



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Land Management  
(Region 3)

**REFERENCE:** 16/3/1/5/D1/14/0017/13

**ENQUIRIES:** Shireen Pullen

**DATE OF ISSUE:** 2013 -11- 12

The Director  
Kingfisher Homes 5 (Pty) Ltd  
Postnet Suite 200  
Private Bag X335  
**CAPE TOWN**  
**8000**

**Attention:** Mr. M. Ryan

Tel: 021 418 5234

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**APPLICATION FOR AMENDMENT OF THE ENVIRONMENTAL AUTHORIZATION ("EA")  
ISSUED ON 23 AUGUST 2010 FOR THE PROPOSED COMMERCIAL AND TOWNSHIP  
DEVELOPMENT ON FARM LADYWOOD NO. 438, PORTION 1, 2 AND 3, PLETTENBERG BAY**

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, 2010 ("NEMA EIA Regulations) the competent authority herewith grants the amendment of the Environmental Authorisation issued on 23 August 2010, Reference Number: EG12/2/3/1-D1/14-0005/10, find below the Environmental Authorisation in respect of this application.

**ENVIRONMENTAL AUTHORISATION**

**A. DECISION**

1. By virtue of the powers conferred on it in terms of Regulation 42 of the Environmental Impact Assessment Regulations, 2010, the Department has decided to amend the Environmental Authorisation issued on 23 August 2010, Reference Number: EG12/2/3/1-D1/14-0005/10 as follows –

- 1.1 Condition 19 of the Environmental Authorisation issued on 23 August 2010, Reference Number: EG12/2/3/1-D1/14-0005/10 must read as follows:

"This activity must commence within a period of **7 years** from the issue of this EA. If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken."

1.2 All the conditions contained in the Environmental Authorisation issued on 23 August 2010 still remain 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 application is for the amendment of the validity period of the Environmental Authorisation issued on 23 August 2010 and is therefore deemed to be a non-substantial amendment to the environmental authorisation.
3. The environment and the rights and interests of other parties are not likely to be adversely affected by the decision to amend the validity period of the environmental authorisation.
4. The application to amend the authorisation will not result in any significant changes to the receiving environment and the anticipated impacts will remain the same, as determined for the previous authorisation.
5. The applicant motivates that due to financial difficulties, he could not commence with the project.
6. He further submits that, should this amendment not be granted, the environmental authorisation will lapse and Plettenberg Bay could possibly lose a development opportunity in a much needed and quiet economy.
7. The change of ownership will be dealt with in a separate application.
8. All information presented to the Department was taken into account in the Department's consideration of the application.

In view of the above, this Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation issued on 23 August 2010, Reference Number: EG12/2/3/1-D1/14-0005/10, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels.

#### **C. CONDITIONS**

1. The applicant must, in writing, within **12 (twelve)** calendar days from the date of the Department's decision –
  - 1.1 notify all registered interested and affected parties 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 to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section D below;
  - 1.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision, and
  - 1.4 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 –
    - 1.4.1 informs all interested and affected parties of the decision;

- 1.4.2 informs all interested and affected parties where the decision can be accessed; and
  - 1.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
2. One week's written notice must be given to the Directorate: Land Management (Region 3), before continuation of construction activities. The said notice must also include proof of compliance with Condition 1 described in Section C of this Addendum to the Environmental Authorisation.

#### **D. APPEALS:**

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment 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;
  - 1.2. 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; and
  - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
    - 1.3.1. a copy of the notice of intention to appeal form; and
    - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and 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.
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  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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](mailto: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 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. KOBUS MUNRO**  
**DIRECTOR: LAND MANAGEMENT (REGION 3)**

DATE OF DECISION: 11.11.2013