



**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE NUMBERS: 16/3/3/6/7/1/F3/6/3234/16 (Notice of Intent)
16/3/3/6/1/F3/6/3223/16 (Applicability checklist)

ENQUIRIES: Ms. M. Schippers

DATE OF ISSUE:

2016 -09- 0 9

The Director
Vendiwell (Pty) Ltd.
Suite 103
Dixon Street
CAPE TOWN
8001

Attention: M.G. I. M. Brambilla/P. Fagnoli

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Dear Sir/Madam

ACKNOWLEDGEMENT OF THE NOTICE OF INTENT TO SUBMIT AN APPLICATION IN TERMS OF THE NEMA EIA REGULATIONS, 2014 AND THE CHECKLIST FOR THE DETERMINATION OF THE APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 WITH RESPECT TO THE PROPOSED DEVELOPMENT OF STRUCTURES, INFILLING AND MOVING OF MATERIAL FROM A WATERCOURSE ON PORTION 99 OF FARM BIRDFIELD 306, KLAWER.

The checklist for the determination of the applicability of the NEMA EIA Regulations, 2014 dated 25 August 2016 and received by this Department on 26 August 2016 and the Notice of Intent ("NOI") dated 01 September 2016 and received by this Department on 02 September 2016, refer.

1. This letter serves as an acknowledgement of receipt of the aforementioned documents by this Directorate.
2. *Water Use License application ("WULA")*

It is noted that a WULA will be submitted to the Department of Water and Sanitation ("DWS"). Please note that the applicant/Environmental Assessment Practitioner ("EAP") must notify the DWS as well as the Catchment Management Agency ("CMA") of its intention to submit a WULA and its intention to submit an application for environmental authorisation. The applicant/EAP must request the DWS and CMA to provide comment on the notice as well as any subsequent Reports.

3. *Applicable listed activities*

Having considered the information contained in the NOI and the applicability checklist, this Directorate confirms that the following listed activity will be triggered in terms of the National Environmental Management Act, 1998 (Act No.107 of 1998) ("NEMA") Environmental Impact Assessment ("EIA") Regulations, 2014 by the proposed development. **This is due to the fact that the proposed development was not included in the scope of the valid environmental authorisation:**

Government Notice No. R983 of 4 December 2014:

Activity No: 19

Activity Description:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-

- (i) a watercourse;*
- (ii) the seashore; or*
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater –*

but excluding where such infilling, depositing, dredging, excavation, removal or moving-

- (a) will occur behind a development setback;*
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or*
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.*

4. Content of a Basic Assessment Report

You are referred to Appendix 1 of GN No. R. 982 of 4 December 2014 for the requirements with respect to the 'Content of basic assessment reports'.

5. Exemptions

The Directorate notes that you do not intend to apply for exemption from any provisions contained in the EIA Regulations, 2014 or the NEMA. Please note that should you fail to meet a requirement of the EIA Regulations, 2014 or the NEMA and if no exemption from that provision was applied for, your application for Environmental Authorisation may be refused.

6. Alternatives

Be advised that in terms of the NEMA EIA Regulations, 2014 and the 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 24 of GN No. R. 982 of 4 December 2014. Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives. 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 "no-go" alternative, is required during the assessment. What would, however, be required in this instance is the proof of the investigation undertaken and a motivation indicating that no reasonable or feasible alternatives other than the preferred and the "no-go" alternatives exist.

7. Public Participation

7.1. You are advised that public participation may be undertaken prior to the submission of the application. However, public participation must be undertaken in accordance with the requirements of Regulation 41(2) of the NEMA EIA Regulations, 2014.

7.2. Please be advised that the requirements of the public participation process ("PPP") are specified in Regulation 41(2) of GN No. R. 982 of 4 December 2014.

- 7.3. The BAR must be made available to the interested and affected parties ("I&APs"), including all the relevant State Departments that administer laws relating to a matter affecting the environment, for **comment for a period of 30 days**. The applicant/EAP is required to inform this Directorate in writing upon submission of the report to the relevant State Departments.
- 7.4. Please be advised that should PPP, which includes the circulation of a Report for comment, be undertaken prior to the submission of an Application Form to the Department, in terms of Regulation 40, the Report must also be submitted to the Department for commenting purposes. Please ensure a minimum of **two** printed copies of the draft Report are submitted to the Department.
- 7.5. In terms of good environmental practice you are encouraged to engage with State Departments and other Organs of State in the pre-application phase 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 BAR available to State Departments as stipulated above.

8. Need and Desirability

In terms of the NEMA EIA Regulations, 2014, when considering an application, this Directorate 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 Basic Assessment report. The Basic Assessment report must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability.

9. EMPr

In accordance with Section 24N of the NEMA and Appendix 4 of the NEMA EIA Regulations, 2014 the Department requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014. The EMPr 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 EMPr must be submitted together with the BAR.

10. General

- 10.1. In addition to the above requirements, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.
- 10.2. You are reminded that the social context of the proposed development must always be considered. This includes the impact that the proposed development may have on the prevalence of HIV/AIDS, sexually transmitted infections (STI) and Tuberculosis (TB), as well as equity and gender related concerns.
- 10.3. You are hereby advised that the BAR must contain all the information outlined in Appendix 1 of the NEMA EIA Regulations, 2014, and must also include the information requested in this letter. Omission of any of the said information may result in the refusal of Environmental Authorisation.

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

Please note that the activity may not commence prior to an environmental authorisation being granted by this Directorate.

The Department reserves the right to revise its comments and request further information based on any information received.

Yours faithfully



HEAD OF DEPARTMENT

Copies to: (1) Ms. J. Thomas (Savana Environmental (Pty). Ltd)
(2) Mr. B. Smit (Matzikama Municipality)

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