



Directorate: Development Management  
(Region 1)

**REFERENCE:** 16/3/3/1/A5/11/2017/19  
**ENQUIRIES:** RONDINE ISAACS  
**DATE:** 2019 -03- 15

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@alpg.co.za](mailto:gary@alpg.co.za)

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR BASIC ASSESSMENT IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A RESIDENTIAL DEVELOPMENT ON PORTION 15 OF FARM HAASENDAL NO. 222, BRACKENFELL**

1. The abovementioned document and letter dated 6 March 2019, as received by this Department on the same date, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Please note the following advice pertaining to the application:
  - 3.1 Confirmation of availability of services:  
Since water supply, solid waste removal, electricity supply and effluent discharge services will be provided by the municipality, 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 provider must be provided together with the Basic Assessment Report ("BAR").
  - 3.2 Applicable listed activities:  
You are reminded that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that the applicable listed activities are assessed as part of the EIA process.
4. The following requirements must be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the EIA Regulations, 2014 (as amended):

7<sup>th</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 4098/3185 Fax: +27 21 483 4372  
E-mail: [rondine.isaacs@westerncape.gov.za](mailto:rondine.isaacs@westerncape.gov.za)

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)

#### 4.1 Alternatives:

In terms of the NEMA and the EIA Regulations, 2014 (as amended) the investigation of alternatives is mandatory. This includes the option of not proceeding with the proposed activity (the "no-go" option). All alternatives identified must be determined to be feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it had been applied for, or may grant authorisation in respect of the whole or part of the proposed project in the application. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives.

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.

#### 4.2 Public Participation:

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.

In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State 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

A register of I&APs must be opened and maintained. The register must also be submitted to the Department.

The Environmental Assessment Practitioner ("EAP") 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 that was followed.

#### 4.3 Need & Desirability:

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.

#### 4.4 NEMA Principles:

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.

4.5 BAR Requirements:

In accordance with Regulation 19(1) of Government Notice No. R. 982, the BAR must be submitted to this Department within a period of 90 days of receipt of the application by this Department, i.e., the BAR must be submitted by **10 June 2019**.

5. General:

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

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.

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

Yours faithfully



**HEAD OF DEPARTMENT**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms Carina Nel (Guillaume Nel Environmental Consultants)

Fax: (021) 870 1873