



**Western Cape
Government**

Environmental Affairs and
Development Planning

Land Management
(Region 3)

REFERENCE: 16/3/1/2/D6/18/0007/13
ENQUIRIES: Nicholas Kearns
DATE OF ISSUE: 2013 -12- 09

Afrikaanse Taal en Kultuurvereniging
P.O. Box 4586
RANDBURG
2125

Attention: Mr Schalk Cilliers

Tel: (011) 789 3639
Fax: (011) 789 4193

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND ACCEPTANCE OF THE APPLICATION FORM FOR SCOPING AND EIA PROCESS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT OF ERF 3122, HARTENBOS HEUWELS, MOSSEL BAY

1. The abovementioned application (ref. no. 16/3/1/2/D6/18/0007/13) received by this Department on 26 November 2013, refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department and the application is hereby accepted.

Please take note of the following advice of the nature and extent of the processes that must be followed in order to comply with the Act and the EIA Regulations 2010.

3. Exemption

It is evident that you do not intend to apply for exemption from any provisions contained in the EIA regulations or NEMA. Please note that should you fail to meet a requirement of the Regulations or NEMA and if no exemption from that provision was applied for, your Basic Assessment Report may be rejected. You are further advised that regulation 10(2)(d) requires the applicant to publish a notice of the decision taken by the Department in newspapers. If you did not apply to be exempted from this provision and fail to publish a notice of the decision in the applicable newspapers as required then that decision may be suspended. Should you therefore still wish to apply for exemption from any provisions of the EIA regulations then you need to complete the separate Exemption Application form available on the Department's website (www.westerncape.gov.za/eadp). Please note further that prior to completing and submitting such application for exemption you must first comply with Regulation 51(3) of GN No. R 543 of 18 June 2010. Regulation 51(3) requires that the applicant or EAP must communicate his or her intention to apply for exemption by giving notice in the manner prescribed in sub-regulation 54(2)(a), (b), (c) or (d) or a combination thereof which is appropriate in the circumstances **and as agreed to with the competent**

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authority, to the land owner or person in control of the land and all potential or registered interested and affected parties, as the case may be. As such, should you wish to apply for exemption from any provisions of the EIA regulations or NEMA, you will be required to inform the Department of the manner in which you will bring the application for exemption to the attention of all interested and affected parties. Only once the Department has agreed to this Public Participation Process ("PPP") to be followed for the exemption application may you proceed by following a PPP for the exemption application in accordance with this agreement and to then complete the application for exemption and submit it to the Department for consideration. If an application for exemption is to be applied for from a provision that needs to be met prior to an environmental authorisation being issued then you may not continue with the EIA Process without having received an exemption notice from the Department exempting you from having to meet that legislative requirement.

4. 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 as specified in Regulation 25 of GN No. R. 543 of 18 June 2010. Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, 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 (i.o.w. the "no-go" option) in addition to 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 (www.westerncape.gov.za/eadp).

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5. Public Participation

The Department notes that you did not request permission to deviate in terms of regulation 54(5) from any of the requirements of the public participation process as required in terms of regulation 54(2). As such, you must comply with the all requirements of regulation 54(2).

Please be advised that according to Regulation 54(2) The person conducting a public participation process must "take into account any guidelines applicable to public participation". The Department's Guideline on Public Participation (March 2013) must therefore be studied and must be taken into account. This guideline was compiled to provide guidance on the procedure to be followed when conducting the public participation process and includes, *inter alia*, notification of interested and affected parties ("I&APs"). When notifying I&APs of the application the minimum information to be provided in a notice, which include placing an advertisement or fixing a notice board, must contain, inter alia, the Department's reference number, whether a Basic Assessment or Scoping & EIR process is to be followed and information on how to register as an I&AP. A register of I&APs must be opened, maintained and made available to any person requesting access to the register in writing. The register must also be submitted together with the BAR.

(Please be advised that the Draft Scoping Report must **first** be submitted to the Department where after it must be made available to the I&APs, including all the relevant State departments that administer laws relating to a matter affecting the environment, for comment for a period of **40 days**.) The applicant/EAP is required to inform this Department in writing upon submission of the draft report to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24O (2) & (3) of NEMA inform the relevant State Departments of the commencement date of the 40 day commenting period, or 60 days in the case of the Department of Water Affairs for waste management activities which also require a licence in terms of the National Water Act, 1998 (Act No.36 of 1998). Please be further advised that, unless otherwise indicated by the Department, a commenting period of at least 21 days must be provided to I&APs, including the relevant State departments, to comment on any additional information, documentation or reports (including the final Scoping report) other than the draft Scoping report.

In terms of good environmental practise you are encouraged to engage with State departments and other Organs of State in the pre-application phase or 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 Scoping report available to State departments as stipulated above.

The practitioner 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 and this report must also be included in the public participation information to be attached to the final Scoping. The final Scoping report must be made available to registered I&APs for comment before it is submitted to the Department for consideration.

Further details on the procedures to be followed when conducting the PPP can be obtained in the guideline. The Department's Guideline on Public Participation (March 2013) is available on the Department's website (www.westerncape.gov.za/eadp).

6. Collapsing of Scoping report and EIA report

Please be advised that the Scoping phase and Environmental Impact Assessment phases of the EIA process are two distinctly separate phases each having its own requirements and

reports to be submitted. The Department will not accept any Scoping and EIR reports where the processes or information of the two phases were collapsed into a single process or report.

7. Mandatory Plan of study for EIA

You are hereby reminded that a plan of study for environmental impact assessment which sets out the approach to the environmental impact assessment of the application in accordance with Regulation 28(1)(n) **must** be compiled and submitted together with the Scoping report.

8. Guidelines

You are advised that when undertaking the EIA process you must take into the account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (www.westerncape.gov.za/eadp). In particular, the guidelines that may be applicable to the proposed development include, *inter alia*, the following:

- Guideline for the review of specialist input in the EIA process, June 2005.
- Guideline for involving biodiversity specialists in the EIA process, June 2005.
- Guideline for environmental management plans, June 2005.
- Guideline on Exemption Applications (March 2013)
- Guideline on Public Participation (March 2013)
- Guideline on Alternatives (March 2013)
- Guideline on Need and Desirability (March 2013)

9. Contextualising application

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) available on the Department's website (www.westerncape.gov.za/eadp). In terms of having to consider need and desirability, it must be noted the final environmental decision will, *inter alia*, be informed by town planning considerations, informed by *inter alia* the Provincial Urban Edge Guideline (December 2005) and the Western Cape Provincial Spatial Development Framework (2009) ("WCPSDF").

The Department requires that you demonstrate in the Scoping report the strategic context of the site specific proposed development in relation to the broader surrounding area. You will need to demonstrate amongst other whether the proposed development is in line with Departmental policies/guidelines such as the Western Cape Provincial Spatial Development Framework, Urban edge for the area or whether if in the absence of an urban edge whether it is located within the built-up edge of the town. Comment in this regard will be required from the Municipality's planning component.

10. Climate change

One of the objectives of the Western Cape Provincial Spatial Development Framework published by this Department is to minimise the consumption of scarce environmental resources such as water, fuel, building materials, mineral resources, electricity and land. To this effect and as part of the efforts to reduce the effects of climate change, you must as part of the Environmental Impact Assessment ("EIA") process identify energy efficient technologies (e.g. the use of low voltage or compact fluorescent lights instead of incandescent globes, maximising the use of solar heating, etc.) that could be implemented

for the proposed development. Considering that South Africa is a water scarce country and that many catchments in the Western Cape are already water stressed, you must also consider implementing the use of water saving devices and technologies (e.g. dual flush toilets, low-flow shower heads and taps, etc.) for the proposed development. The above must be reported on in the Scoping and Environmental Impact Assessment Report.

It is also recommended that you prepare a water demand management, water conservation and stormwater management plan and submit this plan with the Scoping / EIR report. This plan must include, but not be limited to: the management of stormwater; the capture and use of rainwater from gutters and roofs; use of locally indigenous vegetation during landscaping and the training of staff to implement good housekeeping techniques.

This Department further wish to inform you that consideration must be given to ways to minimize waste and wastage in the design, construction and operational phase of the proposed development. Your attention is therefore drawn to the Department's Waste Minimization Guideline for Environmental Impact Assessment Reviews (May 2003, available from the Department on request). The Guideline raises awareness to waste minimization issues and highlights waste and wastage minimization practices. In particular, it is recommended that Part B be considered as it covers general waste and wastage minimization and general construction activities. It is important to remember that a recycling programme must adopt the cradle-to-grave approach. Any recycled material must be disposed of at a recycling facility and not be disposed of as general household waste at a landfill site

11. General

In addition to the above, you must clearly show how the proposed development complies with the principles contain in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

You are hereby advised that the Scoping Report must contain all the information outlined in Regulations 28 and 29 of the EIA Regulations, and must also include the information requested in this letter; omission of any of the said information may result in the Scoping Report being rejected.

The Department awaits the submission of the Scoping Report as prescribed by the EIA Regulations, GN. R 543 of June 2010. In accordance with Regulation 67 and as allowed for by Regulation 23 of GN No. R. 543 of 18 June 2010 the Department hereby stipulate that the Scoping Report must be submitted to this Department within a period of six months from the date of this letter.

If you, however, have been complying with the requirements of the Regulations and have progressed with the application process, but for some reason will not be able to submit the Scoping Report within the six months period, you must timeously inform the Department as such before the end of the six month period. You will be required to submit a concise motivation why the Scoping Report will not be submitted within the six month period. The motivation must include the tasks that have been performed to date, the reasons for the delay in submission and an indication when the Scoping Report will be submitted to the Department. Such motivation must reach the Department before the end of the six month period. The Department will consider your motivation and inform you of its decision whether or not to continue with the processing of the current application. Should no motivation be provided, your file will be closed for administrative purposes. As such, a new application process will have to be initiated with a new Application Form to be submitted if you wish to again pursue your proposed development.

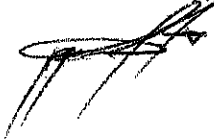
Please note that, unless requested otherwise, one printed copy as well as one electronic copy (saved on CD/DVD) of the Scoping Report must be submitted to the Department.

Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

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 24F 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. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Law Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully



HEAD OF DEPARTMENT

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