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REFERENCE: 16/3/3/6/7/1/D1/6/0110/21
ENQUIRIES: Jessica Christie
DATE: **22-SEP-2021**

THE DIRECTOR
CAVA MOLA MINING (PTY) LTD
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Attention: Mr. G. Maritz

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Dear Sir

COMMENT ON THE SITE SENSITIVITY VERIFICATION REPORT (SSVR) FOR THE DEVELOPMENT OF HOUSE MARITZ ON ERF 390 & REMAINDER ERF 141, KEURBOOMSTRAND

1. The Site Sensitivity Verification Report in respect of the abovementioned matter, received by this Department via e-mail on 5 August 2021, refer.

2. This Directorate hereby acknowledges receipt of the said document.

3. This Directorate has reviewed the Site Sensitivity Verification Report ("SSVR") compiled by the EAP and provides comment in respect of the following:

   3.1. *Agriculture Theme (Medium Sensitivity)*

   The SSVR and the National Screening Tool Report (STR) indicates that the Sensitivity of the site for this theme is *Medium*. In accordance with the findings of the SSVR and the Agricultural Protocol published in Government Notice No. 320 of 20 March 2020, an *Agricultural Compliance Statement* must be undertaken in terms of Table one: Assessment and reporting of impacts on agricultural resources and specifically point 1.2. The findings of the *Agricultural Compliance Statement* must be incorporated into the Basic Assessment Report, including any mitigation and monitoring measures as identified, which are to be contained in the EMPr. The compliance statement must be prepared by a soil scientist or agricultural specialist registered with the SACNASP.

However, it is noted that the RE/141 is zoned as Single Residential Zone I and Erf 390 is zoned as Open Space Zone II for a private open space which is situated within the urban edge of Keurboomstrand, therefore, the motivation submitted by your EAP that sufficient proof is available to shows that the land has not been utilised for agricultural activities since April 1998, is found acceptable and a compliance statement will not be required. Nonetheless, the EAP must consult the WCG: Department of Agriculture in the public participation process and specifically 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).

3.2. *Animal Species Theme (Medium Sensitivity)*

The STR identified a Medium Sensitivity for the Animal Species Theme and lists insects, invertebrates, mammals, reptile and amphibian species which are known to occur in the area, based on the habitat type identified by the applicable datasets. The STR also lists a "*Sensitive Species 5*" (i.e. a species which name has been withheld as the species may be prone to illegal harvesting and must be protected). The information regarding the Species of Conservation Concern ("SCC") has not been adequately confirmed or disputed. Therefore, this Directorate cannot agree with the conclusion by the EAP stating that no assessment will be undertaken until the information regarding the unidentified species and its absence on the site, has been provided. In this regard, please be advised that the EAP or appointed specialist are required to consult the South African National Biodiversity Institute (SANBI) as indicted in the STR.

The protocol states that "*An applicant intending to undertake an activity identified in the scope of this protocol, on a site identified by the screening tool as being of "medium" sensitivity for terrestrial animal species must submit a Terrestrial Animal Species Specialist Assessment Report*."

Based on the current SSVR, a *Terrestrial Animal Species Specialist Assessment* must be undertaken 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 assessment is being undertaken. Any further information or motivation may be considered by the competent authority.

It is noted that under the Plant Species Theme section that "*A Botanical and Terrestrial Biodiversity Compliance statement is being drafted for this application*", and it is presumed that the flora biodiversity (plant species) will be assessed as such. It remains unclear why the fauna biodiversity (animal species) is not dealt with similarly. The EAP is requested to clarify this.

3.3. *Aquatic Biodiversity Sensitivity (Low Sensitivity)*

The STR states that the sensitivity in terms of aquatic biodiversity is low and the EAP does not refute this. The Protocol however states that if the site identified on the Screening tool as being low sensitivity, an Aquatic Biodiversity Compliance Statement must be conducted.

It is confirmed that an Aquatic Biodiversity Compliance Statement must be undertaken by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with expertise in the field of aquatic sciences.

3.4. *Terrestrial Biodiversity Sensitivity (Very High Sensitivity)*

The STR states that the sensitivity in terms of terrestrial biodiversity is very high and the EAP does refute but does not indicate a new sensitivity rating. It is further written that SANBI has changed the ecosystem threat status From Vulnerable Garden Route Shale Fynbos to Least Concern status of Goukamma Dune Thicket. This information, however, has not been referenced in the SSVR. The NBA 2011 Ecosystem Threat Status information is still applicable and the EAP must take cognisance that the threat status has changed even though it has not been gazetted yet.

From the SSVR is understood that the EAP means that the site sensitivity for this theme is regarded to be "LOW", although not clearly stated. It is however stated that "A *Botanical and Terrestrial Biodiversity Compliance statement is being drafted for this application*". Even though a clear conclusion is not detailed in the SSVR for this theme, the information and motivation regarding the sensitivity of the site is found acceptable. In terms of the applicable Protocol published in Government Notice No. 320 of 20 March 2020, a Terrestrial Biodiversity Compliance Statement must be compiled and submitted with the BAR. The compliance statement 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.

3.5. *Archaeological and Cultural Heritage Sensitivity (Low Sensitivity)*

It is noted that a Heritage Impact Statement has been drawn up and submitted to Heritage Western Cape for consideration and/or comment. All supporting documents must be appended to the Draft Basic Assessment report. In light of the above requirements from HWC please be advised that the Standard Operating Procedure between Heritage Western Cape and this Department must be followed.

3.6. *Civil Aviation Sensitivity*

Considering that the sensitivity is given as high, this Department takes note the facts that the EAP has included in the SSVR and concurs with that it that the structures will have no impact on civil aviation aspects.

3.7. *Defence Sensitivity*

It is noted that the Screening Tool report has noted a low sensitivity for the Defence theme therefore no further assessment and mitigation measures are required in terms of the applicable Protocol published in Government Notice No. 320 of 20 March 2020.

3.8. *Palaeontology Sensitivity (Medium Sensitivity)*

The Screening Tool Report (STR) states that the sensitivity for this theme is medium and the EAP has not recommended the sensitivity be lowered. However, it is unclear what information has been submitted to HWC in terms of palaeontological aspects. The NID and all supporting documents must be appended to the Draft Basic Assessment report. In light of the above requirements from HWC please be advised that the Standard Operating Procedure between Heritage Western Cape and this Department must be followed.

3.9. *Plant Species Theme (Medium Sensitivity)*

The STR identified a Medium Sensitivity for the Plant Species Theme and numerous species which are known to occur in the area, based on the habitat type identified by the applicable datasets. The STR also lists a "Sensitive Species 657, 181 and 1032" (i.e. a species which name has been withheld as the species may be prone to illegal harvesting and must be protected). The information regarding the Species of Conservation Concern ("SCC") has not been adequately confirmed or disputed. Therefore, this Directorate cannot agree with the conclusion by the EAP stating that only a compliance statement will be undertaken until the information regarding the unidentified species and its absence on the site, has been provided. In this regard, please be advised that the EAP or appointed specialist are required to consult the South African National Biodiversity Institute (SANBI) as indicted in the STR.

The protocol states that "*An applicant intending to undertake an activity identified in the scope of this protocol, on a site identified by the screening tool as being of "medium" sensitivity for terrestrial plant species must submit a Terrestrial Plant Species Specialist Assessment Report*." Based on the current SSVR, a Terrestrial Plant Species Specialist Assessment must be undertaken 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 assessment is being undertaken.

<u>However</u>, from the SSVR is understood that the EAP means that the site sensitivity for this theme is regarded to be "LOW", although not clearly stated. It is however stated that "A *Botanical and Terrestrial Biodiversity Compliance statement is being drafted for this application*". It must be presumed that the flora biodiversity (plant species sensitivity) will be assessed as such. Even though a clear conclusion is not detailed in the SSVR for this theme, the information and motivation regarding the sensitivity of the site for the plant species theme is found acceptable. In terms of the applicable Protocol published in Government Notice No. 1150 of 30 October 2020, a Terrestrial Plant Specie Compliance Statement must be undertaken in the study area, compiled and submitted with the BAR. The compliance statement must be prepared by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with expertise within field of practice under one of the two fields of practice (Botanical Science or Ecological Science).

4. *Specialist Studies identified in the Screening Tool Report*

4.1. *Landscape / Visual Impact Assessment*

The need for this specialist assessment was not described in the SSVR and even though the construction of a new residential dwelling could be seen as keeping in with the norm and what one would expect in Keurboomstrand, visually, the visual impacts of the proposed development must be dealt with in terms of Appendix 1 and 6 of the Environmental Impact Assessment Regulations, 2014 together with the Department's *Guideline for involving visual and aesthetic specialists in the EIA process, June 2005*.

4.2. *Socio-economic*

It is not apparent from the SSVR that the socio-economic aspects related to the proposal and the influence it may have on the Keurboomstrand residential area in which it is will be addressed.

In this regard, the social impacts of the proposed development must be dealt with in terms of Appendix 1 and 6 of the Environmental Impact Assessment Regulations, 2014 together with the Department's Guideline for involving social assessment specialists in the EIA process, February 2007

4.3. *Marine Impact Assessment and Hydrology Assessment*

It is noted that a coastal engineering assessment will be undertaken which will consider the impact on the beach (marine) and hydrology; however, the STR requires a marine impact assessment as well as a hydrology assessment. Kindly demonstrate that the coastal engineer has indeed expertise in conducting a marine impact assessment as well as the hydrology assessment.

5. General
A signed copy of an assessment, or where applicable, a Compliance Statement, must be appended to the Pre-application Basic Assessment Report (if this will be undertaken), the Draft BAR and BAR.

6. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.

7. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.

8. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.

9. 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 Francois Naudé

Digitally signed by Francois Naudé
Date: 2021.09.22 12:17:42 +02'00'

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

Ref.: 16/3/3/6/7/1/D1/6/0110/21

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