

REFERENCE NUMBER: 16/3/3/5/F4/7/3032/23
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000749/2023
DATE OF ISSUE: **26 JULY 2023**

The Board of Directors
Green Willow Properties 6 (Pty) Ltd.
P. O. Box 3706
TYGERVALLEY
7536

For Attention: Ms. C. Jacobs

Tel: (021) 910 9000
Fax: (021) 910 9950
Email: hkotze@werksmans.com

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 ENVIRONMENTAL AUTHORISATION AND EXEMPTION ISSUED BY THIS DEPARTMENT ON 10 SEPTEMBER 2013 (REF. NO. E12/2/4/2-F4/7-3022/11 AND EXEMPTION REF. NO. E12/2/4/5-F4/7-3022/11) FOR THE PROPOSED MIXED USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT ON ERF 6988, OLIPHANTSKOP, LANGEBAAN.

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. N. Duarte (Saldanha Bay Municipality)
(2) Mr. J. Neethling (Johan Neethling environmental Consultants)

Email: Nazeema.Duarte@sbm.gov.za
Email: info@jnes.co.za

REFERENCE NUMBER: 16/3/3/5/F4/7/3032/23

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 AND EXEMPTION ISSUED BY THIS DEPARTMENT ON 10 SEPTEMBER 2013 (REF. NO. E12/2/4/2-F4/7-3022/11 AND EXEMPTION REF. NO. E12/2/4/5-F4/7-3022/11) FOR THE PROPOSED MIXED USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT ON ERF 6988, OLIPHANTSKOP, LANGEBAAN.

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") and Exemption was issued by this Department on 10 September 2013 for the proposed mixed use residential and commercial development on Erf 6988, Oliphantskop, Langebaan (Ref. No. E12/2/4/5-F4/7-3022/11 and Exemption Ref. No. E12/2/4/5-F4/7-3022/11).
2. An Appeal EA was issued by the Ministry of Local Government, Environmental Affairs and Development Planning on 08 August 2014 (Ref. No. M 3/6/5).
3. An Amended Appeal EA issued by Ministry of Local Government, Environmental Affairs and Development Planning on 08 October 2019 (Ref. No. M 3/6/5) for the extension of the validity period of the appeal EA.
4. An application for amendment of the original EA was received by this Department on 04 July 2023 for the proposed change to the activity description with respect to the following:
 - 4.1. A change in residential typologies (i.e. single residential, town-housing/ semi-detached and apartments) and a reduction of the development footprint of the residential component from 21.18 ha to 18.74ha;
 - 4.2. A reduction in the development footprint of the commercial / business component from 1.25ha to 1.22ha;
 - 4.3. A reduction in the development footprint of private open space areas from 8.08ha to 4.67ha;
 - 4.4. The exclusion of previously mined areas from the development footprint, which will be included in the area set aside for nature conservation. The nature conservation area is proposed to increase from 33.06ha to 38.60ha; and
 - 4.5. An overall reduction in the hard surface development footprint from 30.01 ha to 27.88ha.

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 and Exemption issued by this Department on 10 September 2013 (Ref. No. E12/2/4/2-F4/7-3022/11 and Exemption Ref. No. E12/2/4/5-F4/7-3022/11) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended). The Environmental Authorisation and Exemption (Ref. No. E12/2/4/2-F4/7-3022/11 and Exemption Ref. No. E12/2/4/5-F4/7-3022/11) (hereinafter referred to as the "original EA") is amended as set out below:

1. Part B, Listed Activities Authorised (Description of the alternative authorised) and Layout Alternative 5 (the Preferred Alternative) of the original EA, which states:

"The proposed development entails the transformation of undeveloped land and the removal of vegetation to develop houses, flats, business erven and associated infrastructure on Erf 6988, Langebaan.

The proposed development will include the following:

- *Approximately 138 single residential erven with a total footprint of approximately 6.73ha;*
- *Approximately 15 apartment erven with a total footprint of approximately 14.45ha;*
- *Business erven with a total footprint approximately 1.25ha;*
- *Private Open Spaces with a total footprint of approximately 8.08ha;*
- *A Nature Conservation area with a footprint of approximately 33.06ha; and*
- *Associated infrastructure.*

The total footprint of the proposed development and associated infrastructure will be approximately 30.01ha.

The proposed development will utilise the following existing municipal services:

- *Solid waste management;*
- *Treatment and disposal of sewage and effluent; and*
- *Water supply.*

Electricity for the proposed development will be provided by Eskom.

Fuel will be temporarily stored on site during the construction phase of the proposed development.

Roads and intersections will be upgraded to accommodate the additional traffic that will be generated. Access to the proposed site will be obtained from the MR 45."

is hereby replaced with

"The proposed development entails the transformation of undeveloped land and the removal of vegetation to develop residential erven, commercial erven and associated infrastructure on Erf 6988, Langebaan.

The proposed development will include the following:

- *Approximately 143 single residential erven with a development footprint of approximately 6.45ha in extent;*
- *Approximately 445 townhouse / semi-detached residential units with a development footprint of approximately 8.88ha in extent;*
- *Approximately 270 apartment units (i.e. 5 apartment blocks) with a development footprint of approximately 3.41ha in extent;*

- A single business / commercial erf with a development footprint of approximately 1.22ha in extent;
- Private Open Space on approximately 9 erven with a total footprint of approximately 4.67ha in extent;
- Public transport infrastructure with a development footprint of approximately 5.28ha in extent;
- Private transport infrastructure with a development footprint of approximately 2.64ha in extent; and
- A Nature Conservation area (including the previously mined area) with a footprint of approximately 38.60ha in extent.

The total development footprint will be approximately 32.55ha in extent.

The proposed development will connect to the following existing municipal services within the surrounding area:

- Solid waste management;
- Treatment and disposal of sewage and effluent; and
- Water supply.

Electricity for the proposed development will be provided by Eskom.

Fuel will be temporarily stored on site during the construction phase of the proposed development.

Roads and intersections will be upgraded to accommodate the additional traffic that will be generated. Access to the proposed site will be obtained from the MR45."

2. Condition 22 of the original EA reads as follows:

"22. A buffer area of 300m must be demarcated and maintained around the northern and southern quarries except for a 20m encroachment into the buffer area around the northern quarry to allow for 11 erven as per the layout alternative authorised. "

is herewith removed and replaced with

"22. Where the 300m avian buffer goes beyond the previously mined area (as depicted on the amended Site Development Plan compiled by Site Plan Consulting and dated May 2023), the 300m avian buffer area must be demarcated as a "no-go" area prior to the commencement of development activities and must be maintained for the duration of the development phase."

3. Please find herewith copies of the following:

- 3.1. The amended Site Development Plan (compiled by Creative Profile and dated 12 June 2023) for the proposed mixed use residential and commercial development on Erf 6988, Oliphantskop, Langebaan (attached as Annexure A).
- 3.2. The original EA issued by this Department on 10 September 2013 (Ref. No. E12/2/4/2-F4/7-3022/11 and Exemption Ref. No. E12/2/4/5-F4/7-3022/11) (attached as Annexure B).
- 3.3. The Appeal EA issued by the Ministry of Local Government, Environmental Affairs and Development Planning on 08 August 2014 (Ref. No. M 3/6/5) (attached as Annexure C).
- 3.4. The amended Appeal EA issued by the Ministry of Local Government, Environmental Affairs and Development Planning on 08 October 2019 (Ref. No. M 3/6/5) (Attached as Annexure D).

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 of the original EA in terms of the NEMA EIA Regulations, 2014 (as amended) dated 01 July 2023 and received by this Department on 04 July 2023 and the additional information received by this Department on 19 July 2023.
2. Based on the information contained in the application for amendment, the following was considered:
 - 2.1. The application for amendment was for the change in the activity description of the original EA and entailed the following:
 - 2.1.1. A change in residential typologies (i.e. single residential, town-housing/ semi-detached and apartments) and a reduction of the development footprint of the residential component from 21.18 ha to 18.74ha;
 - 2.1.2. A reduction in the development footprint of the commercial / business component from 1.25ha to 1.22ha;
 - 2.1.3. A reduction in the development footprint of private open space areas from 8.08ha to 4.67ha;
 - 2.1.4. The exclusion of previously mined areas from the development footprint, which will be included in the area set aside for nature conservation. The nature conservation area is proposed to increase from 33.06ha to 38.60ha; and
 - 2.1.5. An overall reduction in the hard surface development footprint from 30.01ha to 27.88ha.
 - 2.2. Since a portion of the proposed site was previously used for mining purposes, a specialist was commissioned to delineate the area used for mining on the proposed site in order to exclude the areas previously used for mining. The specialist report (compiled by Site Plan Consulting and dated May 2023) delineated the previously mined areas using historical imagery, site observations and visible disturbance areas. The new proposed layout excludes the previously mined areas identified by the specialist for development purposes and has been included in the area set aside for nature conservation. Since the proposed development will not occur on land previously used for mining purposes, the relevant listed activity in terms of the NEMA EIA Regulations, 2014 (as amended) will not be triggered by the proposed amendment.
 - 2.3. The proposed amendment is required in order to ensure that the proposed development is feasible from an economic perspective and provides a wider variety of residential options. The amended Site Development Plan (compiled by Creative Profile and dated 12 June 2023), which depicts a reduced scale of development is proposed in response to the current market and need in Langebaan and surrounding areas.
 - 2.4. The proposed amendment makes further provision for transport infrastructure. Although transport infrastructure was not described in the original EA, transport infrastructure was depicted on the approved Site Development Plan (dated 06 July 2012).
 - 2.5. Although the proposed amendment will result in a change to the scope of the valid original EA, the proposed amendment will not result in an increased level or change in the nature of the impacts.
 - 2.6. The proposed amendment does not, on its own, constitute a listed activity.

- 2.7. The listed activities authorised in the original EA are similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended).
3. A Part 1 amendment process in terms of Regulation 29 of the NEMA EIA Regulations, 2014 (as amended) was therefore followed.
4. The original EA, as amended on 08 October 2019 (amended Appeal EA Ref. No. M 3/6/5), is valid and will lapse on 08 October 2024.
5. The conditions of the original EA, as amended on 08 August 2014 (Appeal EA Ref. No. M 3/6/5) and on 08 October 2019 (amended Appeal EA Ref. No. M 3/6/5) remain applicable and unchanged.
6. The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the original EA.

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 notice of commencement to be provided to the competent authority with respect to Condition 4 of the original EA (Ref. No. E12/2/4/2-F4/7-3022/11 and Exemption Ref. No. E12/2/4/5-F4/7-3022/11) must include proof of compliance with Conditions 1 and 3 of this amended EA and 22 of the original EA.
3. The previously mined area (as depicted on the amended Site Development Plan compiled by Site Plan Consulting and dated May 2023) must be demarcated as a “no-go” area prior to the commencement of development activities and must be maintained for the duration of the development phase.
4. Development activities must not occur within any “no-go” areas during any phase of the proposed development.

5. The remaining conditions stipulated in the original EA (Ref. No. E12/2/4/2-F4/7-3022/11 and Exemption Ref. No. E12/2/4/5-F4/7-3022/11) remain unchanged and must be implemented.

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: 26 JULY 2023

Copies to: (1) Ms. N. Duarte (Saldanha Bay Municipality)
(2) Mr. J. Neethling (Johan Neethling environmental Consultants)

Email: Nazeema.Duarte@sbm.gov.za

Email: info@ines.co.za

-----END-----

ANNEXURE A:

The amended Site Development Plan (dated 12 June 2023) for the proposed mixed use residential and commercial development on Erf 6988, Oliphantskop, Langebaan.

ANNEXURE B:

The original EA issued by this Department on 10 September 2013 (Ref. No. E12/2/4/2-F4/7-3022/11 and Exemption Ref. No. E12/2/4/5-F4/7-3022/11).

ANNEXURE C:

The appeal EA issued by the Ministry of Local Government, Environmental Affairs and Development Planning on 08 August 2014 (Ref. No. M 3/6/5).

ANNEXURE D:

The amended appeal EA issued by the Ministry of Local Government, Environmental Affairs and Development Planning on 08 October 2019 (Ref. No. M 3/6/5).