

**REFERENCE:** 16/3/3/5/F5/16/2036/20  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000473/2020  
**ENQUIRIES:** Ms. Saa-rah Adams  
**DATE OF ISSUE:** 18 SEPTEMBER 2020

### ENVIRONMENTAL AUTHORISATION

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 24 JUNE 2005 (REFERENCE NO: E12/2/1-68-ERF 327 & FARM 696 MALMESBURY) FOR THE UPGRADE OF THE MALMESBURY MUNICIPAL GOLF COURSE TO CONSTRUCT THE MOUNT ROYAL GOLF AND COUNTRY ESTATE ON ERF NO. 327 AND THE REMAINDER OF THE FARM TWEEFONTEIN NO. 696, MALMESBURY.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 24 June 2005 (Reference No: E12/2/1-68-ERF 327 & FARM 696 MALMESBURY), in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The amended EA is amended as set out below:

Condition 17 of the EA issued on 24 June 2005 (Reference No: E12/2/1-68-ERF 327 & FARM 696 MALMESBURY), states:

*"The applicant must ensure that an environmental audit be undertaken every six months during the construction phase of the development, and submit the audit report to the HOA and Swartland Municipality for comment. Thereafter the audit reports (including comments) must be submitted to this Directorate for acceptance. Where relevant, this Directorate will issue instructions to the applicant to undertake corrective action based on the audit findings:"*

Condition 17 **is amended to read as follows:**

*"17. The holder must, for the period during which the Environmental Authorisation and EMP remain valid -*

- 17.1 conduct an environmental audit every 6 months, when construction activities are underway;*
- 17.2 conduct an environmental audit every 24 months, when no construction activities are underway; and*
- 17.3 the audit report must be submitted to the HOA and the Swartland Municipality for comment. Thereafter, the audit reports (including comments) must be submitted to this Directorate."*

## **B. REASONS FOR THE DECISION**

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

1. The amendment applied for is in terms of Part 1 of the EIA Regulations, 2014 (as amended) and will not change the scope of the EA issued on 24 June 2005 (Reference No: E12/2/1-68-ERF 327 & FARM 696 MALMESBURY).
2. The amendment applied for is to allow for the submission of environmental audit reports every 24 months, instead of every 6 months while no construction is underway. Construction activities have ceased on site and the construction of phases 2-4 are yet to commence. The holder has therefore requested that environmental audits be conducted every 24 months, until construction commences. Once construction re-commences on site, environmental audits will be submitted every 6 months.
3. The original EA is still valid and the authorised listed activities are similarly listed in terms of the EIA Regulations, 2014 (as amended) as follows:

Listing Notice 1 of the EIA Regulations, 2014 (as amended)

Activity 28

*Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:*

- (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or*
- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare;*

*excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.*

4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the EA.
5. All other conditions contained in the EA issued on issued on 24 June 2005(Attached as Annexure A), remain unchanged and in force.

## **C. CONDITIONS**

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this 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 as included in Section B;
  - 1.1.3. the date of the decision; and
  - 1.1.4. the date when the decision was issued.
- 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 the National Appeal Regulations, 2014 (as amended) 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;
  - 1.4. provide the registered Interested and Affected Parties with:
    - 1.4.1. the name of the holder (entity) of this Environmental Authorisation;
    - 1.4.2. name of the responsible person for this Environmental Authorisation;
    - 1.4.3. postal address of the holder;
    - 1.4.4. telephonic and fax details of the holder;
    - 1.4.5. e-mail address, if any, of the holder; and
    - 1.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

## **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: Attention: Marius Venter  
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 Marius Venter (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

By e-mail: DEADP.Appeals@westerncape.gov.za

5. An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
6. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@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 EA 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. ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT REGION 1**

**DATE OF DECISION: 18 SEPTEMBER 2020**

CC: (1) Mr. C. Geyser (Enviro Africa)  
(2) Mr. J. Scholtz (Swartland Municipality)

E-mail: [clinton@enviroafrica.co.za](mailto:clinton@enviroafrica.co.za)  
E-mail: [swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

-----END-----

**ANNEXURE A:**  
**ENVIRONMENTAL AUTHORISATION ISSUED ON 24 JUNE 2005**