



REFERENCE: 16/3/3/5/D6/29/0007/23
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 16 AUGUST 2023

The Board of Trustees
Potgieter Familie Trust
PO Box 7884
BLOEMFONTEIN
9300

Attention: Mr. Phillipus Christoffel Johannes Potgieter

Tel: 082 556 7078

Email: Chantilly291116@gmail.com

Dear Sir

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (REFERENCE: 16/3/1/D6/29/0366/18) ISSUED 23 APRIL 2019 FOR THE PROPOSED DEVELOPMENT OF PANSY VILLAS ON THE REMAINDER OF ERF NO. 5216, DIAZ BEACH, MOSSEL BAY, WESTERN CAPE PROVINCE

With reference to your application for the amendment of the environmental authorisation issued on 23 April 2019, Reference Number: (REF: 16/3/1/D6/29/0366/18), find below the amendment to the Environmental Authorisation in respect of this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

1. By virtue of the powers conferred on it in terms of Regulation 30 of the Environmental Impact Assessment Regulations, 2014 (as amended), the competent authority, hereinafter referred to as "the Department" has decided to amend Environmental Authorization issued on 23 April 2019, Reference Number: (Ref: 16/3/1/D6/29/0366/18), as follows –

- 1.1 The Applicant's details on the cover page of the appeal decision are amended to read as follows:

Potgieter Familie Trust (TMP3113)
Mr Phillipus Christoffel Johannes Potgieter
PO Box 7884
Bloemfontein
9300

- 1.2 Section A of the appeal decision is amended to read as follows:

Potgieter Familie Trust (TMP3113)
% Mr. Mr Phillipus Christoffel Johannes Potgieter
PO Box 7884
Bloemfontein

9300

Tel/Fax: 082 556 7078

Email: Chantilly291116@gmail.com

1.3 Condition 1 of the appeal decision is amended to read as follows:

This Environmental Authorisation is granted for the period from date of issue until **23 April 2028** (validity period), during which period the Holder must ensure that the —

- (a) physical implementation of all the authorised listed activities is started with and concluded, including top structures;
- (b) construction, monitoring and reporting requirements are undertaken at the site and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
- (c) post construction rehabilitation and monitoring requirements is undertaken and completed; and
- (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

If the Holder does not start with the listed activities and exceed the thresholds of the listed activities by 23 April 2028, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

2. All other information contained in the amended Environmental Authorisation issued on 23 April 2019, Reference Number: (Ref: 16/3/1/D6/29/0366/18), remains unchanged and is 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 of the amended 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. The validity period has been informed by the implementation programme provided by the Environmental Assessment Practitioner (EAP) representing the applicant. In this regard the validity period has been granted until 23 April 2028, during which period the construction activities, including top structures, must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.
4. All the relevant information presented to this Department, which formed part of the application for amendment.

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 (as amended) 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 (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 and the responding statement must be submitted to the address listed below:

By post: 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 Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from 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 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT
DATE OF DECISION: 16 AUGUST 2023

Copy:

Mr. M. Bennett

Ms. M. Abrahams

Mr. Jan Ellis

SEScC

Mossel Bay Municipality

Previous holder

Email: michael@sesc.net

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