



AMENDMENT REFERENCE: 16/3/3/5/A6/97/2061/22
NEAS REFERENCE: WCP/EIA/AMEND/0000698/2022
DATE OF ISSUE: 06 JANUARY 2023

The Municipal Manager
City of Cape Town
Electricity Generation and Distribution
P. O. Box 82
CAPE TOWN
7230

For Attention: Mr. Rodwell Mpongo

Tel.: (028) 400 5259
E-mail: Rodwell.Mpongo@capetown.gov.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 2 JUNE 2016 (REFERENCED: 16/3/1/1/A6/97/2024/14), AND THE APPEAL DECISION ISSUED ON 21 JANUARY 2018 (REFERENCED: M 3/6/5): THE AUTHORISED DEVELOPMENT OF AN ELECTRICAL DEPOT AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF ERF 8924, FISH HOEK

1. With reference to the above application, this Department hereby notifies you of its Decision to **grant** the amendment to the abovementioned original EA and Appeal Decision, attached herewith, together with the reasons for the Decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended EA, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

Copied to: (1) Ms. E. Visagie (Guillaume Nel Environmental Consultants)
(2) Mr. A. Greenwood (City of Cape Town)

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AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ("EA") ISSUED ON 2 JUNE 2016 (REFERENCED: 16/3/1/1/A6/97/2024/14), AND THE APPEAL DECISION ISSUED ON 21 JANUARY 2018 (REFERENCED: M 3/6/5): THE AUTHORISED DEVELOPMENT OF AN ELECTRICAL DEPOT AND ASSOCIATED INFRASTRUCTURE ON PORTION 1 OF ERF 8924, FISH HOEK

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 NEMA and the EIA Regulations, 2014 (as amended), this Department herewith **grants** the Part 1 amendment to the original EA issued on 2 June 2016 (Referenced: 16/3/1/1/A6/97/2024/14) and the Appeal Decision issued on 21 January 2018 (Referenced: M 3/6/5).

The original EA, read together with the Appeal Decision, is amended, as set out below:

The amended Condition E1 contained in the Appeal Decision issued on 21 January 2018 (Referenced: M 3/6/5), reads as follows:

"The environmental authorisation is valid for a period of five years from the date of this Appeal decision. The holder must commence with all the listed activities within the said period of 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 amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, must not be commenced with during the period of administrative extension."

The amended Condition E1 contained in the Appeal Decision issued on 21 January 2018 (Referenced: M 3/6/5), is hereby amended to read in the following manner:

"Condition 1: This amended Environmental Authorisation is granted for–

- 1.1. A period of five (5) years, ending 21 January 2028, during which period the holder must commence with the authorised Listed Activities; and

- 1.2. A period of ten (10) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities for the development phase, must be concluded."

B. REASONS FOR THE DECISION

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

1. The information contained in the application form (dated 14 December 2022), for a Part 1 amendment of the abovementioned original EA issued on 2 June 2016 (Referenced: 16/3/1/1/A6/97/2024/14) and the Appeal Decision issued on 21 January 2018 (Referenced: M 3/6/5).
2. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the original EA issued on 2 June 2016 (Referenced: 16/3/1/1/A6/97/2024/14) and the Appeal Decision issued on 21 January 2018 (Referenced: M 3/6/5), nor trigger any additional Listed Activities in terms of the EIA Regulations, 2014 (as amended).
3. The amendment applied for is for the extension of the validity period. The amendment is required, as the development could not commence due to the delayed project implementation as a result of delayed municipal procurement and related procedures.
4. The environment and the rights and interests of registered Interested and Affected Parties ("I&APs") will not be adversely affected by this decision to amend the original EA issued on 2 June 2016 (Referenced: 16/3/1/1/A6/97/2024/14) and the Appeal Decision issued on 21 January 2018 (Referenced: M 3/6/5).

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this Decision—
 - 1.1. Notify all registered 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 the National Appeal Regulations, 2014 (as amended), detailed in Section D below;
 - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the Decision;
 - 1.4. Provide the registered I&APs with:
 - 1.4.1. The name of the holder (entity) of this amended EA;
 - 1.4.2. Name of the responsible person for this amended EA;
 - 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. The remaining conditions contained in the EA issued on 2 June 2016 (Referenced: 16/3/1/1/A6/97/2024/14) and the Appeal Decision issued on 21 January 2018 (Referenced: M 3/6/5), 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 twenty (20) 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 twenty (20) 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 Administrator and the appellant within twenty (20) 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
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Administrator at: Tel.: (021) 483 3721, E-mail: DEA&DP.Appeals@westerncape.gov.za or URL: <http://www.westerncape.gov.za/eadp>.

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 the 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 greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1

DATE OF DECISION: 06 JANUARY 2023

Copied to: (1) Ms. E. Visagie (Guillaume Nel Environmental Consultants)
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