



REFERENCE: 16/3/3/5/D1/13/0002/22
NEAS REFERENCE.: WCP/EIA/AMEND/0000608/2022
DATE OF ISSUE: 30 May 2022

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 4 JULY 2017: THE PROPOSED GANSE VALLEI RETIREMENT ESTATE ON PORTIONS 19 AND 27 OF THE FARM 444 GANSE VALLEI, PLETTENBERG BAY.

With reference to your application for the abovementioned, find below the decision with respect to the application (dated 16 March 2022) for the amendment to the Environmental Authorisation issued on 4 July 2017 (hereinafter referred to as an "Environmental Authorisation").

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 4 July 2017.

The Environmental Authorisation is amended as set out below:

1. Section E: Condition 2 as issued on 04 July 2017 is substituted with the following:

"2. *The non-operational component of the Environmental Authorisation is subject to the following:*

2.1 *The holder must commence with all the listed activities on the site by **7 July 2024**;*

2.2 *The development activities (construction phase) must be concluded on the site by **7 July 2027**; and*

2.3 *The post construction rehabilitation and monitoring requirements must be finalised within a period of 12-months from the date the development activities (construction phase) are concluded, but by no later than 7 July 2028."*

3. All other conditions contained in the Environmental Authorisation issued on 4 July 2017 still remain unchanged and in force.

B. REASONS FOR THE DECISION

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

1. The application is regarded to be for a non-substantive amendment to the Environmental Authorisation as it will not change the scope of the valid environmental authorisation, nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an 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 applicant's motivation that the Bitou Municipality has not made a decision on the planning approval for the development, it has cause serious delays in the development breaking ground and therefore the request for the extension of the validity period for the Environmental Authorisation has been favourably considered.

C. CONDITIONS

1. The applicant must in writing, within **14 (fourteen) calendar days** of the date of this decision (refer to Government Notice R.993 of 8 December 2014) –
 - 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 as included in Annexure 1;
 - 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 detailed in Section D below.
2. The holder of the environmental authorisation must provide the Competent Authority with **seven (7) calendar days' notice** before commencement of construction activities. This notice must include proof of compliance with Condition 1 described in Section C of this Addendum to the Environmental Authorisation.

D. APPEALS

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 including any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAadmin.George@westerncape.gov.za

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 and any registered I&AP including any Organ of State with an interest in the matter; and
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAadmin.George@westerncape.gov.za

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 Appeal Administrator at 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: Appeal Administrator
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 Administrator 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 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 appreciated.

Yours faithfully

MR. GAVIN BENJAMIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
WESTERN CAPE GOVERNMENT

DATE OF DECISION: 30 MAY 2022

FOR OFFICIAL USE ONLY:

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