



REFERENCE: 16/3/3/5/D1/14/0011/25
DATE OF ISSUE: 26 September 2025

The Managing Director
Athina Development (Pty) Ltd.
1ST Floor, Dean Street Arcade, Main Street
NEWLANDS
7700

Attention: Mr Kyle Power

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Dear Sir,

CORRECTION NOTICE: REPLACEMENT OF THE LETTER OF “ACKNOWLEDGEMENT OF RECEIPT OF THE FINAL ENVIRONMENTAL IMPACT REPORT” ISSUED ON 5 SEPTEMBER 2025 FOR THE PROPOSED DEVELOPMENT OF A BEACHFRONT SECURITY ESTATE ON PORTION 66 & 67 OF FARM 443, PLETTENBERG, WESTERN CAPE PROVINCE

1. The following has reference:
 - 1.1. The Application Form (dated 20 May 2025), compiled by the appointed Environmental Assessment Practitioner (“EAP”), Ms. Joclyn Marshall (EAPASA No: 2022/5006), of Eco Route Environmental Consultancy, and received by the Directorate: Development Management (Region 3) (hereinafter referred to as “this Directorate”) on 5 June 2025.
 - 1.2. This Directorate’s correspondence issued on 7 July 2025, informing you that the aforementioned Application Form was not in order.
 - 1.3. The Application Form (as corrected) resubmitted to this Department on 7 July 2025 by the EAP.
 - 1.4. This Directorate’s correspondence issued on 17 July 2025, acknowledging receipt of the corrected Application Form on 7 July 2025.
 - 1.5. The notice received from the Eco Route Environmental Consultancy on 24 July 2025 of the availability of a document and supporting information for comment during a 30-day public participation process, which document is titled:
“APPLICATION FOR A PART TWO AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION FOR The Development of a Beachfront Security Estate on Portion 66 & 67 of Farm 443, Plettenberg Bay, Western Cape.”
 - 1.6. The document received on 27 August 2025 which the EAP submitted as the “Final Amendment Application for Athina Estate Portion 66 & 67 of 443 Plettenberg Bay”.
 - 1.7. The additional information received from the EAP per electronic mail on 28 August 2025; and
 - 1.8. The Directorate’s letter of 5 September 2025, wherein receipt of the document received on 27 August 2025 was acknowledged as a *Final Environmental Impact*.
2. In accordance with Section 47(1)(b) of National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) (“NEMA”), the letter issued by this Department on 5 September 2025 wherein receipt

of the document submitted to the Department on 27 August 2025, **is withdrawn and replaced by this letter.**

This letter serves as an acknowledgment of receipt of the aforementioned document received on 27 August 2025.

3. Reasons for the decision to replace the letter issued on 5 September 2025:
 - 3.1. The purpose is to correct an error in the acknowledgement letter. After a review the document received on 27 August 2025, it has been determined that the document is indeed an Application Form and not a *Final Environmental Impact* report. The document was acknowledged incorrectly.
 - 3.2. The document received on 24 July 2025 was not perceived to be a Draft EIR as it was submitted on the '*Application Form (April 2024)*' template.
 - 3.3. In accordance with Regulation 8(b), a competent authority must advise the proponent or applicant of any matter that may prejudice the success of an application. Through this corrective measure, an opportunity becomes available to inform the Applicant of any matter which will prejudice the success of the application. As such, the 90-day legislated period referenced in Regulation 19(1) has not lapsed.
 - 3.4. The view is held that the correction does not change the rights and duties of the Applicant materially. In fact, it will allow the Applicant to potentially address the matters which will prejudice the success of the application.
4. Further to the above (specifically point 3.3), the following are relevant considerations forthcoming from a review of the documents submitted to the Department, namely:
 - 4.1. It is noted that the documents submitted to this Directorate on 24 July 2025 (i.e., Amended Application Form) and on 27 August 2025 (i.e., Final Amended Application Form) were in fact submitted on the Department's formal Amendment Application Form (April 2024) and not a separate Environmental Impact Report (EIR), as prescribed in terms of Regulation 32(1)(a) of the Environmental Impact Assessment Regulations, 2014 (Government Notice 982 of 4 December, 2014 as amended) ("***the EIA Regulations***").

Please be advised that the competent authority has determined the format of Department's Amendment Application Form (April 2024) in accordance with Regulation 9 of the EIA Regulations, and its sole purpose is to serve as the application form, not to provide a format for an Environmental Impact Report which information is prescribed in terms of Regulation 32(1)(a) of the EIA Regulations.

Due to this error, this Directorate mistook the document to be an 'application form' which it had already commented on and not a Draft Environmental Impact Report as required in terms of Regulation 32(1)(a). Therefore, this Directorate did not issue further comment on the "Amended Application Form" received on 24 July 2025.

- 4.2. It is acknowledged that the EAP has inserted information in the Application Form template which may address certain aspects of the proposed changes which are being applied for; however, the respective 'Application Forms' received on 24 July 2025 and 27 August 2025 do not address all the minimum information requirements set out in Regulation 32(1)(b), namely that a report is submitted, reflecting—

- (i) an assessment of all impacts related to the proposed change;
- (ii) advantages and disadvantages associated with the proposed change; and
- (iii) measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and
- (iv) any changes to the EMPr.

4.3. This Directorate notes the undated letter from Heritage Western Cape "HWC") requires that a Heritage Impact Assessment ("HIA") is required for this amendment proposal. Furthermore, it is noted that only page 1 of 2 pages was provided to this Directorate. Please ensure that all documentation is uploaded when submitted.

4.4. In addition to the above it is noted from the comments from DFFE: Oceans and Coasts dated 25 June 2025 DFFE: Oceans and Coasts does not support controlled access through the estate. It is required that more information be provided in this regard as the statements made are unclear.

4.5. Furthermore, the approved environmental authorisation condition 20.3. "No structures or infrastructure may be constructed in this servitude without authorisation. This ecological servitude must not be fenced on the eastern and western boundaries". Prohibits any fencing on the eastern and western boundaries. This also relates to an "Impact Management Outcome" which may need to be changed in the EMPr. Please refer to the requirements of Regulation 36(2) pertaining to the amendment of the EMPr. Should Regulation 36(2) be applicable, the EMPr may only be amended on application. To address this, the current Application Form may be revised and resubmitted to the Department to include such changes.

4.6. Input from specialists and specialist reports:

It is noted that various specialist reports were undertaken during the initial Basic Assessment process. However, only input from the Aquatic Specialist has been submitted with the Final Amendment Application document. Please note that all the requirements stipulated in Regulation 32(1)(a) must be addressed for the respective specialist reports which were originally undertaken. It is advised that the Specialists who undertook those original studies assess all the proposed changes and provide such input.

4.7. This Directorate does note that the EAP makes reference to a Visual Impact Assessment which was compiled by *André Vercueil Professional Architects*, dated 15 May 2022, but this report has not been submitted. The Directorate requires an updated assessment/confirmation letter from the specialist that the proposed changes is assessed and mitigated. Please be sure that all the proposed changes are assessed and reported on.

5. In accordance with Regulation 32 of GN No. R. 982 of 4 December 2014, the Department hereby reminds you that the report must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department.

However, if significant changes have been made or significant new information has been added to the report, the applicant/Environmental Assessment Practitioner must notify the Department that an additional 50 days (i.e. 140 days from the date of receipt of the application) will be required for submission of the report. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

6. Please note that the conditions stipulated in the Environmental Authorisation (REF:16/3/3/1/D1/14/0028/22 issued on 31 July 2024, as amended) remain applicable until a decision on this amendment application is taken by this Department. The proposed changes may not be commenced with until such time as an amendment to the EA is granted.

It is an offence in terms of Section 49A of the NEMA if a person fails to comply with or contravenes a condition of an environmental authorisation granted for a listed activity or an approved environmental management programme. Failure to comply with the requirements of 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

7. The Department reserves the right to revise initial comments and request further information based on any new or revised information received.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT REGION 3
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

(reference: 16/3/3/5/d1/14/0011/25)

Copied to: **Eco Route Environmental Consultancy**
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