

REFERENCE: 16/3/3/5/A2/47/3001/22
NEAS REFERENCE: WCP/EIA/AMEND/0000585/2022
DATE: 21 February 2022

The Municipal Manager
City of Cape Town
Westlake Depot
Ou Kaapse Weg
TOKAI
7945

Attention: Mr. Dalton Gibbs

Tel.: (021) 444 7792
E-mail: Dalton.Gibbs@capetown.gov.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2009 (REFERENCED: E12/2/3/1-A5/572/0007/09) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 18 JANUARY 2017 (REFERENCED: 16/3/3/5/A2/47/3065/16) FOR THE PROPOSED USE AND/OR DISPOSAL OF SEDIMENT FROM ZEEKOEVLIE, CAPE FARMS NOS. 848-0, 840-0, 840-1, 847-0, 846-0, 844-31, 837-0, 838-0 AND ERF 93284, ZEEKOEVLIE NATURE RESERVE.

1. With reference to the above application, this Department hereby notifies you of its decision to grant the amended Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the amended Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to 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 Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended Environmental Authorisation.

Yours faithfully

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

Copied to: (1) Ms. Magdalena van Zyl (City of Cape Town)
(2) Mr. Rashaad Samaai (City of Cape Town)

E-mail: Magdalena.vanzyl@capetown.gov.za
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ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 21 JULY 2009 (REFERENCED: E12/2/3/1-A5/572/0007/09) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED ON 18 JANUARY 2017 (REFERENCED: 16/3/3/5/A2/47/3065/16) FOR THE PROPOSED USE AND/OR DISPOSAL OF SEDIMENT FROM ZEEKOEVLEI, CAPE FARMS NOS. 848-0, 840-0, 840-1, 847-0, 846-0, 844-31, 837-0, 838-0 AND ERF 93284, ZEEKOEVLEI NATURE RESERVE.

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 (as amended), this Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 21 July 2009 (Referenced.: E12/2/3/1-A5/572/0007/09) and the amended EA issued on 18 January 2017 (Referenced.: 16/3/3/5/A2/47/3065/16) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA on issued on 21 July 2009 and the amended EA issued on 18 January 2017 are amended as set out below:

1. Section B of the abovementioned amended EA reads as follows:

"The activities authorised on 21 July 2009 (Ref. No. E12/2/3/1-A5/572/0007/09) must commence within a period of five (5) years of the date of this amended environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken".

is herewith replaced with the following

"The holder must commence with the listed activities on site by 18 January 2025. If commencement of the activities does not occur within this period, this amended authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken".

B. REASONS FOR THE DECISION

In reaching its decision, this 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 EA on issued on 21 July 2009 and the amended EA issued on 18 January 2017 nor trigger any additional listed activities in terms of the EIA Regulations 2014 (as amended).
2. According to the information provided by the City of Cape Town, as received by this Department on 4 February 2022 and 8 February 2022, it was confirmed that the environment has not changed since the original assessments were conducted as part of the initial application for EA. The receiving environment falls within the proclaimed False Bay Nature Reserve that is continually maintained in accordance with its protected status. Furthermore, the area has been managed with minimal interventions, which largely includes the management of alien invasive flora. As a result, the receiving environment has undergone little or no change.
3. The environment and the rights and interests of Interested and Affected Parties will not be adversely affected by the decision to amend the original EA and amended EA.
4. The proposed amendment, i.e., the extension of the validity period of the original EA and amended EA is required as the City of Cape Town could not commence with proposed development due to budget constraints and the Covid-19 Lockdown periods.
5. All other conditions contained in the EA on issued on 21 July 2009 and the amended EA issued on 18 January 2017 remain unchanged and in force.

C. CONDITIONS

1. The holder 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 as included in Section B;
 - 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 Interested and Affected Parties 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 D below;
 - 1.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision;
 - 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, 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 Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

D. APPEALS

1. Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

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; and
- 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: 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. Marius Venter (Tel: 021 483 3721), 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>.

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

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

DATE OF DECISION: 21 FEBRUARY 2022

Copied to: (1) Ms. Magdalena van Zyl (City of Cape Town)
(2) Mr. Rashaad Samaai (City of Cape Town)

E-mail: Magdalena.vanzyl@capetown.gov.za
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FOR OFFICIAL USE ONLY:

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