



EIA REFERENCE: 16/3/3/5/B1/2/1014/23
NEAS REFERENCE: WCP/EIA/AMEND/0000713/2023
DATE OF ISSUE: 05 April 2023

The Board of Directors
Salico Property Holdings (Pty) Ltd
61 8th Street
KENSINGTON
7405

Attention: Ms. Christie Smith

Tel: 082 856 0200
Email: atlanticshorec@gmail.com

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 24 MARCH 2021 (DEA&DP: 16/3/3/5/B1/2/1009/21): THE PROPOSED DEVELOPMENT OF A COMBINED SERVICE STATION, RETAIL DEVELOPMENT, LIGHT INDUSTRIAL COMPONENT AND SECURITY VILLAGE DEVELOPMENT ON ERF NO 599, ASHTON

1. With reference to the above application, the Department hereby notifies you of its decision to grant the amendment of the amended Environmental Authorisation issued on 24 March 2021 (DEA&DP Ref: 16/3/3/5/B1/2/1009/21) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir
Toefy
Date: 2023.04.05 08:46:17
+02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms C Müller (Sillito Environmental Consulting)
(2) Mr J van Zyl (Langeberg Municipality)

Email: chantel@environmentalconsultants.co.za
Email: jvzyl@langeberg.gov.za

AMENDMENT ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 24 MARCH 2021 (DEA&DP: 16/3/3/5/B1/2/1009/21): THE PROPOSED DEVELOPMENT OF A COMBINED SERVICE STATION, RETAIL DEVELOPMENT, LIGHT INDUSTRIAL COMPONENT AND SECURITY VILLAGE DEVELOPMENT ON ERF NO 599, ASHTON

With reference to your application for the abovementioned, find below the outcome with respect to 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 ("EIA") Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the amended Environmental Authorisation issued on 24 March 2021 (DEA&DP Ref: 16/3/3/5/B1/2/1009/21) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

1. Section E: CONDITIONS OF AUTHORISATION: CONDITION 1

*The Environmental Authorisation is valid for a period of **seven (7) years** from the date of issue of Environmental Authorisation dated 26 February 2016. If the holder does not commence with a listed activity within the aforementioned period, this amended Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of this amended Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of this amended Environmental Authorisation.*

is amended to read:

The holder must commence with, and conclude, the listed activities within the stipulated validity period for which this amended Environmental Authorisation is granted, or this amended Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This amended Environmental Authorisation is granted for-

- (a) A period of **ten (10) years** from the date of issue of the original Environmental Authorisation dated 26 February 2016, during which period the holder must commence with the authorised listed activities.

- (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities must be concluded.

B. REASONS FOR THE DECISION

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

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the amended Environmental Authorisation issued on 24 March 2021.
2. The amendment does not trigger any listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the amended Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the amended Environmental Authorisation issued on 24 March 2021 (Attached as Annexure A), 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 (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which 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 on which 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 Organs 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 Organs 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 2659)
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 2659, 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 EA 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

Zaahir
Toefy

Digitally signed by
Zaahir Toefy
Date: 2023.04.05
08:47:02 +02'00'

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 05 APRIL 2023

Cc: (1) Ms C Müller (Sillito Environmental Consulting)
(2) Mr J van Zyl (Langeberg Municipality)

Email: chantel@environmentalconsultants.co.za
Email: jvzyl@langeberg.gov.za

Annexure A



EIA REFERENCE: 16/3/3/5/B1/2/1009/21
NEAS REFERENCE: WCP/EIA/AMEND/0000510/2021
DATE OF ISSUE: 24 March 2021

The Board of Directors
Salico Property Holdings (Pty) Ltd
61 8th Street
KENSINGTON
7405

Attention: Ms. Christie Smith

Cell: 082 856 0200
Email: atlanticshorec@gmail.com

Dear Madam

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 26 FEBRUARY 2016 (DEA&DP: 16/3/1/1/B1/2/1001/14 AND 16/3/1/4/B1/2/1002/14): THE PROPOSED THE DEVELOPMENT OF A COMBINED SERVICE STATION, RETAIL DEVELOPMENT, LIGHT INDUSTRIAL COMPONENT AND SECURITY VILLAGE DEVELOPMENT ON ERF NO 599, ASHTON.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation issued on 26 February 2016 (DEA&DP Ref: 16/3/1/1/B1/2/1001/14 and 16/3/1/4/B1/2/1002/14) attached herewith, together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy

Digitally signed by Zaahir Toefy
Date: 2021.03.24 13:40:24
+02'00'

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) C Müller (Sillito Environmental Consulting)
(2) J Le van Zyl (Langeberg Municipality)

Email: chantel@environmentalconsultants.co.za
Email: jvzyl@langeberg.gov.za



EIA REFERENCE: 16/3/3/5/B1/2/1009/21
NEAS REFERENCE: WCP/EIA/AMEND/0000510/2021
DATE OF ISSUE:

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 26 FEBRUARY 2016 (DEA&DP: 16/3/1/1/B1/2/1001/14 AND 16/3/1/4/B1/2/1002/14): THE PROPOSED THE DEVELOPMENT OF A COMBINED SERVICE STATION, RETAIL DEVELOPMENT, LIGHT INDUSTRIAL COMPONENT AND SECURITY VILLAGE DEVELOPMENT ON ERF NO 599, ASHTON.

With reference to your application for the abovementioned, find below the outcome with respect to 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 ("EIA") Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 26 February 2016 (DEA&DP Ref.: 16/3/1/1/B1/2/1001/14 and 16/3/1/4/B1/2/1002/14) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

1. Section A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION:

Trenchless Road Crossings (cc)
c/o Ms Marlene Coetzee
9 Pelican Street, Bluewaters Bay
SALDAHNA BAY
7395

Tel: (022) 714 0198
Fax: (086) 567 9395

is amended to read:

The Board of Directors
Salico Property Holdings
c/o Ms Christie Smith
61 8th Street
KENSINGTON
7405

Cell: 082 856 0200
Email: atlanticshorec@gmail.com

2. Section E: CONDITIONS OF AUTHORISATION: CONDITION 1

*This Environmental Authorisation is valid for a period of **five years** from the date of issue. The holder must commence with 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, at least three (3) months prior to the expiry of this Environmental Authorisation.*

Note that: (1) 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 competent authority being unable to process the application for amendment and in the lapsing of the Environmental Authorisation, and (2) it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.

is amended to read:

*The Environmental Authorisation is valid for a period of **seven (7) years** from the date of issue of Environmental Authorisation dated 26 February 2016. If the holder does not commence with a listed activity within the aforementioned period, this amended Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of this amended Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of this amended Environmental Authorisation.*

B. REASONS FOR THE DECISION

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

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 and will not change the scope of the EA issued on 26 February 2016.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for environmental authorisation.
4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the EA.

C. CONDITIONS

1. All other conditions contained in the EA issued on 26 February 2016 (Attached as Annexure A), 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 (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which 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 on which 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 Organs 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 Organs 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 2659)
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 2659, 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 EA 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

 Digitally signed by Zaahir Toefy
Date: 2021.03.24 13:41:06 +02'00'

ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 24 MARCH 2021

Cc: (1) C Müller (Sillito Environmental Consulting)
(2) J Le van Zyl (Langeberg Municipality)

Email: chantel@environmentalconsultants.co.za
Email: jvzyl@langeberg.gov.za

Appendix A

From:

To: *00217125061

26/02/2016 15:45

#019 P.001/013



**Western Cape
Government**
Environmental Affairs and
Development Planning

Directorate: Development Management
Region 2

EIA REFERENCE: 16/3/1/1/B1/2/1001/14
EXEMPTION: 16/3/1/4/B1/2/1002/14
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2016-02-26

The Board of Directors
Trenchless Road Crossings (cc)
9 Pelican Street, Bluewaters Bay
SALDANHA BAY
7395

Attention: Ms Marlene Coetzee

Tel: (022) 714 0198
Fax: (086) 567 9395

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND EXEMPTION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 & 2014: THE DEVELOPMENT OF A COMBINED SERVICE STATION, RETAIL DEVELOPMENT, LIGHT INDUSTRIAL COMPONENT AND SECURITY VILLAGE DEVELOPMENT ON ERF NO. 599, ASHTON

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION AND EXEMPTION

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") Amendment Regulations, 2010 and the EIA Regulations 2014, the competent authority herewith **grants environmental authorisation and exemption** to the applicant to undertake the list of activities specified in section B below with respect to the Layout Alternative 2 and the Preferred Design Alternative as described in the Basic Assessment Report ("BAR") dated 15 October 2015.

2nd Floor, 1 Dorp Street, Cape Town, 8001
tel: +27 21 483 5828 fax: +27 21 483 3633
email: Samornay.Smidt@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

The applicant is herewith exempted from the following provisions of the NEMA EIA Regulations, 2010:

Regulation 10(2)(d) of Government Notice No. R. 543, which reads as follows:

10(2) *The applicant must, in writing, within 12 days of the date of the decision of the application*

(d) *publish a notice –*

(i) *informing Interested and Affected Parties of the decision;*

(ii) *informing Interested and Affected Parties where the decision can be accessed; and*

(iii) *drawing the attention of Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of these Regulations, if such appeal is available under the circumstances of the decision,*

in the newspapers contemplated in Regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

The granting of this environmental authorization and exemption (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Trenchless Road Crossings (cc)
c/o Ms Marlene Coetzee
9 Pelican Street, Bluewaters Bay
SALDANHA BAY
7395

Tel: (022) 714 0198

Fax: (086) 567 9395

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 13

The construction of facilities or infrastructure for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 but not exceeding 500 cubic metres;

Activity Number: 23

The transformation of undeveloped, vacant or derelict land to –

(i) ***residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, and where the total area to be transformed is 5 hectares or more, but less than 20 hectares, or***

(ii) ***residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares; -***

except where such transformation takes place for-

- (i) linear activities;
- (ii) for purposes of agriculture or afforestation, in which case Activity 16 of Notice No. R. 545 applies.

Government Notice No. R983 of 4 December 2014 –

Activity Number: 14

The development of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.

Activity Number: 27

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for -

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

The abovementioned list is hereinafter referred to as, "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

This alternative entails the development of:

- A residential security village, comprising of 97 erven ranging between 250m² and 350m²,
- Commercial units consisting of a workshop, a motor showroom, a restaurant, shops and restrooms.
- A service station with six 30m³ underground fuel storage tanks, a convenience store, fast food restaurant and restrooms,
- A tourist information centre positioned adjacent to the R62, providing an exhibition space, stalls and a tea garden, and
- A light industrial area with between 12 to 40 light industrial units.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place on Erf No. 599, Main Road, Ashton

The SG 21 digit code is: C05000010000059900000

Co-ordinates: 33° 50' 12.00" South
 20° 02' 38.00" East

hereinafter referred to as, "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Sillito Environmental Consulting
c/o Ms. C Müller

PO Box 30134
TOKAI
7966

Tel: (021) 712 5060
Fax: (021) 712 5061

E. CONDITIONS OF AUTHORISATION

1. This Environmental Authorisation is valid for a period of **five years** from the date of issue. The holder must commence with 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, **at least three (3) months prior to** the expiry of this Environmental Authorisation.

Note that: (1) 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 competent authority being unable to process the application for amendment and in the lapsing of the Environmental Authorisation, and (2) it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.

2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this Environmental Authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)-
 - 3.1 notify all registered Interested and Affected Parties ("I&AP's") of -
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
 - 3.2 draw the attention of all registered I&AP's to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010 detailed in section F below;
 - 3.3 draw the attention of all registered I&AP's to the manner in which they may access the decision;
 - 3.4 Provide the registered I&APs with:
 - 3.4.1 The name of the holder (entity) of this Environmental Authorisation;
 - 3.4.2 The name of the responsible person for this Environmental Authorisation;
 - 3.4.3 The postal address of the holder;

From:

To: 00217125061

26/02/2016 15:47

#019 P.005/013

- 3.4.4 The telephonic and fax details of the holder; and
 3.4.5 The e-mail address if any, of the holder.
4. Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
- 4.1. The notice must make clear reference to the site details and EIA reference number given above.
- 4.2. The notice must also include proof of compliance with the following conditions described herein:
- Conditions: 2, 3 and 12
5. The holder is responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
7. The draft Environmental Management Programme ("EMP") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
- Should amendments to the EMP be required before an audit is required in terms of this Environmental Authorisation, the applicant must:
- notify the competent authority of its intention to amend the EMP at least 60 days prior to the submission of the application for amendment to the EMP;
 - obtain comment from potential I&APs, including the competent authority, by using any of the methods provided for in the NEMA for a period of at least 30 days; and
 - submit the amended EMP to the competent authority for approval within 60 days of inviting comments on the proposed amendments.
- The EMP must be included in all contract documentation for all phases of implementation.
8. A copy of the environmental authorisation and the EMP must be kept at the site where the listed activities will be undertaken. Access to the site referred to in section C above must be granted and, the environmental authorisation and EMP must be produced to any authorised official representing the competent authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
9. The applicant must submit an application for amendment of the environmental authorisation to the competent authority where **any detail with respect to the environmental authorisation must be amended, added, substituted, corrected, removed or updated**, save that such application for amendment shall not include the personal details of the holder of the environmental authorisation.

16/3/1/1/B1/2/1001/14
 16/3/1/4/B/1/2/1002/14

Page 5 of 13

- 9.1. Where an amendment relates to the change of ownership or transfer of rights and obligations, the applicant must:
- 9.1.1. submit an amendment application to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity/ies was/were lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; and (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 9.1.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation/s or an addendum to the existing environmental authorisation/s if the transfer is found to be appropriate.
- 9.2 Any changes to, or deviations from the scope of the description set out in Section B above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the competent authority may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
10. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
 11. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity.
 12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, for the construction phase before commencement of any land clearing or construction activities to ensure compliance with the EMP and the conditions contained herein. The ECO must notify the competent authority immediately of events or incidents that may cause significant environmental damage or breach the specifications of the EMP.
 13. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
 14. No surface or ground water may be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.

15. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
16. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

17. The holder of the authorisation must submit an Environmental Audit Report, ("audit report") to this Directorate upon completion of construction and another six months after said completion.
 - 17.1. The audit report must indicate the date on which the construction was completed, and detail compliance with the conditions of this authorisation.
 - 17.2. If the audit report is not submitted, this Directorate may give 30 days written notice and may have such an audit undertaken at the expense of the applicant and may authorise any person to take such measures necessary for this purpose.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the EIA Amendment Regulations, 2010.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.1.1 If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.

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- 1.1.2 If the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—
- (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in regulation 60(1), for the submission of the notice of intention to appeal; and
- 1.3 that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister and
- 1.4 if a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted in hard copy by means of one of the following methods:
- 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 Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
- NOTE:** 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 Jaap.DeVilliers@westerncape.gov.za.
4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

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G. 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 future of our environment is appreciated.

Yours faithfully



MR. HENRI FORTUIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 26-2-16
Copied to: (1) Ms C Müller (Sillito Environmental Consulting)
(2) Mr K Brandt (Langeberg Municipality)

Fax: (021) 712 5061
Fax: (023) 614 1841

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EIA REFERENCE NUMBER:	16/3/1/1/B1/2/1001/14
NEAS EIA REFERENCE NUMBER:	WCP/EIA/0001632/2014
EXEMPTION REFERENCE NUMBER:	16/3/1/4/B1/2/1002/14
NEAS EIA REFERENCE NUMBER:	WCP/EIA/EX/0000415/2014

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form received on 17 March 2014 and the EMP submitted together with the Final BAR dated 15 October 2015;
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Exemptions, Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and the responses provided thereon, as included in the Final BAR dated 15 October 2015; and
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.

Although no site visits were conducted for the current application, a site visit was conducted by officials from the Department and the environmental assessment practitioner for the previous application that was lodged and approved on 20 January 2010 in terms of the NEMA EIA Regulations, 2006. The competent authority therefore had sufficient information before it to make an informed decision without conducting a site visit for the new application.

This application was submitted in terms of the NEMA EIA Regulations, 2010, and was pending at the time of the promulgation of the EIA Regulations, 2014. In accordance with regulation 53(3) of Government Notice No. R. 982, activities similarly listed in terms of the NEMA EIA Regulations 2014 may be authorised as if applied for.

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Exemption

Exemption from Regulation 10(2)(d) is granted since the comments received during the Public Participation Process ("PPP") have been adequately addressed. All registered I&APs were notified of the exemption application, as required. No significant concerns were raised by I&APs in this regard.

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The competent authority regards the proposed exemption application as appropriate because the public participation process was conducted adequately and no objections with respect to the exemption application were received.

2. Public Participation

The PPP conducted for the Basic Assessment application included the following:

- Placement of site notices on 29 July 2014.
- Background Information Documents were distributed to the interested and affected parties, the ward councilor, local municipality and relevant Organs of State on 29 July 2014.
- An advertisement was placed in the "Breede Gazette" newspaper on 29 July 2014.
- The draft BAR was made available on 29 July 2014.
- The final 21-day PPP commenced on 24 October 2014.
- The revised final BAR was made available for comment from 15 October 2015.

The following authorities commented and had no objections against the proposed development:

- Breede Gouritz Catchment Management Agency,
- Provincial Department of Agriculture,
- CapeNature,
- Langeberg Municipality,
- Cape Winelands District Municipality, and
- Heritage Western Cape.

All the concerns raised by I&AP's were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

The Department concurs with the Environmental Assessment Practitioner's responses to the issues raised during the PPP and has included appropriate conditions in this environmental authorisation and in the EMP.

3. Alternatives

Layout Alternative 1

This alternative entails the development of:

- A residential security village, comprising of 56 erven of approximately 500m² each,
- Commercial units,
- A combined service station and truck stop, and
- A tourist information centre and light industrial area.

This alternative is not preferred as the truck stop, which is included in the service station component of the development, has potential negative socio-economic impacts.

Preferred Layout Alternative 2 (Herewith authorised)

This alternative entails the development of:

- A residential security village, comprising of 97 erven ranging between 250m² and 350m²,

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- Commercial units consisting of a workshop, a motor showroom, a restaurant, shops and restrooms.
- A service station with six 30m³ underground fuel storage tanks, a convenience store, fast food restaurant and restrooms,
- A tourist information centre positioned adjacent to the R62, providing an exhibition space, stalls and a tea garden, and
- A light industrial area with between 12 to 40 light industrial units.

This alternative was preferred and compiled in response to issues raised during the initial Scoping/EIA application relating to the potential negative impacts associated with the truck stop. It is also in response to the growing need and increasing market demand for residential development within the town. It will also boost the local economy and promote tourism.

"No-Go" Alternative

The 'no-go' alternative was considered. However, it is not preferred, as the site will remain vacant and undeveloped thereby losing the opportunity to provide affordable housing, temporary and permanent job opportunities, boost the local economy and promote tourism.

Preferred Design Alternative (Herewith authorised)

This alternative entails the installation of 6 X 30m³ underground storage tanks. This alternative is preferred, as it will allow for adequate fuel storage capacity given the size of the site and the expected fuel sales. It will also reduce the pressure of daily tanker deliveries.

Design Alternative 1

This alternative entails the installation of various size capacity tanks of 4.5m³, 14m³, and 23m³. These options were not preferred as the tank sizes were found to be inadequate in terms of effectively meeting the capacity and storage needs of the existing fuel depot, as well as reducing the pressure on tank deliveries.

4. Impacts, assessment and mitigation measures

4.1. Activity Need and Desirability

Ashton is a small town situated on the R62, located within the Langeberg Municipality. The site falls within the Urban Edge for Ashton and has been earmarked for future development. The proposed development is aimed at providing services that do not currently exist in the area, boosting the local economy and providing a secure residential development in close proximity to shopping and business facilities. It will also lead to the improvement of the socio-economic status of the area through the creation of temporary and permanent employment opportunities for the local community. According to the applicant the light industrial developments are seen as providing beehive or starter developments in the area for the enhancement of previously disadvantaged individuals in an area where the unemployment rate is high. The development will also increase the revenues for the local economy through the service station and tourist attraction.

4.2. Biophysical Impacts

The site was originally covered with Breede Alluvium Renosterveld vegetation, which is listed as vulnerable in terms of its conservation status. According to the findings of the botanical specialist, Nick Helme (October 2015), the vegetation on

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the site has been disturbed by construction related activities, market gardening and footpaths to the surrounding urban and residential areas. Most of the site is dominated by alien invasive plants and the diversity of the indigenous vegetation on the site is considered to be low. No specific mitigation from a botanical perspective has been recommended and the site therefore presents no botanical constraints for the proposed development. There are also no wetlands or other freshwater resources in close proximity to the site.

In summary, the proposed development is predicted to have both negative and positive impacts.

Negative Impacts:

The proposed development will have a noise impact during the construction and operation phase and a moderate traffic impact during construction and operation phase. The significance of the impact will however be mitigated satisfactorily.

Positive Impacts:

The proposed development will support the promotion of tourism, improvement of the local economy, small and medium enterprises, as well as opportunities for BEE involvement and the establishment of a business centre in Ashton.

5. National Environmental Management Act Principles

The National Environmental Management Act Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

6. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, the competent authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

- Adherence to the NEMA principles,
- Compliance with the conditions stipulated in this environmental authorisation, and
- Compliance with the mitigation measures in the EMP.

-END-