



REFERENCE: 16/3/3/6/7/1/D6/35/0149/24
SPECIFIC FEE REFERENCE: G-BA-EIA-K11
DATE OF ISSUE: **25 June 2024**

The Managing Director
SEEBOU WONINGS (PTY) LTD
4 Leiden Avenue, Menkenkop
HARTENBOS
6520

Attention: Ms. Zanthé Seegers

E-mail: zseegers48@gmail.com

Dear Madam

ACKNOWLEDGMENT AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON THE REMAINDER OF ERF 2841, TERGNIET

1. The abovementioned undated Notice of Intent ("NOI") dated 10 May 2024, compiled on your behalf by your appointed registered Environmental Assessment Practitioner ("EAP"), Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444) of *Cape Environmental Assessment Practitioners* ("Cape EAPrac"), and received by this Department on 10 May 2024, refers.
2. This letter serves as acknowledgement of receipt of the abovementioned report on 10 May 2024.
3. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the information in the NOI and provides the following comment:

3.1. *The proposal:*

According to the information in the NOI the proposed development entails the subdivision and rezoning of Erf 2841, Tergniet into the following:

- 68 x General Residential Zone II Erven;
- 2 x Utility Zone Erven;
- 11 x Open Space Zone II Erven;
- 5 x Transport Zone III Erven; and
- 1 x Transport Zone I Erf.

Furthermore, the proposed development also includes the development of installation of civil engineering services including water, sewage, stormwater and roads. It is understood that water supply will be provided by means of a connection to a newly installed 200mm diameter water pipeline within the Main Road 344 road reserve.

3.2. *Process to obtain environmental authorisation:*

Based on the information submitted to this Directorate 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 proponent / EAP to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.

3.3. *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. Kindly note that virtual meetings via Microsoft Teams are preferred.

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.

3.4. *Specific fee reference number:*

The Department notes your "Request for a specific fee reference number". The following specific fee reference number **G-BA-EIA-K11** must be inserted into the Application Form and proof of payment of the application fee attached when the Application Form is submitted to the Department.

3.5. *Public Participation Process:*

This Directorate notes the public participation steps as stipulated in the Public Participation Plan ("PP-plan") dated 8 April 2024, compiled by the EAP.

Notwithstanding the fact that an agreement regarding the proposed actions to conduct the public participation process is no longer a requirement, this Directorate has reviewed the PP-plan and notes that your EAP does not intend to conduct a pre-application process given the type of development and the outcome of the site sensitivity verification. This Directorate acknowledges that the pre-application process is a voluntary process, but strongly advises that a pre-application process be conducted.

Notwithstanding the above, the EAP is reminded that it must be ensured that Regulation 41 of the Environmental Impact Assessment, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended) is complied with simultaneously during the pre-application phase (where relevant) or application phase or both.

3.6. *Screening Tool Report and Site Sensitivity Verification Reports:*

In accordance with the applicable protocols or minimum information requirements, which have been published in the Government Gazette (i.e. Government Gazette No. 43110 of 20 March 2020 and Government Gazette No. 43855 of 30 October 2020) you are required to submit a site sensitivity verification report(s) which confirms or disputes the site sensitivities for each of the themes identified in the Screening Tool Report. Furthermore, the report(s) must include a

motivation for the exclusion of any of the specialist assessments identified in the Screening Tool Report, which in the opinion of the EAP are not considered relevant or required.

The Department has reviewed the Site Sensitivity Verification Report ("SSVR") (Ref: MOS766/04), dated 10 May 2024, compiled by the EAP. Please be reminded that where a protocol has been published for an identified theme, that the respective specialist reports must adhere to the requirements of the protocol. Where a specific protocol has not been identified for a specialist study, such specialist study must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

(a) Agricultural Theme

According to the Screening Tool Report ("STR") submitted as Appendix D of the NOI the sensitivity rating for the Agricultural Theme is *HIGH*. However, according to information in the STR the majority of the site is mapped as *MEDIUM* sensitivity. The EAP disputes the finding due to the fact that the site is small in extent, it is located within the urban edge, and does not have water rights for the agricultural use and indicates that no studies in terms of the Agricultural Theme is required. The latter is incorrect.

In light of the sensitivities on the property, this Directorate is of the view that an Agricultural Compliance Statement may be undertaken to inform the assessment report.

Furthermore, you are required to obtain written comment on this aspect from the Western Cape Government: Department of Agriculture – Land Use Management.

(b) Animal Species Theme

The STR specifies a *HIGH* sensitivity rating for the Animal Species Theme. According to the SSVR the sensitivity will be confirmed by a faunal specialist. Therefore, this Directorate cannot provide you with guidance on this aspect prior to the application for environmental authorisation being submitted. Should it be found that the incorrect assessment process, as defined in the protocol, has been followed, the specialist will be required to redo the assessment.

Please be advised the depending on the level of assessment that is required in terms of protocol, that the specialist assessment must comply with the content requirements of the applicable report (i.e. Terrestrial Animal Species Specialist Assessment or a Compliance Statement).

(c) Aquatic Biodiversity Theme

The STR specifies a *VERY HIGH* sensitivity rating for the Aquatic Biodiversity Theme. However, according to the SSVR a specialist refuted the sensitivity and confirmed a *LOW* sensitivity in terms of the protocol. It is understood that an Aquatic Biodiversity Compliance Statement will be undertaken to inform the assessment report. In this regard, it must be ensured that the compliance statement must comply with the requirement of the protocol.

(d) Archaeological and 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.

According to the SSVR Heritage Western Cape ("HWC") was consulted as part of a previous application in 2008 and endorsed development on the property at the time. It has been indicated HWC will be consulted as part of the Basic Assessment process. In this regard, it is strongly advised that a Notice of Intend be submitted to HWC. Where HWC requires further

studies, 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).

(e) Civil Aviation Theme

The STR specifies a MEDIUM sensitivity for the Civil Aviation Theme. The EAP disputes the finding and indicates that the proposed development will not exceed any of the Civil Aviation Regulations in terms of height and does not pose a threat to air traffic in terms of any obstruction. According to the EAP no consultation with the South African Civil Aviation Authority ("SACAA") is therefore required.

Notwithstanding this finding, this Directorate advises that the EAP consult the SACAA (% Ms. Lizell Strohl) at E-mail: Strohl@caa.co.za and / or Tel: (011) 545 1232 regarding the delineation and site sensitivity for this theme, as well as the process to obtain comment from the aviation authority.

(f) Terrestrial Plant Species Theme

The STR specifies a MEDIUM sensitivity in terms of the Plant Species Theme, which was confirmed in the SSVR. The procedure described in Section 4 of the Plant Species protocol, with regard to **Medium Sensitivity Species of Conservation Concern Confirmation**, must be followed by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with a field of practice relevant to the taxonomic group ("taxa") for which the investigation is being undertaken. Therefore—

- Where species of conservation concern ('SCC') are found on the site or have been confirmed to be likely present, a Terrestrial Plant Species Specialist Assessment must be submitted in accordance with the requirements specified for "very high" and "high" sensitivity in this protocol.
- Similarly, where no SCC are found on site during the investigation or if the presence is confirmed to be unlikely, a Terrestrial Plant Species Compliance Statement must be submitted.

(g) Terrestrial Biodiversity Theme

The STR specifies a VERY HIGH for the Terrestrial Biodiversity Theme. According to the SSVR the sensitivity is to be confirmed by the appointed specialist. Therefore, this Directorate cannot provide you with guidance on this aspect prior to the application for environmental authorisation being submitted. Should it be found that the incorrect assessment process, as defined in the protocol, has been followed, the specialist will be required to redo the assessment.

In this regard, please be advised the depending on the level of assessment that is required in terms of protocol, that the specialist assessment must comply with the content requirements of the applicable report i.e. Compliance Statement or Terrestrial Biodiversity Impact Assessment.

(h) Other relevant considerations

● *Visual Impact Assessment*

It is understood that a Visual Impact Assessment will be undertaken to inform the BAR. In this regard, it must be ensured that the assessment report adhered to the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended). Furthermore, this Department's Guideline for involving visual and aesthetic specialists in the EIA process (June 2005) must be consulted.

● *Traffic Impact Statement*

Due to the location and nature of the proposed development you are hereby strongly advised that the assessment must be informed by a Traffic Impact Assessment. The following information as a minimum must be included in the assessment:

- ❖ the number of trips that will be generated by the proposed development;
 - ❖ the adequacy of the current intersection at the R102 Provincial Road / Souwesia Avenue to deal with the expected trips;
 - ❖ any upgrade requirements of the existing road infrastructure; and
 - ❖ any conditions / requirements from the Mossel Bay Municipality and the Western Cape Government: Department of Infrastructure.
- *Western Cape Nature Conservation Laws Amendment Act, Act 3 of 2000*

According to the STR there are a number of provincially protected species present on the property. In this regard, please be advised all species included in Schedules 3 and 4 of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) requires a permit prior to the removal of such species. Therefore, you are advised that such species may not be picked or removed without the relevant permit from CapeNature.

3.7. 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 abovementioned application, or sufficient approved unallocated capacity able to accommodate the abovementioned application in future.

(b) Sewer network and wastewater treatment:

- (i) the total existing capacity of the municipal sewer network and wastewater 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.

4. Please note that it is an offence in terms of Section 24F and 49A of the 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.
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

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HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/7/11/D6/35/0149/24

Copied to:

Cape EAPrac:

EAP: Ms. Louise-Mari van Zyl

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