



REFERENCE NUMBER: 16/3/3/5/A4/5/3056/21
NEAS REFERENCE NUMBER: WCP/EIA/AMEND/0000567/2021
ENQUIRIES: Ms. N. Wookey
DATE OF ISSUE: **04 February 2022**

The Director
Shoprite Checkers Properties (Pty) Ltd.
P. O. Box 1160
BRACKENFELL
7561

For Attention: Mr. M. Abrahamse

Tel: (021) 980 4877

Fax: (021) 983 5441

Email: mabrahamse@shoprite.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 31 MARCH 2012 (REF. NO. E12/2/4/1-A4/53-1039/10) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 23 JANUARY 2017 (REF. NO. 16/3/3/5/A4/5/3066/16) FOR THE PROPOSED DEVELOPMENT OF A COMMERCIAL SHOPPING CENTRE ON PORTION 6 OF FARM BARDALE NO. 451 AND PORTION 6 OF FARM AMSTERDAM NO. 949, BLUE DOWNS.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the 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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)
(2) Ms. R. Gelderbloem / Mr. A. Human (CoCT: Property Management)
(3) Ms. N. Duncan/ Mr. P. Slabbert (PHS Consulting)

Email: Azanne.vanWyk@capetown.gov.za
Email: Ruby.Gelderbloem@capetown.gov.za
Email: Andre.Human@capetown.gov.za
Email: Nadine@phsconsulting.co.za /
Email: Paul@phsconsulting.co.za



ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 31 MARCH 2012 (REF. NO. E12/2/4/1-A4/53-1039/10) AND THE AMENDED ENVIRONMENTAL AUTHORISATION ISSUED BY THIS DEPARTMENT ON 23 JANUARY 2017 (REF. NO. 16/3/3/5/A4/5/3066/16) FOR THE PROPOSED DEVELOPMENT OF A COMMERCIAL SHOPPING CENTRE ON PORTION 6 OF FARM BARDALE NO. 451 AND PORTION 6 OF FARM AMSTERDAM NO. 949, BLUE DOWNS.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation with respect to this application.

A. BACKGROUND INFORMATION

1. An Environmental Authorisation was issued by this Department on 31 March 2012 for the proposed development of a commercial shopping center on Portion 6 of Farm Bardale No. 451 and Portion 6 of Farm Amsterdam No. 949, Blue Downs (Ref. No. E12/2/4/1-A4/53-1039/10).
2. An amended Environmental Authorisation was issued by this Department on 23 January 2017 for the extension of validity period by five years ending 22 January 2022 (Ref. No. 16/3/3/5/A4/5/3066/16).

B. 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), the Competent Authority herewith **grants** the amendment to the Environmental Authorisation ("EA") issued by this Department on 31 March 2012 (Ref. No. E12/2/4/1-A4/53-1039/10) and the amended EA issued by this Department on 23 January 2017 (Ref. No. 16/3/3/5/A4/5/3066/16) (attached as Annexure A) in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended). The EA is amended as set out below:

1. The following condition of the amended EA issued by this Department on 23 January 2017 (Ref. No. 16/3/3/5/A4/5/3066/16) which reads:

*"The environmental authorisation is valid for a period of **five (5) years** from the date of issue of this amended environmental authorisation. If the holder does not commence with the listed activities within the aforementioned period, the authorisation will lapse and a new application for environmental authorisation must be submitted to the competent authority. "*

is herewith amended to read as follows:

*“The holder of this environmental authorisation must commence with the listed activities before or on **22 January 2027**.*

2. Please find herewith a copy of the EA issued by this Department on 31 March 2012 (Ref. No. E12/2/4/1-A4/53-1039/10) and the amended EA issued by this Department on 23 January 2017 (Ref. No. 16/3/3/5/A4/5/3066/16 (attached as Annexure A).

C. REASONS FOR THE DECISION

In reaching its decision, the Competent Authority took, inter alia, the following into consideration:

- a) The information contained in the application for amendment dated 29 October 2021 and received by the competent authority on 05 November 2021, and the additional information dated and received by the competent authority of 06 December 2021;
- b) The proposed development is similarly listed in terms of the NEMA EIA Regulations, 2014 (as amended).
- c) Since the proposed amendment is for the extension of validity period and will not result in a change to the scope of the EA (Ref. No. E12/2/4/1-A4/53-1039/10) and will not result in an increased level or change in the nature of impact, a Part 1 amendment process in terms of the NEMA EIA Regulations, 2014 (as amended) was followed.
- d) The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the EA (Ref. No. E12/2/4/1-A4/53-1039/10) and amended EA (Ref. No. 16/3/3/5/A4/5/3066/16).
- e) The conditions contained in the EA issued by the competent authority on 31 March 2012 (Ref. No. E12/2/4/1-A4/53-1039/10) will remain unchanged and in force.

D. CONDITIONS OF AUTHORISATION

1. The holder must in writing, within **fourteen (14)** calendar days of the date of this decision–
 - 1.1. Notify all registered Interested and Affected Parties (“I&APs”) of –
 - 1.1.1. the outcome of the application;
 - 1.1.2. the reasons for the decision as included in Section H;
 - 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 I&APs 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 F below;
 - 1.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and
 - 1.4. Provide the registered I&APs with:
 - 1.4.1. The name of the holder (entity) of this amended Environmental Authorisation;
 - 1.4.2. The name of the responsible person for this amended Environmental Authorisation;
 - 1.4.3. The postal address of the holder;
 - 1.4.4. The telephonic and fax details of the holder;
 - 1.4.5. The 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 I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).
2. The listed activities, including site preparation, must not commence within twenty (20) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.
3. The conditions contained in the EA issued by the competent authority on 31 March 2012 (Ref. No. E12/2/4/1-A4/53-1039/10) will remain unchanged and in force.

E. 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 form/s must be submitted by means of one of the following methods:
 - By post: Attention: 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 M. Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building
1 Dorp Street

CAPE TOWN
8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. 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>.

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

DATE OF DECISION: 04 FEBRUARY 2022

Copies to: (1) Ms. A. van Wyk (City of Cape Town: ERM)
(2) Ms. R. Gelderbloem / Mr. A. Human (CoCT: Property Management)
(3) Ms. N. Duncan/ Mr. P. Slabbert (PHS Consultanting)

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Email: Nadine@phsconsulting.co.za /
Email: Paul@phsconsulting.co.za

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ANNEXURE A:

Copy of the Environmental Authorisation issued by this Department on 31 March 2012 (Ref. No. E12/2/4/1-A4/53-1039/10) and the amended EA issued by this Department on 23 January 2017 (Ref. No. 16/3/3/5/A4/5/3066/16).