



PER E-MAIL / MAIL

REFERENCE: 16/3/3/1/D5/18/0010/20
ENQUIRIES: Steve Kleinhans
DATE OF ISSUE: 14-SEP-2020

The Managing Director
Ellenrust Properties (Pty) Ltd
Bergsig Villas 10, 305 Jan van Riebeeek Street
OUDTSHOORN
6625

Attention: Mr. Ernest de Villiers Neethling

E-mail: devilliers@dnpgroup.co.za
Tel: (044) 272 0454

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR BASIC ASSESSMENT IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED STILBAAI LIFESTYLE VILLAGE ON ERF 4784 (A PORTION OF ERF 657), INCLUDING ERF 4785 (ACCESS ROAD), STILL BAY WEST

1. The Application Form, dated 27 May 2020, as received by this Department via e-mail, refers.
2. On receipt of additional information on 14 September 2020, the application form appears to be in order in accordance with regulation 16. This letter serves as an acknowledgment of receipt of the complete application for environmental authorisation by this Department on **14 September 2020**.
3. Please note the following requirements to be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998) ("NEMA") and the EIA Regulations, 2014 (as amended):

3.1. Public Participation

The BAR must be subject to a Public Participation Process ("PPP") that must comply with Chapter 6 of the EIA Regulations, 2014. In light of the above, your EAP is advised to adhere to the proposed actions as detailed in the Public Participation Plan ("PP-Plan") agreed to by this Department on 7 August 2020.

The EAP must notify the Department in writing of the date the draft BAR was submitted to the relevant State Departments/Organs of State and clearly indicate whether or not such State Departments/Organs of State were notified of the 30-day comment period in terms of Section 24O of NEMA. It is imperative that State Departments/Organs of State are in possession of the draft Reports when the EAP issues them with the notice in terms of Section 24O of NEMA. Please note that the EAP is responsible for such consultation. Therefore, it is

requested that the EAP include proof of such notification to the relevant State Departments/Organs of State in terms of Section 24O(2) and (3) of NEMA in the BAR, where appropriate.

A register of I&APs must be opened and maintained. The register must also be submitted to the Department.

The EAP must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed. This report must also be included in the public participation information attached to the BAR to be submitted for decision.

3.2. *Environmental Management Programme*

In accordance with Section 24N of NEMA and Regulation 19 of Government Notice ("GN") No. R. 982 of 4 December 2014 (as amended), the Department hereby requires the submission of an Environmental Management Programme ("EMP"). The contents of such an EMP must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of GN No. R. 982 of 4 December 2014 (as amended). The EMP must address the potential environmental impacts of the activity throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMP must be submitted together with the BAR. When compiling the EMP, the Department's Guideline for Environmental Management Plans (June 2005), available from the Department on written request.

3.3. *National Web Based Environmental Screening Tool Report*

In accordance with Regulation 16(1)(b)(v) when an application is submitted in terms of Regulation 19, the application must be accompanied by the report generated by the national web based environmental screening tool. It is noted that the report has been attached in Appendix E of the application form.

3.4. *Landowner's consent*

In accordance with Regulation 16(1)(b)(i) the application form must be accompanied by the written consent of the landowner or the person in control of the land, where the applicant is not the landowner or person in control of the land. It is noted that an electronic copy of the landowner's written consent was received on 14 September 2020 and is attached in Appendix B of the application form.

It is noted that *Ellenrust Properties (Pty) Ltd.* ("the applicant") is listed as the "person in control of the land" and the Hessequa Municipality as the "landowner". According to this Department's information the property has not yet been sold to the applicant and the agreement for the transfer and the subsequent development of the Erf 4784 is not yet in force.

3.5. *Protocols or Minimum Information Requirements*

Please be informed that the applicable protocols or minimum information requirements, which were published in Government Notice No. 320 of 20 March 2020 (Government Gazette No. 43110 of 20 March 2020 refers), which came into effect on 9 May 2020, must be applied to the impact assessment process that must be followed: Provided that if the specialist assessment affected by any of the protocols, was commissioned before 9 May

2020, then the applicant is allowed to continue and submit documents for decision-making, which do not need to comply with the requirements of the protocols. Proof that the specialist work was outsourced before 9 May 2020, is deemed to be sufficient to allow this on a case by case basis. In such instances, the specialist report need not comply with the applicable protocol but must comply with Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

Therefore—

- ❖ in accordance to the above, where the applicable protocol applies any specialist performing work related to any of the fields of practice listed in Schedule I of the Natural Scientific Professions Act, 2003 (Act 27 of 2003) must be registered with the South African Council for Natural Scientific Professions (“SACNASP”)^[1] in any of the prescribed categories [Section 18] and further to this, only a person registered with the SACNASP may practise in a consulting capacity [Section 20]; or
- ❖ where a specialist assessment was commissioned prior to 9 May 2020, you are required to submit proof to the competent authority that the work was commissioned prior to said date (e.g. approved quotation for specialist assessment and/or proof of work being carried out).

Proof of the above must be submitted to the Competent Authority together with the Draft BAR.

3.6. Need & desirability

In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including *inter alia*, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department’s Guideline on Need and Desirability (March 2013).

3.7. Alternatives

Be advised that in terms of the EIA Regulations and NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the “no-go” option) in addition to the other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed.

If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is that proof of the investigation undertaken and motivation indicating that no reasonable or

[1] **SACNASP** – the legislated regulatory body for natural science practitioners in South Africa.



feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department's Guideline on Alternatives available on the Department's website <http://eadp-westerncape.kznshf.gov.za/your-resource-library>).

3.8. NEMA Principles

In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

3.9. BAR Requirements

The BAR must contain all the information outlined in Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended) and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused.

In accordance with Regulation 19 of GN No. R. 982 of 4 December 2014 and the PP-plan agreed to by this Department, the Department hereby stipulates that the BAR must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department. If however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid.

4. This Department awaits the submission of the Draft BAR. Please note that one (1) printed copy as well as one (1) electronic copy of the document must be submitted to the Department for consideration. Your EAP must make the necessary arrangements with the George Regional Office's Admin. Support Staff with regard to the submission of the printed / hardcopies. The Admin Support may be contacted at the generic e-mail listed below.

Due to the current measures being implemented by the Department^[2] to address, prevent and combat the spread of COVID-19 and until such time that the Department requires otherwise, all applications, reports and documents, which include all signatures and Annexures which are included as part of the application and subsequent reports, must be submitted via e-mail to the relevant official, with attached PDF versions of letters and reports. If the documents are too large to attach to an e-mail, the competent authority must be notified per e-mail and provided with an electronic link to such documents that is accessible by the relevant authority.

^[2] Departmental Circular: DEA&DP NO 0017/2020: EIA and Related Licensing Services and Supporting Professional Services During Covid-19 Lockdown Alert Level 2 issued on 18 August 2020.



Note: The Directorate: Development Management (Region 3), has created a generic e-mail address to centralise its administration within the component (i.e. notifying clients of decisions and receiving EIA applications and reports, etc.) Please make use of the new e-mail address too when submitting such documents:

DEADPEIAAdmin.George@westerncape.gov.za

5. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
6. Please note that the proposed development may not commence prior to an environmental authorisation being granted by the Department.
7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

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HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/1/D5/18/0010/20

Copied to:

EAP: Ms. Louise-Mari van Zyl (Cape EA-Prac)

E-mail: louise@cape-eaprac.co.za



REFERENCE: 16/3/3/6/7/1/D5/18/0043/20
ENQUIRIES: Steve Kleinhans
DATE OF ISSUE: 2020 -03- 10

The Managing Director
ELLENRUST PROPERTIES (PTY) LTD
Bergsig Villas 10, 305 Jan van Riebeeck Street
Oudtshoorn
6625

Attention: Mr. Ernest de Villiers Neethling

E-mail: devilliers@dnpgroup.co.za
Tel: (044) 272 0454

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED STILL BAY LIFESTYLE VILLAGE ON ERF 4784 (A PORTION OF ERF 657), STILL BAY

1. The abovementioned document dated 5 March 2020 and received by this Directorate on 5 March 2020, refers.
2. This letter serves as an acknowledgment of receipt of the abovementioned document.
3. From the information provided in the document it is understood that it is proposed to clear more than one hectare of indigenous vegetation for the development of a lifestyle village inclusive of a retirement component with frail care on Erf 4784 (a portion of Erf 657) in Still Bay ("the property"). Furthermore, the project also includes administrative and communal facilities.
4. A Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.

5. Preliminary comment on the proposal

5.1. Zoning

According to the information provided in the document, the current zoning of Erf 4784 in Still Bay is "Undetermined". However, according to the Land Use Planning Application for the proposed development submitted to this office for comment by *Marike Vreken Urban and Environmental Planners* (Our Ref: 16/3/3/6/6/D5/18/0013/20), the zoning of the property is "Utility Zone". This discrepancy must be clarified, and information must be provided as to what the zoning of the property was on 5 March 2012 and prior to the current zoning scheme.

The abovementioned Land Use Planning Application also includes the rezoning of Erf 4785 from "Utility Zone" to "Transport Zone II". It is prudent that the entire area (all cadastral erven) which form part of the development be included in the application.

Note: The information on the zoning may have a bearing on the extent of the site and listed activities that require environmental authorisation. This issue must therefore be resolved prior to the application for environmental authorisation is submitted to this Directorate.

5.2. Specialist studies

According to Section G.1 of the document, specialist input as recommended in the Screening Tool Report will be conducted as part of the impact assessment process; however, the screening tool report has identified nine studies while only three studies have been listed in Section G.2 and no explanation / motivation has been provided as to why certain of the identified studies will not be conducted.

❖ *Traffic Impact Assessment*

Furthermore, during the pre-application meeting held on 1 July 2019 it was agreed that a Traffic Impact Assessment will be undertaken; however, this study has not been included in the list of specialist investigations under Section G.2 of the document.

❖ *Heritage study / input*

It is noted that a Notice of Intent to Develop ("NID") has been submitted to Heritage Western Cape ("HWC") and that HWC issued a response to said NID on 29 November 2019. The comment from HWC which has been included as Appendix 5 to the NOI is for a different development which is located on Farm Zandhoogte No. 139, Tergniet (Mossel Bay) and not for the proposal on the property.

This must be corrected in the application form / pre-application Basic Assessment Report. Please be reminded of the of Regulation 48 regarding the provision of

correct information in any application form or document submitted to the Competent Authority.

5.3. Confirmation of Municipal Services

Please be advised that the confirmation of municipal services will be a crucial aspect of your application. For ease of reference, the information requirements detailed below should be addressed in a letter of confirmation of municipal services, namely:

- (a) Potable water supply:
 - (i) the total existing capacity of the Municipal potable water supply;
 - (ii) any additional expansion of the potable water supply capacity (e.g. reservoirs) already approved of by the environmental authority, but not yet effected;
 - (iii) unallocated potable water supply capacity available to service both the phased and completed (total) potable water demand for the the abovementioned applications, or sufficient approved unallocated capacity able to accommodate the abovementioned applications in future;
- (b) Sewer network and waste water treatment:
 - (i) the total existing capacity of the municipal sewer network and waste water treatment works("WWTW");
 - (ii) any additional expansion of the sewer network or WWTW capacity already approved of by the environmental authority, but not yet effected;
 - (iii) unallocated sewer network capacity and sewage treatment capacity available to service both the phased and completed (total) expected sewage output load by the abovementioned applications, or sufficient approved unallocated capacity able to accommodate the abovementioned applications in future;
- (c) Solid waste and disposal:
 - (i) the total existing capacity of the municipal waste site;
 - (ii) any additional capacity at the municipal waste site (i.e. expansions) already approved by the environmental authority, but not yet effected;
 - (iii) unallocated waste disposal capacity available to service both the phased and completed (total) expected solid waste output load by the abovementioned applications, or sufficient approved unallocated capacity able to accommodate the abovementioned applications in future
- (d) Electricity and electricity distribution:
 - (i) total existing electrical distribution capacity of the municipality;
 - (ii) any additional expansion of the electrical distribution capacity already approved of by the environmental authority, but not yet effected;
 - (iii) unallocated electrical distribution capacity available to service the abovementioned applications, or sufficient approved unallocated able

to accommodate the abovementioned applications in future. With reference to electrical capacity, the notified demand of the municipality must be provided, and whether an increase thereof is required to service a development. If the notified demand will be exceeded, the capacity must be confirmed by ESKOM;

(e) Stormwater infrastructure / structures:

- (i) the total existing stormwater management capacity of the municipality;
- (ii) any additional stormwater management capacity / structures of the municipality (i.e. expansions) already approved by the environmental authority, but not yet effected; and
- (iii) unallocated stormwater management capacity available to service the abovementioned development or sufficient approved unallocated capacity to be able to service the needs of development in future.

6. This Department awaits the submission of the pre-application BAR. Please note that one (1) printed copy as well as one (1) electronic copy of the Pre-Application BAR must be submitted to the Department for consideration.
7. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.
8. This Directorate reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref: 16/3/3/6/7/1/D5/18/0043/20

Copied to:

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