

Directorate: Development Management
Region 1

REFERENCE: 16/3/3/1/B3/38/1011/19
ENQUIRIES: Ms. Saa-rah Adams
DATE: 15-03-2019

The Board of Directors
ARUN Holdings (Pty) Ltd
Suite E3, Building 3
Arun Place Business Park
Old Sir Lowry's Pass Road
Sir Lowry's Park
SOMERSET WEST
7130

Attention: Mr H. Campbell

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Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR BASIC ASSESSMENT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE PROPOSED MIXED USE PRECINCT DEVELOPMENT ON ERF NO. 15712, WELLINGTON

1. The Application Form 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 abovementioned document.
3. According to the information submitted to this Department, it is noted that the proposal entails the following:
 - 3.1. The proposal entails the redevelopment of the old leather tannery evaporation ponds on Erf no. 15712, Wellington to accommodate the construction of mixed use development with disturbance footprint of approximately 21ha located outside of the urban area.
 - 3.2. The proposed development of the business premises including a hospital, which will be bordered to the north by green open space, will be located on the southern portion of the property. The proposed development of the light industrial and commercial use buildings will be located towards the northern boundary of the property.

- 3.3. The development of business erven (1-3) will accommodate an office park as well as a retail centre on erven 2 and 3. The proposed development includes the restoration of a historic farm house.
 - 3.4. The development of business erven (24-25), entails the development of business/ office spaces which can be used for either retail or offices.
 - 3.5. The proposed development of Institutional Erf no. 26 entails the construction of a hospital which accommodates 90 beds including specialist wards for maternity, medical paediatrics, surgical and mental health facilities.
 - 3.6. The proposed development of the light industrial and commercial erven (4-23) will be developed for light manufacturing and commercial use.
 - 3.7. The proposed development of the open space erven (27-29) will be utilised for storm water attenuation and will be landscaped to accommodate engineering services.
 - 3.8. The property is currently zoned Industrial Zone II limited to the evaporation ponds and is located east of Hermon Road (R44) and north of Oakdene Road, north of Wellington.
4. Please note the following advice pertaining to the application
- 4.1. Applicable listed activities
Having considered the information contained in the Application Form, 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 Environmental Impact Assessment ("EIA") process.
 - 4.2. Specialist input/ assessment required
Please ensure that all specialist reports contain all the information specified in Appendix 6 of the EIA Regulations, 2014 (as amended). Please note that the specialist report(s) and input must be appended to the Basic Assessment Report ("BAR").
 - 4.3. Water Use Licence Application
Section 5.2 indicates that a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") is required and has been submitted to the Department of Water and Sanitation ("DWS"), or its delegated authority, the Breede Gouritz Catchment Management Agency ("BGCMA"). In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a Water Use Licence Authorisation and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations.
 - 4.4. Please note that in line with the requirements of Regulation 26(d)(ii) and Appendix 1(3)(q) of the EIA Regulations, 2014 (as amended), the Department requires the inclusion of a start and completion date where operational aspects are not covered in the listed activities applied for as part of the environmental authorisation. In other words, in addition to the period for which the environmental authorisation is required (i.e. the date by when the listed activity/ies

will be commenced with), an indication of the date on which the activity will be concluded must also be supplied. In the event listed activities relating to both development and operational activities are triggered, please indicate separately the appropriate timeframes relevant to the listed activities where no operational aspects apply only.

5. Please note the following requirements to be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act (Act No. 107 of 1998) ("NEMA") and the EIA Regulations, 2014:

5.1. Alternatives

Be advised that in terms of the EIA Regulations and 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. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option) in addition to the 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 that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department's Guideline on Alternatives available on the Department's website <http://www.westerncape.gov.za/eadp>.

5.2. Public participation

When notifying Interested and Affected Parties ("I&APs") of the application, the minimum information to be provided in a notice, which includes placing an advertisement or fixing a notice board, must contain, inter alia, whether a Basic Assessment or Scoping and EIR process is to be followed and information on how to register as an I&AP. A register of I&APs must be opened, maintained and made available to any person requesting access to the register in writing. The register must also be submitted together with the BAR.

Please be advised that the EAP must submit a copy of the draft BAR to the Department for comment, which must also be made available to all relevant State Departments/Organs of State that administer laws relating to a matter affecting the environment, for a 30-day comment period. The Environmental Assessment Practitioner ("EAP") must notify the Department in writing of the date the draft BAR was submitted to the relevant State

Departments/Organs of State and clearly indicate whether or not such State Departments/Organs of State were notified of the 30-day comment period in terms of Section 24O of NEMA. It is imperative that State Departments/Organs of State are in possession of the draft Reports when the EAP issues them with the notice in terms of Section 24O of NEMA. Please note that the EAP is responsible for such consultation. The draft BAR must also be made available to I&APs for a minimum 30 days.

In terms of good environmental practise 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 draft BAR available to State Departments/Organs of State as stipulated above.

The practitioner 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 followed. This report must also be included in the public participation information to be attached to the BAR to be submitted for decision.

5.3. Environmental Management Programme ("EMPr")

In accordance with Section 24N of NEMA and Regulation 19 of the EIA Regulations 2014, 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 (2) and (3) of the NEMA and Appendix 4 of the 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. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website <http://www.westerncape.gov.za/eadp> must be taken into account.

5.4. Guidelines

When undertaking the EIA process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (<http://www.westerncape.gov.za/eadp>). In particular, the guidelines that may be applicable to the proposed development include, *inter alia*, the following:

- Guideline for the Review of Specialist Input in the EIA process (June 2005).
- Guideline for Environmental Management Plans (June 2005).
- Guideline on Alternatives (March 2013).
- Guideline on Need and Desirability (March 2013).

5.5. Need & desirability

In terms of the NEMA EIA Regulations, 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. Refer to the Department's Guideline on Need and Desirability (March 2013).

5.6. 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.

5.7. BAR Requirements

The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations 2014 and must also include the information requested in this letter. Omission of any of the said information may result in the application for Environmental Authorisation being refused.

The Department awaits the submission of the BAR as prescribed by Regulation 19 of the EIA Regulations, 2014. In accordance with Regulation 19 of the EIA Regulations 2014, the Department hereby stipulates that the BAR must be submitted to this Department for decision within 90 days from the date of receipt of the application by the Department, calculated from 6 March 2019. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

If the BAR is not submitted within 90 days or 140 days, where an extension is applicable, the application will lapse in terms of Regulation 45 of the EIA Regulations 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid.

Please note that two printed copies as well as two electronic copies (saved on CD/DVD) of the BAR must be submitted to the Department.

5.8. General

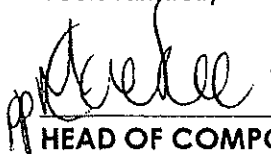
Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. 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. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

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

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT ASSESSMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Ms. E. Visagie (Guillaume Nel Environmental Consultants)

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(2) Ms. C. Winter (Drakenstein Municipality)

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(3) Ms. E. Rossouw (Breede- Gouritz Catchment Management Agency)

Fax: 023 347 2012