Western Cape Government

Department of Environmental Affairs and Development Planning
Development Management (Region 3)
Jessica.Christie@westerncape.gov.za
Tel: +27 44 805 8600
Private Bag X6509, George, 6530
4th Floor, York Park Building, 93 York Street, George, 6529

PER E-MAIL / MAIL

REFERENCE: 16/3/3/6/1/D1/6/0204/20
ENQUIRIES: Jessica Christie
DATE: **14-APR-2021**

THE DIRECTOR
CAVA MOLA MINING (PTY) LTD
P.O. Box 20366
PROTEA PARK
0305

Attention: Mr. G. Maritz

E-mail: gmz@agrilime.com
Cell: 083 267 1719

Dear Sir

CHECKLIST FOR THE DETERMINATION OF THE APPLICABILITY OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS 2014: ERF 390 AND REMAINDER OF ERF 141, KEURBOOMSTRAND

1. The abovementioned document (dated 19 November 2020) and received by this Directorate on 19 November 2020, refers.

2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Directorate.

3. On review of the available information, it is understood that:

   - The previous owners of Erf 141 subdivided the property in 2016 into two erven, namely Remainder of Erf 141 ('Erf RE/141') and Erf 390 which is situated forms the southern portion of the original property.
   - Erf 390 was zoned Open Space II in 2016. The current Open Space Zoning does not allow for the construction of a residential dwelling.
   - A swimming pool was developed on what is now Erf 390; however, the swimming pool was removed prior to the subdivision of the original property in 2016.
   - The proponent and current owner of Erf 390 and Erf RE/141 wishes to consolidate the two erven into a single cadastral unit and that the new Erf will be zoned as *Single Residential Zone I*. The existing dwelling situated on Erf RE/141 will be demolished, and it is the proponent's intention to develop a new dwelling which will cover a large portion of the consolidated property (i.e. extend seaward from Erf RE/141).

- The consolidation of the two erven into a single property will provide for the establishment of new or additional rights not provided for in the previous decision. These additional rights (*inter alia* construction of a residential building on an area not set aside therefore) will result in the physical implementation of activities listed in terms of the Environmental Impact Assessment Regulations Listing Notice(s) of 2014 (refer to GN No. R.983 and R.985 of 04 December 2014) as promulgated under Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA").

  Although soil/sand may have been moved/excavated on the southern part of the original property (Erf 141) before Activity 19 / 19A of Listing Notice 1 (Environmental Impact Assessment Regulations Listing Notice 1 of 2014, refer to GN No. R.983 04 December 2014) came into effect, this is not regarded to be in furtherance of Activity 19A of Listing Notice 1 and the construction of a new dwelling on the consolidated new erf.

4. Based on the available information, this Directorate has determined that the proposed development will result in the physical implementation of activities listed in terms of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014 (refer to GN No. R.983 of 04 December 2014) as promulgated under Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA").

5. Written authorisation is therefore required from the relevant authority (as defined in GN No R. 982 of 4 December 2014), prior to the undertaking of the said activity.

   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.

6. An application form must be completed and submitted to the Directorate: Development Management (Region 3) ("this Directorate") for consideration. 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.

   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.) Please make use of the new e-mail address too when submitting documents:

   DEADPEIAAdmin.George@westerncape.gov.za

7. In accordance with the provisions of the Environmental Impact Assessment Regulations, 2014 you are required to appoint an environmental assessment practitioner ('EAP') to assist you with the investigation and administration of your application. A list of environmental assessment practitioners can be made available on request.

8. Please note that the 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. A person convicted of an offence in terms of the above is liable to a fine or imprisonment, or to both such fine and imprisonment.

9. Furthermore, please be reminded 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 Department reserves the right to revise or withdraw comments or request further information from you based on any new or revised information received.

Yours faithfully

*pp*_____ Francois Naudé Digitally signed by Francois Naudé Date: 2021.04.14 10:14:31 +02'00'

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

Ref no. 16/3/3/6/1/D1/6/0204/20

Copied to:	EAP: CapeEAPrac (Pty)Ltd.	E-mail: mel@cape-eaprac.co.za
	CLD Architects (Pty) Ltd.	E-mail: leon@cld.co.za
	Bitou Municipality: Town Planning	E-mail: cschliemann@plett.gov.za
		E-mail: ataljaard@plett.gov.za