



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

Directorate: Development Management (Region 1)

**REFERENCE:** 16/3/3/6/7/1/A5/11/2140/17  
**ENQUIRIES:** RONDINE ISAACS  
**DATE:** 28 AUG 2017

The Board of Directors  
Say Rosy Properties (Pty) Ltd  
PO Box 12091  
CAPE TOWN  
8010

**Attention: Mr Gary Luyt**

Cell: 082 880 2238  
E-mail: [gary@glpg.co.za](mailto:gary@glpg.co.za)

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR BASIC ASSESSMENT FOR THE PROPOSED RESIDENTIAL DEVELOPMENT ON PORTION 15 OF FARM HAASENDAL NO. 222, BRACKENFELL**

1. The abovementioned document and letter dated 17 August 2017, as received by this Department on 18 August 2017, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. This Department has reviewed the Notice of Intent and has the following comments (which are not limited to):
  - 3.1 Since water supply, solid waste removal, electricity supply and effluent discharge services will be provided by the City of Cape Town, you are requested to provide this office with written proof that the municipality has sufficient capacity to provide the necessary services to the proposed development. Confirmation of the availability of services from the service providers must be provided together with the Basic Assessment Report ("BAR").
  - 3.2 It is noted that the applicant (Say Rosy Properties (Pty) Ltd) is not the landowner or person in control of the land. You are referred to Regulation 39(1) of Government Notice ("GN") No. R. 982 which states the following:

*"If the proponent is not the owner or person in control of the land on which the activity is to be undertaken, the proponent must, before applying for an environmental authorisation in respect of such activity, obtain the written consent of the landowner or person in control of the land to undertake such activity on that land".*

You are therefore required to obtain the consent of the landowner (Brunsi von Arnim) when the Application form for Basic Assessment is submitted to this Department.

- 3.3 Please be advised that the specific fee reference number must be inserted into the Application form and proof of payment must be attached when the Application form is submitted to this Department. An application may not be submitted without the specific fee reference number and proof of payment.
4. It is noted that the following State Departments will be consulted during the Environmental Impact Assessment ("EIA") process as part of the Public Participation Process:
- Department of Water and Sanitation;
  - CapeNature;
  - Department of Agriculture;
  - City of Cape Town; and
  - Heritage Western Cape.
5. You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process.
6. The Department notes that you do not intend to apply for exemption from any of the requirements of the Public Participation Process as stipulated by Regulation 41, from any other provisions contained in the EIA Regulations, 2014, as amended or the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). Please note that should you fail to meet a requirement of the EIA Regulations, 2014, as amended or the NEMA and if no exemption from that provision was applied for, your application for environmental authorisation may be refused.
7. Be advised that in terms of the EIA Regulations, 2014, as amended 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 20 of Government Notice ("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.
8. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (*i.e.* 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 proof that the investigation was undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the 'no-go' option exist.
9. In terms of good environmental practice 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 BAR available to State Departments as stipulated above.



10. The person conducting the Public Participation Process must fulfil the requirements outlined in Chapter 6 of the EIA Regulations, 2014, as amended and must take into account any applicable guidelines published in terms of Section 24J of NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014, as amended, as well as any other guidance provided by the Department. Note that the public participation requirements are applicable to all proposed sites.
11. In accordance with Section 24N of NEMA and Regulation 19 the Department hereby requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N of the NEMA (as amended) and Regulation 19 of the EIA Regulations, 2014, as amended. 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. The Department would like to advise that in compiling the EMPr the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website must be taken into account.
12. 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'. You are advised that when undertaking the Basic Assessment process you must take into account the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014, as amended as well as any other guidance provided by the Department.
13. In terms of the EIA Regulations, 2014, as amended, 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.
14. In addition to the above, 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.
15. It is prohibited 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. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
16. The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully



**HEAD OF DEPARTMENT**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**  
CC: {1} Mr Guillaume Nel (Guillaume Nel Environmental Consultants)

Fax: (021) 870 1873