

**REFERENCE:** 16/3/3/1/D6/37/0003/22

**DATE OF ISSUE:** 7 April 2022

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY)LTD  
PO Box 448  
**RIVERSDALE**  
6670

Attention: Mr. Gerhardes Steenekamp

E-mail: Steenekamp.gesin@gmail.com

Tel: 084 409 1429

Dear Sir

**COMMENT ON THE DRAFT BASIC ASSESSMENT FOR THE PROPOSED DEVELOPMENT OF  
A SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE  
STEENEKAMP ON PORTION 19 OF THE FARM MISGUNST AAN DE GOURITZ RIVIER NO.  
257, VLEESBAAI**

1. The Draft Basic Assessment Report ("DBAR") (Ref: MOS618/06) dated 10 March 2022 received by this Department on 10 March 2022, refers.
2. This Directorate has reviewed the information contained within the Draft Basic Assessment Report and provides the following comment:

*2.1. The proposal*

From the document it is understood that the proposal entails the development of a residential dwelling on Portion 19 of the Farm Misgunst Aan De Gouritz River No. 257, Vleesbaai ("the property"). It is understood that the proposed dwelling will be 500m<sup>2</sup> to be serviced with off-grid electricity and water (borehole); and sewage disposal by means of a biogas digester. Access to the site will be obtained by means of the existing network of paths; however, it is proposed to upgrade and stabilise some of the paths to accommodate 4x2 vehicle as the surface is sandy. The applicant is also proposing to establish approximately 70m of additional access road to connect the proposed dwelling to the end of the existing path network.

Furthermore, it is understood that the proposal also includes the planting of 1ha of vegetation to prevent the free movement of sand, erosion and accretion.

*2.2. Alternatives considered*

The DBAR assesses three site alternatives on the property for the proposed dwelling. According to the information Alternative 1 and Alternative 2 are located within the littoral active zone ("LAZ") as determined in the study undertaken by this Department for the determination of the Garden Route ("Eden") Coastal Management Lines (2018); whereas Alternative 3 will be situated outside the LAZ.

According to the information in the DBAR Alternative 3 is not recommended as it is not suitable due to the topography of the site (located in a depression) and its position in the ecotone between the barrier dune (foredune) and the Hartenbos Dune Thicket on the dunes located further inland (McDonald, 2022). According to Barwell (2021) Alternative 1 is located in the most stable area of the three sites and will require the least intervention to safeguard the development from wind-blown sand and / or blow-outs due to the prevailing winds.

Furthermore, the Department notes that the specialist coastal engineer is of the opinion that the Alternatives 1 and 2 are located outside the LAZ based on analysis of historic aerial photos, topographic surveys and observations on site. The specialist therefore recommends that the LAZ / coastal processes active zone should be seen as the area seaward of the +65m MSL contour and left to function as an unmanaged system. However, this is contradicted in the DBAR which indicates that an area of approximately 1ha around the proposed dwelling will need to be stabilised by means of active gardening to prevent wind-blown sand inundation off the blow-out on the dune top located below the proposed development site. Furthermore, the specialist botanical report (McDonald, 2022) indicates that the establishment of plants as a garden around the proposed dwelling would be challenging due to the highly dynamic zone (wind with active movement of sand).

You are reminded that the LAZ is dynamic and will affect the proposed dwelling during the operational phase in the event where the stabilisation of the area around the dwelling unit is not effectively implemented and maintained. This is evident in a number of cases where infrastructure and dwellings are regularly undermined and covered in mobile sand as a result of inappropriate placement. In light hereof, and based on site observations, the area where Alternative 1 and 2 are proposed is regarded to form part of the LAZ.

Furthermore, it is noted that the proposal is to build a dwelling with a sea view; however, you are reminded that the mitigation hierarchy must be applied which stipulates that the impacts associated with a proposal must first be avoided and only if it cannot be avoided it must be minimised, rectified or reduced and offset where the impact cannot be avoided. Therefore, you are advised to assess and report on an alternative which avoids the impact on the LAZ (i.e. identify a site farther north of the current proposed sites).

### 2.3. Access to the site:

It is acknowledged that there are existing paths which provide access to the property as evident on available aerial imagery. It is understood that access to the proposed site is currently obtained over private property. It is unclear whether an agreement exists with the relevant property owner and what contingency is in place in the event where the property owner reconsiders access over his property. Such information must be provided in the BAR.

Furthermore, it is understood that a servitude for a road is registered which may provide access to the property in the future. The Department notes that the Mossel Bay Municipality: Infrastructure Services has commented on the services infrastructure (Ref: 16/1/1/ S Naidoo; dated 23 February 2022). However, no comment on the access to the property and the timeframe for the development of the road have been included in the letter. This information must be included in the BAR.

Kindly note that the development of the road may be subject to an application for environmental authorisation prior to development activities on the road commencing.

#### 2.4. Potable water:

It is noted that a borehole has been drilled on the property which will provide water for domestic household use but due to the high salinity of the water cannot be used for potable purposes. It is understood that potable water will be obtained from rainwater harvesting (recommended storage capacity of 50 000ℓ) from the roof of the dwelling. However, the effects of climate change include prolonged periods of drought as experienced in the Garden Route in the recent past. Notwithstanding the water saving features to be implemented at the proposed dwelling, rainwater harvesting may not provide sufficient water for potable use. This must be addressed in the BAR.

#### 2.5. Environmental Management Programme:

The contents of the Environmental Management Programme ("EMPr") 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. The EMPr 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).

This Department has reviewed the EMPr as included and received as part of the DBAR. The following aspects must be addressed:

##### ☐ Sensitivity map with no-go area(s)

The EMPr must include a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers. In this regard Appendix 1 (Locality maps) of the EMPr does not adequately address this requirement.

##### ☐ Maintenance of the 'coastal garden'

With due consideration of the proposed establishment of an one (1) hectare (10 000m<sup>2</sup>) garden to stabilise the area around the proposed dwelling and prevent the free movement of sand, you are required to compile a plan to address these actions. The plan must be included in the EMPr and address the establishment of the "garden" and specify the management actions and timeframes of such management actions. The plan must also specify the monitoring and reporting requirements to the competent authority.

Subsequently, any future maintenance of the "garden" area may be subject to a Maintenance Management Plan ("MMP") being adopted or defined by the competent authority.

#### 2.6. 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 and address any information requested in this letter and any previous correspondence in respect of this matter.

## 2.7. Submission of Basic Assessment Report:

In accordance with Regulation 19 of GN No. R. 982 of 4 December 2014, 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 i.e., by **9 May 2022** (in accordance with the reckoning of days in terms of Regulation 3(2) and 3(5) of the EIA Regulations).

However, if significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department prior to the 90-days lapsing that an additional 50-days 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 (whichever 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.

**Note:** In accordance with Environmental Impact Assessment best-practice, you are requested to notify all registered Interested and Affected Parties including the authorities identified in the Public Participation Plan of the submission of the FBAR and to make the document available to them. This will provide such parties an opportunity to review the document and how their issues were addressed. The FBAR must be made available to such parties within five (5) calendar days of the submission of the document to the Competent Authority.

3. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
4. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

pp\_\_\_\_\_

**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Ref.: 16/3/3/1/D6/37/0003/22

Copied to:

EAP: Cape EAPrac

E-mail: [melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za) | [louise@cape-eaprac.co.za](mailto:louise@cape-eaprac.co.za)

DEA&DP: Coastal Management

E-mail: [leptieshaam.Bekko@westerncape.gov.za](mailto:leptieshaam.Bekko@westerncape.gov.za)

**REFERENCE:** 16/3/31/D6/37/0003/22  
**DATE OF ISSUE:** 17 March 2022

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY) LTD  
PO Box 448  
**RIVERSDALE**  
6670

Attention: Mr. Gerhardes Steenekamp  
Steenekamp.gesin@gmail.com

E-mail:

Tel: 084 409 1429

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE DRAFT BASIC ASSESSMENT REPORT IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED DEVELOPMENT OF A SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE STEENEKAMP ON PORTION 19 OF THE FARM MISGUNST AAN DE GOURITZ RIVIER NO. 257, VLEESBAAI**

1. The Draft Basic Assessment Report ("DBAR") (Ref: MOS618/06) dated 10 March 2022 received by this Department on 10 March 2022, refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document.
3. The Department will review the DBAR and provide comment on the document within the timeframe stipulated by the appointed independent Environmental Assessment Practitioner ("EAP"); namely by 13 April 2022.
4. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received. Yours faithfully

pp\_\_\_\_\_

**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Ref.: 16/3/31/D6/37/0003/22

Copied to:

EAP: Cape EAPrac

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

## **Melissa Mackay**

---

**From:** Melissa Mackay  
**Sent:** Thursday, 10 March 2022 12:43  
**To:** 'DEADP-EIAAdmin George'  
**Cc:** Steve Kleinhans; Francois Naude; Meryll Fredericks  
**Subject:** RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, Vleesbaai

Good afternoon

**RE: 16/3/3/1/D6/37/0003 HOUSE STEENEKAMP ON PORTION 19 OF FARM 257 MISGUNST AAN DE GOURITZ RIVIER, VLEESBAAI**

The Draft Basic Assessment Report for the above mentioned project has been uploaded to the OneDrive for your review.

Download

My files > EIM REGISTRY > 4. EAPS > CapeEAprac

	Name ↑ ▾	Modified ▾	Modified By ▾	File size ▾	Sharing
	14.1.1.E3.5.2.3.L1092.20 Wanhoop	November 3, 2021	Guest Contributor	7 items	Shared
	16.3.1.1.D2.50.0060.12	October 18, 2021	Guest Contributor	1 item	Shared
	16.3.3.1.D1.6.0000.22 Arch Rock Draft Basic ...	February 17	Guest Contributor	0 items	Shared
	16.3.3.1.D6.37.0003.22 House Steene...	About a minute ago	Guest Contributor	31 items	Shared
	16.3.3.6.2.D4.4.0214.21	February 18	Guest Contributor	9 items	Shared
	16.3.3.6.7.1.D5.9.0036.21	May 10, 2021	Meryll Fredericks	21 items	Shared
	Hartenbos Garden Estate	January 24	Guest Contributor	21 items	Shared
	GEO609.01 Rehabilitation Plan_Wanhoop F...	November 3, 2021	Guest Contributor	783 KB	Shared



**Please Note:** When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, including the initial application as well as subsequent related appeals, amendments or audits, or any future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.

Kindly view our [Privacy Statement](#) for more information.

Regards

**Melissa Mackay | 084 584 7419**  
 SENIOR CONSULTANT | ECO | GIS  
 BTech Nat. Con. (NMMU)  
 Reg. EAP (EAPASA)

T: 044 874 0365  
 F: 044 874 0432



**From:** DEADP-EIAAdmin George <DEADPEIAAdmin.George@westerncape.gov.za>  
**Sent:** Wednesday, 09 March 2022 14:44  
**To:** Melissa Mackay <melissa@cape-eaprac.co.za>  
**Cc:** Steve Kleinhans <Steve.Kleinhans@westerncape.gov.za>; Francois Naude <Francois.Naude@westerncape.gov.za>; Meryll Fredericks <Meryll.Fredericks@westerncape.gov.za>  
**Subject:** FW: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, Vleesbaai

Good day

We await submission of the documents, as per usual, via our One Drive System.

Regards

**From:** Melissa Mackay <melissa@cape-eaprac.co.za>  
**Sent:** Wednesday, 09 March 2022 13:36  
**To:** Melissa Mackay <melissa@cape-eaprac.co.za>  
**Subject:** 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, Vleesbaai

Good afternoon

**RE: AVAILABILITY OF THE DRAFT BASIC ASSESSMENT REPORT FOR HOUSE STEENEKAMP ON PORTION 19 OF FARM 257 MISGUNST AAN DE GOURITZ RIVIER, VLEESBAAI**

Please find attached notification for the availability of the Draft Basic Assessment Report (DBAR) for the proposed House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier. The DBAR will be available for a 30 day comment period from **Monday 14 March to Wednesday 13 April 2022**. Documents will be available on the Cape EAPrac website from Friday 11 March 2022. Please contact this office should you prefer another digital platform. Direct links to the documents online will be provided by Friday 11 March 2022.

You have been identified as a stakeholder or have registered as an Interested & Affected Party (I&AP) for the process. Should you no longer wish to receive correspondence, please advise in writing.

**Please Note:** When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information for the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, including the initial application as well as subsequent related appeals, amendments or audits, or any future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.

Kindly view our [Privacy Statement](#) for more information.

Regards

**Melissa Mackay | 084 584 7419**



SENIOR CONSULTANT | ECO | GIS  
BTech Nat. Con. (NMMU)  
Reg. EAP (EAPASA)



Cape EAPrac



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## Melissa Mackay

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**From:** postmaster@westerncape.gov.za  
**To:** Francois Naude  
**Sent:** Thursday, 10 March 2022 12:44  
**Subject:** Delivered: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257  
Misgunst aan de Gouritz Rivier, Vleesbaai

### Your message has been delivered to the following recipients:

Francois Naude (Francois.Naude@westerncape.gov.za)

Subject: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier,  
Vleesbaai



RE:  
16/3/3/1/D6/37/...

## Melissa Mackay

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**From:** postmaster@westerncape.gov.za  
**To:** Meryll Fredericks  
**Sent:** Thursday, 10 March 2022 12:44  
**Subject:** Delivered: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, Vleesbaai

### Your message has been delivered to the following recipients:

Meryll Fredericks (Meryll.Fredericks@westerncape.gov.za)

Subject: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, Vleesbaai



RE:  
16/3/3/1/D6/37/...

## Melissa Mackay

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**From:** postmaster@westerncape.gov.za  
**To:** Steve Kleinhans  
**Sent:** Thursday, 10 March 2022 12:44  
**Subject:** Delivered: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, Vleesbaai

### Your message has been delivered to the following recipients:

Steve Kleinhans (Steve.Kleinhans@westerncape.gov.za)

Subject: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier, Vleesbaai



RE:  
16/3/3/1/D6/37/...

## Melissa Mackay

---

**From:** postmaster@westerncape.gov.za  
**To:** DEADP-EIAAdmin George  
**Sent:** Thursday, 10 March 2022 12:43  
**Subject:** Delivered: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257  
Misgunst aan de Gouritz Rivier, Vleesbaai

### Your message has been delivered to the following recipients:

DEADP-EIAAdmin George (DEADPEIAAdmin.George@westerncape.gov.za)

Subject: RE: 16/3/3/1/D6/37/0003 House Steenekamp on Portion 19 of Farm 257 Misgunst aan de Gouritz Rivier,  
Vleesbaai



RE:  
16/3/3/1/D6/37/...

REFERENCE: 16/3/3/1/D6/37/0003/22

DATE OF ISSUE: 08 February 2022

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY)LTD  
PO Box 448  
RIVERSDALE  
6670

Attention: Mr. Gerhardes Steenekamp

E-mail: Steenekamp.gesin@gmail.com

Tel: 084 409 1429

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 DEVELOPMENT OF A SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE STEENEKAMP ON PORTION 19 OF THE FARM MISGUNST AAN DE GOURITZ RIVIER NO. 257, VLEESBAAI

1. The Application Form (Ref: MOS618/02), dated 3 February 2022, as received by this Department on 3 February 2022, refers.
2. The application form appears to be in order in accordance with regulation 16. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. According to the information provided in the application form the applicant proposes to develop a primary dwelling on Portion 19 of the Farm Misgunst Aan De Gouritz Rivier No. 257, Vleesbaai ("the property"). It is understood that the dwelling will be 500m<sup>2</sup> (approx.) in size with approx. 70m long access road. It is understood that the total disturbance footprint will be approximately 1500m<sup>2</sup>. Furthermore, it is understood that an area of approximately 1ha will be stabilised by means of planting vegetation to prevent wind-blown sand inundation off the blow-out on the dune top located below the proposed development site. The dwelling will be serviced by means of the following:
  - 3.1. Potable water: the main source of potable water is proposed to be from rainwater collection in the form of rainwater collection tanks with a recommended storage capacity of 50 000ℓ to cater for the expected water demand of 1 500ℓ to 1 750ℓ per day. Furthermore, it is understood that a borehole has been drilled to supplement the domestic water supply in times of drought.
  - 3.2. Sewage disposal: It is understood that grey water from bathrooms, laundry and kitchen area will be diverted to an artificial wetland, while black water from bathrooms, laundry and kitchen will be diverted to a biogas digester with an overflow to the artificial

wetland system soak-away system. The water from the artificial wetland will be used for irrigation purposes.

- 3.3. Electricity: It is understood that electricity will be generated with renewable energy in the form of roof-mounted solar panels on the dwelling, while energy generated through the biogas digester will be used for cooking, heating and lighting, depending on availability.

In light of the proposed activities associated with the dwelling i.e. the stabilisation of an area of approx. 1ha and the development of an artificial wetland please be advised that the relevant impacts (positive and negative) related to these aspects must be adequately reported on in the Basic Assessment Report.

4. 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):

#### 4.1. 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 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.kznsshf.gov.za/your-resource-library>).

#### 4.2. Public Participation

The BAR must be subject to a Public Participation Process ("PPP") that must comply with Chapter 6 of the EIA Regulations, 2014.

The PPP must be undertaken in accordance with the Public Participation Plan ("PP-Plan") as agreed to by this Department on 27 January 2022. Any deviation from the PP-plan must be agreed to by this Department.

##### General public participation advice

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.

In terms of good practice, you are encouraged to engage with State Departments and other Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the draft BAR available to State Departments/Organs of State as stipulated above.

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.

#### *4.3. 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 on the Department's website <http://eadp-westerncape.kznsshf.gov.za/your-resource-library> must be taken into account.

#### *4.4. 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.

#### *4.5. Protocols or Minimum Information Requirements*

Please be informed that the applicable protocols or minimum information requirements, which have been published in the Government Gazette<sup>1</sup>, must be applied to the impact assessment process that must be followed: Provided that the requirements of these protocols do not apply where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned by the

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<sup>1</sup> 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; and  
Government Notice No. 1150 of 30 October 2020 (Government Gazette No. 43855 of 30 October 2020 refers), which came into effect on 30 October 2020.



date of publication of these protocols in the Government Gazette, in which case Appendix 6 of the Environmental impact Assessment Regulations, 2014, as amended, will apply to such applications.

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")<sup>2</sup> 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 the relevant date the specific protocol came into effect (i.e. 9 May 2020 or 30 October 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).

#### Site Sensitivity Verification Report

Please be advised that the sensitivity verification report(s) must comply with the requirements of the applicable protocols as published in Government Notice No. 320 of 20 March 2020 and Government Notice No. 1150 of 30 October 2020 and that the outcome of the site sensitivity verification must be recorded in the form of a report that:

- a) confirms or disputes the current use of the land and the environmental sensitivity as identified by the screening tool;
- b) contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity.

#### 4.6. Guidelines

When undertaking the EIA process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (<http://eadp-westerncape.kznsshf.gov.za/your-resource-library>). In particular, the guidelines that may be applicable to the proposed development include, *inter alia*, the following:

- Circular EADP 0028/2014: One Environmental Management System.
- Guideline on Need and Desirability (March 2013).
- Guideline on generic terms of Reference for EAPs and Project Schedules (March 2013)
- Guideline for determining the scope of specialist involvement in EIA processes (June 2005)
- Guideline for review of specialist input in the EIA process (June 2005)
- Guideline for involving visual and aesthetic specialists in the EIA process (June 2005)
- Guideline for involving heritage specialists in the EIA process (June 2005)
- Guideline for involving social assessment specialists in the EIA process (February 2007)
- Guideline for Environmental Management Plans (June 2005).
- Guideline on Alternatives (March 2013).
- Guideline for involving economists in the EIA process (June 2005)

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<sup>2</sup> SACNASP – the legislated regulatory body for natural science practitioners in South Africa

#### 4.7. 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).

#### 4.8. 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.

#### 4.9. 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, 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 i.e., by 9 May 2022 (in accordance with the reckoning of days in terms of Regulation 3(2) and 3(5) of the EIA Regulations). 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.

#### 4.10. Other legislative Requirements

##### (a) National Water Act, Act No. 36 of 1998

It is noted that a borehole has been drilled which will supplement water for domestic use during times of drought. It is unclear whether this water use is permissible under Schedule 1 of the National Water Act, Act No. 36 of 1998. Furthermore, it is unclear whether the borehole needs to be registered with the relevant authority. As such, you are advised to consult the Breede-Gouritz Catchment Management Agency ("BGCMA") in respect of this matter. Furthermore, you are also advised to consult the BGCMA in respect of the development of an artificial wetland and the proposed irrigation with water from the wetland.

(b) National Heritage Resources Act, Act No. 25 of 1999

According to the letter from Heritage Western Cape (Case No: 20072309SB0729E), dated 9 December 2021, the Heritage Impact Assessment ("HIA") that has been undertaken does not comply with Section 38(8) of the National Heritage Resources Act, Act No. 25 of 1999 ("NHRA") as it does not adequately address the potential significance of palaeontology and archaeology and potential impacts. Kindly noted that this must be shortcoming in the HIA must be addressed. Please be advised that failure to address this may prejudice the outcome of the application for environmental authorisation.

5. This Directorate awaits the submission of the Draft Basic Assessment Report. With reference to this Department's Circular No. 0027/2021 of 15 December 2021, please note that from 1 February 2022 all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to this Directorate's dedicated e-mail address.

In this regard the following procedure for the submission of documents must be followed when submitting documents to the Directorate: Development Management (Region 3) -

- (a) submitted electronically per electronic mail to this Directorate's generic e-mail address and copied to the assigned case officer.

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, Notice of Intent form; request for fee reference numbers, etc.): [DEADPEIAAdmin.George@westerncape.gov.za](mailto:DEADPEIAAdmin.George@westerncape.gov.za)

OR

- (b) uploaded electronically to the designated folder on the Directorate's OneDrive system which has been assigned to the EAP.

Note: The document must be placed in an appropriately named folder and the reference number included (where applicable). The Department must be notified via e-mail once the document has been uploaded. Such notification must include a screenshot of the documents that have been uploaded within the folder.

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

pp\_\_\_\_\_

HEAD OF COMPONENT: ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/1/D6/37/0003/22

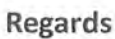
Copied to:  
EAP: Cape EAPrac

E-mail: [melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za)  
E-mail: [louise@cape-eaprac.co.za](mailto:louise@cape-eaprac.co.za)

**From:** Melissa Mackay  
**Sent:** Thursday, 03 February 2022 15:00  
**To:** DEADP-EIAAdmin George; Steve Kleinhans  
**Subject:** 16/3/3/6/7/1/D6/37/0159/20 House Steenekamp Application Form

**RE: 16/3/3/6/7/1/D6/37/0159/20 HOUSE STEENEKAMP APPLICATION FORM**

Please see proof of the upload of the House Steenekamp Application Form below.



Reg. EAP (EAPASA)

F: 044 874 0432



**Melissa Mackay**

---

**From:** postmaster@westerncape.gov.za  
**To:** Steve Kleinhans  
**Sent:** Thursday, 03 February 2022 15:00  
**Subject:** Delivered: 16/3/3/6/7/1/D6/37/0159/20 House Steenekamp Application Form

**Your message has been delivered to the following recipients:**

Steve Kleinhans (Steve.Kleinhans@westerncape.gov.za)

Subject: 16/3/3/6/7/1/D6/37/0159/20 House Steenekamp Application Form



3/6/7/1/D6/37/01.  
Hou...

**Melissa Mackay**

---

**From:** postmaster@westerncape.gov.za  
**To:** DEADP-EIAAdmin George  
**Sent:** Thursday, 03 February 2022 15:00  
**Subject:** Delivered: 16/3/3/6/7/1/D6/37/0159/20 House Steenekamp Application Form

**Your message has been delivered to the following recipients:**

DEADP-EIAAdmin George (DEADPEIAAdmin.George@westerncape.gov.za)

Subject: 16/3/3/6/7/1/D6/37/0159/20 House Steenekamp Application Form



3/6/7/1/D6/37/01:  
Hou...



REFERENCE: 16/3/3/6/7/1/D6/37/0159/20  
DATE OF ISSUE: 27 January 2022

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY)LTD  
PO Box 448  
RIVERSDALE  
6670

Attention: Mr. Gerhardes Steenekamp

E-mail: Steenekamp.gesin@gmail.com  
Tel: 084 409 1429

Dear Sir

APPROVAL OF THE PUBLIC PARTICIPATION PLAN FOR THE PROPOSED DEVELOPMENT OF A SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE STEENEKAMP ON PORTION 19 OF THE FARM MISGUNST AAN DE GOURITZ RIVIER NO. 257, VLEESBAAI

1. The following documentation in respect of the abovementioned matter refers:
  - 1.1. this Department's letter dated 14 December 2021; and
  - 1.2. the revised Public Participation Plan ("PP-plan") (Ref: MOS618 V2), dated 20 January 2022 as received by this Department on 20 January 2022.
2. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the revised PP-plan and agrees to the proposed actions to conduct the public participation process.
3. This Directorate awaits the submission of the application for environmental authorisation. With reference to this Department's Circular No. 0027/2021 of 15 December 2021, please note that from 1 February 2022 all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to this Directorate's dedicated e-mail address.

In this regard the following procedure for the submission of documents must be followed when submitting documents to the Directorate: Development Management (Region 3) -

- (a) submitted electronically per electronic mail to this Directorate's generic e-mail address and copied to the assigned case officer.

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, Notice of Intent form; request for fee reference numbers, etc.): [DEADPEIAAdmin.George@westerncape.gov.za](mailto:DEADPEIAAdmin.George@westerncape.gov.za)

OR

(b) uploaded electronically to the designated folder on the Directorate's OneDrive system which has been assigned to the EAP.

Note: The document must be placed in an appropriately named folder and the reference number included (where applicable). The Department must be notified via e-mail once the document has been uploaded. Such notification must include a screenshot of the documents that have been uploaded within the folder.

4. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
6. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

pp\_\_\_\_\_

HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/7/1/D6/37/0159/20

Copied to:

EAP: Cape EAPrac

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



REFERENCE: 16/3/3/6/7/1/D6/37/0159/20

DATE OF ISSUE: 14 December 2021

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY)LTD  
PO Box 448  
Riversdale  
6670

Attention: Mr. Gerhardes Steenekamp

E-mail: Steenekamp.gesin@gmail.com  
Tel: 084 409 1429

Dear Sir

COMMENT ON THE PUBLIC PARTICIPATION PLAN AND SITE SENSITIVITY VERIFICATION REPORT FOR THE PROPOSED DEVELOPMENT OF A SINGLE RESIDENTIAL DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE STEENEKAMP PROPOSED ON PORTION 19 OF FARM 257 MISGUNST AAN DE GOURITZ RIVIER, VLEESBAAI

1. The Public Participation Plan ("PP-plan") (Ref: MOS618) dated 29 September 2020, and the Site Sensitivity Verification Report ("SSVR") (Ref: MOS618/05), dated 24 November 2021, as received by this Department on 24 November 2021, refer.
2. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the information in the documents and provides the following comment:

2.1. Public Participation Plan

In accordance with this Department's Circular 0022/2021<sup>[1]</sup> and Circular No. 0001/2021<sup>[2]</sup>, the Competent Authority may be approached for an agreement as provided for in Regulation 3(3) and 41(2)(e) of the Environmental Impact Assessment Regulations, 2014 (as amended) to conduct a public participation process which is reasonable and fair.

This Directorate has reviewed the Public Participation Plan ("PP-plan") compiled by the EAP (Ref: MOS618) dated 29 September 2020 and agrees to the proposed actions to conduct a public participation process, subject to the following:

(a) *Conducting Public Participation during the Festive Period 2021/22*

Please be informed that the person responsible to conduct the public participation process, must refrain from conducting any public participation process during the period of 15 December 2021 to 5 January 2022. Whereas any public participation

[1] Circular: DEA&DP No. 0022/2021: Protocol for the administration of EIA, AEL, WML and section 24G Applications during the festive period 2021/22

[2] DEADP Circular No. 0001/2021: EIA and related licensing services and supporting professional services during COVID-19 Lockdown Alert Level 3 and for the remainder of the COVID-19 national state of disaster, dated 6 January 2021.

must be conducted for a period of at least 30 days, which must be reckoned in terms of the timeframes set out in Regulation 3 as consecutive days.

*(b) Organs of State / State Department to be consulted*

The list of State Departments / Organs of State to be consulted has been noted. Kindly be advised that the EAP will be responsible for the consultation with the identified Organs of State / State Departments. In addition to the identified authorities, it is advised that the following authorities are also consulted:

- The Breede-Gouritz Catchment Management Agency;
- National Department of Forestry, Fisheries and the Environment Branch Oceans and Coasts;
- Western Cape Government: Department of Agriculture; and
- The Civil Aviation Authority.

*(c) Notification to potential and registered Interested and Affected Parties*

It is understood that your appointed independent Environmental Assessment Practitioner ("EAP") does not intend to undertake a pre-application process. As such, please be advised that Regulation 41 of the Environmental Impact Assessment Regulations, 2014 (as amended) must be complied with during the application phase of the Basic Assessment Process.

In light of the above it is noted that the requirements of Regulation 41 will be complied with. However, the Department advises that all notifications to potential and registered Interested and Affected Parties ("I&APs") must specify the commenting period and the date by which comment on the proposal must be submitted to the EAP.

NOTE: It is noted that the EAP refers to the extended 30-day timeframe which will **not be implemented**. Kindly be advised that in terms of this Department's Circular No. 0001/2021, the extension of the public participation is no longer a requirement. As such the legislated timeframes for comments as per Regulation 3 of the EIA Regulations, 2014 must be adhered to.

Furthermore, the Department notes that site notice boards have been placed at the site. The content of the notice boards has been noted and it is advised that the boards as well as notification letters to I&APs, specify the commenting period and inform the I&APs of the provisions of the Protection of Personal Information Act, Act No. 4 of 2013.

*(d) Making reports available for comment*

It is noted that the site notice boards indicate that the documents will be available on request. This Department does not consider this to be acceptable.

In accordance with DEA&DP Circular No. 0001/2021, Reports must be made available to Registered I&APs (including the Competent Authority) for comment in electronic format (e-mails with pdf versions of the report attached to an e-mail) or, if too large to attach to an e-mail, to be made available via an electronic link accessible by the Registered I&APs and DEA&DP official(s).

Where a link to the documents on the EAPs website is provided to I&APs, this should also be done on all notifications (i.e. letters, newspaper advertisement and site posters), especially where such notifications specify the timeframe of the availability of the report for comment.

The revised PP-plan must be agreed to by the Competent Authority prior to undertaking the public participation process, but it must be submitted to the Department for consideration no later than submitting the application for environmental authorisation.

## 2.2. Site Sensitivity Verification Report

This Directorate has reviewed the **Screening Tool Report ("STR")** and SSVR compiled by the EAP (Ref: MOS618/05), dated 24 November 2021 and provides the following comment:

### (a) *Protocols and Minimum Information Requirements*

Please be informed that the applicable protocols or minimum information requirements, which have been published in the respective Government Gazettes<sup>3</sup>, must be applied to the impact assessment process that must be followed: Provided that the requirements of these protocols do not apply where the applicant provides proof to the competent authority that the specialist assessment affected by these protocols had been commissioned by the date of publication of these protocols in the Government Gazette, in which case Appendix 6 of the Environmental Impact Assessment Regulations, 2014, as amended, will apply to such applications.

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")<sup>[4]</sup> 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 the relevant date the specific protocol came into effect (i.e. 9 May 2020 or 30 October 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).

In considering the above dates of publication, it appears that the respective protocols will be applicable where the theme is identified in the STR. Should this not be the case, the EAP must clarify the studies which may have been completed or commissioned prior to the date of publication of the relevant protocol.

### (b) *Combining specialist studies / reports:*

Should it be decided to combine any specialist studies on different themes and to submit a single report, it must be ensured that the report addresses all the minimum information requirements of all the relevant themes as specified in the respective

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[3] 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; and Government Notice No. 1150 of 30 October 2020 (Government Gazette No. 43855 of 30 October 2020 refers), which came into effect on 30 October 2020.

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

protocols. Furthermore, the specialist must provide the necessary proof that he/she is appropriately registered with SACNASP for the respective Protocols.

For example, it may be possible to combine an assessment report for the *Terrestrial Biodiversity, Terrestrial Animal Species, and Plant Species* themes if the person undertaking the respective assessments can demonstrate that she/he complies with all the requirements for the respective Protocols.

(c) *Agricultural Theme*

According to the STR the sensitivity rating for the Agricultural Theme is '*MEDIUM*'. The EAP disputes this sensitivity rating and recommends the sensitivity to be '*negligible*' and motivates that there is no likelihood of the property being used for practising agricultural activities. Notwithstanding this motivation, the Agricultural protocol does not specify a '*negligible*' as a sensitivity rating.

Please note that the protocol requires that an Applicant intending to undertake an activity identified in the scope of the protocol for specialist assessment for impacts on agricultural resources on a site identified by the screening tool as being of "medium" or "low" sensitivity for agricultural resources must submit an Agricultural Compliance Statement, unless the information gathered from the site sensitivity verification differs from that identified as having a "medium" or "low" agricultural sensitivity and it is found to be of a "very high" or "high" sensitivity; or if any part of the proposed development footprint falls within an area of "very high" or "high" sensitivity, the assessment and reporting requirements prescribed for the "very high" or "high" sensitivity apply to the entire development footprint. The compliance statement must be prepared by a soil scientist or agricultural specialist registered with the SACNASP.

The Department is aware that the property is zoned for an agriculture use and the Department of Agriculture historically invested in the property to promote an agricultural land-use.

As such, the Department agrees that an Agricultural Compliance Statement is required to inform the application. Nonetheless, the EAP must consult the Western Cape Government: Department of Agriculture and obtain written confirmation from said Department regarding the delineation of the theme, land suitability, agricultural potential and necessity for further studies regarding the Agricultural Theme (if any).

(d) *Terrestrial Animal Species Theme*

The EAP disputes the finding of the STR which specifies a '*MEDIUM*' sensitivity for the Animal Species Theme. According to the EAP the impact of the proposed dwelling on the animal species will be negligible. The Department takes note of the motivation by the EAP, but the Animal Species Protocol does not make allowance for a NEGLIGIBLE sensitivity rating. As such, it is understood that the sensitivity rating is motivated to be "*LOW*" for which a *Terrestrial Animal Species Compliance Statement* is required in terms of the Animal Species Protocol. The compliance statement must be prepared by a SACNASP registered specialist under one of the two fields of practice (*Zoological Science* or *Ecological Science*).

(e) *Aquatic Biodiversity Theme*

The STR specifies a '*VERY HIGH*' Sensitivity for the Aquatic Biodiversity Theme. It is noted that an aquatic specialist has visited the site and no evidence of watercourses had

been found. As such, the EAP and aquatic specialist dispute the findings of the STR and motivate a 'LOW' sensitivity for the Aquatic Biodiversity Theme. The SSVR indicates that an *Aquatic Biodiversity Compliance Statement* will be compiled as part of the Basic Assessment Report. Such compliance statement must comply with the content requirements of the protocol.

(f) *Archaeological & Cultural Heritage and Palaeontological Themes*

The procedure for site sensitivity verification where no specific assessment protocol has been prescribed, has been gazetted in Government Notice No. 320 of 20 March 2020. This has not been adequately addressed in the SSVR.

The Department notes that Heritage Western Cape has been consulted, which required a Heritage Impact Assessment. The relevant report must comply with the minimum report requirements specified in Appendices 1 and 6 of the Environmental Impact Assessment Regulations, 2014 (as amended). Furthermore, it is noted that HWC did not require further studies in terms of the Palaeontological Theme.

(g) *Civil Aviation Theme*

The STR specifies a 'LOW' sensitivity rating in terms of the Civil Aviation Theme. The EAP motivates that the proposed dwelling does not trigger an obstacle collision / potential hazard as set out by the Civil Aviation Authority and therefore no approval from the CAA is required. The Department agrees with this finding but advises that the EAP **consult the South African Civil Aviation Authority (% Ms. Lizell Stroh) at E-mail: Strohl@caa.co.za and / or Tel: (011) 545 1232** regarding the process to obtain comment from the aviation authority.

(h) *Plant Species Theme*

According to the STR the sensitivity of the Plant Species Theme is considered to be MEDIUM. The EAP does not dispute the finding and indicates that a Botanical Impact Assessment has been undertaken to inform the application. In terms of the protocol a Medium Sensitivity Species of Conservation Concern Confirmation is required. As such, the Botanical Impact Assessment must adhere to the requirements of Point 4 of the relevant protocol.

(i) *Terrestrial Biodiversity Theme*

The STR specifies a 'VERY HIGH' sensitivity in terms of the Terrestrial Biodiversity Theme. The EAP does not dispute the finding and motivates that the Botanical Impact Assessment and Coastal Environmental Engineering Report contain adequate information for the assessment of the theme.

Notwithstanding the motivation, the Protocol states that if the site identified on the Screening tool as being very high sensitivity, a *Terrestrial Biodiversity Specialist Assessment* must be conducted. The assessment must be prepared by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with expertise in the field of terrestrial biodiversity.

Note: Specialist inputs/opinions may be submitted in support of the Terrestrial Biodiversity Assessment. Such supplementary reports/studies should be appended to the Terrestrial Biodiversity Assessment Report to demonstrate how the information was considered. Such supplementary reports will not be regarded to replace the need to

comply with the minimum information requirements of the Protocol or the need to be registered with SACNASP.

2.3. *Other legislative requirements:*

(a) *National Water Act, Act No. 36 of 1998 ("NWA")*

Previous information submitted to this Directorate indicates that potable water for the proposed dwelling will be obtained from a proposed borehole on the property. As such you are required to engage with the Breede-Gouritz Catchment Management Agency ("BGCMA") in respect of any authorisations which may be required in terms of the National Water Act, Act No. 36 of 1998.

Please be advised of the required synchronisation between the EIA process and the **Water Use License Application ("WULA") process (if required)**. You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of this application for environmental authorisation.

Furthermore, specialist reports submitted as part of the BAR (including those submitted for consideration and which also may form part of the WULA) must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations 2014.

(b) *Service Level Agreement:*

It is understood that sewage disposal will be by means of biolytics / package plant. In accordance with Section 152 the Constitution and Section 73 of the Local Government: Municipal Systems Act, 2000 (Act no. 32 of 2000), the general duties and functions of local government are described, which require inter alia that the local government must provide basic services. The Local Government: Municipal Systems Act, 2000 does however allow for the provision of such a municipal service in its area or part of its area, through an external mechanism by entering into a service delivery agreement with an entity or person legally competent to operate a business activity. As such the applicant must enter into a Service Level Agreement with the Mossel Bay Municipality.

In light hereof, the Mossel Bay Municipality's Directorate Infrastructure Services must provide guidance on the requirements and implementation of such a service level agreement. In addition, the level of the service must be specified (i.e. service standard) and under which circumstances the municipality shall need to undertake the management and the maintenance of the facility to provide the service (i.e. failure to provide an adequate service).

3. Due to the current measures being implemented by the Department 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 either be –

- (a) submitted electronically per **electronic mail to this Directorate's generic e-mail address** and copied to the assigned case officer.

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, Notice of Intent form; request for fee reference numbers, etc.): [DEADPEIAAdmin.George@westerncape.gov.za](mailto:DEADPEIAAdmin.George@westerncape.gov.za)

OR

- (b) uploaded electronically to the designated folder on the Directorate's OneDrive system which has been assigned to the EAP.

Note: The document must be placed in an appropriately named folder and the reference number included (where applicable). The Department must be notified via e-mail once the document has been uploaded. Such notification must include a screenshot of the documents that have been uploaded within the folder.

4. This Directorate awaits the submission of the application for environmental authorisation. Please note that one (1) electronic copy of the document must be submitted to the Department for consideration.

Should the EAP choose to upload to the designated OneDrive folder, the onus is on the EAP to inform the Directorate via the above generic e-mail address and the assigned case officer (E-mail: [Steve.Kleinhans@westerncape.gov.za](mailto:Steve.Kleinhans@westerncape.gov.za)) once the document has been uploaded.

5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
6. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
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

pp \_\_\_\_\_

HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/7/1/D6/37/0159/20

Copied to: EAP: Cape EAPrac E-mail: [melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za) | [louise@cape-eaprac.co.za](mailto:louise@cape-eaprac.co.za)





PER E-MAIL

REFERENCE: 16/3/3/6/1/D6/29/0210/20  
ENQUIRIES: Steve Kleinhans  
DATE OF ISSUE: 10-FEB-2021

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY)LTD  
PO Box 448  
Riversdale  
6670

Attention: Mr. Gerhardes Steenekamp

E-mail: Steenekamp.gesin@gmail.com  
Tel: 084 409 1429

Dear Sir

RE: CHECKLIST FOR THE DETERMINATION OF THE APPLICABILITY OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2014 (AS AMENDED) TO THE PROPOSED DEVELOPMENT OF A PRIMARY AND SECONDARY DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE STEENKAMP ON PORTION 19 OF FARM 257 MISGUNST AAN DE GOURITZ RIVIER, VLEESBAAI

1. With reference to the following information and correspondence:
  - the applicability checklist dated 24 November 2020 and supporting information received on 24 November 2020; and
  - the letter from the Department, dated 11 December 2020.
2. The Department has reviewed the information and the content of the Specialist Coastal Environmental Engineering Report for Portion 19 of 257, Fransmanshoek, Vleesbaai, compiled by Mr. Laurie Barwell of *Laurie Barwell and Associates*.
3. While the Department acknowledges the content of the Coastal Environmental Engineering Report, the littoral active zone ("LAZ") as defined in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008) ("NEM: ICMA") must be considered. According to NEM: ICMA") the littoral active zone is defined as—

*"any land forming part of, or adjacent to, the seashore that is –*

- a) unstable and dynamic as a result of natural processes, and*



- b) *characterised by dunes, beaches, sand bars and other land forms composed of unconsolidated sand, pebbles or other such material which is either unvegetated or only partly vegetated.*
4. As such, the Department is of the considered view that the proposed development sites are located within the LAZ as defined in the NEM: ICMA as it comprises partially vegetated dunes and is considered to be a dynamic system where free movement of sand should not be interfered with. Furthermore, the need to stabilise the proposed development footprint by means of “active coastal gardening” supports this view.
5. Furthermore, it is acknowledged that the size of the dune field has changed over time. This may be regarded as an indication of the dynamic nature of dune field.
6. In light of the above, please be informed that the physical implementation of the proposed development on Portion 19 of Misgunst Aan De Gouritz Rivier No. 257 in Fransmanshoek will trigger relevant listed activities in terms of the Environmental Impact Assessment Regulations Listing Notice 1 and 3 of 2014, (GN No. R. 983 & 985 of 4 December 2014, as amended 7 April 2017), as promulgated under Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (“NEMA”), including:

Environmental Impact Assessment Regulations Listing Notice 1 GN No. R. 983 as amended on 7 April 2017 –
<p>Activity 17 Activity Description</p> <p>Development—</p> <ul style="list-style-type: none"> <li>(i) <i>in the sea;</i></li> <li>(ii) <i>in an estuary;</i></li> <li>(iii) <i><u>within the littoral active zone;</u></i></li> <li>(iv) <i>in front of a development setback; or</i></li> <li>(v) <i>if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater;</i></li> </ul> <p>in respect of—</p> <ul style="list-style-type: none"> <li>(a) <i>fixed or floating jetties and slipways;</i></li> <li>(b) <i>tidal pools;</i></li> <li>(c) <i>embankments;</i></li> <li>(d) <i>rock revetments or stabilising structures including stabilising walls; or</i></li> <li>(e) <i><u>infrastructure or structures with a development footprint of 50 square metres or more;</u></i></li> </ul> <p>but excluding—</p> <ul style="list-style-type: none"> <li>(aa) <i>the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></li> <li>(bb) <i>where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></li> <li>(cc) <i>the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or</i></li> <li>(dd) <i>where such development occurs within an urban area.</i></li> </ul>

Activity 18

Activity Description:

The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where —

- (i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or
- (ii) such planting of vegetation or placing of material will occur behind a development setback.

Activity 19A(ii)

Activity Description:

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 of more than 5 cubic metres from—

- (i) the seashore;
- (ii) 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; or
- (iii) the sea; —

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

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan;
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;
- (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or

where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

Environmental Impact Assessment Regulations Listing Notice 3  
GN No. R. 985 as amended on 7 April 2017 –

Activity 12

Activity Description:

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;
- ii. Within critical biodiversity areas identified in bioregional plans;
- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or
- v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.

Written authorisation is therefore required from the relevant competent authority (as defined in GN No R.982 of 4 December 2014, as amended 7 April 2017), prior to the undertaking of the said activities

The onus is on the proponent/applicant to ensure that all the applicable listed activities are applied for and assessed as part of the environmental impact assessment (EIA) process.

7. Please be advised of the following regarding the nature and extent of any of the processes that may or must be followed or decision support tools that must be used in order to comply with the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") Act and the Environmental Impact Assessment Regulations, 2014:

☐ *Application for Environmental Authorisation*

An application form of which the format has been determined by the competent authority (currently FORM NO. AEA10/2019), must be completed and submitted to this Directorate for consideration. Please consider the instructions within the form. The payment of the application fee and submission of this information will initiate the application process for authorisation in accordance with the procedures stipulated in GN No. R. 982 of 4 December 2014. This Directorate will only proceed with the consideration of the application upon receipt of this information.

You are advised to consider following a pre-application assessment and public participation process, as provided for in Chapter 6 of the Environmental Impact Assessment Regulations, 2014. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested
- of the outcome of the application

☐ *Screening Tool Report:*

Please note that from 4 October 2019 it is compulsory to include the report generated from the national web based environmental screening tool, as contemplated in Regulation 16(1)(b)(v) of the Environmental Impact Assessment Regulations, 2014 (as amended) when submitting an application for environmental authorisation in terms of Regulations 19 of the EIA Regulations, 2014. Please use the following URL link to generate the Screening Tool Report: <https://screening.environment.gov.za/screeningtool> .

❑ *Protocols or Minimum Information Requirements*

Please be informed that the applicable protocols or minimum information requirements, which were published in the Government Gazette<sup>[1]</sup>, must be applied to the impact assessment process that must be followed.

In this regard, please note that the *Initial Site Sensitivity Verification* must be undertaken by an environmental assessment practitioner or a registered specialist with expertise in the relevant environmental theme being considered.

8. Please note that a listed activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A of NEMA for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
9. Furthermore, please be advised of your general duty of care toward the environment, as required in terms of Section 28 of NEMA, namely:  

*"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment"*.
10. This Directorate 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: 16/3/3/6/1/D6/29/0210/20

Copied to: Cape EAPrac: Ms Melissa Mackay

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

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[1] 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; and Government Notice No. 1150 of 30 October 2020 (Government Gazette No. 43855 of 30 October 2020 refers), which came into effect on 30 October 2020.



*PER E-MAIL*

REFERENCE: 16/3/3/6/1/D6/29/0210/20  
ENQUIRIES: Steve Kleinhans  
DATE OF ISSUE: 11-DEC-2020

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY)LTD  
PO Box 448  
Riversdale  
6670

Attention: Mr. Gerhardes Steenekamp

E-mail: Steenekamp.gesin@gmail.com

Tel: 084 409 1429

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE CHECKLIST FOR THE DETERMINATION OF THE APPLICABILITY OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2014 (AS AMENDED) TO THE PROPOSED DEVELOPMENT OF A PRIMARY AND SECONDARY DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE STEENEKAMP ON PORTION 19 OF FARM 257 MISGUNST AAN DE GOURITZ RIVIER, VLEESBAAI

1. The abovementioned document dated 24 November 2020 and received via e-mail by this Department on 24 November 2020, refers.
2. This letter serves as an acknowledgment of receipt of the abovementioned documents.
3. Please be informed that the Department is coordinating a response to the query with the relevant Directorates and will be issuing a letter in respect of the matter as soon as possible.
4. The onus is on the proponent to confirm that the proposed development does not involve any listed activities requiring environmental authorisation. It is advised that this should be done before physically commencing with any activity on the property.
5. Please note that a listed activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A of the National Environmental Management Act, 1998 (Act no. 107 of 1998) ("NEMA") for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity.
6. 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

Copied to: Cape EAPrac: Ms Melissa Mackay E-mail: mel@cape-eaprac.co.za

PER E-MAIL

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REFERENCE: 16/3/3/6/7/1/D6/37/0159/20  
ENQUIRIES: Steve Kleinhans  
SPECIFIC FEE REFERENCE: G-BA-EIA-G4  
DATE OF ISSUE: 09-OCT-2020

The Managing Director  
AQUIFER RESOURCE MANAGEMENT (PTY)LTD  
PO Box 448  
Riversdale  
6670

Attention: Mr. Gerhardes Steenekamp

E-mail: Steenekamp.gesin@gmail.com  
Tel: 084 409 1429

Dear Sir

ACKNOWLEDGEMENT 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 DEVELOPMENT OF A PRIMARY AND SECONDARY DWELLING WITH ASSOCIATED INFRASTRUCTURE OF HOUSE STEENKAMP ON PORTION 19 OF FARM 257 MISGUNST AAN DE GOURITZ RIVIER, VLEESBAAI

1. The abovementioned document dated 29 September 2020 and received by this Department on 29 September 2020 via e-mail, refers.
2. This letter serves as an acknowledgment of receipt of the abovementioned documents.
3. According to the information contained in the Notice of Intent ("NOI") the proposal entails the development of primary and secondary dwellings on Portion 19 of the Farm Misgunst Aan De Gouritz Rivier No. 257 near Vleesbaai ("the property"). It is understood that the primary dwelling with its associated infrastructure will cover an area of approximately 1500m<sup>2</sup> and the secondary dwelling and its associated infrastructure an area of approximately 150m<sup>2</sup>. It is also understood that active coastal gardening is proposed to assist with stabilisation around the dwellings. From the information it is understood that the proposal will be serviced by means of the following:
  - a) Sewage disposal  
Sewage disposal will be by means of a biolytics system / package plant.
  - b) Water provision  
Potable water will be obtained from a proposed borehole on the property.

c) Electricity

Electricity for the proposal will be generated by a combination of solar and wind technology.

d) Access

According to the information access to the proposed dwelling units will be provided via existing track which will be upgraded and may exceed 4m in width to accommodate 4x2 vehicles

4. *Pre-application consultation:*

It is noted that the Environmental Assessment Practitioner ("EAP") requests a pre-application consultation meeting. It is the responsibility of you or your EAP to make the necessary arrangements for the meeting. This Directorate will avail officials for the meeting at a convenient time.

No information provided, views expressed and /or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested
- of the outcome of the application

5. The Department will provide further input / comment on the proposal subsequent to pre-application meeting.
6. Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.
7. This Directorate 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: 16/3/3/6/7/1/D6/37/0159/20

Copied to:

Cape EAPrac: Ms Melissa Mackay

E-mail: [mel@cape-eaprac.co.za](mailto:mel@cape-eaprac.co.za)