



REFERENCE: 16/3/3/5/B5/2/1003/22
DATE OF ISSUE: 18 February 2022

The Trustees
Groot Groenfontein Farming Trust
Private Bag X4
HOUT BAY
7872

Attention: Mr V Miros

E-mail: volker@woodfordtruffles.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 OCTOBER 2021: THE ESTABLISHMENT OF GUEST COTTAGES ON FARM GROENFONTEIN NO. 96, CERES

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** amendment of the Environmental Authorisation ("EA") issued on 28 October 2021 (DEA&DP: 16/3/3/1/B5/2/1018/21) together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).
2. 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 summarized in the attached amended Environmental Authorisation.

Yours faithfully

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

CC: (1) Ms K Williams/ Mr D Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)
(2) Mr B Klaasen (Witzenberg Municipality)
(3) Mr M Tshikalange (Department of Water and Sanitation)
(4) Ms A Duffel-Canham (CapeNature)
(5) Ms N Achmat (Directorate: Pollution and Chemicals Management)

E-mail: doug@dougjeff.co.za
E-mail: barnito@witzenberg.gov.za
E-mail: TshikalangeM@dws.gov.za
E-mail: aduffell-canham@capenature.co.za
E-mail: nabeelah.achmat@westerncape.gov.za

EIA REFERENCE: 16/3/3/5/B5/2/1003/22
DATE OF ISSUE: 18 February 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 OCTOBER 2021: THE ESTABLISHMENT OF GUEST COTTAGES ON FARM GROENFONTEIN NO. 96, CERES

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 me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 28 October 2021 (DEA&DP: 16/3/3/1/B5/2/1018/21) together with the reasons for the decision in terms of Part 1 of the Environmental Impact Assessment Regulations, 2014 (as amended).

The Environmental Authorisation is amended as set out below:

1) **Section E: Conditions of authorisation: Management of activity: Condition 9:**

"The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented."

is amended to read:

The draft Environmental Management Programme (hereinafter referred to as the "EMPr") dated January 2022, submitted as part of the amendment application for Environmental Authorisation, is hereby approved and must be implemented.

2) **Section E: Conditions of authorisation: Monitoring: Condition 12:**

"The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and quarterly Environmental Compliance Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been completed."

is amended to read:

The ECO must conduct compliance monitoring inspections once a month during the construction phase. Monthly Environmental Compliance Reports must be compiled and submitted to the Competent Authority for the duration of the construction phase. The final Environmental

Compliance Report must be submitted to the Competent Authority within six months after construction has been completed.

3) **Section E: Conditions of authorisation: Auditing: Condition 15:**

"In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, that is not the ECO referred to in Condition 11 and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

*The Environmental Audit Reports must be submitted to the Competent Authority every **six (6)** months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.*

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable)."

is amended to read:

In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, that is not the ECO, referred to in Condition 11, or the EAP that submitted the application for Environmental Authorisation, and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

An Environmental Audit Report must be submitted to the Competent Authority within three months after construction of the entire development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

B. REASONS FOR THE DECISION

Find below the reasons to amend the EA:

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 the Environmental Authorisation issued on 28 October 2021.
2. A small and local team will be used to construct the cottages and associated infrastructure. Thus, construction will take place over an extended time. Fortnightly compliance monitoring inspections will be excessive as not much work would be completed between the fortnightly inspections.
3. The project is small, and the cost burden of supplying audit reports every six months will be significant on a project of this scale.
4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

C. CONDITIONS

1. All other conditions, with the exception of Condition 9, Condition 12 and Condition 15 which were amended as indicated above, contained in the Environmental Authorisation issued on 28 October

2021, (attached as Appendix A) still remain unchanged and in force as it relates to this amended application.

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 on which 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 on which 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 Organs 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 Organs 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 2659)
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 Appeal Authority at: Tel. (021) 483 2659, 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 EA 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

ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 18 FEBRUARY 2022

CC: (1) Ms K Williams/ Mr D Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd)
(2) Mr B Klaasen (Witzenberg Municipality)
(3) Mr M Tshikalange (Department of Water and Sanitation)
(4) Ms A Duffel-Canham (CapeNature)
(5) Ms N Achmat (Directorate: Pollution and Chemicals Management)

E-mail: doug@dougjeff.co.za

E-mail: barnito@witzenberg.gov.za

E-mail: TshikalangeM@dws.gov.za

E-mail: aduffell-canham@capenature.co.za

E-mail: nabeelah.achmat@westerncape.gov.za

Appendix A