



Land Management
(Region 3)

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ENQUIRIES: Nicholas Kearns
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Afrikaanse Taal en Kultuurvereniging
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Attention: Mr Schalk Cilliers

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Dear Sir

ACCEPTANCE OF THE FINAL SCOPING REPORT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT OF ERF 3122, HARTENBOS HEUWELS, MOSSEL BAY

The abovementioned document dated January 2014 and received by this Department on 18 July 2014 refers.

1. This letter serves to inform you that the Final Scoping Report and Plan of Study have been accepted by the Department. However, please take note of the following:
 - 1.1 It is critical that the Environmental Assessment Practitioner ("EAP") comprehensively address and assess all feasible and reasonable alternatives in the EIA phase.
 - 1.2 In addition to paragraph 1.1 above, the EAP must also ensure that the assessment of alternatives must at all times include the "no-go" option as a baseline against which all other alternatives must be considered and assessed.
 - 1.3 Note that specialist studies are not a requirement of the scoping process, therefore the Department has not considered the merits of the findings of the specialist reports that were submitted as part of the scoping report. Please ensure that these and any other specialist reports submitted with the EIA report complies with all the requirements of regulation 32.
 - 1.4 The description of the environment that may be affected by the proposed activities include a reference to Mossel Bay Shale Renosterveld. On the Biodiversity Geographical Information System ("BGIS") it appears that it is in fact not Mossel Bay Shale Renosterveld vegetation, but Great Brak Dune Strandveld. Although this is not critical at this stage of the process as both are endangered, but it is however emphasized that the site also falls within a terrestrial Critical Biodiversity Area

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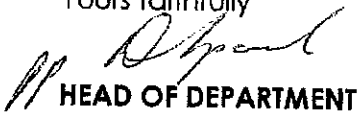
("CBA"). This issue is deemed as a red flag and may prejudice the success of the application.

- 1.5 In terms of the specialist flora and fauna assessment the following must be noted:
 - 1.5.1 Please ensure that the study is compatible with the requirements set out by CapeNature in their letter dated December 2013.
 - 1.5.2 The Red Data species to be studied within the aforementioned assessment must be qualified and the classification system used must be in line with the Department of Environmental Affairs' classification system.
 - 1.5.3 The impacts of the proposed development on the hydrological and vegetation dynamics of the ecological system must be investigated with attention paid to the preservation of ecological corridors and systems.
 - 1.5.4 The assessment must further address the role of fire within the current ecosystem and the impact the proposed development will have on this function, as well as proposed mitigation measures.
- 1.6 From the information included in the abovementioned document it has come to this Department's attention that the proposed development may include some detention ponds within watercourses. Please note that these activities will require authorisation from the Department of Water Affairs. Please contact the competent authority in this regard and ensure that record of this communication forms part of the EIA Report.
- 1.7 It is noted that the report intends to make use of old studies that were done as part of previous assessments, it is therefore necessary that these studies be updated or that the specialists confirm/certify that the previous assessment and findings are still true and relevant to the proposed development.
- 1.8 The proposed visual assessment must not only describe the impacts of the proposed development, but also assess the impacts and provide detailed mitigation measures that can be applied to address any potential negative impacts.
- 1.9 The need and desirability described under section A4 of the Scoping Report does not comply with the gazetted guideline (March 2013), this must be rectified and addressed in the EIAR.
- 1.10 The listed activities detailed in the advertisement do not correspond with the listed activities noted in Table 4 on page 5. It is therefore required that the advertisement be published again during the EIR phase quoting all the relevant listed activities.
- 1.11 The Department notes that Heritage Western Cape was not included as part of the interested and affected parties list, this authority must be included as part of the process and submit a Notice of Intent to Develop ("NID") to Heritage Western Cape.

2. In accordance with Section 24N of the National Environmental Management Act, 1998 (Act No 107 of 1998) ("NEMA") (as amended) the Department hereby requires the submission of an Environmental Management Programme ("EMP"). The contents of such an EMP must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and regulation 34 of the EIA regulations. The EMP must address the potential environmental impacts of the activity throughout the project life cycle including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The Department requires that the EMP be submitted together with the EIAR so that it can be considered simultaneously. The Department would like to advise that in compiling the EMP the Department's Guideline for Environmental Management Plans (available from the Department's website) must be taken into account.
3. You are also reminded that the Public Participation Process to be followed in the EIA phase must also comply with regulation 56 of the EIA regulations, as well as this Department's Guideline on Public Participation (March 2013).
4. Please be advised that the Draft Environmental Impact Assessment Report ("EIAR") must be made available to the public and all 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 the NEMA (as amended) inform the relevant State Departments of the commencement date of the 40 day commenting period. Please be further advised that a commenting period of 21 days will apply to all requests for comment on any information, documentation or reports other than the draft EIAR unless an alternative commenting period is specified by this Department.
5. 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.
6. You hereby advised that the Environmental Impact Assessment Report ("EIAR") must contain all the information outlined in regulation 31 (2) of the EIA regulations; omission of information may result in the EIAR being rejected.
7. Please note that in accordance with Regulation 67 of GN No. R. 543 of 18 June 2010 the EIAR 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 EIAR within the six month period, you must inform the Department as such before the end of the six month period. You will be required to submit a concise motivation why the EIAR 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 EIAR 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 if you wish to again pursue your proposed development.
8. Please note that one printed copy as well as one electronic copy (saved on CD/DVD) of the EIAR must be submitted to the Department.

- 9. You must now proceed with the environmental impact assessment process in accordance with the tasks outlined in the plan of study for environmental impact assessment.
- 10. This Directorate reserves the right to revise initial comments and request further information from you based on the revised information received.

Yours faithfully


HEAD OF DEPARTMENT

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