



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**APPLICATION FOR AMENDMENT  
of an Environmental Authorisation or Environmental Management Programme in  
terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998)  
and the 2014 NEMA Environmental Impact Assessment Regulations**

**Form Number AA12/2014**

**December 2014**

(For official use only)	
EIA/WML/AEL Reference Number:	
EIA/WML/AEL NEAS Reference Number:	
Exemption Reference Number:	
Exemption NEAS Reference Number:	
Date Received by Department:	
Date Received by Component:	
Application fee amount:	
Specific Fee Reference Number:	
Application fee paid on:	

**PROJECT TITLE**

Amendment to Arabella Country Estate Phase 2 on Portion 1 and Remainder of Portion 3 of Caledon Farm No. 542, Hermanus River, Kleinmond, Western Cape

**Note the following:**

1. The content of the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations (dated 9 December 2014) must be taken into account when completing this Application Form.
2. This form must always be used for applications for amendment of an Environmental Authorisation or Environmental Management Programme where this Department is the competent authority.
3. This form is current as of **December 2014**. It is the responsibility of the Applicant / Environmental Assessment Practitioner ("EAP") to ascertain whether subsequent versions of the form have been released by the Department.
4. An application fee is applicable (refer to note 12 below as well as section 1 on page 3).
5. Only the holder of an Environmental Authorisation may apply for an amendment to the Environmental Authorisation in question.
6. An Environmental Authorisation can only be amended if the Environmental Authorisation in question is **still in force/is still valid**. A holder intending to apply for an application for amendment should therefore submit an application for amendment **at least 3 months prior to the expiry of the validity period of an Environmental Authorisation**. Failure to submit an application for amendment of an Environmental Authorisation at least 3 months prior to expiry may result in the competent authority not being able to process the application for amendment in time and thus resulting in the lapsing of the Environmental Authorisation.
7. A copy of the Environmental Authorisation and /or approved Environmental Management Programme (EMPr) which is the subject of the amendment application must be submitted together with this form.
8. If, in addition to this application, an application for a variation/transfer/renewal of a Waste Management Licence in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) ("the Waste Act") and/or a variation/transfer/renewal of an Atmospheric Emission Licence in terms of the National Environmental: Air Quality Act, 2004 (Act No. 39 of 2004) ("NEM:AQA") must also be submitted, then separate application forms in terms of the applicable legislation must be completed and submitted simultaneously to the relevant authorities, but a single assessment process must be undertaken. Copies of such applications must be attached to this Application Form.
9. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The tables may be expanded where necessary.
10. The use of "not applicable" in the form must be done with circumspection. Incomplete applications or applications that do not meet the requirements in terms of Regulation 16 of the 2014 NEMA EIA Regulations must be **resubmitted**.
11. Unless protected by law all information contained in, and attached to this application, will become public information on receipt by the Department. Upon request, the applicant/EAP must provide any interested and affected party with the information contained in or submitted with the application form.
12. An application for amendment lapses if the applicant fails to meet any of the timeframes prescribed in terms of the 2014 EIA Regulations. If authorisation is required from a number of different authorities, the authorities might also require that an integrated process be followed. As such, it is recommended that:
  - a) the proponent and EAP approach the Department prior to submission of the application for guidance on the process to be followed – in this regard it must be noted that the Department has developed a **Notice of Intent** form to be submitted to the Department to allow for informed guidance by the Department but also for determination of the application fee and the provision of a specific fee reference number;
  - b) the notice of the intended application for environmental authorisation to potential interested and affected parties in terms of Regulation 41 of the 2014 NEMA EIA Regulations be given prior to submission of the application together with the notice that the draft Basic Assessment Report/Scoping Report is available for a commenting period of at least 30 days;
  - c) if the intention is to also apply for exemption in terms of the National Exemption Regulations, the notice in terms of the intended application for exemption to the potential interested and affected parties in terms of Regulation 41 of the 2014 NEMA EIA Regulations be given prior to submission of the exemption application together with the notice indicated in "b)" above; and
  - d) if the intention is to also apply for exemption in terms of the National Exemption Regulations, the exemption application be submitted either prior to or together with the application for environmental authorisation.
13. This form must be submitted to the Department at the details provided below. **If the application for amendment to the EMPr relates to a Waste Management Licence, this form must also be submitted for the attention of the Director: Waste Management (tel: 021 483 2756 and fax: 021 483 4425) at the same postal address as the Cape Town Office. If the application for amendment to the EMPr relates to an Atmospheric Emission Licence, this form must also be submitted for the attention of the Director: Air Quality Management (tel: 021 483 2798 and fax: 021 483 3254) at the same postal address as the Cape Town Office.**

**DEPARTMENTAL DETAILS**

CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)	CAPE TOWN OFFICE: MINISTRY
Applications, requests for specific fee reference numbers and queries must be sent to the following details: Department of Environmental Affairs and Development Planning  Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000 Tel: (021) 483-5829 Fax (021) 483-4372  Registry Office 1 <sup>st</sup> Floor Utilitas Building 1 Dorp Street, Cape Town	Applications, requests for specific fee reference numbers and queries must be sent to the following details:  Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 2) Private Bag X 9086 Cape Town, 8000 Tel: (021) 483-5842 Fax (021) 483-3633  Registry Office 1 <sup>st</sup> Floor Utilitas Building 1 Dorp Street, Cape Town	Applications, requests for specific fee reference numbers and queries must be sent to the following details:  Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530 Tel: (044) 805-8600 Fax (044) 874-2423  Registry Office 4 <sup>th</sup> Floor, York Park Building 93 York Street, George	<b>MINISTRY OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING</b> Attention: Ministry Private Bag X 9186 Cape Town, 8000  <b>Queries should be directed to : Mr Jaap de Villiers –</b>  Tel: (021) 483 3721 Fax: (021) 483 4174 e-mail: <a href="mailto:jaap.deVilliers@westerncape.gov.za">jaap.deVilliers@westerncape.gov.za</a>

## 1. FEES

If the relevant application fee was already confirmed with the Department and a specific fee reference number obtained following the submission of a **Notice of Intent** to the Department, then all that is still required is:

- for the Specific Fee Reference number to be provided:

**APPEAL-Amend-EIA-O-A7**

- to confirm the fee paid:

**R 2,000.00 paid on 30 April 2019**

and

- for the proof of payment to be attached to this application form. **Proof of payment attached as Appendix A.**

If the relevant application fee was not already confirmed with the Department and a specific fee reference number not yet obtained:

- A proponent must pay a fee for the processing of environmental impact assessment applications as set out in the Fee Regulations<sup>1</sup> published in terms of sections 24(5) and 44(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998). A fee of **R2 000** is applicable to an application for amendment of environmental authorisation applications and the transfer and the renewal of a waste management licence.
- An applicant is excluded from having to pay the application fee if:
  - The activity is a community based project funded by a government grant; or
  - The applicant is an organ of State.
- Where an applicant is **not required** to pay a fee, the applicant must inform the Department in writing by attaching proof thereof and a motivation to the application form.

### Department of Environmental Affairs and Development Planning banking details:

Bank:	Nedbank
Branch Code:	145209
Account Number:	145 204 5003
Type of Account:	Current Account
Status:	Tax exempted

- **NB: Your specific fee reference number MUST be used as a deposit reference when making a payment.**
- You are required to complete the information in the ***Request for a specific fee reference number*** form attached to this application form as Appendix 1 and submit the form to the Department as directed. This must be done prior to completing the rest of the application form in order to obtain the specific fee reference number required for the payment of the application fees. Once a specific fee reference number has been obtained from the Department, it must be inserted into the application form and proof of payment attached when the application form is submitted to the Department. An application may not be submitted without the specific fee reference number and proof of payment. The Department will respond to a request for a specific fee reference number in writing.
- If there is uncertainty as to the application process that must be followed the Department should be approached for guidance prior to submission of the application.
- In the event that any **refunding of fees paid is required**, the "BAS Entity Maintenance" form must be completed, which can be obtained from the Department. Any refund must first be confirmed with the Department.
- Please refer to the national guideline *Guidance Document on the Fee Regulations* (April 2014), obtainable from <http://www.environment.gov.za/legislation/guidelines> for more information.

<sup>1</sup> Government Notice No. 141 published in Government Gazette No. 37383 on 28 February 2014 refers.

## 2. BACKGROUND INFORMATION

Highlight the Departmental Region in which the application falls	CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)
<b>Duplicate this section where there is more than one applicant</b>	<b>HPF Properties (Pty) Ltd</b>		
Name of applicant:	N/A		
RSA Identity/ Passport Number:	N/A		
Name of contact person for applicant (if other):	Mr Keith Graham Randall		
RSA Identity/ Passport Number:	630627 5094 089		
Company/ Trading name (if any):	N/A		
Company Registration Number:	2005/020743/07		
Postal address:	P O Box 522195, Saxonwold		
		Postal code: 2196	
Telephone:	011 994 6300	Cell: 083 625 2283	
E-mail:	keithr@hpf.co.za / info@hpf.co.za	Fax: 011 994 6329	
SPECIFIC FEE REFERENCE NUMBER:	APPEAL-Amend-EIA-O-A7		
Company of Environmental Assessment Practitioner (EAP):	EnviroAfrica CC		
EAP name:	Vivienne Thomson		
Postal address:	P O Box 5367, Helderberg		
		Postal code: 7135	
Telephone:	(021) 851 1616	Cell: 082 464 2874 /082 448 9991	
E-mail:	vivienne@enviroafrica.co.za	Fax: 086 512 0154	
EAP Qualifications:	See Appendix B, attached		
EAP Registrations/Associations:	International Association for Impact Assessment Membership Number: 214 (EnviroAfrica Owner, Bernard De Witt)		
Name of landowner:	HPF Properties (Pty) Ltd		
Name of contact person for landowner (if other):	Mr Keith Graham Randall		
Postal address:	P O Box 522195, Saxonwold		
		Postal Code: 2196	
Telephone:	011 994 6300	Cell: 083 625 2283	
Name of Person in control of the land:	Mr Keith Graham Randall		
Name of contact person for person in control of the land:	Mr Keith Graham Randall		
Postal address:	P O Box 522195, Saxonwold		
		Postal code: 2196	
Telephone:	011 994 6300	Cell: 083 625 2283	
E-mail:	keithr@hpf.co.za / info@hpf.co.za	Fax: 011 994 6329	

**Note:** In instances where there is more than one landowner, please attach a list of landowners, with their contact details, to the back of this form.

Municipality in whose area of jurisdiction the proposed activity will fall:	Overstrand Local Municipality		
Contact person:	Mr Riaan Kuchar		
Postal address:	P O Box 20, Hermanus		
		Postal code: 7200	
Telephone:	028 313 8087	Cell: 082 9284 191	
E-mail:	townplan@hermanus.org.za	Fax: 028 312 1894	

**Note:** In instances where there is more than one Municipality involved, please attach a list of Municipalities, with their



respective contact details, to the back of this form.

Property location of all proposed sites:	<b>Arabella Country Estate Phase 2 lies approximately 8km east of Kleinmond and 11 km south of the Bot River and is bisected by the R 44 (Main Road) linking these towns. The Estate lies on the north-western shore of the Bot River Vlei.</b>		
Farm/Erf name(s) & number(s) (including portion) of all proposed sites:	<b>The Estate is located on Portion 1 and remainder of Portion 3 of Hermanus River Farm No. 542</b>		
Property size(s) (m <sup>2</sup> ) of all proposed sites:	<b>4274086m<sup>2</sup> (approximately 427.41ha)</b>		
Development footprint size(s) in m <sup>2</sup> :	<b>Approximately 860000m<sup>2</sup> (86ha)</b>		
SG Digit code(s) of all proposed sites:	<b>C01300000000054200001 and C01300000000054200003</b>		
Coordinates of all proposed sites:			
Latitude (S)	<b>34°</b>	<b>18'</b>	<b>25"</b>
Longitude (E)	<b>19°</b>	<b>07'</b>	<b>32"</b>

**Note:** Coordinates must be provided in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system. Where numerous properties/sites are involved (e.g. linear activities), you may attach a list of property descriptions and street addresses to this form.

Street address of all proposed sites:	<b>Off the R44 (Main Road) between the towns of Kleinmond and Bot River</b>		
Magisterial District or Town:	<b>Caledon Magisterial District</b>		
Closest City/Town:	<b>Kleinmond</b>	Distance	<b>8km</b>
Current zoning of all proposed sites:	<b>Residential Zone II (development footprint) and Open Space III (remainder of property - private nature reserve and conservation area).</b>		

**Note:** In instances where more than one zoning is applicable, attach a list or map of the properties that indicates their respective zoning to this form.

**Refer to Appendix C, attached.**

**It should be noted that an application to extend the validity of the existing Land Use Approval was made in September 2018.**

Is a rezoning application required?	YES	<b>NO ✓</b>
Is a consent use application required?	YES	<b>NO ✓</b>
Locality map:	<p>A locality map must be attached to the application form, as an Appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:</p> <ul style="list-style-type: none"> <li>• an accurate indication of the project site position as well as the positions of the alternative sites, if any;</li> <li>• road names or numbers of all the major roads as well as the roads that provide access to the site(s)</li> <li>• a north arrow;</li> <li>• a legend;</li> <li>• the prevailing wind direction; and</li> <li>• GPS co-ordinates (Indicate the position of the proposed activity with the latitude and longitude at the centre point for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should be to at least three decimal places. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)</li> </ul> <p><b>Refer to Appendix D, attached.</b></p>	
Landowner(s) Consent:	<p>If the applicant is not the owner or person in control of the land on which the activity is proposed to be undertaken, and the proposed amendment will impact on the activity undertaken/to be undertaken on the land or if the amendment relates to the transfer of rights and obligations, he/she must obtain written consent from all landowners or persons in control of the land (of the site and all alternative sites). This must be attached to this document as Appendix 2.</p> <p><b>Applicant is the owner and this application is non-substantive.</b></p> <p><b>Note:</b> The consent of the landowner or person in control of the land is not required for: a) linear activities; b) an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource; or c) strategic integrated projects ("SIPs") as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014).</p>	

Project Plan (e.g. Gantt chart)	<p>A project schedule must be submitted as an Appendix, and must include milestones for:</p> <ul style="list-style-type: none"> <li>• public participation (dates for advertisements, workshops and other meetings, obtaining comment from organs of state including state departments);</li> <li>• the commencement of parallel application processes required in terms of other statutes and where relevant, the alignment of these application processes with the EIA process;</li> <li>• the submission of the key documents (e.g. Basic Assessment Report, Scoping Reports, EIA Reports and Environmental Management Programmes).</li> </ul> <p><b>Note:</b> All the above dates must take into account the statutory timeframes for authority responses that are stipulated in the 2014 NEMA EIA Regulations. Possible appeals may impact on project timeframes/milestones. Regulation 45 states that "An application in terms of these Regulations lapses, and a competent authority will deem the application as having lapsed, if the applicant fails to meet any of the time-frames prescribed in terms of these Regulations, unless extension has been granted in terms of regulation 3(7)." It is recommended that the Department be approached for guidance on the process to be followed, prior to submitting an application.</p> <p><b>Application is non-substantive, merely to request an extension in the validity period of the environmental authorisation and to update the Applicant's contact details (i.e. contact person and telephone numbers).</b></p> <p><b>Refer to Appendix E, attached.</b></p>
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### 3. DETAILS OF THE ENVIRONMENTAL AUTHORISATION/EMPr TO BE AMENDED

3.1. Is the Environmental Authorisation/Environmental Management Programme still in force/still valid?	<b>YES ✓</b>	NO
3.2. If yes, until when is the Environmental Authorisation/EMPr valid/when does the Environmental Authorisation/EMPr expire?	<b>The Environmental Authorisation/EMPr is valid until 01 March 2020 (5 years from date of issue).</b>	
3.3. Who is the holder of the Environmental Authorisation?	<b>HPF Properties (Pty) Ltd</b>	
3.4. When was the EMPr approved?	<b>02 March 2015</b>	

**Note:** A copy of the Environmental Authorisation/EMPr must be attached to this form.

**Refer to Appendix F (Environmental Authorisation with first page of original Application Form) and Appendix G (EMPr), attached.**

### 4. AMENDMENT APPLIED FOR

4.1. Describe the amendment(s) that are being applied for:
<p><b>The proposed non-substantive amendment is to request:-</b></p> <p><b>i. an extension in the validity period of the existing environmental authorisation (EA) which expires on 01 March 2020 for an additional 5 years and</b></p> <p><b>ii. to update the Applicant's contact details (i.e. contact person and telephone numbers).</b></p>
4.2. Provide a concise motivation for the application for amendment:
<p><b>An amendment to the validity period of environmental authorisation M3/6/5 dated 02 March 2015 (EA) is requested since:</b></p> <p><b>i. none of the listed activities as detailed in the above authorisation have commenced. This is due to the weak economic climate over the last four to five years, necessitating more time for the Applicant to ensure the feasibility of the proposed development, as well as to address the items detailed in (Appendix E – Environmental Authorisation (EA) Action Plan Related to Pre-Construction</b></p>

**Compliance and EA Extension Application).** It expected that the development will be viable as the macro economic environment improves.

ii. the Applicant, HPF Properties (Pty) Ltd, has been making noted progress towards ensuring that the fifteen (15) pre-construction environmental conditions and one (1) post-construction environmental condition, are met. Several of the EA conditions required interactions with third parties, specialist assessments and the drawing up, review and revision of various documents. Progress towards compliance with pre-construction conditions are concisely detailed in Appendix E – Environmental Authorisation (EA) Action Plan Related to Pre-Construction Compliance and EA Extension Application.

Appendix E indicates the five (6) pre-construction conditions which have already been fully complied with and the remaining nine (9) pre-construction conditions which are *en route* towards compliance. Note that no EA condition has been neglected in terms of moving towards compliance.

iii. details of the EA holder's/Applicant's contact person have changed

From the motivation above and the detailed indication of due diligence on the part of the Applicant (as per Appendix E, attached), it is requested that this non-substantive application for a 5 to 10 year extension of the environmental authorisation's validity period be considered favourably.

## 5. NON-SUBSTANTIVE OR SUBSTANTIVE AMENDMENT?

Is the proposed application for a non-substantive or a substantive amendment?	Non-substantive ✓	Substantive
5.1. Will the proposed amendment change the scope of the Environmental Authorisation?	YES	NO ✓
5.2. Will the proposed amendment increase the level or nature of the impacts, which impacts was assessed and considered when the initial application for Environmental Authorisation was made.	YES	NO ✓
5.3. Does the proposed amendment relate to a proposed change of ownership or transfer or rights and obligations?  <b>Note:</b> If yes, a letter by the person to whom the rights and obligations are to be transferred, must submitted with this form indicating that the person: (a) accepts the rights and obligations contained in the Environmental Authorisation and (b) has the ability to implement the mitigation and management measures and to comply with the conditions of the Environmental Authorisation.	YES	NO ✓
5.4. Does the proposed change, on its own, constitute a listed activity?	YES	NO ✓

## 6. IMPACTS ASSOCIATED WITH THE PROPOSED AMENDMENT

For **substantive amendments**, a report on an assessment of all impacts related to the proposed change (including the advantages and disadvantages associated with the proposed change) and measures to ensure avoidance, management and mitigation of impacts associated with such proposed change; and any proposed changes to the EMPr (including an amended EMPr with the proposed changes effected) must be submitted to the Department:

- within 90 days of receipt of the application by the Department, which report has been subjected to a public participation process which must be agreed to with the Department; or
- within 140 days of receipt of the application by the Department, as significant changes have been made or significant new information has been added to the report, which changes or information was not contained in the report consulted on during the initial public participation process which was agreed to with the Department and undertaken as part of the amendment application and that the revised report will be subjected to another public participation process of at least 30 days.

6.1. Describe the proposed assessments that will be undertaken to inform the application for the substantive amendment:

**N/A - This is a non-substantive amendment application**

For **non-substantive amendments**, answer the questions below:

6.2. Explain why the proposed amendment will not change the scope of the Environmental Authorisation:

**The proposed amendment is merely to request an extension in the validity period of the environmental authorization and to update the Applicant's contact details (i.e. contact person and telephone numbers).**

**No change to any physical development details, activities, footprint or conditions, as captured within the existing environmental authorisation, is required with this application.**

**No change to any mitigation measures or environmental management details, as captured within the existing environmental management programme for the proposed development, is required with this application.**

6.3. Explain why the proposed amendment will not increase the level or nature of the impacts, which impacts was assessed and considered when the initial application for Environmental Authorisation was made:

**The proposed amendment is merely to change the validity period of the environmental authorization and to update the Applicant's contact details.**

**No change to any physical development details, activities, footprint or conditions, as captured within the existing environmental authorisation, is required with this application.**

**No change to any mitigation measures or environmental management details, as captured within the existing environmental management programme for the proposed development, is required with this application.**



## 7. PROPOSED PUBLIC PARTICIPATION PROCESS

For **substantive amendments**, the proposed change must be brought to the attention of potential and registered interested and affected parties, including organs of State which have jurisdiction in respect of any aspect of the relevant activity, and the interested and affected parties must be given a minimum period of 30 days to comment on the report on the assessments of the impacts, the proposed mitigation measures and proposed changes to the EMPr. The public participation process to be followed must be agreed to by the Department prior to undertaking the public participation.

7.1. Describe the proposed method of bringing the proposed change to the attention of the potential and registered interested and affected parties:
<b>N/A - This s a non-substantive amendment application.</b>
7.2. Describe the proposed process to provide the interested and affected parties with an opportunity to comment on the report:
<b>N/A - This s a non-substantive amendment application.</b>

## 8. APPLICATIONS IN TERMS OF OTHER LEGISLATION

Are there any amendments to or approvals of permissions, licenses or other approvals required in terms of any other legislation?	<b>YES</b> ✓	NO
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If yes, please complete the table below:

Type of amendment or approval required. (List the applicable legislation & amendment or approval required)	Name of the Competent authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)
<b>Overstrand By-Law on Municipal Land Use Planning, 2015, Section 16 (2)(i)&amp;(k)</b>	<b>Overstrand Local Municipality</b>	<b>Yes</b>	<b>Pending</b>

## 9. DECLARATIONS

### 9.1 THE APPLICANT

**Note:** Duplicate this declaration where there is more than one applicant.

I, KETH RANDALL, in my <sup>representative</sup> ~~personal~~ capacity ~~or~~ duly authorized thereto hereby declare/affirm all the information submitted or to be submitted as part of the application is true and correct, and that I:

- am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations ("EIA Regulations") in terms of NEMA (Government Notice No. R. 982 refers) and any relevant specific environmental management act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- appointed the environmental assessment practitioner, where applicable, which meets all the requirements in terms of regulation 13 of GN No. R 982 to act as independent environmental assessment practitioner for this application;
- will provide the environmental assessment practitioner and specialist, where applicable, and the competent authority with access to all information at my disposal that is relevant to the application;
- will be responsible for the costs incurred in complying with the NEMA EIA Regulations, 2014 and other environmental legislation including but not limited to –
  - costs incurred in connection with the appointment of the environmental assessment practitioner or any person contracted by the environmental assessment practitioner;
  - costs incurred in respect of the undertaking of any process required in terms of the regulations;
  - costs in respect of any fee prescribed by the Minister or MEC in respect of the regulations;
  - costs in respect of specialist reviews, if the competent authority decides to recover costs; and
  - the provision of security to ensure compliance with applicable management and mitigation measures;
- am responsible for complying with conditions that may be attached to any decision(s) issued by the competent authority;
- will ensure that the environmental assessment practitioner is competent to comply with the requirements of NEMA EIA Regulations, 2014 other environmental legislation;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which the applicant or environmental assessment practitioner is responsible in terms of the NEMA EIA Regulations, 2014 and any specific environmental management act; and
- will not hold the competent authority responsible for any costs that may be incurred by the applicant in proceeding with an activity prior to an appeal being decided in terms of the NEMA Regulations, 2014.

**Note:** If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the applicant:

Name of company:

Date:

## **SPECIAL POWER OF ATTORNEY**

I, the undersigned **MARA RAQUEL DOS SANTOS DE LIMA**, in my capacity as **DIRECTOR** of, and duly authorised by **HPF PROPERTIES (PROPRIETARY) LIMITED**, (Registration No. 2005/020743/07) ("**the Company**") the registered owner of **PORTION 1 OF THE FARM HERMANUS RIVER NO 542, DIVISION CALEDON AND REMAINDER PORTION 3 (PORTION OF PORTION 2) OF THE FARM HERMANUS RIVER NO 542, DIVISION CALEDON** known as **Arabella Phase 2** do hereby nominate, constitute and appoint:

**KEITH GRAHAM RANDALL, with IDENTITY NUMBER 630627 5094 089**

with power of substitution to be our lawful Agent in our name, place and stead.

**To:**

1. Prepare, submit and finalise the relevant applications in terms of the **ARABELLA PHASE II – Application for Amendment of an Environmental Authorisation or Environmental Management Programme** in terms of the **National Environmental Management Act, 1998 (Act No. 107 of 1998)** and the **2014 NEMA Environmental Impact Assessment Regulations**, and
2. Sign all relevant documents and attend to all matters arising from or relating to the application as anticipated in 1. above,

and generally for effecting the purpose aforesaid, to do or cause to be done whatsoever shall be requisite as fully and effectually, for all intents and purposes, as I might or could do if personally present and acting herein. Hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever our said Agent shall lawfully do, or cause to be done, by virtue of these presents.

Signed at **ROSEBANK** on this 7<sup>th</sup> day of **May 2019** in the presence of the undersigned Witnesses.



**MARA RAQUEL DOS SANTOS DE LIMA**

**AS WITNESSES:**

1.



2.



## 9.2 THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) (WHERE APPLICABLE)

I VIVIENNE THOMSON, as the appointed environmental assessment practitioner ("EAP") hereby declare/affirm the correctness of the information provided or to be provided as part of the application, and that I:

- in terms of the general requirement to be independent:
  - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
  - am not independent, but another EAP that meets the general requirements set out in Regulation 13 have been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- in terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- have disclosed/will disclose, to the applicant, the specialist (if any), the Department and interested and affected parties, all material information that have or may have the potential to influence the decision of the Department or the objectivity of any report, plan or document prepared or to be prepared as part of the application;
- have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to interested and affected parties and the public and that participation by interested and affected parties was/will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Department in respect of the application;
- have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- have kept/will keep a register of all interested and affected parties that participate/d in the public participation process; and
- am aware that a false declaration is an offence in terms of regulation 48 of the 2014 NEMA EIA Regulations.

**Note:** The terms of reference of the EAP must be attached.



Signature of the environmental assessment practitioner:

ENVIROAFRICA CC

Name of company:

07 MAY 2019

Date:

# APPENDICES

Appendix A	-	Proof of Payment for Amendment Application
Appendix B	-	Environmental Assessment Practitioner (EAP) Qualifications
Appendix C	-	Land Use Zoning Map
Appendix D	-	Locality Maps
Appendix E	-	Environmental Authorisation Compliance and Amendment Application Action Plan
Appendix F	-	Environmental Authorisation (full) and Original Application Form (page 1)
Appendix G	-	Environmental Management Programme/Plan (EMPr)