DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING
Provincial Government of the Western Cape

DIRECTORATE: LAND MANAGEMENT
REGION 2

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REFERENCE: E12/2/3/1-F4/19-0554/08
ENQUIRIES: Mr. R. Gerner
DATE OF ISSUE:

22 NOV 2010

The Director
West Point Processing (Pty) Ltd.
P.O. Box 15
St. Helena Bay
7390

For attention: Mr. Gerhard Wiese

Tel: (022) 736 1100
Fax: (022) 736 1282

Dear Sir

APPLICATION: THE PROPOSED UPGRADE OF WEST POINT PROCESSING (PTY) LTD. FISH PROCESSING PLANT ON PORTION 3 OF ERF 1097 IN ST. HELENA BAY, WESTERN PROVINCE.

With reference to your application, find below the Environmental Authorisation in respect of this application.

ENVIRONMENTAL AUTHORISATION

A. DESCRIPTION OF ACTIVITY:

The proposed development entails the upgrading of West Point Processing (Pty) Ltd. (WPP) fish processing plant in St. Helena Bay. WPP produces canned fish and fish meal from pelagic fish. The upgrade will involve the replacement of redundant equipment with new fish meal processing technology. The new equipment will consist of 4 cookers, 2 prestrain scrappers, 4 presses, stickwater tanks, conveyers, 4 indirect driers, 2 direct driers, extraction fan, seawater scrubber, chemical scrubber, and alarm systems. Fish oil and stickwater is also produced during the fish meal process.

The footprint of the existing fish processing plant is approximately 3815m² and will be expanded by 636m² with the proposed upgrade.

The proposed upgrade will result in a reduction in the air and odour emissions released from the fish processing plant and the facility will therefore operate more efficiently.

Vehicular access and bulk connector services to the property already exist.

These are activities identified in:

GN No. R. 386 of 21 April 2006, being:

Activity 1(i): *The construction of facilities or infrastructure, including associated structures or infrastructure, for aquaculture production, including mariculture and algae farms, with a production throughput of 10 000kg or more per year.*

Directorate: Land Management (Region 2)

Activity 1(k): *The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with –*

(i) an internal diameter of 0.36 metres or more; or
(ii) a peak throughput of 120 litres per second or more.

Activity 2: *Construction or earth moving activities in the sea or within 100 metres inland of the high-water mark of the sea, in respect of –*

(a) facilities for the storage of material and the maintenance of vessels;
(b) fixed or floating jetties and slipways;
(c) tidal pools;
(d) embankments;
(e) stabilising walls;
(f) buildings; or
(g) infrastructure.

Activity 6: The excavation, moving, moving, removal, depositing or compacting of soil, sand, rock or rubble covering an area exceeding 10 square metres in the sea or within a distance of 100 metres inland of the high-water mark of the sea;

GN No. R. 544 of 18 June 2010, being:

Activity 16: Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of –

(i) fixed or floating jetties and slipways;
(ii) tidal pools;
(iii) embankments;
(iv) rock revetments or stabilising structures including stabilising walls;
(v) buildings of 50 square metres or more; or
(vi) infrastructure covering 50 square metres or more –

but excluding

(a) if such construction or earth moving activities will occur behind a development setback line; or
(b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or arbour;
(c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(iv) above; or
(d) where such construction or earth moving activities is related to the construction of a port or harbour, in which case activity 24 of Notice 545 of 2010 applies.

Activity 18: The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from

(i) a watercourse;
(ii) the sea;
(iii) the seashore;
(iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater –

but excluding where such infilling, depositing, dredging, excavation, removal or moving

(i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
(ii) occurs behind the development setback line.

Activity 45: The expansion of facilities in the sea, an estuary, or within the littoral active or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for –

(i) fixed or floating jetties and slipways;
(ii) tidal pools;
(iii) embankments;
(iv) rock revetments or stabilising structures including stabilising walls;
(v) buildings by more than 50 square metres;
(vi) infrastructure by more than 50 square metres;
(vii) facilities associated with the arrival and departure of vessels and the handling of cargo;
(viii) piers;
(ix) inter- and sub-tidal structures for entrapment of sand;
(x) breakwater structures;
(xi) coastal marinas;
(xii) coastal harbours or ports;
(xiii) structures for draining parts of the sea or estuary;
(xiv) tunnels; or
(xv) underwater channels –

where such expansion will result in an increase in the development footprint of such facilities, but excluding where such expansion occurs:

(a) behind a development setback line; or
(b) within existing ports or harbours where there will be no increase in the development footprint or throughput capacity of the port or harbour.

Hereinafter referred to as "the activity".

B. LOCATION:

The proposed activity will be located on portion 3 of Erf 1097 in St. Helena Bay.

Co-ordinates: 32° 46' 36.11" South
18° 03' 00.14" East

Hereinafter referred to as "the site/property".

C. APPLICANT:

West Point Processing (Pty) Ltd.
c/o Mr Gerhard Wiese
P.O. Box 15
St. Helena Bay
7390

Tel: (022) 736 1100
Fax: (022) 736 1282

D. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP):

PHS Consulting
c/o Mr Paul Slabbert
P.O. Box 1752
HERMANUS
7200

Tel: (028) 312 1734
Fax: (086) 508 3249

E. SITE VISIT(S):

Officials of the Department conducted a site visit to the subject property on 02 June 2010.

F. DECISION:

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be authorised to undertake the activity specified above.

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (NEMA)(Act No. 107 of 1998), the Environmental Impact Assessment (EIA) Regulations, (21 April 2006) and the NEMA EIA Regulations (18 June 2010) the Department hereby authorises the preferred alternative activity, i.e. the activity described above.

The granting of this Environmental Authorisation is subject to the conditions set out below.

G. CONDITIONS OF AUTHORISATION:

1. The activity, including site preparation, may not commence within 20 (twenty) days after having received this Environmental Authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this Environmental Authorisation will be suspended until such time as the appeal is decided.

2. One week's notice, in writing, must be given to the Directorate: Land Management (Region 2), (hereinafter referred to as "this Directorate"), before commencement of such construction activities.

   2.1. Such notice shall make clear reference to the site location details and reference number given above.

   2.2. The said notice must also include proof of compliance with the following conditions described herein:

   Conditions: 1, 7 and 19.

3. An integrated waste management approach must be used that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste must be disposed of at a landfill licensed in terms of the relevant legislation.

4. The relevant requirements of the National Water Act, 1998 (Act No. 36 of 1998), Department of Water Affairs (DWA), National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) and the Department of Environmental Affairs must be complied

with at all times, which, *inter alia*, pertaining to abstraction of seawater and release of effluent into the marine environment.

5. The relevant requirements of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004) must be complied with at all times, which, *inter alia*, pertaining to the release of air emissions into the atmosphere.

6. The relevant requirement of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) must be complied with at all times, which, *inter alia*, pertaining to the treatment and disposal of effluent.

7. The holder of the authorisation must appoint a suitably experienced Environmental Control Officer (ECO) before commencement of any land clearing or construction activities to ensure that the Construction Environmental Management Plan and the mitigation/rehabilitation measures and conditions referred to in this Environmental Authorisation are implemented and complied with.

8. The activities associated with the construction phase of the proposed activity must be restricted to the site.

9. All "No-Go" areas must be clearly demarcated prior to construction activities commencing to ensure adequate environmental protection are exercised during the construction phase.

10. Controlled access on the site must be ensured and maintained.

11. All equipment to be installed must be in line with the manufacturer's specifications

12. The following conditions with regard to the fish storage pits must be implemented:

    12.1. The internal wall and floor surfaces must be smoothed out and covered with suitable material to facilitate regular cleansing; and

    12.2. All raw and waste material must be processed during a specific shift and no build-up of material must be allowed.

13. The coal storage area must be upgraded to effectively contain the material in the specified demarcated area and no material is to accumulate outside this area.

14. All coal ash must be stored in an appropriate area and be removed from the site on a regular basis.

15. All above ground storage tanks containing stickwater and fish oil must be located within a bund (110% of the proposed tank's capacity) in order to contain potential spills.

16. Floor surfaces and external paved areas on the site must be appropriately graded and include drainage to prevent the formation of stagnant pools of water.

17. An air emissions report must be compiled after the upgrade of the WPP fish processing plant to measure the result of the upgrade against the relevant legislation and this report must be submitted to this Directorate.

18. The Construction and Operational Environmental Management Plan (EMP) submitted with the Basic Assessment Report, hereby approved by the Department, must be implemented by the Applicant and, *inter alia*, include the following:

    18.1. Where relevant, the EMP must be amended to reflect the conditions of approval of this Environmental Authorisation;

18.2. The EMP must be included in all contract documentation for the development;

18.3. This Directorate must be notified in writing of any proposed changes to the EMP due to additional information gained as a result of construction activities, and this Directorate must approve any proposed changes prior to implementation;

18.4. The ECO must notify this Directorate immediately of events or incidents that may cause significant environmental damage or breach the requirements of the EMP; and

18.5. The conditions/measures in the EMP must be strictly adhered to.

19. The applicant must in writing, within 12 (twelve) calendar days of the date of the decision on the application –

19.1. notify all registered interested and affected parties of –
- 19.1.1. the outcome of the application;
- 19.1.2. the reasons for the decision; and
- 19.1.3. the date of the decision;

19.2. Inform all registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the Regulations.

19.3. Inform all registered interested and affected parties of the manner in which they can access the decision;

19.4. Advise all registered interested and affected parties that, should they wish to appeal, they must lodge a notice of intention to appeal with the Minister within 20 (twenty) days of date of the Department's decision and must submit their appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.

19.5. Inform all registered interested and affected parties that the prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office at telephone number (021) 483 3721, or 483 3915, email icdevill@pgwc.gov.za or via the URL http://www.capegateway.gov.za/eadp.

19.6. Inform all registered interested and affected parties that should they wish to appeal, the appellant must serve on the applicant, within 10 (ten) days of having submitted the notice of intent to appeal with the Minister, a copy of the Notice of Intention to Appeal form as well as a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

19.7. If the applicant should decide to appeal the decision, the applicant must –
- 19.7.1. lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision.
- 19.7.2. submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.
- 19.7.3. within 10 (ten) 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, with –
  - 19.7.3.1. a copy of the Notice of Intention to appeal form;
  - 19.7.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person or organ of State, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister. A person, organ of state or applicant who submits a

responding statement in terms of regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the statement on the appellant.

20. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including but not limited to, an agent, sub-contractor, employee or any person rendering a service to the holder of the authorisation.

21. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the Regulations.

22. The holder of the authorisation must notify this Directorate and any other relevant authority, in writing, within 24 hours thereof if any condition of this authorisation is not adhered to.

23. A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

24. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.

25. Non-compliance with a condition of this authorisation may result in the suspension of the authorisation and may render the holder liable for criminal prosecution.

26. This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. A request for the transfer of the rights and obligations contained in this environmental authorisation must be submitted in the following way:

    (i) The current holder of the environmental authorisation must submit an original signed letter to the Department stating that he/she wish the rights and obligations contained in this environmental authorisation to be transferred, provide the Department with (a) confirmation that the environmental authorisation is still in force (i.e. validity period have not yet expired or the activity(ies) was lawfully commenced with), (b) the contact details of the person to whom the rights and obligations are to be transferred, and (c) the reasons for the requested transfer.

    (ii) The person to whom the rights and obligations are to be transferred must also submit an original signed letter to the Department (a) accepting the rights and obligations contained in this environmental authorisation and (b) must indicate that he/she has the ability to implement the mitigation measures and to comply with the conditions of authorisation.

27. If the transfer is found to be appropriate by the Department, the Department will issue a letter confirming the transfer of the rights and obligations contained in this environmental authorisation.

28. Departmental officials shall be given access to the property referred to in B above for the purpose of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation, at all reasonable times.

29. The activity which is authorised may only be carried out at the property indicated above.

30. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activity.

31. This activity must commence within a period of **3 years** from the date of issue. If commencement of the activity 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.

H. REASONS FOR THE DECISION:

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

a) The information contained in the:

   i. Notice of Intent dated 21 November 2008 and received on 24 November 2008 by the Department;
   ii. Application Form and Basic Assessment Report dated 21 November 2008 and received 29 April 2009 by the Department;
   iii. Amended Basic Assessment Report dated January 2010 and received 26 January 2010 by the Department; and
   iv. Additional information requested 05 February 2010, 07 June 2010 and 27 September 2010 by the Department;

b) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and

c) Relevant information contained in the Departmental information base.

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

NEED AND DESIRABILITY AND SOCIO-ECONOMIC IMPACTS:

The West Point Processing (Pty) Ltd. (WPP) fish processing plant has been in operation since 1948. Appropriate management of time/temperature of raw product, catches per day, as well as proper cleaning of vessel-holds and the fish meal plant was not implemented and affected the freshness of the raw product used in the fish meal process. This in turn had a significant effect on the unbound ammoniac content of the fish meal and the rate of deterioration. The need therefore arose to upgrade the WPP fish processing plant to create a more efficient facility and reduce air emissions and odours. The site is located in the long existing fishing community of St. Helena Bay, fish processing being a dominant economic opportunity in the area. The relevant environmental legislation prescribes the management of effluent and air emissions, which the proposed upgrade of the WPP fish processing plant is intended to comply with.

The iced water in which fish is transported by fishing trawlers to WPP is screened, using a contra-shear for the fine screening of effluent from any solids, the fish is then transported to the cannery plant for processing. All fish-related effluent leaving the cannery plant is screened to remove solids and thereafter channelled into the sea. The solids removed from the abovementioned screening will be taken to the fish meal plant and utilized to make fish meal. All liquid matter involved in the fish meal process is condensed and added to the solids to be reworked into fish meal. Final effluent leaving the fish meal plant is screened to remove solids and thereafter discharched into the sea. WPP has submitted an application with the Department of Water Affairs for a Licence to discharge effluent into the marine environment. The current abstraction of seawater and discharge of effluent into the sea by WPP is monitored by the Department of Water Affairs.

The upgrade of the WPP fish processing plant will involve the replacement of redundant equipment with new fish meal technology resulting in an increase in efficiency and productivity of the plant. The surrounding community will benefit in that air emissions and odours released from the WPP fish processing plant will be reduced and the existing employment WPP offers will be maintained.

ALTERNATIVES INVESTIGATED:

The applicant considered only one site alternative and two activity alternatives, as well as the "no go" alternative.

Activity alternative 1 (Preferred activity alternative)
This activity alternative involves the decommissioning of an existing fish processing plant in Saldanha Bay. The fish meal technology equipment from the Saldanha plant will be used to upgrade the WPP fish processing plant. The new equipment will consist of 4 cookers, 2 prestrain scrapers, 4 presses, stickwater tanks, conveyers, 4 indirect driers, 2 direct driers, extraction fan, seawater scrubber, chemical scrubber, and alarm systems. The emissions from the WPP fish processing plant will be captured and taken through an odour reduction plant, which consists of the seawater scrubber to cool the emissions and condense the condensable fraction. Hereafter, the emissions are taken through a chemical scrubber to remove the non-condensable fraction, in so doing, reducing the air emissions from the WPP fish processing plant. All fish related effluent from the WPP fish processing plant is fine screened by a contra-shear to remove solids. Solids from the effluent are incorporated into the processing of fish meal and the resultant effluent is channelled into the sea.

Activity alternative 2:
This activity alternative involves the decommissioning on the WPP fish processing plant. The WPP fish processing plant will be closed down, taken apart and all the equipment sold. This activity alternative will have an adverse impact on the WPP employees and the fishing trawlers responsible for the catches delivered to WPP.

"No-Go" option:
This activity alternative involves not upgrading the WPP fish processing plant and the WPP fish processing plant will continue to operate at its current level. The existing equipment consist of 3 cookers, 3 presses, stickwater tanks, conveyers, 3 direct driers. The air emissions from the plant will remain at its current level and the fish meal equipment will become ever more redundant.

The proposed development is not expected to result in unacceptable environmental impacts with the implementation of the mitigation measures and new processing technology. Based on the biophysical, social and economic considerations, activity alternative 1 was determined to be the most reasonable and feasible, and hereby authorised by the Department.

BIOPHYSICAL ENVIRONMENT:

The site is situated in the St. Helena Bay located on the west coast of South Africa. The WPP fish processing plant is located on industrial land and the activities associated with the proposed development conforms to the surrounding land use of the area.

The biophysical impacts associated with the existing development are mainly associated with effluent release into the sea and air emission from the fish meal plant. The Department of Water Affairs does regular water monitoring checks on the effluent release from the site, which was determined to be in acceptable standards, and the Applicant has lodged an application for a water discharge permit with the Department of Water Affairs. The proposed upgrade of the WPP fish processing plant will result in a reduction in the air emission and odours release from the fish meal plant.

WASTE MANAGEMENT LICENCE:

WPP fish processing plant triggers activities listed in terms of Section 20(b) of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), for which a Waste

Management Licence (E13/2/10/1-F4/19-2002/09) has been applied for. The applicable Waste Management Licence Activities are as follows:

Government Notice No. 718 - Category A:

11: The treatment of effluent, wastewater or sewage with an annual throughput capacity of more than 2000 cubic metres but less than 15000 cubic metres;

18: The construction of facilities for activities listed in Category A of the Schedule (not in isolation to associated); and

19: The expansion of facilities or changes to existing facilities for any process or activity, which requires an amendment of an existing permit or licence or a new permit or licence in terms of legislation governing the release of pollution, effluent or waste.

This Environmental Authorisation will be implemented in conjunction with the decision issued with respect to the Waste Management Licence Application.

NOISE AND VISUAL IMPACTS:

All noise and sounds generated during all phases of the proposed development will comply with the relevant SANS codes and standards. No pure tone sirens or sounds will be used unless in emergency situations, or when required with respect to relevant health and safety regulations. Silencers will be installed and maintained on machinery, trucks and earth moving equipment. No amplified music or related equipment will be allowed on site during construction. Work hours during the construction phase will be restricted to 07h00 - 18h00 (Mondays to Fridays), 07h00 - 14h00 (Saturdays) and there will be no operations on Sundays and public holidays.

The site is situated on industrial land and the proposed development involves the upgrade of the existing WPP fish processing plant, which has been designed to conform to the character of the existing fish processing plant.

SITE ACCESS:

Access to the site currently exist.

NATIONAL ENVIRONMENTAL MANAGEMENT PRINCIPLES:

The National Environmental Management Principles (set out in Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), ("NEMA")) which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment, *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment; and
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures.

PUBLIC PARTICIPATION PROCESS:

The public participation process entailed:

- The fixing of notice boards at conspicuous places to the public on the site;

- Giving written notice to:
  - The owners and occupiers of land adjacent to the site;
  - The owners and occupiers of land within 100 metres of the boundary of the site and organisations of ratepayers that represents the community in the area;
  - Municipal councillors of the ward in which the site is situated;
  - Municipality that has jurisdiction in the area;
  - Organs of State having jurisdiction in respect of aspects of the activity; and

- Placing an advertisement in a local newspaper (Swartlander, 17 September 2008) and a regional newspaper (Die Burger, 08 September 2008).

- Interested and affected parties (I&AP) was identified during the basic assessment process and registered in terms of regulation 57 of GN No. R. 385 of 2006.

- Interested and affected parties identified during the basic assessment process include CapeNature, DEA: Marine and Coastal Management, Department of Water Affairs, DEA&DP: Waste Management, DEA&DP: Air Quality Management, and the West Coast District Municipality. Comments with respect to the Basic Assessment Report were received from the Department of Water Affairs, CapeNature, DEA&DP: Waste Management and the West Coast District Municipality. Issues raised by these key commenting authorities were responded to by the EAP, and considered in this authorisation.

The Department is satisfied with the PPP that was undertaken for the proposed development. Important conditions as required by the abovementioned commenting authorities have been put in as conditions in this Environmental Authorisation.

In view of the above, this Directorate is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, 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. The application is accordingly granted.

I. APPEAL:

Appeals must comply with the provisions as outlined in Chapter 7 of the Regulations.

If the applicant should decide to appeal, the applicant must, *in terms of*, regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days after the date of the decision, and must within 10 (ten) days of having submitted the notice contemplated in regulation 60(1), provide each person and organ of State registered as an interested and affected party in respect of the application with a copy of the Notice of Intention to Appeal; a notice indicating where and for what period the appeal submission will be made available for inspection by such person or organ of State on the day of lodging it with the Minister, and indicate that a responding statement may be made on the appeal within 30 (thirty)days from the date the appeal submission was lodged with the Minister.

A person, organ of state or applicant who submits a responding statement in terms of regulation 63(1) must within 10 (ten) days of having submitted the responding statement, serve a copy of the statement on the appellant.

If the applicant should decide to appeal, the applicant must submit the appeal within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1), for the lodging of the notice of intention to appeal.

Should any other person, or an interested and affected party, decide to appeal, they must, in terms of, regulation 60(1), lodge a notice of intention to appeal with the Minister, within 20 (twenty) days

after the date of the decision. An appeal must be submitted within 30 (thirty) days after the lapsing of the 20 (twenty) days contemplated in regulation 60(1).

The appellant must provide the applicant, within 10 days of having lodged the notice contemplated in regulation 60(1), with a copy of the notice referred to in regulation 60(1), and a notice indicating where and for what period the appeal submission will be available for inspection by the applicant. A responding statement may be made on the appeal within 30 (thirty) days from the date the appeal submission was lodged with the Minister.
The prescribed Notice of Intention to Appeal form and Appeal form are obtainable from the Minister's office, as well as assistance regarding the appeal processes, at telephone number (021) 483 3721, or 483 3915, email jedevill@pgwc.gov.za or via the URL http://www.capegateway.gov.za/eadp.

All Notice of Intention to Appeal and Appeal forms must be submitted by means of one of the following methods:

By post: Western Cape Minister 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
09th floor Utilitas Building
1 Dorp Street
Cape Town
8001

A prescribed Notice of Intent to Appeal form and Appeal form is obtainable from the Minister's office at tel (021) 483 3721, email jedevill@pgwc.gov.za or URL http://www.capegateway.gov.za/eadp.

Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

ANTHONY BARNES
DIRECTOR: INTEGRATED ENVIRONMENTAL MANAGEMENT (REGION B)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Date of decision: 22-11-2010

CC: 1. Mr. P. Fabricius (West Coast District Municipality)
2. Mr. P. Slabbert (PHS Consulting)

Fax: (022) 713 5952
Fax: (086) 508 3249

E12/2/3/1-F4/19-0554/08