

APPLICATION FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION OR ENVIRONMENTAL MANAGEMENT PROGRAMME

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)
ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS.**

NOVEMBER 2019

(For official use only)	
Pre-application Reference Number (if applicable):	
Amendment Reference Number:	
Environmental Authorisation Reference Number:	
NEAS Reference Number:	
Exemption Reference Number:	
Date received by Department:	
Date received by Directorate:	
Date received by Case officer:	

GENERAL PROJECT DESCRIPTION

(This must include an overview of the project including the Farm name/Portion/Erf number)

PROPOSED DEVELOPMENT OF RESIDENTIAL AND RECREATIONAL FACILITIES ON ERVEN 242 AND 212, BISHOPSCOURT (THE PROTEA VILLAGE COMMUNITY LAND CLAIM: PHASE 1)

Does the proposed amendment constitute a listed activity?	NO	YES
If yes, the amendment application will not be considered, and you will be required to apply for Environmental Authorisation from the Competent Authority to undertake the listed activity.		

Please indicate whether a Part 1, Part 2 or Part 4 amendment process is required (tick ✓ the relevant box):

Part 1 amendment process	<input checked="" type="checkbox"/>	Part 2 amendment process	<input type="checkbox"/>	Part 4 amendment process	<input type="checkbox"/>
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Note: A part 1 amendment will not change the scope of a valid Environmental Authorisation, nor increase the level or nature of the impact which was initially assess as part of the valid Environmental Authorisation or refers to a proposed change of ownership or transfer or rights and obligations.

Note: A part 2 amendment will result in a change to the scope of a valid Environmental Authorisation where such change will result in an increased level or change in the nature of impact where such level or change was not considered in the valid Environmental Authorisation.

Note: A part 4 amendment relates to an amendment to the impact management outcomes of an EMPr before an audit is required in terms of the Environmental Authorisation

IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THIS APPLICATION FORM.

1. Purpose

The purpose of this form is to provide baseline information for the submission of an application for the amendment of a valid Environmental Authorisation in terms of the National Environmental Management Act, 19998 (Act No. 107 of 1998) ("NEMA"), Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended). **PLEASE NOTE: THIS IS ONLY AN APPLICATION FORM AND NOT THE AMENDMENT REPORT THAT IS TO BE SUBMITTED IN TERMS OF A PART 2 AMENDMENT PROCESS.**

2. General

- 2.1 The Environmental Impact Assessment ("EIA") Regulations is defined in terms of Chapter 5 of the National Environmental Management Act, 19998 (Act No. 107 of 1998) ("NEMA") hereinafter referred to as the "NEMA EIA Regulations".
- 2.2 The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The tables may be expanded where necessary.
- 2.3 Note that an incomplete Application Form may result in this Department not acknowledging such Application Form.
- 2.4 Unless protected by law all information contained in, and attached to this application, will become public information on receipt by the Department. Upon request, the Applicant/EAP must provide any interested and affected party with the information contained in or submitted with this Application Form.
- 2.5 This form is current as of **November 2019**. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the form have been released by the Department. Visit the Department's website at <http://westerncape.gov.za/eadp> to check for the latest version of this Application Form.

3. Administrative requirements

- 3.1 This Application Form must always be used for applications that must be subjected to an Amendment of an Environmental Authorisation or Environmental Management Programme in terms of the NEMA EIA Regulations where this Department is the Competent Authority.
- 3.2 An **application fee may be applicable (refer to Section A)**. Where an application fee must be paid, the submission of this Application Form and proof thereof must be submitted together with this Application Form as Appendix C.
- 3.3 This Application Form must be **duly dated and originally signed** by the Applicant and EAP (if applicable) and submitted to the Department at the details provided below.

- 3.4 Note that should a new listed activity be triggered by the proposed amendment, a Basic Assessment or Scoping/EIR Reporting process must be followed and an application for Environmental Authorisation (Form No. AEA 10/2018) must be completed.
- 3.5 Failure to lodge this Application Form prior to the expiry of the validity period of the Environmental Authorisation may result in the lapsing of the Environmental Authorisation, due to the competent authority being unable to process the application for amendment within this period; An application for the amendment of an Environmental Authorisation must be submitted to the relevant competent authority on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application.

4. Circulars, Guidelines and Tools

- 4.1 The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations, any subsequent Circulars, and guidelines must be taken into account when completing this Application Form.
- 4.2 When applying for a Part 2 amendment, The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link <https://screening.environment.gov.za/screeningtool> to generate the Screening Tool Report. The Screening Tool Report must be attached to this Application form as Appendix D.

5. Lapsing of the Application

An application for the Amendment of the Environmental Authorisation or Environmental Management Programme lapses if the Applicant fails to meet any of the timeframes prescribed in terms of the NEMA EIA Regulations.

6. Public Participation Process (Part 2 Amendment)

For a **Part 2 amendment process**, the proposed amendment(s) **must** be brought to the attention of potential and registered interested and affected parties, including State Departments/Organs of State which have jurisdiction in respect of any aspect of the relevant activity who **must** be given a minimum period of **30 days** to comment on the Report.

DEPARTMENTAL DETAILS

CAPE TOWN OFFICE: REGION 1 and REGION 2 (City of Cape Town, West Coast District, Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Garden Route District)
<p>The Application must be sent to the following details:</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 1 and 2) at: Tel: (021) 483-5829 Fax (021) 483-4372</p>	<p>The Application must be sent to the following details:</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4th Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 805-8650</p>

GENERAL REQUIREMENTS

1.1. Locality Map

A locality map must be attached to the Application Form, as Appendix F. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:

- an accurate indication of the project site position as well as the positions of the alternative sites, if any;
- road names or numbers of all the major roads as well as the roads that provide access to the site(s)
- a north arrow;
- a legend;
- the prevailing wind direction; and
- GPS co-ordinates (Indicate the position of the proposed activity with the latitude and longitude at the centre point for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should be to at least three decimal places. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)

1.2. Project Plan

Note: A Project Plan is only required for instances where a Part 2 amendment will be required.

A project schedule must be submitted as Appendix E, and must include milestones for:

- public participation (dates for advertisements, workshops and other meetings, obtaining comment from organs of state including state departments);
- the commencement of parallel application processes required in terms of other statutes (WULA, Heritage and any other Department) and where relevant, the alignment of these application processes with the EIA process;
- the submission of the key documents (e.g. Amendment Report, EIA Reports and Environmental Management Programmes).

Note: All the above dates must take into account the statutory timeframes applicable to the Applicant and EAP, as well as the timeframes applicable in terms of authority responses as prescribed in the NEMA EIA Regulations. Possible appeals may impact on project timeframes/milestones.

APPENDICES

The following appendices must be attached to this Application Form:

APPENDIX		Confirm that Appendix is attached
Appendix A:	Specific fee reference number	✓
Appendix B:	A copy of the original EA / ROD / EMPr B1 – Environmental Authorisation (Ref: 16/3/3/1/A6/7/2046/20) B2 – Environmental Authorisation Appeal Decision (14/3/1/A6/7/0529/21) B3 – Authorised Environmental Management Programme (Compiled January 2021)	✓
Appendix C:	Proof of payment of the application fee	✓
Appendix D:	Screening Tool Report (if a Part 2 amendment is required)	N/A
Appendix E:	Project plan (if a part 2 amendment is required)	N/A
Appendix F:	Locality Plan	✓
Appendix G:	Revised SDP and Landscape Masterplan	✓
Appendix H:	March 2024 EMPr	✓
Appendix I:	Statement from Freshwater Ecologist	✓
Appendix J:	Notes from pre-application meeting with DEA&DP	✓

Appendix K:	Settlement Agreement by Order of Court	✓
Appendix L	Landowner Consent Letter	✓

SECTION A: FEES

If the relevant application fee was already confirmed with the Department and a Specific Fee Reference Number obtained, then all that is still required is:

- the Specific Fee Reference Number to be provided: W-Amend-EIA-K07
- confirm the fee paid: R 2 000.00
- for the proof of payment to be attached to this Application Form.
- Complete the request for a Specific Fee Reference Number and fax it to the relevant Directorate. The Specific Fee Reference Number Form is attached below.
- An Applicant/EAP must pay a fee for the processing of EIA applications as set out in the Fee Regulations¹ published in terms of sections 24(5) and 44(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998). A fee of **R2 000** is applicable to an application which must be subjected to an Amendment of an Environmental Authorisation or Environmental Management Programme.
- **An Applicant is excluded from having to pay the application fee if:**
 - The activity is a community based project funded by a government grant; or
 - The Applicant is an Organ of State.
- Where an Applicant is **not required** to pay a fee, the Applicant must inform the Department in writing by attaching proof thereof and a motivation to this Application Form.

Department of Environmental Affairs and Development Planning banking details:

Bank:	Nedbank
Branch Code:	145209
Account Number:	145 204 5003
Type of Account:	Current Account
Status:	Tax exempted

- **NB: Your Specific Fee Reference Number MUST be used as a deposit reference when making a payment.**
 - Where a fee is payable, once a Specific Fee Reference Number has been obtained from the Department, it must be inserted into the Application Form and proof of payment attached when the Application Form is submitted to the Department. An application may not be submitted without the specific fee reference number and proof of payment. The Department will respond to a request for a Specific Fee Reference Number in writing.
 - If there is uncertainty as to the application process that must be followed, the Department should be approached for guidance prior to the request for the Specific Fee Reference Number.
 - In the event that any **refunding of fees paid is required**, the "BAS Entity Maintenance" form must be completed, which can be obtained from the Department. The Department may be contacted regarding any refund queries in this regard.
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- Please refer to the national guideline *Guidance Document on the Fee Regulations* (April 2014), obtainable from <http://www.environment.gov.za/legislation/guidelines> for more information.

SECTION B: ADMINISTRATIVE DETAILS

Highlight the Departmental Region in which the intended application will fall		CAPE TOWN OFFICE		GEORGE OFFICE
		REGION 1 (City of Cape Town, West Coast District)	REGION 2 (Cape Winelands District & Overberg District)	REGION 3 (Central Karoo District & Garden Route District)
1.	Duplicate this section where there is more than one Proponent Name of Proponent: Name of contact person for Proponent (if other): Company/ Trading name/State Department/Organ of State: Company Registration Number: Postal address: Telephone: E-mail:	Protea Village Development Company (Pty) Ltd		
		Mr. Barry Ellman		
		Protea Village Development Company (Pty) Ltd		
		2018/051825/07		
		c/o F. Kyriacos & Co, 311A Main Road,		
		Kenilworth, Cape Town		Postal code: 7708
		Telephone: (+27) 076 389 6028		Cell: (+27) 073 200 3632
		E-mail: ellmanbarry@gmail.com		Fax: NA
		E-mail: dave@atlantisreal.co.za		
		2.	Company of EAP: EAP name: Postal address: Telephone: E-mail: Qualifications: EAPASA registration no:	Chand Consultants
Ms. Ingrid Eggert				
Supported by Ms. Michelle Lee (candidate EAP)				
Unit 1.2b, Richmond Centre, Plumstead				
Cape Town				Postal code: 7801
Telephone: (021) 762 3050				Cell: N/A
E-mail: info@chand.co.za				Fax: N/A
3.	Duplicate this section where there is more than one landowner Name of landowner: Name of contact person for landowner (if other): Postal address: Telephone: E-mail:	Protea Village Communal Property Association (CPA)		
		Mr. Barry Ellman		
		1 Dabchick Close, Zeekoevlei		
		Grassy Park		Postal code: 7941
		Telephone: NA		Cell: (+27) 076 389 6028
		E-mail: ellmanbarry@gmail.com		Fax: NA
		4.	Name of Person in control of the land: Name of contact person for person in control of the land: Postal address: Telephone: E-mail:	Protea Village Communal Property Association (CPA)
Mr. Barry Ellman				
1 Dabchick Close, Zeekoevlei				
Grassy Park				Postal code: 7941
Telephone: NA				Cell: (+27) 076 389 6028
E-mail: ellmanbarry@gmail.com				Fax: NA
5.	Duplicate this section where there is more than one Municipal Jurisdiction Municipality in whose area of jurisdiction the proposed activity will fall: Contact person: Postal address: Telephone:			City of Cape Town Municipality
		Mr Andy Greenwood		
		Plessey Building, c/o Main and Victoria Roads,		
		Plumstead		Postal code: 7801
		Telephone: 021 444 2604		Cell: N/A

SECTION C: NATIONAL SECTOR CLASSIFICATION LIST

Indicate one main sector the proposed development falls under by ticking the relevant block in the sector list below. (Note: this will be the same sector indicated in the DEA screening tool).

Infrastructure/Transport Services/Roads – Public	Services/Waste Management Services/Disposal Facilities – General	
Infrastructure/Transport Services/Roads – Private	Services/Waste Management Services/Treatment Facilities – Hazardous	
Infrastructure/Transport Services/Rail Public	Services/Waste Management Services/Treatment Facilities – General	
Infrastructure/Transport Services/Rail – Private	Services/Waste Management Services/Storage Facilities – General	
Infrastructure/Transport Services/Airport/Runways/Landing Strip/Helipad – Commercial	Services/Waste Management Services/Storage Facilities – Hazardous	
Infrastructure/Transport Services/Airport/Runways/Landing Strip/Helipad – Private	Services/Waste Management Services/Storage Facilities – Nuclear	
Infrastructure/Transport Services/Airport/Runways/Landing Strip/Helipad – Public Services	Services/Burial and cemeteries – Cemeteries	
Infrastructure/Transport Services – Ports	Services/Burial and cemeteries – Cremators	
Infrastructure/Transport Services – Inland waterways	Services/Water services/Storage – Dams	
Infrastructure/Transport Services – Marina	Services/Water services/Storage – Reservoirs	
Infrastructure/Transport Services – Canal	Services/Water services – Desalination	
Infrastructure/Localised infrastructure – Infrastructure in the sea/Estuary/Littoral active zone/Development setback/100m inland/ or coastal public property	Services/Water services – Treatment and Waste Water	
Infrastructure/Localised infrastructure – Zip lines and Foefie slides	Services – Hospitality	
Infrastructure/Localised infrastructure – Cableway and Funiculars	Mining – Prospecting rights	
Infrastructure/Localised infrastructure – Billboards	Mining – Mining permit	
Infrastructure/Localised infrastructure – Depot for dangerous goods	Mining – Mining right	
Infrastructure/Localised infrastructure – Filling station or Tanks for Dangerous goods	Mining/Exploration right – Gas or Oil marine	
Utilities Infrastructure/Pipelines – Fresh/Storm water urban	Mining/Exploration right – Gas or Oil terrestrial	
Utilities Infrastructure/Pipelines – Fresh/Storm water rural	Mining/Production right – Gas or Oil marine	
Utilities Infrastructure/Pipelines – Waste Water	Mining/Production right – Gas or Oil terrestrial	
Utilities Infrastructure/Pipelines – Dangerous goods urban	Mining underground gasification of coal - Oil	
Utilities Infrastructure/Pipelines – Dangerous goods rural	Mining Beneficiation – Hydrocarbon	
Utilities Infrastructure/Telecommunications/Radio Broadcasting – Tower	Mining Beneficiation – Mineral	
Utilities Infrastructure/Telecommunications/Radio Broadcasting – Mast	Agriculture/Forestry/Fisheries – Crop production	
Utilities Infrastructure/Telecommunications/Radio Broadcasting – Receivers	Agriculture/Forestry/Fisheries – Animal production	
Utilities Infrastructure – Marine cables	Agriculture/Forestry/Fisheries – Afforestation	
Utilities Infrastructure/Electricity/Generation/ Non-Renewable/Hydrocarbon – Petroleum	Agriculture/Forestry/Fisheries – Aquaculture	
Utilities Infrastructure/Electricity/Generation/ Non-Renewable/Hydrocarbon – Coal	Agriculture/Forestry/Fisheries – Agro processing	
Utilities Infrastructure/Electricity/Generation/ Non-Renewable – Nuclear	Transformation of land – Indigenous vegetation	✓
Utilities Infrastructure/Electricity/Generation/Renewable – Hydro	Transformation of land – From open space or Conservation	
Utilities Infrastructure/Electricity/Generation/Renewable/Solar – PV	Transformation of land – From Agriculture or Afforestation	
Utilities Infrastructure/Electricity/Generation/Renewable/Solar – CSP	Transformation of land – From mining or heavy industrial areas	
Utilities Infrastructure/Electricity/Generation/Renewable – Wind	Any activities close to or within a watercourse	✓
Utilities Infrastructure/Electricity/Generation/Renewable – Biomass/Biofuels	Any activity in an estuary, on the seashore, in the littoral active zone, or in the sea	
Utilities Infrastructure/Electricity/Generation/Renewable – Wave	Activity requiring a permit or license in terms of National or Provincial legislation governing the release or generation of emissions – emissions	
Utilities Infrastructure/Electricity/Distribution and Transmission – Powerline	Activity requiring permit or license – Marine effluent/freshwater effluent	
Utilities Infrastructure/Electricity/Distribution and Transmission – substation	Activity requiring permit or license – Freshwater effluent	
Services/Waste Management Services/Disposal Facilities – Hazardous	Release genetically modified organisms	
Services/Waste Management Services/Disposal Facilities – Nuclear		

SECTION D: DETAILS OF THE ENVIRONMENTAL AUTHORISATION/ENVIRONMENTAL MANAGEMENT PROGRAMME (“EMPr”)

1.	Is the Environmental Authorisation/Environmental Management Programme still in force?	YES	NO
2.	Is the Environmental Authorisation/Environmental Management Programme still valid?	YES	NO
3.	If yes, until when is the Environmental Authorisation/EMPr valid?		
<p>The Environmental Authorization (reference number: 16/3/3/1/A6/7/2046/20) was issued on the 20th of May 2021, however the EA only came into effect on the 09th of November 2021 when the Minister dismissed the appeal to the EA. As such the EA's date of effect is the 09th of November 2021.</p> <p>Within the Conditions of Authorisation, condition 3 states that the Environmental Authorisation is granted for:</p> <ul style="list-style-type: none"> a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and b) A period of ten (10) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded. <p>As such, this authorization remains valid.</p>			
4.	Was the activity(ies) commenced with during the validity period of the environmental authorisation? If yes, describe the implementation of the environmental authorisation to date (please indicate the listed activities commenced with)	YES	NO
<p>No activities have commenced on site, except for the groundwater monitoring to ensure seasonal readings are collected as per the conditions of the EMPr.</p>			
5.	Was the EA decision appealed by anyone?	YES	NO

Note: A copy of the Environmental Authorisation/ROD/EMPr **must** be attached to this form as Appendix B.

SECTION E: SIMILARLY, LISTED ACTIVITIES

Note: For an amendment of an Environmental Authorisation to be considered, the listed activity(ies) in the valid Environmental Authorisation must be similarly listed in terms of the latest NEMA EIA Regulations.

Provide a list of the **similarly listed activities** in terms of the latest NEMA EIA Regulations, 2014 (as amended) that are applicable to the project.

Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 1	Describe the portion of the proposed project to which the applicable listed activity relates.
N/a	N/a	N/a
Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 3	Describe the portion of the proposed project to which the applicable listed activity relates.
N/a	N/a	N/a
Activity No(s):	Provide the relevant Scoping and EIR Activity(ies) as set out in Listing Notice 2	Describe the portion of the proposed project to which the applicable listed activity relates.
N/a	N/a	N/a

SECTION F: DESCRIPTION OF THE AMENDMENT(S) APPLIED FOR

1.	<p>Provide a concise description of the amendment(s) being applied for.</p> <p>In line with the legal settlement on the appeal, this application seeks the following amendments to the EA:</p> <ul style="list-style-type: none"> 1) Amending Part A of the EA to reflect new contact details for the Holder of the EA. The new contact person for the Protea Village Development Company (Pty) Ltd is: Mr Barry Ellman c/o F. Kyriacos & Co, 311A Main Road, Kenilworth, 7708 Cell: +27 76 389 6028 +27 73 200 3632 Email: ellmanbarry@gmail.com dave@atlantisreal.co.za
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2) **Amendment of “Annexure 2: Site Plan” of the EA** in accordance with the Amended Site Development Plan and Landscape Masterplan contained in **Appendix G** of this application form.

3) **Amendment of the description of the development** on Erf 212 on pages 3 and 4 of the EA by:

- a. Replacement of the words “50 (fifty) residential units” with the words “35 (thirty five) residential units”;
- b. Replacement of the figure “42,100m²” with the figure “43,312m²”; and
- c. Adding the wording “The area of 1,212 square metres coloured light green on the Amended Layout shall be part of the public park access area and shall be zoned public open space. The said area of 1,212 square metres shall be part of the public park access area and shall be zoned public open space, and shall be transferred to the City of Cape Town”.

4) **Updating the contact details of the EAP in Part D of the EA to reflect:**

Chand Environmental Consultants cc
c/o Ms. Ingrid Eggert
P.O. Box 238
PLUMSTEAD
7801
Tel.: (021) 762 3050
Fax: (086) 665 7430
E-mail: info@chand.co.za

5) **Amending the conditions of authorisation in Part E of the EA as follows:**

a. **By replacing condition 10 of the EA with the following:**

The Amended Environmental Management Programme (“EMPr”) dated March 2024 (as compiled by Chand Environmental Consultants) and submitted as part of the Amendment Application is hereby approved, and must be implemented.

b. **By amending condition 14 by the addition of clause 14.2 as follows:**

“14.2 The word “should” in the EMPr, wherever it occurs, shall be deemed to imply an obligation where it is capable of such interpretation”.

c. **By amending condition 23.3** by inserting, after the words “A copy of the agreement letter”, the words “or letter of acknowledgement”.

d. **By the insertion of the following after condition 23.3:**

‘23.4 Copies of the agreements, determinations or plans that must be reached or made in terms of the EMPr in respect of the following aspects of the development must be provided to DEA&DP, and the EMPr must be amended to include them:

23.4.1 the management and operational maintenance of aspects of waste, stormwater infrastructure, public open spaces including rivers and river bank stabilisation and wetlands;

23.4.2 a programme/timing for the removal of the listed alien vegetation for those trees which would be removed;

23.4.3 a detailed monitoring programme that allows for at least monthly measurement of the water table level in the planned stormwater pond area and upslope – to the north and west in the well point area – over a period that covers both dry and wet seasons, during the detailed design phase; and

23.4.4 the roles and responsibilities for removing listed invasive trees from the proposed Public Open Space Area and the riverine corridor included therein.

23.5 The agreements, determinations or plans referred to in condition 23.4.1 to 23.4.4 must include, in each case:

23.5.1 a description of proposed impact management actions, identifying the manner in which impact management outcomes will be achieved including, where applicable, actions to avoid, modify, remedy, control or stop any action, activity or process which causes pollution or environmental degradation (as contemplated in para 1(1)(f)(i) of Appendix 4 of the EIA Regulations);

23.5.2 the method of monitoring the implementation of the impact management actions (as per para 1(1)(g) of Appendix 4 of the EIA Regulations);

23.5.3 the frequency of monitoring the implementation of the impact management actions (as contemplated in para 1(1)(h) of Appendix 4 of the EIA Regulations);

23.5.4 an indication of the persons who will be responsible for the implementation of the impact management actions (as contemplated in para 1(1)(i) of Appendix 4 of the EIA Regulations);

23.5.5 the time periods within which the impact management actions must be implemented (as contemplated in para 1(1)(j) of Appendix 4 of the EIA Regulations);

23.5.6 the mechanism for monitoring compliance with the impact management actions (as contemplated in para 1(1)(k) of Appendix 4 of the EIA Regulations); and

23.5.7 a program for reporting on compliance, taking into account the requirements as prescribed by the regulations (as contemplated in 1(1)(l) of Appendix 4 of the EIA Regulations).

23.6 If any of the agreements or determinations referred to in condition 23.5 cannot be reached or made for any particular aspects, the holder remains responsible for the full implementation of all mitigation measures in respect of those aspects.'

6) **Approval of the Amended EMPr** (dated March 2024), included as **Appendix H** to this application form.

2. Provide specific reasons for the amendment(s) being applied for.

The application for the above-mentioned amendments is entirely based on the requirements in the Settlement Agreement by Order of the Court in the matter between:

THE FRIENDS OF THE LIESBEEK Applicant
and

MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING, WESTERN CAPE PROVINCIAL GOVERNMENT First Respondent

DIRECTOR: DEVELOPMENT MANAGEMENT: REGION 1, WESTERN CAPE DEPARTMENT OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING Second Respondent

PROTEA VILLAGE DEVELOPMENT COMPANY (PTY) LTD Third Respondent
(Case No. 4889/22)

A copy of the Settlement Agreement by Order of Court is included as **Appendix K**. Failure to apply for these amendments will constitute a breach with this Order of the Court.

These amendments can be considered in terms of a Part 1 amendment application, given that:

- The changes to the contact details of the EAP and Holder of the EA are immaterial and aligned with the nature of amendments considered in Regulation 29 of the 2014 EIA Regulations, as amended.
- The changes to the conditions of approval are not related to the scope of the development, nor the level of its associated impacts.
- The changes to the EMPr are not related to the scope of the development, nor the level of its associated impacts.
- The proposed changes to the development (i.e. reduction in number of residential units and increase in Public Open Space) are not associated with an increase in the level or nature of the impacts as initially assessed and considered when application was made for an environmental authorisation. This assertion is supported by a statement from the Freshwater Ecologist (Dr. Liz Day) which concluded that:
 - "The proposed amended layout (the Composite Development Layout) would not result in any negative impacts to aquatic ecosystems, the magnitude, extent or overall significance of which have not already been considered and assessed in the specialist aquatic ecosystems assessment of Day (2020), which informed the EA.
 - Furthermore, the proposed amended layout would result in a reduction in the magnitude of impacts to existing aquatic ecosystems on the site, compared with those considered in Day (2019). These would not however reduce the previously assessed impact of loss of wetland from the rating of Medium negative significance in Day (2020), as the additional wetland area gained would be relatively small and applicable mainly to the artificial pond (Pond 3).
 - The overall development significance rating of Medium to High (negative), with mitigation, in Day (2019), could however arguably be amended to Medium (negative) significance, on consideration of cumulative small levels of reduced impact as a result of the proposed layout amendment, affecting stormwater impacts (low certainty); decreased pressures on public open space; increased buffer areas; and reduced wetland loss" (Day,2024).

The full statement from the freshwater ecologist is included as **Appendix I**.

In the interest of administrative fairness and on recommendation of the DEA&DP, the previously registered I&APs on the project will be informed of the applicant's submission of the amendment application. This Amendment Application will be made available to those I&APs, but this will be for information purposes only (i.e. not available for comment).

THE FOLLOWING SECTIONS PERTAINS TO A PART 2 AMENDMENT PROCESS **Not Applicable**

SECTION G: SPECIALIST INPUT

1.	Will you be conducting the specialist input as recommended in the screening tool report?	YES	NO
If no, indicate which specialist studies will not be conducted and provide a motivation.			
2.	Explain whether any protocols are applicable to your proposed development, if so provide a list of the applicable protocols.		

SECTION H: PUBLIC PARTICIPATION

1. Public participation to be followed

1.1.	Describe the proposed method of bringing the proposed amendment to the attention of the potential and registered interested and affected parties:

2. Public participation undertaken prior to the submission of the application

2.1.	Where public participation undertaken prior to submission of this application. Please provide a summary of the steps followed to date.

3. List of State Departments/ Organs of State to be consulted

3.1.	Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.

SECTION I: DECLARATIONS

1 DECLARATION OF THE APPLICANT

Note: Duplicate this section where there is more than one Applicant.

I, Barry John Ellman, ID Number: 6408235090080 in my personal capacity or duly authorised thereto hereby declare/affirm all the information submitted or to be submitted as part of this application form is true and correct, and that I:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I am aware that it is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I appointed the Environmental Assessment Practitioner ("EAP") which (if applicable):
 - o meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations;
 - o meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
- I will provide the EAP and specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
 - o costs incurred for the appointment of the EAP or any person contracted by the EAP;
 - o costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
 - o costs in respect of specialist reviews; and
 - o the provision of security to ensure compliance with applicable management and mitigation measures;
- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority; hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which the Applicant or EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

B Ellman

27 March 2024

Signature of the Applicant:

Date:

Protea Village Communal Property Association

Name of company (if applicable):

2 DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

I **Ingrid Egger** EAPASA Registration Number: **2019/805** as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of this application, and that I:

- In terms of the general requirement to be independent:
 - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
 - ~~◦ am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations have been appointed to review my work (Note: a declaration by the review EAP must be submitted);~~
- In terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- I have disclosed/will disclose, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
- I have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- ~~• I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Competent Authority in respect of this application;~~
- I have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- ~~• I have kept/will keep a register of all interested and affected parties that participated in the public participation process;~~
- I will notify previously registered interested and affected parties with notification (for information purposes), that the applicant is submitting an amendment application, in line with the requirements of Order of the Court.
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;
- ~~• All specialist investigations must comment on how the potential impacts relate to climate change concerns~~



25/03/2024

Signature of the EAP:

Date:

Chand Consultants

Name of company (if applicable):

APPENDIX A: REQUEST FOR A SPECIFIC FEE REFERENCE NUMBER
 (please refer to Appendix A for completed copy of this form)

A: Applicant's details:

Name: _____ ID Number: _____
 Residential Address: _____
 Postal Address: _____
 Telephone no.: _____ Cellular no.: _____
 Facsimile no.: _____ Email address: _____

Note: Please duplicate where there is more than one Applicant:

B: EAP's details:

Name: _____ EAPASA Registration No: _____
 Company Name: _____
 Postal Address: _____
 Telephone no.: _____ Cellular no.: _____
 Facsimile no.: _____ Email address: _____

C: Provide a brief description of the proposed amendment:

D: Indicate the process to which the application must be subjected:

Please indicate whether a Part 1 or Part 2 amendment process is required (tick ✓ the relevant box):

Part 1 amendment process	<input type="checkbox"/>	Part 2 amendment process	<input type="checkbox"/>
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If a Part 1 amendment to the Environmental Authorisation is required, please tick the relevant amendment applicable:

	Yes	No
a) Whether or not a change in the scope of a valid Environmental Authorisation, will occur.	<input type="checkbox"/>	<input type="checkbox"/>
b) Whether or not an increase in the level or nature of the impact will occur.	<input type="checkbox"/>	<input type="checkbox"/>
c) Whether or not the proposed amendment relates to a change of ownership or transfer of rights and obligations.	<input type="checkbox"/>	<input type="checkbox"/>

If a Part 2 amendment to the environmental authorisation is required, will the amendment result in:

a) A change in Scope of a valid Environmental Authorisation. If yes, explain below:

b) An increase in the level or the nature of impacts. If yes, explain below:

E: EA / ROD Reference number which relates to the amendment:

Indicate the reference number of the EA / ROD to be amended:

Note: A fee of **R2 000** is applicable to an application which must be subjected to an application which must be subjected to an Amendment of an Environmental Authorisation or Environmental Management Programme.

F: Departmental region within which the application will be administered (tick ✓ the relevant box):

CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District) Fax: (021) 483 4372		CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District) Fax: (021) 483 3633		GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District) Fax: (044) 874 2423	
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I, _____ (Applicant's/EAP's full name), herewith request the Department to provide me with a Specific Fee Reference Number in order that I may make payment of the application fee. I am fully aware of my responsibility to ensure that the correct fee is paid and that proof of such payment must be attached to my Application Form. I further confirm that the information I have provided herein is true and correct.

Applicant's/EAP's signature

Date

(For official use only)		
Captured by: _____	Date received: _____	Date captured: _____
Amendment Process (tick) <input checked="" type="checkbox"/> Part 1 amendment _____ or Part 2 amendment _____		
Amount to be paid: _____ Specific Fee Reference Number: _____		
Process and amount approved by Control EO: _____		
Name	Signature	

**THIS FORM MUST BE FAXED TO THE RELEVANT REGION REFLECTED IN THE DEPARTMENTAL DETAILS ABOVE
THE APPLICATION FEE MUST BE MADE INTO THE DEPARTMENTAL BANKING ACCOUNT USING THE SPECIFIC FEE REFERENCE NUMBER.**