

**REFERENCE:** 16/3/3/5/D1/14/0001/21  
**NEAS REF.:** WCP/EIA/AMEND/0000531/2021  
**ENQUIRIES:** Jessica Christie  
**DATE OF ISSUE:** 28 JUNE 2021

## **ADDENDUM TO ENVIRONMENTAL AUTHORISATION**

### **APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 4 JULY 2017: THE PROPOSED GANSE VALLEI RETIREMENT ESTATE ON PORTIONS 19 AND 27 OF THE FARM 444 GANSE VALLEI, PLETTENBERG BAY.**

With reference to your application for the abovementioned, find below the decision with respect to the application (dated 27 May 2021) for the amendment to the Environmental Authorisation issued on 4 July 2017 (hereinafter referred to as an "Environmental Authorisation").

#### **A. DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 4 July 2017.

The Environmental Authorisation is amended as set out below:

1. The reference to *Alternative A* in the second paragraph of the decision on page 1 of the Environmental Authorisation issued on 04 July 2017, is hereby corrected and must read:

*"Alternative 1A"*

2. Section A: *Details of the Applicant for this Environmental Authorisation* as issued on 04 July 2017 is substituted with the following:

*“ The Director  
SHELFPLETT 47 (PTY) LTD.  
% Mr. Clive Kern  
P.O. Box 7875  
JOHANNESBURG  
2000*

*Tel: 082 565 1705  
Fax: 011 484 2476  
E-mail: clive@kernlaw.co.za*

*The abovementioned company is the holder of the environmental authorisation and is hereinafter referred to as the “the holder”.*”

3. Section B: *List of Activities Authorised of the Environmental Authorisation* issued on 04 July 2017 pertaining to the description of the alternative in relation to the listed activities as described on page 5 of the Environmental Authorisation, is substituted with the following:

*“ The holder is herein authorised to undertake the following alternative related to the listed activities:*

***Alternative 1A as amended (Preferred Alternative):***

*The transformation of land and clearance of indigenous vegetation on Portions 19 and 27 of the Farm Ganse Vallei 444 for a residential land use to establish a retirement estate development with associated infrastructure and private open space to be collectively known as Ganse Vallei Retirement Estate. This development will comprise of four (4) residential components, an assisted / frail care facility, clubhouse and recreational facilities, namely:*

- ❑ 79 x garden flats consisting of 1-2-bedrooms (±1.5 ha);*
- ❑ 105 x standalone units consisting of 2-3 bedroom (±3.6 ha);*
- ❑ 20 x luxury units consisting of 4 bedrooms (±1.8 ha);*
- ❑ 120 apartments consisting of 1-2 bedrooms (0.81 ha)*
- ❑ An assisted living / frail care facility which provides for 30 beds (±0.14);*
- ❑ a clubhouse (±0.19 ha);*
- ❑ a sports area (±0.35 ha) and*
- ❑ open space (±8.4 ha) including open space for a conservation use.*

*In addition, the following associated infrastructure will be developed:*

- ❑ An internal road network and an access point with roads of 4 metres or wider (±2.21 ha);*
- ❑ Bulk service infrastructure for sewage reticulation;*
- ❑ An internal water reticulation network;*
- ❑ Electricity reticulation, substations and street lighting, and*
- ❑ Stormwater reticulation and drainage structures, including a stormwater network; and stormwater pipelines.*

*The amended preferred layout alternative was submitted in an Application for amendment (dated 27 May 2021; DEA&DP Ref. 16/3/3/5/D1/14/0001/21).”*

4. Section E: Condition 1 of the Environmental Authorisation issued on 4 July 2017 is substituted with the following:

*"1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with the preferred alternative as described in the application for the amendment of the Environmental Authorisation (dated 27 May 2021) on the site as described in Section C above.*

*This Environmental Authorisation is only for the implementation of the Preferred Alternative (as amended) at the site which entails:*

*The transformation of land and clearance of indigenous vegetation on Portions 19 and 27 of the Farm Ganse Valleï 444 for a residential land use to establish a retirement estate development with associated infrastructure and private open space to be collectively known as Ganse Valleï Retirement Estate. This development will comprise of four (4) residential components, an assisted / frail care facility, clubhouse and recreational facilities, namely:*

- 79 x garden flats consisting of 1-2-bedrooms ( $\pm 1.5$  ha);*
- 105 x standalone units consisting of 2-3 bedroom ( $\pm 3.6$  ha);*
- 20 x luxury units consisting of 4 bedrooms ( $\pm 1.8$  ha);*
- 120 apartments consisting of 1-2 bedrooms (0.81 ha)*
- An assisted living / frail care facility which provides for 30 beds ( $\pm 0.14$ );*
- a clubhouse ( $\pm 0.19$  ha);*
- a sports area ( $\pm 0.35$  ha) and*
- open space ( $\pm 8.4$  ha) including open space for a conservation use.*

*In addition, the following associated infrastructure will be developed:*

- An internal road network and an access point with roads of 4 metres or wider ( $\pm 2.21$  ha);*
- Bulk service infrastructure for sewage reticulation;*
- An internal water reticulation network;*
- Electricity reticulation, substations and street lighting, and*
- Stormwater reticulation and drainage structures, including a stormwater network; and stormwater pipelines.*

*The development must be implemented in accordance with the amended site development plan (drawing number 32007/01/001 Revision B. as drawn by S.T Architects, dated 20.08.2020) in Annexure 2 of this Environmental Authorisation."*

5. Annexure 2: Site Development Plan appended to the Environmental Authorisation issued on 4 July 2017 is replaced with the amended layout plan depicted in the annexure appended to this Addendum to the Environmental Authorisation, titled:

**"ANNEXURE 2: AMENDED SITE DEVELOPMENT PLAN**

*Drawing number 32007/01/001 Revision B. as drawn by S.T Architects, dated 20.08.2020)"*

6. All other conditions contained in the Environmental Authorisation issued on 4 July 2017 still remain unchanged and in force.

## B. REASONS FOR THE DECISION

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

1. The application is regarded to be for a non-substantive amendment to the Environmental Authorisation as it will not change the scope of the valid environmental authorisation, nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an environmental authorisation.
2. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the Environmental Authorisation.
3. The applicant's motivation that the economic climate and political uncertainty in the past 5-years, coupled with financial institutions' lack of appetite for new developments, has negatively influenced the proposed development's viability, is found to be acceptable. Furthermore, the revised layout and composition of the proposed development aims to improve the proposed development's viability.

## C. CONDITIONS

1. The applicant must in writing, within **14 (fourteen) calendar days** of the date of this decision (refer to Government Notice R.993 of 8 December 2014) –
  - 1.1. notify all registered interested and affected parties of –
    - 1.1.1. the outcome of the application;
    - 1.1.2. the reasons for the decision as included in Annexure 1;
    - 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 interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014 detailed in Section D below.
2. The holder of the environmental authorisation must provide the Competent Authority with **seven (7) calendar days' notice** before commencement of construction activities. This notice must include proof of compliance with Condition 1 described in Section C of this Addendum to the Environmental Authorisation.

## D. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) 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 including any Organ of State with interest in the matter; and
  - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za) and copied to  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)
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 and any registered I&AP including any Organ of State with an interest in the matter; and
    - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za) and copied to  
[DEADPEIAadmin.George@westerncape.gov.za](mailto:DEADPEIAadmin.George@westerncape.gov.za)
  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 Appeal Administrator at the address listed below:

By post: 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: Appeal Administrator  
Attention: Mr Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto: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 appreciated.

Yours faithfully

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**MR. GAVIN BENJAMIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**  
**WESTERN CAPE GOVERNMENT**

DATE OF DECISION: **28 JUNE 2021**

**FOR OFFICIAL USE ONLY:**

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**END**



