



BETTER TOGETHER

Development Management
(Region 3)

REFERENCE: 16/3/3/5/D5/22/0007/18
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 2018 -08- 24

The Municipal Manager
 Hessequa Municipality
 PO Box 29
RIVERSDALE
 6670

Attention: Mr S. Carelse

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Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 25 NOVEMBER 2013 FOR THE PROPOSED DUNE STABILIZATION PROGRAMME ON A PORTION OF ERF 160/REMAINDER, WITSAND

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

ADDENDUM TO 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, 2014 ("NEMA EIA Regulations) the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 25 November 2013.

The amendments are set out below:

1. Section E: Condition 2 must read as follows:

"Environmental Authorisation is valid until **25 November 2023**. Further to this-

2.1 The holder must commence with all the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder had lodged for the amendment of this environmental authorisation, before the expiry of this environmental authorisation. In such instances the validity period will be automatically extended ("the period administrative extension") from the day before this environmental authorisation would otherwise have lapsed., until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.

2.2 All listed activities must be concluded within the aforementioned validity period. Further to this, the dune management programme for the identified site must be completed within the said

validity period and all active rehabilitation measures and management intervention must be ceased."

2. All other information contained in the Environmental Authorisation, Reference Number: EG12/2/4/1-D5/12-0009/11 remains unchanged and are still in force.

B. REASONS FOR THE DECISION

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

1. The application is for a non-substantive amendment to the 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. Since the application for amendment is only for the extension of the validity period, and the fact that the approved activity will not change in any other way, it is understood that the level and nature of the impacts will remain unchanged.
4. The applicant motivates that due to budget constraints, only phase 1 of the said EA could be implemented to date.
5. All the information presented to the Department was taken into account in the consideration of the application.

C. CONDITIONS

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision –
 - 1.1 notify all registered interested and affected parties registered in the previous EIA process of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 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 registered in the previous EIA process to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 in section D below;
 - 1.3 draw the attention of all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with condition 1 above.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (refer to Government Notice R.993 of 8 December 2014).

1. 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 I&APs of this decision.


- 1.2. if the appellant is the applicant, provide any registered I&AP, 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 any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
2. The applicant (if not the appellant) the decision-maker, I&APs and Organ 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.
3. The appeal form/s must be submitted by means of one of the following methods:
 - By post: Attention: Jaap de Villiers
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 J. de Villiers (Tel: 021 483 3721)
Room 809
8th Floor UtilitasBuilding, 1 Dorp Street, Cape Town, 8001
 - By e-mail: Jaap.DeVilliers@westerncape.gov.za
4. 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 Jaap.deVilliers@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)

DATE OF DECISION: 24/08/2018