal No. 222	C06700000000022200099
Portion 112 of the Farm Haasendal No. 222	C06700000000022200112
Portion 15 of the Farm Langverwacht No. 241	C06700000000024100015
Portion 81 of the Farm Langverwacht No. 241	C06700000000024100081
Portion 85 of the Farm Langverwacht No. 241	C06700000000024100085
Portion 86 of the Farm Langverwacht No. 241	C06700000000024100086
Portion 87 of the Farm Langverwacht No. 241	C06700000000024100087
Portion 88 of the Farm Langverwacht No. 241	C06700000000024100088
Portion 97 of the Farm Langverwacht No. 241	C06700000000024100097"

3. **Section E: Conditions of Authorisation - Condition 1 of the EA, which reads:**

"This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension".

is herewith replaced with:

"This environmental authorisation is valid for a period of **ten (10) years** from the date of issue. The holder must commence with all the listed activities **on or before 23 March 2027** or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension".

4. All other provisions contained in the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and the amended EA (Ref. No. 16/3/3/5/A8/74/3042/20) remain unchanged and in force.

C. REASON FOR THE DECISION

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

1. The information contained in the application for amendment received by this Department via electronic mail correspondence on 11 February 2022. The additional information received by this Department on 02 March 2022 and 10 March 2022.
2. The application is for a Part 1 amendment in terms of the NEMA EIA Regulations, 2014 (as amended) of the EA issued by this Department on 24 March 2017 (Ref. No. 16/3/1/1/A5/43/1044/14) and the amended EA issued by this Department on 12 November 2020 (Ref. No. 16/3/3/5/A8/74/3042/20), since the proposed amendment will not result in a change in scope of the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and will not result in an increased level or change in the nature of impact.
3. The amendment to the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and amended EA (Ref. No. 16/3/3/5/A8/74/3042/20) is for:
 - 3.1. An extension of the validity period of the EA (Ref. No. 16/3/1/1/A5/43/1044/14); and
 - 3.2. A correction and update to the property details of the proposed site, which was included in the initial EIA application.
4. The environment and the rights and interests of Interested and Affected Parties will not be adversely affected by the decision to amend the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and amended EA (Ref. No. 16/3/3/5/A8/74/3042/20).
5. The proposed amendment on its own does not constitute a new listed activity in terms of the NEMA EIA Regulations, 2014 (as amended).

D. 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 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 Appeal 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; 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 contained in the EA (Ref. No. 16/3/1/1/A5/43/1044/14) and amended EA (Ref. No. 16/3/3/5/A8/74/3042/20) remain unchanged and must be implemented.

E. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant must –
 - 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.
 - 2.3. 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.
 - 2.4. 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

3. 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>.

F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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: 11 APRIL 2022

Copies to: ((1) Mr. C. Williams (Guillaume Nel Environmental Consultants)
(2) Mr. D. Georgeades (City of Cape Town: ERM)

Email: cahlan@gnec.co.za

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