
REFERENCE NUMBER: 16/3/3/5/F4/15/3035/22
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000636/2022
DATE OF ISSUE: 10 October 2022

The Members
Paternoster Groepbelange
P. O. Box 1
PATERNOSTER
2381

Attention: J. F. Pienaar

Tel.: 022 752 2616

E-mail: kobus@paternostergroep.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 3 SEPTEMBER 2003 (REFERENCE: E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200, PATERNOSTER) FOR THE CHANGE OF LAND USE ON A PORTION OF THE REMAINDER OF PORTION 1 OF FARM NO. 26, PATERNOSTER AND THE REMAINDER OF FARM NO. 26 IN ORDER TO ESTABLISH A RESORT.

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 EIA 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 Environmental Authorisation.

Yours faithfully

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

Copied to:

- (1) L. van der Merwe (Virdus Works Environmental)
- (2) L. Gaffley (Saldanha Bay Municipality)

E-mail: ludwig.vdmerwe@virdus.com
E-mail: lindsey.gaffley@sbm.gov.za

REFERENCE NUMBER: 16/3/3/5/F4/15/3035/22
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000636/2022
DATE OF ISSUE: 10 October 2022

AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 3 SEPTEMBER 2003 (REFERENCE: E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200, PATERNOSTER) FOR THE CHANGE OF LAND USE ON A PORTION OF THE REMAINDER OF PORTION 1 OF FARM NO. 26, PATERNOSTER AND THE REMAINDER OF FARM NO. 26 IN ORDER TO ESTABLISH A RESORT.

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") was issued by this Department on 3 September 2003 (Reference No: E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200, PATERNOSTER) for the change in land use of a portion of the Remainder of Portion 1 of Farm Paternoster No. 26 and the Remainder of Farm No. 26, Paternoster, in order to establish a resort.
2. An application for amendment of the EA in terms of the NEMA EIA Regulations, 2014 (as amended) was received by this Department on 7 July 2022. The application is for a change in location of four approved residential erven on Erf 1754, (previously part of the Remainder of Farm No. 26, Paternoster) to a new location on a portion of the Remainder of Portion 1 of Farm No. 26, Paternoster.

B. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the Competent Authority herewith **grants** the amendment of the EA issued by this Department 3 September 2003 (Reference No: E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200, PATERNOSTER) (herewith attached as Appendix A) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended). The EA is amended as set out below:

The approved site layout is hereby replaced as follows:



C. 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 as received by this Department via electronic correspondence on 7 July 2022 and the additional information received by this Department via electronic mail correspondence on 31 August 2022.
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 3 September 2003 (Reference No.: E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200, PATERNOSTER).
3. Due to the increasing risks associated with climate change and rising sea levels, the applicant wishes to change the location of four approved residential erven on Erf 1754 (previously on part of the Remainder of Farm No. 26) to a portion of the Remainder of Portion 1 of Farm No. 26, which is at a higher elevation and further away from the high-water mark of the sea. The proposed new location would pose significantly fewer risks associated with climate change.
4. The original EA is valid as commencement of construction activities has taken place within the validity period.
5. The EA is similarly listed in terms of the EIA Regulations, 2014 (as amended) and the amendment of the EA does not trigger any new listed activities in terms of the EIA Regulations, 2014 (as amended) and Listing Notices 1, 2 and 3.
6. The amendment does not require any other changes or expansion of the existing infrastructure, footprint and capacity of the facility. The combined size of the residential erven will remain the same which is approximately 1.4 ha. Further, as part of the proposed amendment, the location of the current approved four residential erven will be adopted as an open space. The proposed development footprint and the amount of open space will therefore remain the same.
7. 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.

8. All conditions contained in the EA issued on 3 September 2003, remain unchanged and in force.

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 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 EA;
 - 1.4.2. The name of the responsible person for this amended EA;
 - 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 conditions stipulated in the EA (Reference No.: E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200, PATERNOSTER) and the approved Environmental Management Programme (Reference No.: E12/2/1-229-Prtn Farm 26/1, Rem Farm 26, Erf 1200, Paternoster) 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 must –
 - 1.1. Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
 - 1.2. If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
 - 1.3. If the appellant is a person other than the applicant, provide the applicant, any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator.
 - 1.4. The applicant (if not the appellant), the decision-maker, I&APs and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
 - 1.5. The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Mr. 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

- 1.6. An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
- 1.7. 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 Amended 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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 10 OCTOBER 2022

Copied to:

- (1) L. van der Merwe (Virdus Works Environmental)
- (2) L. Gaffley (Saldanha Bay Municipality)

E-mail: ludwig.vdmerwe@virdus.com
E-mail: lindsey.gaffley@sbm.gov.za

-----END-----

ANNEXURE A:

Copy of the EA (Reference No.: E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200, PATERNOSTER) issued by this Department on 3 September 2003.

Die Kom

Vervysing
Reference
Isalathiso

E12/2/1-229-PRTN 26/1, REM FARM 26, ERF 1200,



Navrae
Enquiries
Imibuzo

NATALIE PRINS

Datum
Date
Umhla

Of issue:

**Departement van Omgewingsake en Ontwikkelingsbeplanning
Department of Environmental Affairs and Development Planning
ISebe leMicimbi yeNdalo esiNgqongileyo noCwangciso loPhuhliso**

03/09/2003

The Director
Paternoster Strand (Pty) Ltd,
P O Box 204
MILNERTON
7435

Attention: Mr. N. Latsky

Tel : (021) 555-2355
Fax: (021) 555-2358

Dear Sir

**APPLICATION: PROPOSED CHANGE OF LAND USE ON A PORTION OF
REMAINDER OF PORTION 1 OF FARM PATERNOSTER NO. 26
AND REMAINDER OF FARM NO. 26 IN ORDER TO ESTABLISH A
RESORT.**

With reference to your application, find below the Record of Decision in respect of this application.

RECORD OF DECISION

A. DESCRIPTION OF ACTIVITY:

The proposed activity involves the change of land use of a portion of the Remainder of Farm Paternoster No. 26 and the Remainder of Farm No. 26, Paternoster, in order to establish a resort.

The proposed development will comprise of the following:

- 7 single residential erven (existing buildings to be retained as part of the development);
- 2 Public open spaces (± 1.72ha). The existing boat launching site and the "Wolfgat" Cave, will be accommodated within this Public Open space;
- A restaurant in an existing building with ±12 parking bays;
- A tourist facility, i. e. backpackers accommodation with ±12 parking bays;
- 35 chalets and associated parking facilities. The chalets will range between one and two-bedroomed facilities.

These are activities identified in Schedule 1 of Government Notice No. R1182 of 5 September 1997, being:

Utilitasgebou, Dorpstraat 1
Privaatsak X9086, Kaapstad 8000

Utilitas Building, 1 Dorp Street
Private Bag X9086, Cape Town 8000

Tel No: 1021 483-2702/3185
Fax No: 1021 483-4372
Ifowuni: n.prins@pawc.wcape.gov.za
Ifaksi:

*Department of Environmental Affairs & Development Planning
Chief Directorate: Environmental Affairs*

Item 1 (m): The construction or upgrading of public and private resorts and associated infrastructure; and

Item 2 (c): The change of land use from agriculture or undetermined use to any other land use,

hereinafter referred to as "the activity"

B. LOCATION:

Remainder of Portion 1 of Farm Paternoster No. 26 and the Remainder of Farm No. 26 and Erf 1200, Paternoster. The co-ordinates are: 32°48'31" S and 17°53'20" E.

C. APPLICANT:

Paternoster Strand (Pty) Ltd.

c/o Mr. N. Latsky

P O Box 204

MILNERTON

7435

Tel : (021) 555-2355

Fax: (021) 555-2358

D. CONSULTANT:

No independent consultant was appointed,

E. SITE VISIT (S):

Date: 2 May 2002

Persons Present: Ms. N. Prins and Ms. Z. Toefy of the Department Of Environmental Affairs & Development Planning ("DEA & DP") and Mr. H. Brand of BCD Town and Regional Planners.

Date: 24 July 2003

Persons Present: Ms. N. Prins and Mr. D. Laidler of the Department Of Environmental Affairs & Development Planning ("DEA & DP"), Mr. H. Brand of BCD Town and Regional Planners, Ms. N. Colyn of Saldanha Bay Municipality and Mr. N. Latsky of Paternoster Strand (Pty) Ltd.

F. DECISION:

In terms of Section 28A and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Applicant is hereby exempted by the relevant authority (as defined in GN No. R1183 of 5 September 1997, from:

(a) Appointing an independent consultant in terms of Regulation 3(1) of GN No. R1183 dated 5 September 1997, and

(b) Providing a description of all alternatives identified in terms of Regulation 6(1)(d) GN No. R1183, dated 5 September 1997.

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In terms of Sections 22 and by virtue of powers delegated by the Minister in terms of Sections 28 & 33 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the relevant authority (as defined in GN No. R1183 of 5 September 1997, hereby grants **authorisation with the conditions** contained in this Record of Decision, for the execution of the activity described above.

This Authorisation has been granted in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) solely for the purposes of undertaking the activity referred to above, and does not exempt the holder thereof from compliance with any other relevant legislation.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence before the statutory thirty (30) day appeal period expires.
2. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of construction activities.
 - 2.1. Such notice shall make clear reference to the site location details and reference number given above.
 - 2.2. The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 1, 6, 8 (i), 9, 10, 11 and 14.
3. One week's notice, in writing, must be given to the Directorate: Environmental Management, (hereinafter referred to as "this Directorate"), before commencement of operation activities.
 - 3.1. Such notice shall make clear reference to the site location details and reference number given above.
 - 3.2. The said notice must also include proof of compliance with the following conditions described herein:
Conditions: 8 (iv)
4. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).
5. No surface or ground water may be polluted due to any activity on the property. All the requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be adhered to at all times.
6. The final placement and orientation of the resort chalets must be done in conjunction with this Department and the Saldanha Bay Municipality, prior to commencement of construction.
7. The architecture of the proposed residential buildings, must be in line with the "Argitektoniese riglyne" mentioned in Section 4 of the rezoning and subdivision report dated March 2002, compiled by BCD Town and Regional Planners.

*55 Saldanha College
Huis. 1998/01
19/05/2002 - met gemeenskap
raad.*

Denise Louw

Department of Environmental Affairs & Development Planning
Chief Directorate: Environmental Affairs

8. The recommendations as detailed in the comment from Heritage Western Cape compiled by Mr. C. Snelling dated 22 May 2003, must be adopted and implemented:
 - **A contingency fund must be made available so that:**
 - i. Before any development takes place on the Remainder of Paternoster 26, a professional archaeologist will be contracted to sample shell middens that may be adversely affected on the west-facing dunes between the boat house and the fresh fish market;
 - ii. If any significant archaeological remains are found, mitigation in the form of a larger excavation will be required as stipulated by Heritage Western Cape;
 - iii. Any human remains that are discovered during the course of operations must be treated with respect and reported immediately to the South African Heritage Resources Agency; and
 - iv. The recent history of the use of Wolfgat Cave must be verified by an historian, and the cave itself must be cleaned up and protected by the developers to enable it to be used as a community tourism resource.
9. The applicant must compile and submit an acceptable construction phase Environmental Management Plan ("EMP"), for the installation of the services, roads, resort units, the tourist facility, upgrading of the Wolfgat Cave and retention of the rocky outcrops on the site, to this Directorate. The EMP must:
 - 9.1. Be submitted to this Directorate at least three weeks prior to construction activities commencing. This must be approved prior to any land clearing and construction commencing.
 - 9.2. Describe the level and type of competency required of the Environmental Control Officer, ("ECO");
 - 9.3. Define and allocate the roles and responsibilities of the ECO referred to above, and the Environmental Site Agent *where applicable*;
 - 9.4. Determine the frequency of site visits;
 - 9.5. Be included in all contract documentation for the construction phase of the development.
10. The applicant must appoint a suitably experienced Environment Control Officer (or Site Agent where appropriate) before commencement of any land clearing or construction activities to ensure that the mitigation/rehabilitation measures and recommendations referred to in this Record of Decision are implemented and to ensure compliance with the provisions of the construction phase EMP.
11. The applicant must, within five calendar days of the date of issue of this Record of Decision:
 - Inform the relevant local authority as well as all **interested** and affected parties, ("I & AP's") **registered** during the **Scoping** and Impact Assessment processes in writing of the outcome of this application and, if requested, provide copies of this Record of Decision within a reasonable time before expiry of the thirty day appeal period;

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- Include in such information the provisions of Regulation 11 of Government Notice No. R 1183 of 5 September 1997, which reads as follows:
 - (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
 - (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.
 - Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
 - Inform all I & AP's that a signed and certified Appeal Questionnaire, is obtainable from the Minister's office at tel. (021) 483 4700, email lvdberg@pawc.wcape.gov.za or URL <http://www.westerncape.gov.za/eadp> must accompany the appeal.
 - If the applicant should appeal against this Record of Decision, he must inform all interested and affected persons that such an appeal is being lodged with the Minister and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.
12. This Directorate must be notified, within 30 days thereof, of any change of ownership and/or project developer, as well as any change of address of the owner and/or project developer.
13. All outdoor advertising associated with this activity, whether on or off the property concerned, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC) available from:
- The Director: Environmental Impact Management
Department of Environmental Affairs and Tourism
Private Bag X447, Pretoria, 0001.
14. The applicant shall be responsible for ensuring compliance with the conditions contained in the Record of Decision by any person acting on his behalf, including but not limited to, an agent, servant, employee or any person rendering a service to the applicant in respect of the activity, including but not limited to contractors and consultants.
15. The owner and/or developer must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.
16. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Record of Decision, at all reasonable times.

H. RECOMMENDATIONS:

None.

I. KEY FACTORS AFFECTING THE DECISION:

Sufficient information was submitted by the applicant for the relevant authority to deem the Scoping Checklist to fulfil the requirements of a scoping report as prescribed by Regulation 6 of GN No. R1183 of 5 September 1997, in order to consider the application.

The site is currently heavily degraded in places, with some existing buildings, as well as the Wolfgat Cave. The latter has been identified as having a high cultural significance. According to the Phase 1 Archaeological Study, *the cave reportedly extends for some two kilometres underground toward the Cape Columbine Lighthouse*. Strong recommendations were made, that the cave be cleaned up and developed as a community tourism centre (Condition 8). Besides the close proximity to the sea, there are no significant **biophysical** impacts that will be impacted by the proposed development, provided that the mitigation measures are adhered to. There are however several rocky outcrops on-site, which must be retained as far as possible. Retention of these elements will contribute to the character of the proposed development.

The final placement of the resort chalets, will be done in conjunction with this Department and the Saldanha Bay Municipality, once the rezoning and subdivision approvals have been attained (Condition 6).

A Phase 1 Archaeological study was undertaken in February 2002, by the Agency for Cultural Resource Management. This study indicated that the Remainder of Portion 1 of Farm Paternoster No. 26 was severely disturbed and is currently partially developed, but that the Remainder of Farm Paternoster No. 26 may have potentially significant heritage resources located on-site. *Although the site is highly altered, some coherent, but scattered shellfish remains were located on the west-facing slopes of the backward dunes, between the boat house and the fresh fish market*. A sampling programme was recommended for further investigation (Condition 8).

The applicant motivated to be exempted from appointing an independent **environmental consultant**, and investigating further **alternatives**. It was motivated that prior to any development proposals being put forward, the site was thoroughly investigated, specifically looking at features such as the 25m-set back line, rocky outcrops, slope, vegetation, Wolfgat Cave, etc. The applicant also motivated that the site has been identified as a very important tourist node, and the shortage of tourist accommodation in Paternoster, makes this an ideal site for the proposed development.

The **Public Participation** process entailed an advertisement in "Die Burger" on 13 July 2002. Objections were received from various Interested and Affected Parties ("I & AP's") regarding the impact of the proposed development on the character of Paternoster, as well as its impact on the Wolfgat Cave, competition with the community fish market, access to the beach by fishermen, and noise impacts. The objections were addressed by BCD Town and Regional Planners, and the development plan was subsequently amended to address most of the concerns.

*Department of Environmental Affairs & Development Planning
Chief Directorate: Environmental Affairs*

J. DURATION AND DATE OF EXPIRY:

This authorisation shall lapse if the activity does not commence within two (2) years of the date of issue of this authorisation.

K. APPEAL:

In terms of Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), formal, motivated appeals **must be directed within thirty (30) days** of the date of the issuing of this Record of Decision, to:

The Minister of Agriculture, Environmental Affairs and
Development Planning
Western Cape Province
Private Bag X9179
Cape Town
8000
Fax: (021) 483-3890

Appeals must comply with the provisions of regulation 11 of Government Notice No. R. 1183 of 5 September 1997.

If the appellant is not the applicant, the latter must be informed of the appeal within the appeal period referred to above and must provide the applicant with reasonable access to a full copy of the appeal, if requested.

A signed and certified Appeal Questionnaire, obtainable from the Minister's office at tel. (021) 483 4700, email lvdberg@pawc.wcape.gov.za or URL <http://www.westerncape.gov.za/eadp> must accompany the appeal.

In terms of section 28A(4) of the aforesaid Act, the Minister or competent authority may in writing withdraw the exemption concerned or at his discretion determine new conditions, if any condition stipulated in the exemption granted is not being complied with. Furthermore section 28A(5) states that the Minister or a competent authority, as the case may be, may from time to time review any exemption granted or condition determined, and if he deems it necessary, withdraw such exemption or delete or amend such condition.

If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of Section 22(4). Failure to comply with any of these conditions is also an offence and may be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.

*Department of Environmental Affairs & Development Planning
Chief Directorate: Environmental Affairs*

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

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

Yours faithfully



**DIPOLELO ELFORD
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**

DATE OF DECISION: 02/09/07

Copies to: (1) Mr. D. Visser (Saldanha Bay Municipality)
(2) Mr. I. van Wyk (BCD Town and Regional Planners)

Fax: (022) 716-1518
Fax: (021) 557-5420