Western Cape Government

Department of Environmental Affairs and Development Planning
Directorate: Development Management, Region 3
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REFERENCE: 16/3/3/1/D1/6/0011/21
DATE OF ISSUE: **07 December 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

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED HOUSE MARITZ ON ERF 390 & REMAINDER ERF 141, KEURBOOMSTRAND

1. The application form received by this Department via e-mail on 29 November 2021, refers.

2. In accordance with sub-regulation 3(1) and 3(2) of the EIA Regulations, 2014[1], the date of receipt of the application form is determined to be **29 November 2021.**

3. The Directorate has reviewed the document and provides the following comment and advice:

   3.1. The application form has been checked and it appears to be properly completed and contains the information required.

   3.2. *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. In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
   - Guideline on Need and Desirability (March 2013).
   - Guideline for Environmental Management Plans (June 2005).

[1] Environmental Impact Assessment Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014 as amended 7 April 2017))

- Guideline on Alternatives (March 2013).

3.3. Need & desirability

In terms of the Environmental Impact Assessment Regulations, 2014, when considering an application, the Department must take into account a number of specific considerations including, *inter alia*, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).

3.4. *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 National Environmental Management Act, 1998 ("NEMA") and must also show how the proposed development meets the requirements of sustainable development.

3.5. *Environmental authorisations for coastal activities:*

The two properties form part of the coastal protection zone as defined in the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008 ('NEM:ICMA').

When any listed activities are to be carried out within the coastal zone which require an environmental authorisation in terms of the NEMA, the NEM:ICMA provides for additional criteria which must be considered when evaluating an application for an activity which will take place within the coastal zone.

The applicant must adequately demonstrate how the relevant considerations of Section 63 of the NEM:ICMA were taken into account and explain how this influenced the proposed development.

3.6. *Basic Assessment Report ('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 26 October 2021. 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.

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 be submitted via e-mail to the relevant official, with attached PDF versions of letters and reports. If the documents are too large to attach to an e-mail, the competent authority must be notified per e-mail and provided with an electronic link to such documents that is accessible by the relevant authority.

4. 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.

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 Francois Naudé Digitally signed by Francois Naudé
Date: 2021.12.07 15:50:08 +02'00'

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

Ref.: 16/3/3/1/D1/6/0011/21

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