
AMENDMENT REFERENCE: 16/3/3/5/A6/45/2003/25
NEAS REFERENCE: WCP/EIA/AMEND/0000909/2025
DATE OF ISSUE: 25 FEBRUARY 2024

The Board of Directors
Red Cliff Property (Pty) Ltd
P. O. Box 48392
KOMMETJIE
7975

For Attention: Mr. Gerhard Johann Van Der Horst

Tel.: (021) 783 1704

E-mail: vanderhorstgerhard@gmail.com

Dear Sir

AMENDMENT APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 OCTOBER 2014 (REFERENCE NO: E12/2/4/1-A5/268-2055/10), READ TOGETHER WITH THE APPEAL DECISION ISSUED ON 7 AUGUST 2017 (REFERENCE NO: 14/3/1/A6/45/0078/15) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 23 MAY 2022 (REFERENCE NO: 16/3/3/5/A6/45/2021/22), FOR THE AUTHORISED KOMMETJIE WIRELESS 2 RESIDENTIAL DEVELOPMENT ON A PORTION OF THE REMAINDER OF PORTION 32 OF THE FARM NO. 1529, KOMMETJIE

1. With reference to the above application, the Department hereby notifies you of its Decision to **grant** an amended 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 amended Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended) which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

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

Copied to:

(1) Ms. Michelle Lee (Chand Consultants)
(2) Mr. Andrew Greenwood (City of Cape Town)

E-mail: michelle@chand.co.za

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AMENDMENT REFERENCE: 16/3/3/5/A6/45/2003/25
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AMENDMENT ENVIRONMENTAL AUTHORISATION

AMENDMENT APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 27 OCTOBER 2014 (REFERENCE NO: E12/2/4/1-A5/268-2055/10), READ TOGETHER WITH THE APPEAL DECISION ISSUED ON 7 AUGUST 2017 (REFERENCE NO: 14/3/1/A6/45/0078/15) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 23 MAY 2022 (REFERENCE NO: 16/3/3/5/A6/45/2021/22), FOR THE AUTHORISED KOMMETJIE WIRELESS 2 RESIDENTIAL DEVELOPMENT ON A PORTION OF THE REMAINDER OF PORTION 32 OF THE FARM NO. 1529, KOMMETJIE

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation issued on 27 October 2014 (Reference No: E12/2/4/1-A5/268-2055/10) with respect to this amendment application.

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the Department herewith **grants** the amendment to the original Environmental Authorisation issued on 27 October 2014 (Reference No: E12/2/4/1-A5/268-2055/10) read together with the Appeal Decision issued on 7 August 2017 (Reference No: 14/3/1/A6/45/0078/15) and the Amended Environmental Authorisation issued on 23 May 2022 (Reference No: 16/3/3/5/A6/45/2021/22), in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The original Environmental Authorisation is hereby amended, as set out below:

1. The Condition 15 of the original Environmental Authorisation reads, as follows:

"The line of Bluegum trees along the southern boundary of the property must be retained and maintained in accordance with a maintenance plan for the tree line and includes the planting of lower shrubs so that potential views through the lower part of the tree trunks are minimized."

The description of the authorised condition 15 included in the original EA is hereby amended to read, in the following manner:

"The line of 'living' trees along the southern boundary of the property must be retained and maintained as far as possible in accordance with a maintenance plan for the tree line and includes the planting of lower shrubs so that potential views through the lower part of the tree trunks are minimized."

B. REASONS FOR THE DECISION

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

1. The information contained in the Amendment Application Form and the supporting documentation, received by this Directorate via electronic mail correspondence on 29 January 2025.
2. The amendment is applied for in terms of Part 1 of the EIA Regulations, 2014 (as amended). While it will change the scope of the original Environmental Authorisation issued on 27 October 2014 (Reference No: E12/2/4/1-A5/268-2055/10) read together with the Appeal Decision issued on 7 August 2017 (Reference No: 14/3/1/A6/45/0078/15) and the Amended Environmental Authorisation issued on 23 May 2022 (Reference No: 16/3/3/5/A6/45/2021/22), it will not result in an increased level or nature of impacts, nor introduce any additional impacts.
3. The amendment to the original Environmental Authorisation issued on 27 October 2014 (Reference No: E12/2/4/1-A5/268-2055/10), read together with the Appeal Decision issued on 7 August 2017 (Reference No: 14/3/1/A6/45/0078/15) and the Amended Environmental Authorisation issued on 23 May 2022 (Reference No: 16/3/3/5/A6/45/2021/22), is required and motivated for, as follows –
 - 3.1. The treeline is required in order to maintain a visual barrier between the authorised development and Kommetjie Road;
 - 3.2. The removal of the dead trees will ensure that the remaining Bluegum trees thrive;
 - 3.3. Several non-invasive species, *namely; Tarchonanthus camphoratus* and *Sideroxylon inerme*, will be used to establish an enhanced treeline along the southern boundary.
 - 3.4. Removing the dead and damaged trees will mitigate safety risk and ensure responsible land stewardship through safeguarding the well-being of occupants and visitors whilst maintaining environmental integrity.
4. The environment and the rights and interests of relevant Interested and Affected Parties ("I&APs") are not are not likely to be affected, as a result of the proposed amendment to the original Environmental Authorisation.

C. CONDITIONS

1. The holder must in writing, within fourteen (14) calendar days of the date of this amended Decision–
 - 1.1. notify all registered 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;

- 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. name of the responsible person for this amended 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, 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 remaining Conditions contained in the original Environmental Authorisation issued on 27 October 2014 (Reference No: E12/2/4/1-A5/268-2055/10) read together with the Appeal Decision issued on 7 August 2017 (Reference No: 14/3/1/A6/45/0078/15) and the Amended Environmental Authorisation issued on 23 May 2022 (Reference No: 16/3/3/5/A6/45/2021/22), remain in force.

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 twenty (20) 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 twenty (20) 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 twenty (20) 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 facsimile: (021) 483 4174; or

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000; or

By hand: Attention: Mr. Marius Venter (Tel.: 021 483 2659)
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 at 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 amendment Decision 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 the Amended Decision.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF ISSUE: 25 FEBRUARY 2025

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FOR OFFICIAL USE ONLY:

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ENVIRONMENTAL AUTHORISATION REFERENCE: E12/2/4/1-A5/268-2055/10

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END