



**REFERENCE:** 16/3/3/5/D6/29/0012/22  
**ENQUIRIES:** Shireen Pullen  
**DATE OF ISSUE:** 30 January 2023

The Board of Directors  
VTMS Developments (Pty) Ltd  
PO Box 1317  
**MENLYN CENTRAL**  
0077

**Attention: Mr. T. Muller**

Email: [Mullertom1964@gmail.com](mailto:Mullertom1964@gmail.com)

**APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION REF: 16/3/1/5/D6/29/0019/12 ISSUED ON 22 NOVEMBER 2007 FOR THE CHANGE OF LAND USE FOR THE CONSTRUCTION OF MOSSEL BAY INDUSTRIAL AND BUSINESS PARK ON PORTION 7 OF THE FARM RIETVLEI 225, MOSSEL BAY**

With reference to your application for the amendment of the Environmental Authorisation Reference Number: 16/3/1/5/D6/29/0019/12 issued on 22 November 2007, find below the amendment to the aforementioned authorisation.

**ADDENDUM TO ENVIRONMENTAL AUTHORISATION**

**A. DECISION**

1. By virtue of the powers conferred on it in terms of Regulation 30 of the Environmental Impact Assessment Regulations, 2014 (as amended), the Department has decided to amend the Environmental Authorization issued on 22 November 2007, Reference Number: 16/3/1/5/D6/29/0019/12 as follows –

1.1 Section J of the aforementioned authorisation must read as follows:

"The activities must commence on or before **30 January 2024**. If commencement of the activities does not occur within this period, the authorisation lapses and a new application for environmental authorisation must be submitted and authorisation be obtained, before the activity may be undertaken.

*The development's construction phase / authorised activities must be concluded before 22 November 2025."*

2. All other information contained in the Environmental Authorisation issued on 22 November 2007, Reference Number: 16/3/1/5/D6/29/0019/12, remains unchanged and is still in force.

## **B. REASONS FOR THE DECISION:**

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

1. The application is for a non-substantive amendment to the Environmental Authorisation.
2. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the Environmental Authorisation.
3. The application for amendment is only for the extension of the validity period and the fact that the approved development will not change in any other way, it is understood that the level and nature of the impacts will remain unchanged.
4. The motivation submitted by the applicant that Activity 14 of Listing Notice 1 is not applicable and as such not regarded as a similarly listed activity, as the previous approval was only granted for the temporary storage of fuel during the construction period. The aforementioned activity therefore excludes the construction of a filling station on the subject property.
5. The holder must comply with any other statutory requirements that may be applicable to the undertaking of the proposed activity, including the National Water Act, 1998 (Act No. 36 of 1998) and the National Heritage Resources Act, 1999 and the National Environmental Management: Waste Act (Act 59 of 2008), where applicable.
6. All the relevant information presented to this Department, which formed part of the application for amendment.

## **C. CONDITIONS**

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision –
  - 1.1 notify all registered interested and affected parties registered in the previous EIA process 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 registered in the previous EIA process to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) in section D below;
  - 1.3 draw the attention of all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with condition 1 above.

3. The applicant must commence with the listed activities within **12 months** from the date of this amendment decision.
4. The area of disturbance must be demarcated before construction works commences and disturbances to the surrounding area must be avoided.
5. The specifications in the Rietvlei Industrial Park Development guidelines must be taken into account during the construction phase.
6. The Environmental Management Programme (EMPr) submitted to the competent authority on 19 September 2022 must be amended to also include a section that deals with penalties associated with non-compliance by the contractor, prior to approval by this Department to ensure that the EMPr is strictly implemented and adhered to. The amended EMPr must be submitted to this Department at least 3 months, prior to commencement of construction activities.
7. Section 6.2.3 of the EMPr, as well as Annexure H of the EMPr must be strictly implemented and adhered to at all times.
8. Annual compliance monitoring audits are required during the construction phase and operational audits are required at least every 5 years for the operational aspects. Also note that neither the Environmental Assessment Practitioner (EAP) or the ECO can undertake an audit nor a person from the same company as the EAP or ECO, as it would represent a circumstance that may compromise the objectivity of the audit. Therefore, all audits to be conducted must be done by an independent auditor (not the EAP/ECO).

#### **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  
8<sup>th</sup> 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](mailto:DEADP.Appeals@westerncape.gov.za).

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto: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 Addendum to 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

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**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT**  
DATE OF DECISION: 30 JANUARY 2023

Copies to:

Inge Delpport- Hilland Environmental:  
Cathy Avierinos- Hilland Environmental:  
Mushfiqah Abrahams- Mossel Bay Municipality

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