



Directorate: Development Management (Region 1)

REFERENCE: 16/3/3/6/7/1/A5/20/2064/19
ENQUIRIES: Natasha Bieding
DATE: 2019 -12- 12

The Manager
Terraplan Associates, Town and Regional Planners
P O Box 1756
DURBANVILLE
7551

Attention: Mlspa Coetzee

Tel.: (021) 975 1300
Fax: (021) 975 1179

Dear Madam

COMMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF AN INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF FARM NO. 180 AND PORTION 3 OF THE FARM NO. 180, DURBANVILLE

1. The pre-application Basic Assessment Report ("BAR") and correspondence dated 13 November 2019 from Christoff Dippenaar of Guillaume Nel Environmental Consultants, as received by this Department on 12 November 2019, and the correspondence from this Department dated 21 November 2019, acknowledging receipt of the pre-application BAR, refer.

2. Having considered the information contained in the aforementioned report, this Department in accordance with Regulation 7 (5) of the Environmental Impact Assessment ("EIA") Regulations, as defined in Government Notice ("GN") No. R. 982 of 2014 (as amended), hereby provides the following comments with regard to the proposed project:

Vertical handwritten note: The request for capacity and availability services - and availability has been send to relevant departments

2.1. It is stated in Regulation 8 of GN No. R. 982 of 4 December 2014 (as amended), that a competent authority "must advise the proponent or applicant of any matter that may prejudice the success of an application". As such, and due to the nature of your proposal, this case will be referred to this Department's landuse planning section. You will be informed of the relevant advice obtained as soon as this becomes available.

2.2. Please be reminded to provide written confirmation that the City of Cape Town has sufficient unallocated capacity to provide the necessary services to the proposed development. A service level agreement in this regard would suffice. Confirmation of the availability of services from the service providers must be provided together with the Final BAR.

Handwritten signature: T. Terance

- 2.3. It is stated in the pre-application BAR that certain areas, most notably the Mosselbank River will be considered as 'No go' area(s). As such, you are hereby requested to provide the details of how the 'No go' area(s) will be established and/or declared. It is further requested that a buffer area of specified minimum width which separates the proposed development from the Mosselbank River be provided.
- 2.4. According to the Freshwater Specialist opinion dated 10 October 2019 from F.E.N Consulting, Figure D illustrates the delineation of the watercourse in the context of site, and Figure E illustrates the proposed rehabilitation plan. In terms of Figure D, you are hereby requested to superimpose the preferred layout alternative onto Figure D in order to determine/illustrate whether the development encroaches onto the watercourse. Figure D must also illustrate the said buffer area, as requested in paragraph 2.3. In terms of Figure E, you are hereby requested to superimpose the preferred layout alternative onto Figure E in order to determine/illustrate how the goal of ensuring that any water overflows will reach the Mosselbank River. *refer to fig C*
- 2.5. Please be reminded to include the original signed declaration forms in the final report which will be submitted to this Department. *Nick*
- 2.6. In terms of Section 2(h)(iii) of Appendix 2 of GN No. R. 982 of 4 December 2014 (as amended), you must include all comments received from Interested and Affected Parties (which includes the commenting authorities and private individuals/organisations) during the Public Participation Process, as well as the responses to those comments in the future reports which will be submitted to this Department. *Nick*
- 2.7. Please be reminded 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 assessed as part of the EIA process. *Nick*
- 2.8. Your attention is drawn to Appendix 4 of GN No. R. 982 of 4 December 2014 (as amended), for the requirements with respect to the 'Content of Environmental Management Programme'. Please ensure that these requirements are met. *Nick*
- 2.9. Your attention is drawn to Appendix 1 of GN No. R. 982 of 4 December 2014 (as amended), for the requirements with respect to the 'Content of basic assessment reports'. Please ensure that these requirements are met. *Nick*
- 2.10. Your attention is drawn to Appendix 6 of GN No. R. 982 of 4 December 2014 (as amended), for the requirements with respect to the 'Content of specialist reports'. Please ensure that these requirements are met. *Nick*
3. Please note that the activity must not be commenced with prior to an environmental authorisation being granted by this Department. It is prohibited in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment. *Nick*
4. Kindly quote the abovementioned reference number in any future correspondence in respect of this pre-application case. *Nick*

Ndab.

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

Yours faithfully

hp *J. Thejane*

**HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: (1) Christoff Dippenaar (Guillaume Nel Environmental Consultants)
(2) Clarissa Fransman (City of Cape Town)

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Fax: (021) 444 1063