



**REFERENCE:** 16/3/3/5/D7/9/0002/18  
**ENQUIRIES:** Shireen Pullen  
**DATE OF ISSUE:** 2018-04-26

The Director  
CShell (Pty) Ltd  
PO Box 15814  
**PANORAMA**  
7506

**Attention:** Mr. D. van Rensburg

Tel: 021 948 1401  
Fax: 086 519 6637

Dear Sir

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 7 APRIL 2011 FOR THE KLEIN KAROO SHOPPING CENTRE (OUDTSHOORN MALL) ON ERF 5366, PORTION OF ERF 1, OUDTSHOORN**

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation with respect to this application.

**ADDENDUM TO 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, 2014 ("NEMA EIA Regulations) the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 7 April 2011.

The amendments are set out below:

1. Section G: Condition 22 must read as follows:  
"The authorised activities must commence on or before **7 April 2020**. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

The development's construction phase must be concluded within 10 years from the date on which the first listed activity is commenced with."

2. All other information contained in the Environmental Authorisation, Reference Number: EG12/2/3/1/D7/8/489/07 remains unchanged and are still in force.

## **B. REASONS FOR THE DECISION:**

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

1. The application is for a non-substantive amendment to the 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. Since the application for amendment is only for the extension of the validity period, and the fact that the approved development will not change in any other way, it is understood that the level and nature of the impacts will remain unchanged.
4. The applicant states that that the company experienced difficulties in transferring the land from Oudtshoorn Municipality resulting from a dispute between the Municipality and the applicant. Due to changes to the internal structure of the company, the applicant found it difficult to comply with the Black Economic Empowerment ("BEE") requirement of the Municipality. However, this dispute was resolved towards the end of 2013.

The applicant further motivates that the Council of Oudtshoorn Municipality and its administration was subjected to tremendous political uncertainty for several years, which also impacted on the progress of the approved development as the application for rezoning, approval of building plans and the infrastructure and site development plan for the approved development was delayed. However, administration of Oudtshoorn Municipality was terminated and the Municipality now functions again as per the Municipal Systems Act, 2000 (Act No. 32 of 2000).

The mayor of Oudtshoorn Municipality recently conveyed her support for the development of Kango Mall during the recent Garden Route Investment Conference, where numerous Investors were present.

The applicant has also been informed that the Municipality wishes to commence with a new bidding process for the land to ensure that the Municipality complies with the Municipal Finance Management Act, 2003 (Act No 56 of 2003) ("MFMA") and the Municipal finance policies.

5. The Municipality gave written support for the amendment in their letter dated 23 March 2018, which was submitted as part of the application for amendment.
6. All the information presented to the Department was taken into account in the consideration of the application.

## **C. CONDITIONS**

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision –
  - 1.1 notify all registered interested and affected parties registered in the previous EIA process of –

- 1.1.1 the outcome of the application;
    - 1.1.2 the reasons for the decision;
    - 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 registered in the previous EIA process to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 in section D below;
  - 1.3 draw the attention of all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with condition 1 above.

#### **D. APPEALS**

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (refer to Government Notice R.993 of 8 December 2014).

1. 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 I&APs of this decision.
  - 1.2. if the appellant is the applicant, provide any registered I&AP, 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 any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
2. The applicant (if not the appellant) the decision-maker, I&APs and Organ 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.
3. 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  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

4. 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 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 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



**MR. GAVIN BENJAMIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**  
DATE OF DECISION: 26/04/2018

Copied to:

Mr. A van Schalkwyk

AIM Consultants

Email: [aren@aimconsult.co.za](mailto:aren@aimconsult.co.za)