



EIA REFERENCE NUMBER: 16/3/3/5/F3/3/3011/22
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000591/2022
ENQUIRIES: Mr. R. Chambeau
DATE OF ISSUE: 03 May 2022

The Municipal Manager
Matzikama Municipality
P.O. Box 98
VREDENDAL
8160

For Attention: Mr. R. Saul

Tel: (027) 201 3350
E-mail: rubens@matzikama.gov.za

Dear Sir

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 AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 08 MARCH 2017 (REF. NO. 16/3/3/5/F3/3/3006/17) FOR THE PROPOSED DEVELOPMENT OF ABALONE FARMS AND ASSOCIATED INFRASTRUCTURE ON FARM NO'S. 415, THE REMAINDER OF DORINGBAAI FARM NO. 421, 424 AND 425, DORINGBAAI.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the amended 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 Environmental Authorisation below.

Yours faithfully

MR. ELDON VAN BOOM
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1) Mr. B. Smit (Matzikama Municipality)
(2) Ms. K. Rughoobeer (DEA&DP: Development Facilitation)
(3) Ms. S. Valentine (Department of Public Works)

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AMENDED ENVIRONMENTAL AUTHORISATION

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 AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 08 MARCH 2017 (REF. NO. 16/3/3/5/F3/3/3006/17) FOR THE PROPOSED DEVELOPMENT OF ABALONE FARMS AND ASSOCIATED INFRASTRUCTURE ON FARM NO'S. 415, THE REMAINDER OF DORINGBAAI FARM NO. 421, 424 AND 425, DORINGBAAI.

With reference to your application, find below the amendment to the Environmental Authorisation in respect of 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 Regulations, 2014 (as amended), the Department hereby **grants** the amendment to the amended Environmental Authorisation ("EA") issued by this Department on 08 March 2017 (Ref. No. 16/3/3/5/F3/3/3006/17) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The amended EA (Ref. No. 16/3/3/5/F3/3/3006/17) is amended as set out below:

1. Section E. CONDITIONS OF AUTHORISATION of the amended EA (Ref. No. 16/3/3/5/F3/3/3006/17), which reads:

*"The environmental authorisation is valid for a period of **five years** from date of issue within which commencement must occur. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Department at least **three months** prior to the expiry date of the Environmental Authorisation. Note that in terms of Regulation 28(2) of the NEMA EIA Regulations, 2014, failure to lodge an application for amendment **at least three months** prior to the expiry of the validity period of the environmental authorisation may result in the lapsing of the environmental authorisation, due to the competent authority being unable to process the application for amendment within this period. "*

is herewith amended as follows:

*"The holder of this environmental authorisation must commence with the listed activities **on or before 07 March 2027**. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Department at least **three months** prior to the expiry date of the Environmental Authorisation. Note that in terms of Regulation 28(2) of the NEMA EIA Regulations, 2014, failure to lodge an application for amendment **at least three months** prior to the expiry of the validity period of the environmental authorisation may result in the lapsing of the environmental authorisation, due to the competent authority being unable to process the application for amendment within this period."*

2. Please find herewith attached a copy of the amended EA issued by this Department on 08 March 2017 (Ref. No. 16/3/3/5/F3/3/3006/17) (attached as Annexure A).

B. REASONS FOR THE DECISION:

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

1. The information contained in the application for the amendment dated 07 September 2021 and received by this Department on 25 February 2022 and the additional information received via electronic mail correspondence by this Department on 28 March 2022, refer.
2. The application is for the non-substantive amendment to extend the validity period of the amended EA (Ref. No. 16/3/3/5/F3/3/3006/17), in order to give the EA holder adequate time to commence with the construction of the proposed development. A Part 1 amendment process in terms of the NEMA EIA Regulations, 2014 (as amended) was considered as the amendment will not result in a change to the scope of the amended EA (Ref. No. 16/3/3/5/F3/3/3006/17) where such change will result in an increased level or change in the nature of the impact.
3. The environment and the rights and interests of interested and affected parties are not likely to be adversely affected by this decision.
4. All other conditions of the amended EA issued on 08 March 2017 (Ref. No. 16/3/3/5/F3/3/3006/17) remain unchanged and applicable.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) 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 B;
 - 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 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 Environmental Authorisation;
 - 1.4.2. name of the responsible person for this Environmental Authorisation;
 - 1.4.3. postal address of the holder;
 - 1.4.4. telephonic and fax details of the holder;
 - 1.4.5. 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. All other conditions contained in the amended EA issued on 08 March 2017 (Ref. No. 16/3/3/5/F3/3/3006/17) remain unchanged and in force.

D. APPEALS

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

1. An appellant must –
 - 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 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The 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>.

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 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 environment is greatly appreciated.

Yours faithfully

MR. ELDON VAN BOOM
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 03 MAY 2022

Copies to: (1) Mr. B. Smit (Matzikama Municipality)
(2) Ms. K. Rughoobee (DEA&DP: Development Facilitation)
(3) Ms. S. Valentine (Department of Public Works)

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ANNEXURE A

A copy of the amended Environmental Authorisation issued by this Department on 08 March 2017 (Ref. No. 16/3/3/5/F3/3/3006/17).