



EIA REFERENCE NUMBER: 16/3/3/5/F4/17/3015/23
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000717/2023
DATE OF ISSUE: 29 May 2023

The Director
Saldanha Bay Licencing Company SOC Ltd trading as Freeport Saldanha IDZ
24 Main Road
SALDANHA BAY
7395

For Attention: Ms. C. Molemane

Tel: (022) 714 0206
Email: kgethi@freeportsaldanha.com

Dear Madam

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 26 OCTOBER 2017 (REF. NO. 16/3/3/1/F4/17/3011/17) FOR THE PROPOSED WIDENING OF A ROAD AND THE DEVELOPMENT OF TWO ROADS AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 1139, SALDANHA BAY.

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 amended Environmental Authorisation below.

Yours faithfully

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

Copy to: (1) Ms. N. Duarte (Saldanha Bay Municipality)

Email: nazeema.duarte@sbm.gov.za



EIA REFERENCE NUMBER: 16/3/3/5/F4/17/3015/23

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 ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 26 OCTOBER 2017 (REF. NO. 16/3/3/1/F4/17/3011/17) FOR THE PROPOSED WIDENING OF A ROAD AND THE DEVELOPMENT OF TWO ROADS AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 1139, SALDANHA BAY.

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 Environmental Authorisation ("EA") issued by this Department on 26 October 2017 (Ref. No. 16/3/3/1/F4/17/3011/17) in terms of Part 1 of the EIA Regulations, 2014 (as amended). The EA (Ref. No. 16/3/3/1/F4/17/3011/17) is amended as set out below:

1. Condition 18.1 of the EA (Ref. No. 16/3/3/1/F4/17/3011/17), reads as follows:

"18.1. A Conservation Environmental Management Programme must be compiled for the selected offset in order to ensure the required maintenance and management takes effect and must be submitted to this Department for record purposes within 6 months of the offset being secured;"

is hereby replaced with:

"18.1. A Conservation Environmental Management Programme must be compiled for the selected offset in order to ensure the required maintenance and management takes effect and must be submitted to this Department for record purposes within 12 months of the offset being secured;"

2. Please find attached a copy of the EA issued by this Department on 26 October 2017 (attached as Appendix 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 and received by this Department on 28 March 2023, the additional information received by this Directorate via electronic mail correspondence on 06 April 2023, this Directorate's correspondence dated 11 April 2023 and the additional information received by this Directorate on 25 April 2023.

2. The application for amendment to the EA (Ref. No. 16/3/3/1/F4/17/3011/17) is considered as a Part 1 amendment in terms of the NEMA EIA Regulations, 2014 (as amended) due to the following:
 - 2.1. The application for amendment is for the amendment of Condition 18.1 in the EA (Ref. No. 16/3/3/1/F4/17/3011/17) to extend the time period for the submission of the Conservation Environmental Management Programme to this Department for record purposes.
 - 2.1.1. The EA Holder has indicated that a process to register a conservation servitude in favour of the Saldanha Bay IDZ on a portion of Portion 69 of Farm No. 123, Vredenburg with a conservation area of approximately 7.6ha in extent is currently underway. The development of a Conservation Environmental Management Programme for a portion of Portion 69 of Farm No. 123, Vredenburg has therefore not yet commenced.
 - 2.1.2. The EA Holder has further indicated that they do not have the in-house resources to establish such a programme.
 - 2.2. The proposed amendment will not result in a change to the scope of a valid EA.
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 provisions contained in the EA (Ref. No. 16/3/3/1/F4/17/3011/17) remain unchanged and in force.

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 EA issued on 26 October 2017 (Ref. No. 16/3/3/1/F4/17/3011/17) 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 29 May 2023

Copy to: (1) Ms. N. Duarte (Saldanha Bay Municipality)

Email: nazeema.duarte@sbm.gov.za

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APPENDIX A

A copy of the Environmental Authorisation issued by this Department on 26 October 2017 (Ref. No. 16/3/3/1/F4/17/3011/17).