

To: Registered Interested and Affected Party

NOTIFICATION OF DECISION OF THE COMPETENT AUTHORITY ON THE APPLICATION FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 MAY 2021 AND THE APPEAL DECISION DATED 09 NOVEMBER 2021 FOR THE PROPOSED DEVELOPMENT OF RESIDENTIAL AND RECREATIONAL FACILITIES ON ERVEN 242 AND 212, BISHOPSCOURT (THE PROTEA VILLAGE COMMUNITY LAND CLAIM: PHASE 1)

DEA&DP Reference Number: 16/3/3/5/A6/7/2020/24
NEAS Reference Number: WCP/EIA/AMEND/0000834/2024

Date: 15 May 2024

Dear Registered Interested & Affected Party,

You are hereby notified that on **06th of May 2024** the Department of Environmental Affairs and Development Planning (DEA&DP) **granted approval** (with conditions) for the application for amendment of the Environmental Authorisation and Appeal Decision for *The Proposed Development of Residential and Recreational Facilities on Erven 242 and 212, Bishopscourt (The Protea Village Community Land Claim: Phase 1)*. The amended Environmental Authorisation was also issued on the **06th of May 2024**.

The decision has been uploaded to Chand's website and is available for download via this link: <https://www.chand.co.za/projects-under-review-2022/>

The approved amendment comprises the following:

- Amending Part A of the EA to reflect new contact details for the Holder of the EA.
- Amendment of "Annexure 2: Site Plan" of the EA in accordance with the Amended Site Development Plan and Landscape Masterplan
- Amendment of the Activity Description for Erf 212;
- Updating the contact details of the Environmental Assessment Practitioner in the EA;
- Amending the conditions of authorisation in Part E of the EA based on the requirements in the Settlement Agreement by Order of the Court in the matter between the Holder of the Decision and the appellant.
- Insertion of new conditions of authorization in Part E of the EA based on the requirements in the Settlement Agreement by Order of the Court in the matter between the Holder of the Decision and the appellant.
- Amendment of Condition 10 of the original EA to reflect the approval of the Amended EMPr (dated March 2024);

The reasons motivating the DEA&DP's approval are summarised below (Refer to Section B of the Amended EA for the full reasons of decision):

1. The information contained in the application form received by the competent authority via electronic mail correspondence on 28 March 2024, and the additional information received by the competent authority via electronic mail correspondence on 07 April 2024, respectively.
2. The application for amendment is submitted in accordance with the Settlement Agreement (by Order of the High Court).
3. The proposed amendments required by the Settlement Agreement include:
 - o The amended Site Development Plan (Annexure 2) reflects the amended layout of the developable portion of Erf 212 (now Erf No. 511). **The number of residential stands on Erf No. 511 has been reduced from 55 to 40, and the developable area has been reduced by 1212m².**

- **Erf No. 514 on the amended Site Development Plan (a portion of Erf No. 511) has been reduced from 22 stands to 7 stands.**
 - **A portion of land (1212m²) previously earmarked for development on Erf No. 514 now forms part of the Public Open Space.**
 - Amending the description of the proposed development on Erf 212;
 - Updating the contact details of the Environmental Assessment Practitioner;
 - Updating the contact details of the holder since the previous contact person is deceased;
 - Amending Conditions 10, 14 and 23 of the Environmental Authorisation issued on 20 May 2021 to reflect the conditions of the signed Settlement Agreement (by order of the High Court); and
 - Updating the EMPr to reflect the amended Site Development Plan, Landscape Masterplan and the amended conditions.
4. **The application is for a non-substantive amendment to the Environmental Authorisation.** Although there is a change in the scope of the Environmental Authorisation issued on 20 May 2021, **no additional impacts are anticipated due to the proposed amendment.** This can be justified as follows:
- **The proposed amendment will not result in a change in the nature of the impacts nor an increase in the nature of the impacts.**
 - In terms of the amended layout, a Freshwater Ecologist statement dated 26 March 2024 was provided by freshwater ecologist, Dr. L. Day of Liz Day Consulting, which confirmed the following:
 - The amended layout will not result in any negative impacts to the 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 Environmental Authorisation.
 - The amended layout will result in a reduction in the magnitude of impacts to the existing aquatic ecosystems on the site, compared with those considered in Day (2019).
 - The overall development significance rating of medium to high (negative) with mitigation, in Day (2019), will however, be amended to medium (negative) significance. This is based on the consideration of cumulative small levels of reduced impact as a result of the proposed amended layout affecting storm water impacts (low certainty); decreased pressures on public open space; increased buffer areas; and reduced wetland loss.
5. **The environment and the rights and interests of interested and affected parties (“I&APs”) are not likely to be affected.**
6. No listed activities are triggered by the proposed amendments.
7. The remaining conditions contained in the Environmental Authorisation issued on 20 May 2021 remain unchanged and in force.

Should you wish to appeal the decision, you must **submit an appeal to the Appeal Administrator in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended), within 20 (twenty) calendar days of the date of this notice**, noting that public holidays are excluded from this timeframe. Further note that **a copy of the appeal must also be submitted to the Holder of the decision, registered I&APs, Organs of State with interest in the matter, and the decision-maker i.e., the Competent Authority that issued the decision** (these details can be obtained from Chand Consultants on request).

A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Appeal Authority at the following:

Tel: (021) 483 3721
 E-mail: DEADP.Appeals@westerncape.gov.za
 URL: <http://www.westerncape.gov.za/eadp>

The appeal submission (and responding statement) must be submitted, in writing, to the Appeal Administrator by means of one of the following methods:

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. Marius Venter (Tel: 021 483 3721)
Room 809, 8th floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By email: DEADP.Appeals@westerncape.gov.za

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.

The details of the holder of the Amended Environmental Authorisation are as follows:

Protea Village Development Company (Pty) Ltd

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Kind regards,



Ingrid Eggert
Chand Consultants