

REFERENCE NUMBER: 16/3/3/5/A1/2/3001/23
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000700/2023
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: **10 March 2023**

The Municipal Manager
City of Cape Town
13th Floor Civic Centre Tower Block
12 Hertzog Boulevard
CAPE TOWN
8001

For Attention: Mr. M. Sims

Email: Michael.Sims@capetown.gov.za

c/o The Board of Directors
Atlantis Special Economic Zone Company SOC Ltd
7th Floor
60 St. George's Mall
CAPE TOWN
8001

For Attention: Mr. M. Cullinan

Tel: (087) 183 7000

Email: Matt@atlantisez.co.za

Dear Sir(s)

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 16 JANUARY 2013 (REF. NO. 16/3/1/1/A1/2/3037/12) FOR THE PROPOSED GREEN TECHNOLOGY CLUSTER INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINING EXTENT OF ERF 171 (PREVIOUSLY KNOWN AS PORTION 0 OF FARM CA1183) AND ERF 62-RE (PREVIOUSLY KNOWN AS PORTION 93 OF FARM CA4), ATLANTIS.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)
(2) Mr. R. Jonas (JG Afrika (Pty) Ltd.)

Email: Sonja.warnichstemmet@capetown.gov.za
Email: JonasR@jgafrika.com

REFERENCE NUMBER: 16/3/3/5/A1/2/3001/23

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 16 JANUARY 2013 (REF. NO. 16/3/1/1/A1/2/3037/12) FOR THE PROPOSED GREEN TECHNOLOGY CLUSTER INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINING EXTENT OF ERF 171 (PREVIOUSLY KNOWN AS PORTION 0 OF FARM CA1183) AND ERF 62-RE (PREVIOUSLY KNOWN AS PORTION 93 OF FARM CA4), ATLANTIS.

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

A. BACKGROUND INFORMATION

1. An Environmental Authorisation ("EA") was issued by this Department on 16 January 2013 for the proposed Green Technology Cluster Industrial Development and associated infrastructure on Portion 0 of Farm CA1183 and Portion 93 of Farm CA4, Atlantis (Ref. No. 16/3/1/1/A1/2/3037/12).
2. On 18 November 2015, the rights and obligations of the EA (Ref. No. 16/3/1/1/A1/2/3037/12) was split into two amended EAs as follows:
 - 2.1. Amended EA (Ref. No. 16/3/3/5/A1/2/3018/15) - City of Cape Town (i.e. existing EA holder)
 - 2.1.1. The rights and obligations of the EA (Ref. No. 16/3/1/1/A1/2/3037/12) associated with development activities on the remainder of the site (i.e. Portion 0 of Farm CA1183 and Portion 93 of Farm CA4, Atlantis) remained in the responsibility of the existing EA holder.
 - 2.2. Amended EA (Ref. No. 16/3/3/5/A1/2/3022/15) - GRI Wind Steel South Africa (Pty) Ltd
 - 2.2.1. The rights and obligations of the EA (Ref. No. 16/3/1/1/A1/2/3037/12) associated with development activities on Erf 1547 (one of the land parcels subdivided and consolidated from Portion 0 of Farm CA1183 and Portion 93 of Farm CA4), Atlantis was transferred to a new holder (i.e. GRI Wind Steel South Africa (Pty) Ltd).
3. An amended EA was issued by this Directorate on 19 January 2018 (Ref. No. 16/3/3/5/A1/2/3066/17) for the extension of validity period of the EA (Ref. No. 16/3/1/1/A1/2/3037/12). The extension of the validity period of the EA (Ref. No. 16/3/1/1/A1/2/3037/12) was granted and extended by a period of ten years from the date of issue of the EA (Ref. No. 16/3/1/1/A1/2/3037/12).
4. An application for amendment of the EA (Ref. No. 16/3/1/1/A1/2/3037/12) for the extension of the validity period of the EA (Ref. No. 16/3/1/1/A1/2/3037/12) and changes to the property details of the proposed site was received by this Department on 21 December 2022.

B. 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), the Competent Authority herewith **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 16 January 2013 (Ref. No. 16/3/1/1/A1/2/3037/12) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/1/1/A1/2/3037/12) is amended as set out below:

1. All reference to "Portion 0 of Farm CA1183"

is hereby replaced with

"the Remaining Extent of Erf 171"

2. All reference to "Portion 93 of Farm CA4, Atlantis"

is hereby replaced with

"Erf 62-RE"

3. Section C (Property Description and Location) of the EA issued by this Department on 16 January 2013 (Ref. No. 16/3/1/1/A1/2/3037/12) is **herewith amended** to read as follows:

"The SG 21-digit codes of the proposed site are:

| | |
|---|------------------------------|
| <i>Remaining Extent of Erf 171, Atlantis Industrial</i> | <i>C01600870000017100000</i> |
| <i>Erf 62-RE, Atlantis Industrial</i> | <i>C01600870000006200000</i> |

4. Condition 1 of the EA issued by this Department on 16 January 2013 (Ref. No. 16/3/1/1/A1/2/3037/12) is **herewith amended** to read as follows:

*"This environmental authorisation is valid for a period of **fifteen (15) years** from the date of issue and will lapse on **15 January 2028**. The holder must commence with all 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 expiry of this 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".*

5. Please find herewith attached copies of the following:

- 5.1. The EA issued by this Department on 16 January 2013 (Ref. No. 16/3/1/1/A1/2/3037/12) (attached as Annexure A).
- 5.2. The amended EA issued by this Directorate on 18 November 2015 (Ref. No. 16/3/3/5/A1/2/3018/15) (attached as Annexure B).
- 5.3. The amended EA issued by this Directorate on 19 January 2018 (Ref. No. 16/3/3/5/A1/2/3066/17) (attached as Annexure C).

C. REASONS FOR DECISION

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

1. The information contained in the application for amendment dated 19 December 2022 and received by this Department on 21 December 2022 and the additional information received by this Department on 02 February 2023 and 10 February 2023.
2. An application for amendment of the EA (Ref. No. 16/3/1/1/A1/2/3037/12) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 21 December 2022 for the extension of validity period of the EA (Ref. No. 16/3/1/1/A1/2/3037/12).
3. Since the proposed amendment is for the extension of the validity period, the proposed amendment will not result in a change to the scope of the valid EA (Ref. No. 16/3/1/1/A1/2/3037/12), the amended EA (Ref. No. 16/3/3/5/A1/2/3018/15) and amended EA (Ref. No. 16/3/3/5/A1/2/3066/17) and will not result in an increased level or change in the nature of impact. A Part 1 amendment process in terms of the NEMA EIA Regulations, 2014 (as amended) was therefore followed.
4. The amendment does not, on its own, constitute a listed activity. The listed activities authorised in the original EA (Ref No. 16/3/1/1/A1/2/3037/12) are similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended).
5. The site (i.e. the remainder of Portion 0 of Farm CA1183 and Portion 93 of Farm CA4, Atlantis) has subsequently been consolidated and subdivided to form the Remaining Extent of Erf 171 and Erf 62-RE, Atlantis Industrial. Forthcoming land use planning variations (i.e. subdivision and consolidation) are proposed for the site (i.e. Remaining Extent of Erf 171 and Erf 62, Atlantis Industrial) to form Erf 334, Atlantis Industrial is currently in progress.
6. The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the EA (Ref No. 16/3/1/1/A1/2/3037/12).
7. The conditions of the EA (Ref No. 16/3/1/1/A1/2/3037/12) remain applicable and unchanged.

D. CONDITIONS OF AUTHORISATION

1. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 1.1. Notify all registered Interested and Affected Parties (“I&APs”) of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the decision as included in Section C;
 - 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 E below;
 - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 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. The name of the responsible person for this amended Environmental Authorisation;
 - 1.4.3. The postal address of the holder;
 - 1.4.4. The telephonic and fax details of the holder;

- 1.4.5. The 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 conditions stipulated in the EA (Ref No. 16/3/1/1/A1/2/3037/12) remain unchanged and must be implemented.
 3. Proof of compliance with Condition 1 of this amended EA must be submitted along with the notification of commencement of development activities within the development area as stipulated in the EA (Ref No. 16/3/1/1/A1/2/3037/12).

E. 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 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, 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 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, 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 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Marius Venter
 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 M. Venter (Tel: 021 483 2659)
 Room 809
 8th Floor Utilitas Building
 1 Dorp Street
CAPE TOWN
 8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. 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 DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

F. 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 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

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

DATE OF DECISION: 10 MARCH 2023

Copies to: (1) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)
(2) Mr. R. Jonas (JG Afrika (Pty) Ltd.)

Email: Sonja.warnichstemmet@capetown.gov.za
Email: JonasR@jgafrika.com

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ANNEXURE A:

Copy of the EA (Ref No. 16/3/1/1/A1/2/3037/12) issued by this Department on 16 January 2013.

ANNEXURE B:

Copy of the amended EA (Ref. No. 16/3/3/5/A1/2/3018/15) issued by this Department on 18 November 2015.

ANNEXURE C:

Copy of the amended EA (Ref. No. 16/3/3/5/A1/2/3066/17) issued by this Department on 19 January 2018.