



**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE NUMBER: 16/3/3/1/A8/74/3044/19
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 2019 -11- 2 1

The Director
 Amphoria (Pty) Ltd.
 P. O. Box 11338
BLOUBERGSTRAND
 7443

For Attention: Mr. A. Mulder

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 Fax: (021) 554 1411

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED ON 07 APRIL 2017) WITH RESPECT TO THE PROPOSED MIXED USE DEVELOPMENT ON ERVEN 23582-84 AND 23579-80, KUILSRIVER.

1. The application fee of R 2 000 (Fee reference number: W-BA-EIA-F18) received on 12 November 2019, the application form dated 13 November 2019 (inclusive of the screening report) and received by this Department on 14 November 2019, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Directorate.
3. Screening Report

The screening report has identified a number of specialist studies to be conducted. However, the Environmental Assessment Practitioner did not provide an indication or motivation as to which specialist studies will not be conducted as part of the EIA process. **The above must be clarified with the competent authority prior to conducting any public participation process.**

4. Applicable listed activities

Be advised that only those activities applied for will be considered for authorisation. The onus is on the applicant/Environmental Assessment Practitioner to ensure that all the applicable listed activities are applied for and assessed as part of the EIA process.

5. Exemptions

It is evident that you do not intend to apply for exemption from any provisions contained in the NEMA or the EIA Regulations, 2014 (as amended).

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6. Content of a Basic Assessment Report ("BAR")

You are referred to Appendix 1 of the NEMA EIA Regulations, 2014 (as amended) for the requirements with respect to the 'Content of basic assessment reports'.

7. Alternatives

Be advised that in terms of the NEMA 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 24 of the NEMA EIA Regulations, 2014 (as amended). 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 proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred and the "no-go" alternatives exist.

8. Public Participation

8.1. Please be advised that the requirements of the public participation process ("PPP") are specified in Regulation 41(2) of the NEMA EIA Regulations, 2014 (as amended).

8.2. The BAR must be made available to the Interested and Affected Parties ("I&APs"), including all the relevant State Departments and organs of state that administer laws relating to a matter affecting the environment, for comment for a period of 30 days. The applicant/Environmental Assessment Practitioner is required to inform this Directorate in writing upon submission of the report to the relevant State Departments. A copy of the BAR must be submitted to this Directorate for comment in accordance with **Regulation 40(3)** of the NEMA EIA Regulations, 2014 (as amended).

8.3. 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.

9. Need and Desirability

In terms of the NEMA EIA Regulations, 2014 (as amended), when considering an application, the 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 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.

10. Environmental Management Programme ("EMPr")

In accordance with Section 24N of the NEMA and Regulation 19(1) (a) of the NEMA EIA Regulations, 2014 (as amended) this Directorate requires the submission of an EMPr. The contents of such an EMPr must meet the requirements outlined in Section 24N of the NEMA (as amended) and Appendix 4 of the NEMA 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.

11. Climate change: Energy efficiency/water saving

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 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. In light of the fact that you have already submitted a draft BAR with your application form, the above must be reported on in the final BAR to be submitted to the competent authority.

12. General

12.1. 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.

12.2. Please be advised that the BAR must be submitted within **90 days** of receipt of the application by the competent authority. The deadline to submit the BAR is therefore **05 March 2020**. Further note, in terms of Regulation 45 of the NEMA EIA Regulations, 2014 (as amended), an application in terms of the NEMA EIA Regulations, 2014 (as amended) lapses and the competent authority will deem the application as having lapsed, if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless extension has been granted in terms of Regulation 3(7).

13. Kindly quote the above-mentioned reference number in any future correspondence regarding this letter.

14. Please note that the activity may not commence prior to obtaining an Environmental Authorisation from the competent authority. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity.

15. This Directorate reserves the right to revise or withdraw comments or request further information based on any information received.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to: (1). M. R. Kapp (Guillaume NeEnvironmental Consultants)
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