



**REFERENCE:** 16/3/3/5/A6/45/2030/18

**ENQUIRIES:** Natasha Bieding

**DATE OF ISSUE:**

**2018 -06- 11**

## **ENVIRONMENTAL AUTHORISATION**

### **APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE (ENVIRONMENTAL AUTHORISATION ISSUED ON 25 JULY 2013, REF. NO. E12/2/4/1-A5/268-2012/11) FOR THE PROPOSED ESTABLISHMENT OF A HOUSING DEVELOPMENT ON ERF 5144, KOMMETJIE**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### **A. DECISION**

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), this Department herewith **grants** the amendment of the environmental authorisation issued on 25 July 2013 (DEA&DP Ref.: E12/2/4/1-A5/268-2012/11) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

Condition 1 in Section E: CONDITIONS OF AUTHORSATION, reads as follows:

*"This environmental authorisation is valid for a period of five years from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of the environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension. The listed activities, including site preparation, may not commence within 20 calendar days of the date of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided".*

**is herewith replaced with the following**

*"The holder must commence with the listed activities on site within a period of five (5) years from the date of issue of this amended environmental authorisation".*

**B. REASONS FOR THE DECISION**

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

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the environmental authorisation issued on 25 July 2013.
2. The environment and the rights and interests of Interested and Affected Parties ("I&APs") will not be adversely affected by the decision to amend the environmental authorisation.
3. The proposed amendment, *i.e.*, the extension of the validity period of the environmental authorisation is required as the search for a suitable developer is still underway. Furthermore, the detailed spatial development plans for the development must still be finalised.
4. All other conditions contained in the EA issued on 25 July 2013 remain unchanged and in force.

**C. CONDITIONS**

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
  - 2.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 2.1.1. the outcome of the application;
    - 2.1.2. the reasons for the decision as included in Section B;
    - 2.1.3. the date of the decision; and
    - 2.1.4. the date when the decision was issued.
  - 2.2. 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 Appeals Regulations, 2014 (as amended) detailed in Section D below;
  - 2.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 2.4. provide the registered I&APs with:
    - 2.4.1. the name of the holder (entity) of this Environmental Authorisation;
    - 2.4.2. name of the responsible person for this Environmental Authorisation;
    - 2.4.3. postal address of the holder;
    - 2.4.4. telephonic and fax details of the holder;
    - 2.4.5. e-mail address, if any, of the holder; and
    - 2.4.6. 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 Appeals Regulations of 2014 (as amended).
2. One week's notice must be given to the Directorate: Development Management (Region 1) before commencement of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this Environmental Authorisation.
3. The conditions contained in the the EA issued on 25 July 2013, remain in force.

## D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations of 2014 (as amended).

An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered Interested and Affected Parties of this decision;
- 1.2 If the appellant is the applicant, provide any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.4 The applicant (if not the appellant), the decision-maker, Interested and Affected Parties and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Jaap de Villiers  
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 J. de Villiers (Tel: 021 483 3721), Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By e-mail: [Jaap.DeVilliers@westerncape.gov.za](mailto:Jaap.DeVilliers@westerncape.gov.za)

- 1.6 An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
- 1.7 A prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority at: Tel. (021) 483 3721, E-mail [Jaap.deVilliers@westerncape.gov.za](mailto:Jaap.deVilliers@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 greatly appreciated.

Yours faithfully

  
**ZAAHIR YOOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

DATE OF DECISION: 11/06/2018

Copied to: (1) M Sham (MSEC)  
(2) A Greenwood (City of Cape Town)

Fax: (086) 546 5552  
Email: Andrew.Greenwood@capetown.gov.za

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