



REFERENCE: 16/3/3/5/A3/54/1070/22

DATE: 03 November 2022

The Board of Directors
Ingwe Wine Estate (Pty) Ltd.

PO Box 583

SOMERSET WEST

7219

Attention: Mr Francois Baard

Tel: (021) 858 1063

E-mail: ingwe@telkomsa.net

Dear Sir

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 FOR THE AMENDMENT OF THE APPEAL DECISION ISSUED ON 2 MAY 2018: THE INGWE/DE FORTUIJN HOUSING DEVELOPMENT ON PORTION 11 OF THE FARM GUSTROUW NO. 918, SIR LOWRY’S PASS ROAD IN SOMERSET WEST.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Appeal Decision issued on 2 May 2018 (DEA&DP Ref.: 14/3/1/A3/53/0305/17) attached herewith, together with the reasons for the decision.
2. 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 EA.

Yours faithfully

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

Cc: (1) Mr Bernard de Witt (EnviroAfrica cc)

E-mail: bernard@enviroafrica.co.za

EIA REFERENCE: 16/3/3/5/A3/54/1070/22
NEAS REFERENCE: WCP/EIA/AMEND/0000658/2022
DATE: 03 November 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE APPEAL DECISION ISSUED ON 2 MAY 2018: THE INGWE/DE FORTUIJN HOUSING DEVELOPMENT ON PORTION 11 OF THE FARM GUSTROUW NO. 918, SIR LOWRY'S PASS ROAD IN SOMERSET WEST.

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, the Department herewith **grants** the amendment of the Appeal Decision issued on 2 May 2018 (DEA&DP Ref.: 14/3/1/A3/53/0305/17) in terms of Part 1 of the EIA Regulations, 2014.

The EA is amended as set out below:

1. Condition 3 in Section E: Conditions of Authorisation:

"This EA is granted for-

- 3.1 *A period of five (5) years, from the date of this Appeal decision, during which period the holder must commence with the authorised listed activity; and*
- 3.2 *A period of ten (10), from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity for the development phase, must be concluded."*

Is amended to read:

This EA is granted for-

- 3.1 A period of ten (10) years, from the date of the Appeal decision, during which period the holder must commence with the authorised listed activity; and
- 3.2 A period of ten (10) years, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activity for the development phase, 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 (as amended) and will not change the scope of the Appeal Decision issued on 2 May 2018.
2. The amendment does not trigger any new listed activities in terms of the EIA Regulations, 2014 (as amended).
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 Appeal Decision issued on 2 May 2018 (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 the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding

statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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: 03 NOVEMBER 2022

Cc: (1) Mr Bernard de Witt (EnviroAfrica cc)

E-mail: bernard@enviroafrica.co.za

-----END-----

ANNEXURE A: APPEAL DECISION ISSUED ON 2 MAY 2018