



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management (Region 1)

REFERENCE: 16/3/3/5/A6/45/2025/19
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2019 -05- 16

The Board of Directors
The Kommetjie Estates Limited
PO Box 254
CAPE TOWN
8000

Attention: Mr Gerhard van der Horst

Tel.: (021) 794 9144
E-mail: vanderhorstgerhard@gmail.com

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 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 25 NOVEMBER 2014:

PROPOSED ESTABLISHMENT OF RESIDENTIAL ERVEN ON THE REMAINDER OF FARM NO. 948, KOMMETJIE

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Mr Doug Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)

Fax: (086) 660 2635



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With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as an "Environmental Authorisation") with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants the amendment of the Environmental Authorisation issued on 25 November 2014 (EIA Reference Number: E12/2/4/1-A5/268-2067/11).

Condition 1 in Section E of the Environmental Authorisation issued on 25 November 2014 reads as follows:

"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, 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, may not commence during the period of administrative extension".

This is herewith replaced with the following:

The Environmental Authorisation issued on 25 November 2014 is extended by 5 years and shall lapse if the activities do not commence by 24 November 2024. A new application for Environmental Authorisation must be made for the activities to be undertaken if the holder of the Environmental Authorisation do not commence by the aforementioned date.

B. REASONS FOR THE DECISION

In reaching its decision, the competent authority took, *inter alia*, the following into consideration:

- (a) Government Notice ("GN") No. R. 544 and R. 546 of 18 June 2010 have been replaced with GN No. R. 983 and R. 985 in terms of the EIA Regulations, 2014 (as amended). The listed activities now include operational phase aspects for the authorised development in the Environmental Authorisation. Therefore, in terms of Regulation 26(d)(ii), the process specified by Regulation 30 was followed for the extension of the validity period.
- (b) The application is therefore for a non-substantive amendment to the Environmental Authorisation.
- (c) Little to no negative impacts is expected due to the amendment of the original development proposal.
- (d) The environment and the rights and interests of Interested and Affected Parties are not likely to be affected.
- (e) No new listed activities are triggered and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels. The conditions contained in the Environmental Authorisation issued on 25 November 2014 still remain unchanged and in force.

C. CONDITION

- 1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 1.1 notify all registered Interested and Affected Parties of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 1.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
 - 1.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and

- 1.4 provide the registered Interested and Affected Parties with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 1.4.2 name of the responsible person for this Environmental Authorisation,
 - 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,
 - 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations 2014.

D. APPEAL

Appeals must comply with the provisions contained in the National Appeal Regulations 2014. 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 Interested and Affected Parties of this decision;
- 1.2 If the appellant is the applicant, provide any registered Interested and Affected Party, 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 Interested and Affected Party, 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, Interested and Affected Parties 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: Jaap de Villiers
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 J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
 - By e-mail: Jaap.DeVilliers@westerncape.gov.za
- 1.6 An electronic copy (word document format) of the appeal and its 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 Jaap.deVilliers@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 Addendum 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 greatly appreciated.

Yours faithfully


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ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 16/05/2019

CC: (1) Mr Doug Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)

Fax: (086) 660 2635

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/3/5/A6/45/2025/19

NEAS EIA REFERENCE NUMBER:

WCP/EIA/AMEND/0000355/2019