



Western Cape
Government
Environmental Affairs and
Development Planning

BETTER TOGETHER.

Directorate: Development Management
(Region 3)

REFERENCE: 16/3/3/5/D2/19/0005/16
NEAS REF. NO. WCP/EIA/AMEND/0000105/2016
ENQUIRIES: Marianne Lesch
DATE OF ISSUE: 2016 -08- 26

The Board of Trustees
Adonai Shammah Trust
PO Box 9125
GEORGE
6530

Attention: Mr Neville Riddick

Tel: (044) 873 0888
Fax : (044) 874 0999
E-mail: neville.riddick@yahoo.com

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 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 25 NOVEMBER 2011: PROPOSED ESTABLISHMENT OF RESIDENTIAL UNITS ON PORTION 3 OF THE FARM KRAAIBOSCH NO. 195, GEORGE)

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment to 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, you are instructed to ensure, within **14 days** of the date of the 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, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr Steve Kleinhans (EAP) Fax: 044 874 5953
(2) Mr Harold Basson (George Municipality: Civil Engineering Services) Fax: 086 529 9872
(3) Mr Clinton Peterson (George Municipality: Planning) Fax: 086 6457389

4th Floor, York Park Building,
93 York Street, George, 6529
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Private Bag X6509, George, 6530
www.westerncape.gov.za/eadp



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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 2011.

The amendments are set out below:

4th Floor, York Park Building,
93 York Street, George, 6529
tel: +27 44 805 8600 fax: +27 44 874 2423

Private Bag X6509, George, 6530
www.westerncape.gov.za/eadp

1. Section C: Applicant / Holder of the Environmental Authorisation, is substituted for the following:

*The Director
Groenkloof Developments (Pty) Ltd
% Mr Christo Muller
PO Box 1935
GEORGE
6530*

*Tel.: 044 874 7614
Fax.: 044 874 0282
E-mail: enquiries@greenrouteprop.com*

2. Section G : Condition 7.3 , is substituted for the following:

"meet the requirements outlined in Section 24N (2) & (3) of the National Environmental Management Act, 1998 (Act no 107 of 1998, as amended) ("NEMA") and regulation 34 of the Environmental Impact Assessment Regulations 2006.

Cognisance of the current legislative framework must be taken when preparing the EMP. In this regard the requirements of Appendix 4 of the Environmental Impact Assessment Regulations, 2014 (or similar requirements in any subsequent EIA regulations promulgated in terms of Chapter 5 of NEMA) should be reflected in the EMP;"

3. Section G : Condition 21 , is substituted for the following:

*"The Environmental Authorisation is **granted for a period of ten (10) years** from the date of issue and will be valid until 25 November 2021.*

The holder must commence with, and conclude, all the authorised listed activities within the stipulated validity period which this environmental authorisation is granted for. Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998)."

4. The conditions contained in the Environmental Authorisation, Reference Number: EG12/2/4/1-D2/11/0010/11 issued on 25 November 2011, remain unchanged and is 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 the amendment of an Environmental Authorisation which is still valid and will not change the scope of the valid environmental authorisation nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an environmental authorisation. The application is deemed to be for a non-substantive amendment to the Environmental Authorisation.
2. The applicant motivated that the proposed extension of the validity period of the Environmental Authorisation by an additional five (5) years and transfer of the rights from the current holder of the EA namely Adonai Shammah Trust to the *Groenkloof Ontwikkelings (Pty) Ltd* will not result in significant negative impacts on the environment.
3. The validity period of the original Environmental Authorisation that was issued, granted a five (5) year period within which the authorised listed activities had to commence. The original holder did not commence with the listed activities within this period and the development rights have been sold to *Groenkloof Ontwikkelings (Pty) Ltd* who wish to give effect to the development.

Due consideration has been given to the current legislative framework, which provides that the validity period for an Environmental Authorisation should be determined by a date in which period the holder must commence with the authorised listed activities and this should not exceed a 10-year period, as well as a period wherein the authorised activities must be concluded.

Based on the motivation that has been provided, the validity period has been extended to the maximum 10-year period to provide the new holder sufficient time to commence and conclude the authorised listed activities. The motivation provided has shown that the development will commence within the 10-year period and will be concluded prior to the validity period lapsing (i.e. 21 November 2021).

The holder will be required to follow the process contemplated in the Environmental Impact Assessment Regulations, 2014 (or applicable regulations) for any further extension of the validity period. Furthermore, the continuation of any development where the environmental authorisation has lapsed and where the continuation of the development, after the date the environmental authorisation has lapsed will meet the threshold of any activity or activities listed in the Listing Notices of 2014, will require environmental authorisation. The onus is however on the holder to confirm the legislative process requirements for the above scenarios at that time.

Note: Failure to lodge an application for amendment of an environmental authorisation well in advance to the expiry thereof, may result in the competent authority not being able to process the application for amendment in time; and in the lapsing of the environmental authorisation.

4. Condition 7.3 of the Environmental Authorisation has been amended based on the advice from the EAP as well as changes deemed necessary to ensure that the EMP will function within the current legislative framework.
5. 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.
6. All the information presented to the Department was taken into account in the Department's 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 (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 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 Jaap de Villiers (Tel: 021 483 3721)
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 Jaap.DeVilliers@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 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 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: 26/08/2016

CC: (1) Mr Steve Kleinhans (EAP)
(2) Mr Harold Basson (George Municipality: Civil Engineering Services)
(3) Mr Clinton Peterson (George Municipality: Planning)

FOR OFFICIAL USE ONLY:	
EIA REFERENCE:	EG12/2/4/1-D2/11/0010/11
NEAS REFERENCE:	WCP/EIA/0000235/2011
DATE OF ISSUE:	25 NOVEMBER 2011
LAST AMENDED:	ADDENDUM #1
ADDENDUM #1 EIA REFERENCE NUMBER:	16/3/3/5/D2/19/0005/16
NEAS REFERENCE NUMBER:	WCP/EIA/AMEND/0000105/2016
HOLDER OF ENVIRONMENTAL AUTHORISATION:	Groenkloof Developments (Pty) Ltd
LOCATION OF ACTIVITY:	PORTION 3 OF THE FARM KRAAIBOSCH NO. 195, GEORGE