



Western Cape
Government

Environmental Affairs and
Development Planning

DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1

REFERENCE: 16/3/1/2/A7/4/3058/12
NEAS REFERENCE: WCP/EIA/0001107/2012
ENQUIRIES: MS. K. ADRIAANSE
DATE OF ISSUE: 2018-04-13

The Director
V&A Waterfront Holdings (Pty) Ltd.
P.O. Box 50001
CAPE TOWN
8001

For attention: Mr. M. Brokenshire

Tel: (021) 408 7820
Fax: (086) 679 1327

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE DEVELOPMENT OF A DOLOS REVETMENT, RECLAMATION OF LAND IN THE SEA AND ASSOCIATED MIXED USE DEVELOPMENT ON ERF 173712, GRANGER BAY PRECINCT, V&A WATERFRONT, CAPE TOWN.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to ensure, within 12 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 7 of the Environmental Impact Assessment Regulations, 2010, 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) Mr. N. Steytler (Khula Environmental Consultants)
(2) Mr. D. Georgeades (City of Cape Town)

Fax: (086) 694 6901
Fax: (086) 201 1241



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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: THE DEVELOPMENT OF A DOLOS REVETMENT, RECLAMATION OF LAND IN THE SEA AND ASSOCIATED MIXED USE DEVELOPMENT ON ERF 173712, GRANGER BAY PRECINCT, V&A WATERFRONT, CAPE TOWN.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the NEMA Environmental Impact Assessment ("EIA") Regulations, 2010 and the EIA Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative, described in the amended final EIA Report, dated October 2017.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

V&A Waterfront Holdings (Pty) Ltd.
c/o Mr. M. Brokenshire
P.O. Box 50001
CAPE TOWN
8001

Tel: (021) 408 7820
Fax: (086) 679 1327

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "**the holder**".

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 544 of 18 June 2010:</p> <p>Activity Number: 14 Activity Description:</p> <p><i>The construction of structures in the coastal public property where the development footprint is bigger than 50 square metres, excluding</i></p> <ul style="list-style-type: none"> <i>(i) the construction of structures within existing ports or harbours that will not increase the development footprint or throughput capacity of the port or harbour;</i> <i>(ii) the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies;</i> <i>(iii) the construction of temporary structures within the beach zone where such structures will be demolished or disassembled after a period not exceeding 6 weeks.</i> 	<p>The proposed development entails the development of a new dolos revetment, coastal seapark and structures in the coastal public property and will have a development footprint bigger than 50m² in extent.</p>
<p>Activity Number: 16 Activity Description:</p> <p><i>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –</i></p> <ul style="list-style-type: none"> <i>(i) fixed or floating jetties and slipways;</i> <i>(ii) tidal pools;</i> <i>(iii) embankments;</i> <i>(iv) rock revetments or stabilising structures including stabilising walls;</i> <i>(v) buildings of 50 square metres or more; or</i> <i>(vi) infrastructure covering 50 square metres or more –</i> <p><i>but excluding</i></p> <ul style="list-style-type: none"> <i>(a) if such construction or earth moving activities will occur behind a development setback line; or</i> <i>(b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;</i> <i>(c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or</i> <i>(d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.</i> 	<p>The proposed development entails the development of buildings and associated infrastructure within 100m of the high-water mark of the sea.</p>

<p>Activity Number: 18 Activity Description:</p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:</i></p> <ul style="list-style-type: none"> (i) a watercourse; (ii) the sea; (iii) the seashore; (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater- . <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <ul style="list-style-type: none"> (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (b) occurs behind the development setback line. 	<p>The proposed development includes the infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from the sea.</p>
<p>Activity Number: 43 Activity Description:</p> <p><i>The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there would be no increase in the development footprint or throughput capacity of the port or harbour.</i></p>	<p>The proposed development entails the expansion of structures in the coastal public property where the development footprint will be increased by more than 50m².</p>
<p>Activity Number: 45 Activity Description:</p> <p><i>The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –</i></p> <ul style="list-style-type: none"> (i) fixed or floating jetties and slipways; (ii) tidal pools; (iii) embankments; (iv) rock revetments or stabilising structures including stabilising walls; (v) buildings by more than 50 square metres; (vi) infrastructure by more than 50 square metres; (vii) facilities associated with the arrival and departure of vessels and the handling of cargo; (viii) piers; (ix) inter- and sub-tidal structures for entrapment of sand; (x) breakwater structures; (xi) coastal marinas; (xii) coastal harbours or ports; (xiii) structures for draining parts of the sea or estuary; (xiv) tunnels; or 	<p>The proposed development entails the expansion of the existing rock revetment and coastal walkway within 100m of the high-water mark of the sea.</p>

<p>(xv) <i>underwater channels –</i></p> <p><i>where such expansion will result in an increase in the development footprint of such facilities but excluding where such expansion occurs:</i></p> <p>(a) <i>behind a development setback line; or</i> (b) <i>within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour.</i></p>	
<p>Government Notice No. R. 545 of 18 June 2010 -</p> <p>Activity Number: 24 Activity Description:</p> <p><i>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater, in respect of:</i></p> <p>(i) <i>facilities associated with the arrival and departure of vessels and the handling of cargo;</i> (ii) <i>piers;</i> (iii) <i>inter- and sub-tidal structures for entrapment of sand;</i> (iv) <i>breakwater structures;</i> (v) <i>coastal marinas;</i> (vi) <i>coastal harbours or ports;</i> (vii) <i>structures for reclaiming parts of the sea;</i> (viii) <i>tunnels; or</i> (ix) <i>underwater channels;</i></p> <p><i>but excluding –</i></p> <p>(a) <i>activities listed in activity 16 in Notice 544 of 2010,</i></p> <p>(b) <i>construction or earth moving activities if such construction or earth moving activities will occur behind a development setback line;</i></p> <p>(c) <i>where such construction or earth moving activities will occur in existing ports or harbours where there will be no increase of the development footprint or throughput capacity of the port or harbour; or</i></p> <p>(d) <i>where such construction or earth moving activities takes place for maintenance purposes.</i></p>	<p>The proposed development entails earth moving activities in the sea and within 100m of the high-water mark of the sea in respect of structures for reclaiming parts of the sea.</p>
<p>Government Notice No. R. 546 of 18 June 2010 -</p> <p>Activity Number: 6 Activity Description:</p> <p><i>The construction of resorts, lodges or other tourism accommodation facilities that sleep 15 people or more.</i></p> <p>(d) In Western Cape:</p> <p>i. <i>In an estuary;</i> ii. <i>All areas outside urban areas;</i></p>	<p>The proposed development includes the development of hotels that sleep 15 people or more in an urban area within 1km of the high-water mark of the sea.</p>

<p>iii. In urban areas:</p> <p>(aa) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined;</p> <p>(bb) Areas on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined.</p>	
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On 04 December 2014, the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the NEMA, viz, the EIA Regulations 2014 (Government Notice No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 04 December 2014). These regulations came into effect on 08 December 2014. On 07 April 2017, the Minister of Environmental Affairs made amendments to the Environmental Impact Assessment ("EIA") Regulations, 2014, published under Government Notice No. 982 in Gazette No. 3822 of 04 December 2014, in terms of sections 24(2), 24(5), 24D and 44 read with section 47A(1)(b) of the NEMA. Please note that the amended Regulations came into effect on 07 April 2017.

The activities listed below are the similarly listed activities in terms of the NEMA EIA Regulations, 2014 (as amended).

<p>Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 19A Activity Description:</p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from—</i></p> <p>(i) <i>the seashore;</i> (ii) <i>the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</i> (iii) <i>the sea; —</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p>(f) <i>will occur behind a development setback;</i> (g) <i>is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> (h) <i>falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> (i) <i>occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> <i>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The proposed development entails the infilling or depositing of more than 5m³ of material into the sea for the reclamation of approximately 2.3ha of land.</p>
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<p>Activity Number: 52 Activity Description:</p> <p><i>The expansion of structures in the coastal public property where the development footprint will be increased by more than 50 square metres, excluding such expansions within existing ports or harbours where there will be no increase in the development footprint of the port or harbour and excluding activities listed in activity 23 in Listing Notice 3 of 2014, in which case that activity applies.</i></p>	<p>The proposed development entails the expansion of the existing rock revetment and the coastal walkway in the coastal public property where the development footprint will be increased by more than 50m².</p>
<p>Listing Notice 2 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 14 Activity Description:</p> <p><i>The development and related operation of—</i></p> <p><i>(i) ...</i> <i>(ii) an anchored platform; or</i> <i>(iii) any other structure or infrastructure — on, below or along the sea bed;</i></p> <p><i>excluding —</i></p> <p><i>(a) development of facilities, infrastructure or structures for aquaculture purposes; or</i> <i>(b) the development of temporary structures or infrastructure where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared.</i></p> <p>Activity Number: 23 Activity Description:</p> <p>The reclamation of an island or parts of the sea.</p> <p>Activity Number: 26 Activity Description:</p> <p><i>Development—</i></p> <p><i>(i) in the sea;</i> <i>(ii) in an estuary;</i> <i>(iii) within the littoral active zone;</i> <i>(iv) in front of a development setback; or</i> <i>(v) if no development setback exists, within a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever is the greater;</i></p> <p><i>in respect of —</i></p> <p><i>(a) facilities associated with the arrival and departure of vessels and the handling of cargo;</i> <i>(b) piers;</i></p>	<p>The proposed development entails the development of a dolos revetment on the sea bed for the reclamation of land.</p> <p>Approximately 2.4ha of land will be reclaimed as part of the proposed development.</p>

<p>(c) inter- and sub-tidal structures for entrapment of sand; (d) breakwater structures; (e) coastal marinas; (f) coastal harbours or ports; (g) tunnels; or (h) underwater channels;</p> <p>but excluding the development of structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the proposed development:

The proposed development entails the establishment of a dolos revetment, reclamation of land in the sea and associated mixed use development on Erf 173712, Granger Bay Precinct, V&A Waterfront, Cape Town.

The mixed use development will comprise of the following:

- A residential component;
- A retail component;
- A commercial component;
- Private open space; and
- Associated infrastructure.

The mixed use development will be approximately 1.6ha in extent and will occur on Erf 173712, Granger Bay.

The development and expansion of the dolos revetment and reclamation of land in the sea entail the following:

The existing temporary rock revetment will be upgraded and replaced with a permanent dolos revetment. The new dolos revetment will extend from the existing dolos revetment (which ends at Breakwater Boulevard) for approximately 310m in a straight line across Granger Bay and towards the existing embankment that marks the coastal edge of Granger Bay. The existing embankment will be replaced with rock revetment for a length of approximately 160m. Approximately 2.4ha of land in the sea will be reclaimed. Approximately 189 340m³ of fill material will be required for the reclamation activities. Fill material will be obtained from the excavations associated with the mixed use development.

A coastal seapark and associated infrastructure will be developed and will provide continuous public access from Beach Road to and along the coast for approximately 750m, of which approximately 300m will be within the Granger Bay Precinct. This will include an extension of the existing coastal walkway along the coastal edge of the reclaimed land and associated public amenities. The coastal seapark will be approximately 30m in width.

Access for private vehicles will be gained from Beach Road and Granger Bay Boulevard Extension. The existing Haul Road will be demolished and replaced by a link between Granger Bay Boulevard Extension and Breakwater Boulevard. This link road will be developed over a portion of the reclaimed land, which will provide access to the proposed development.

All services required for the proposed development are available.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf 173712, Granger Bay Precinct, V&A Waterfront and reclamation across Granger Bay and has the following co-ordinates:

Property boundary:

Point	Latitude (S)	Longitude (E)
Erf 173712	33° 54' 7.759" South	18° 24' 59.849" East
Reclamation Start	33° 54' 4.414" South	18° 25' 14.289" East
End	33° 54' 3.801" South	18° 24' 56.95" East

The SG digit code is: C01600000017371200000

Refer to Annexure 1: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

Khula Environmental Consultants (Pty) Ltd.
c/o Mr. N. Steytler
8 Andrews Way
KOMMETJIE
7975

Cell: (082) 322 4074

Fax: (086) 694 6901

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in the amended final EIA Report dated October 2017 on the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
4. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

5. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
 - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 5.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10, 15, and 16.1.

Notification and administration of appeal

6. The holder must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)–
 - 6.1. Notify all registered interested and affected parties ("I&APs") of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision as included in Annexure 1;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision.
 - 6.2. Draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the NEMA EIA Regulations, 2010 detailed in section F below;
 - 6.3. Draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. Provide the registered I&APs with-
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 6.4.2. the name of the responsible person for this Environmental Authorisation;
 - 6.4.3. the postal address of the holder;
 - 6.4.4. the telephonic and fax details of the holder; and
 - 6.4.5. the e-mail address if any.
 - 6.5. Publish a notice in the newspapers contemplated in Regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 6.5.1. informs all I&APs of the decision;
 - 6.5.2. informs all I&APs where the decision can be accessed; and
 - 6.5.3. informs all I&APs that an appeal may be lodged against the decision in terms of Chapter 7 of the NEMA EIA Regulations, 2010.
7. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this Environmental Authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided.

Management of activity

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved on condition that the following amendments are made to the EMPr, and must be implemented.
 - 8.1. The inclusion of the recommendations of Heritage Western Cape (dated 15 July 2015 and attached as Annexure 2).
 - 8.2. The inclusion of the recommendations of the Visual Impact Assessment (compiled by MLB Architects and Urban Designers in association with Bernard Oberholzer Landscape architect and Environmental Planner and dated October 2017).
 - 8.3. A maintenance management plan for the management of the coastal seapark and the coastline along the reclaimed portion of Granger Bay must be compiled and implemented during the operational phase.
 - 8.4. A copy of the updated EMPr must be submitted to this Directorate prior to the commencement of the operational phase for record and compliance auditing purposes.
9. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The holder must appoint a suitably experienced environmental control officer ("ECO") before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities during the development activities whereafter it must be kept at the office of the applicant, and must be made available to anyone on request.
12. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

13. 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 and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
 - 13.1. The holder must undertake an environmental audit within 6 (six) months of the date of commencement of the listed activities and submit Environmental Audit Reports to the Competent Authority every 6 (six) months thereafter until the completion of the development activities. A final Environmental Audit Report must be submitted to the Competent Authority within 1 (one) year after the commencement of the operational activities.
 - 13.2. The holder must, within 7 days of the submission of the report 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).

Specific Conditions

14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.
 - 14.1. Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.
 - 14.2. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
15. Approval in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) (as amended) for the proposed reclamation of land must be obtained prior to the commencement of the reclamation activities. A copy of the approval must be provided to this Department for information purposes.
16. In accordance with the recommendations of the Marine Mammal Specialist Report (compiled by Sea Search Africa and dated May 2014), the following mitigation measures must be implemented:
 - 16.1. A marine mammal observer must be appointed by the holder prior to the commencement of the reclamation activities and the development of the dolos revetment to ensure that no cetaceans are within 500m of the reclamation activities during reclamation activities.
 - 16.2. Reclamation activities and associated development of the dolos revetment must occur between March and July (as far as practically possible) in order to avoid high cetacean presence in the area.
17. In accordance with the recommendations of the Marine Impact Assessment Report (compiled by Anchor Environmental and dated July 2014), the following mitigation measures must be implemented:
 - 17.1. Sediment free coarse fragment rock fill and dolosse must be used for the revetment.
 - 17.2. A type 3 silt curtain must be placed around the area to be reclaimed for the duration of the development phase to contain sediment and minimise the impacts on benthic marine life.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations, 2010.

1. An appellant must –
 - 1.1. Submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.1.1. if the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating that the appeal submission will be made available on the day of lodging it with the Minister and where and for what period the appeal submission will be available for inspection by such person or organ of state.
 - 1.1.2. if the appellant is a person other than an applicant, the appellant must provide the applicant, within 10 days of having lodged the notice with the Minister, with—
 - (a) a copy of the notice lodged with the Minister; and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
 - 1.2. Submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the notice of intention to appeal;
 - 1.3. That a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister; and

- 1.4. If a respondent introduces any new information not dealt with in the appeal submission of the appellant, the appellant is entitled to submit an answering statement to such new information to the Minister within 30 days of receipt of the responding statement.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. All notice of intention to appeal and appeal forms must be submitted by means of one of the following methods:

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 Jaap de Villiers (Tel: 021-483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, **CAPE TOWN**, 8001

PLEASE NOTE: NO appeal, responding and answering statement may be lodged by e-mail.

4. A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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. ZAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 13/04/2018

Copies to: (1) Mr. N. Steytler (Khula Environmental Consultants)
(2) Mr. D. Georgeades (City of Cape Town)
(3) Dr. J. Mphepya (DEA: Oceans and Coasts)

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