



REFERENCE: 14/3/1/1/D5/18/0446/20

The Municipal Manager
Hessequa Municipality
PO Box 29
RIVERSDALE
6670

Attention: Mr Johan Jacobs

Cell: 028 713 8000
email: mm@hessequa.gov.za

Dear Mr Jacobs

APPLICATION FOR THE AMENDMENT OF THE APPEAL ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED STILL BAY ARTERIAL ROAD, STILL BAY

1. In terms of your Application for the Amendment of the Appeal Environmental Authorisation ("EA"), find below the Amended Appeal EA.
2. **EMPOWERING PROVISIONS IN TERMS OF THE APPLICABLE LEGISLATION:**
 - 2.1. In terms of Sub-regulation 27(2) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") *Environmental Impact Assessment ("EIA") Regulations, 2014* states that "[w]here the competent authority decides to amend an environmental authorisation, the competent authority must—
 - a) *issue an amendment to the environmental authorisation either by way of a new environmental authorisation or new environmental authorisations or an addendum to the relevant environmental authorisation; or*
 - b) *replace an existing valid environmental authorisation with an environmental authorisation contemplated in this regulation, indicating the extent of replacement in the environmental authorisation, if the existing environmental authorisation is directly related to the amendment required."*
3. **DECISION**

By virtue of the powers conferred on me by the NEMA and the EIA Regulations (Government Notice No. R. 326 in Government Gazette No. 40772 of 7 April 2017), I have decided to amend the appeal decision issued on 30 October 2015 as follows:

 - 3.1. **Section E: Condition 1 of the Appeal EA**

"1. This Amended Appeal Environmental Authorisation is valid for a period of five years from the expiry date of this Amended Appeal Environmental Authorisation. The holder must commence with all the listed activities within the said period or this Environmental Authorisation lapses and a new application for an Environmental

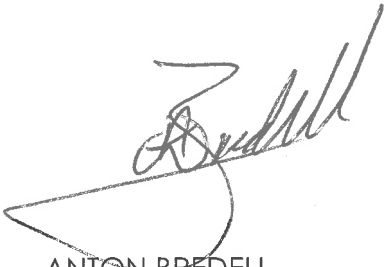
Authorisation must be submitted to the competent authority in terms of the applicable Environmental Impact Assessment Regulations."

4. REASONS FOR THE DECISION

- 4.1. The necessary expropriation and/or landowner agreements have not yet been finalised for portions where private land is affected. This must follow the process in terms of the Hessequa Municipality's requirement.
- 4.2. The detailed design for the road has not been finalised.
- 4.3. the Water Use License authorisation is still outstanding.
- 4.4. The proposed amendments will not change the scope of the valid EA nor increase the level or nature of the impact, which was initially assessed and considered when application was made for the original authorisation.
- 4.5. The proposed amendment will thus not adversely affect the environment and the rights and interest of the other parties, as the amendment only relates to the change in the validity period of the EA for the currently authorised site.
- 4.6. No new activities are triggered by the proposed amendment in terms of the EIA Regulations, 2014 (Government Notices No. R. 983, R. 984 and R. 985 of 4 December 2014) promulgated in terms of the NEMA.

Your interest in the future of our environment is appreciated.

Yours faithfully,



**ANTON-BREDELL
WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 22/6/2020

Copied to:
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