



**REFERENCE:** 16/3/3/1/A5/20/2033/20  
**ENQUIRIES:** Natasha Bieding  
**DATE:** 23/09/2020

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

**Attention: Mr. Martinus Hendrik Scott**

Tel.: (021) 975 1300  
E-mail: tinus@terraplan.co.za

Dear Sir

**COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED CONSTRUCTION OF A LIGHT INDUSTRIAL DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF THE FARM NO. 180 AND PORTION 3 OF THE FARM NO. 180, FISANTEKRAAL, DURBANVILLE.**

1. The Draft Basic Assessment Report ("BAR") (undated), as received by this Department via electronic mail correspondence on 27 August 2020 and the Directorate's correspondence dated 2 September 2020 acknowledging receipt of the Draft 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, 2014 (as amended), hereby provides the following comments:
  - 2.1. Please note that your case was referred to this Department's planning section for comments on 14 January 2020 based on the information contained Pre-Application BAR dated 13 November 2019. The comment obtained noted that the proposed development is aligned with the relevant planning policies. Further, although the proposed properties have been cultivated or irrigated during the preceding 10-year period, the proposed development will not require a provincial land development approval in terms of section 53 of the Land Use Planning Act, 2014 (Act 3 of 2014) as per the Western Cape Land Use Planning Regulations, 2015: Amendment, 2019, i.e. Regulation 10(2)(b).
  - 2.2. It is stated on page 27 of the Draft BAR that a freshwater specialist confirmation letter was forwarded to the Department of Water and Sanitation ("DWS") to confirm that the proposed development does not require a water use license application. The DWS provided confirmation in its correspondence dated 17 December 2019 that certain approvals in terms of the National Water Act, 1998 (Act No. 36 of 1998) are required. Please amend the Draft BAR accordingly to indicate the confirmation from the DWS and ensure that you submit the necessary applications to the DWS and provide proof of having submitted such applications in the Final BAR.
  - 2.3. It is mentioned throughout the Draft BAR that a rehabilitation plan with respect to the aquatic systems will be implemented. The EMPr also mentions the rehabilitation plan. Appendix D of the Draft BAR contains a cross section to illustrate the rehabilitation of

stormwater attenuation pond, while the Environmental Management Programme (“EMPr”) dated August 2020 contains specific measures for rehabilitation. Since no other rehabilitation plans were submitted together with the abovementioned Draft BAR, it is assumed that the proposed rehabilitation will be limited to the measures contained in the cross section depicted in Appendix D of the Draft BAR. Should this not be the case, then you must provide the separate rehabilitation plan together with the Final BAR that must be submitted to this Department. Further, the rehabilitation plan along with detailed specific measures, must be included in the EMPr.

- 2.4. Please be reminded that in terms of the Section 1(1) (a)(ii) of Appendix 6 of the EIA Regulations, 2014 (as amended), you must also provide the *curriculum vitae* of all specialists who compiled each specialist report.
  - 2.5. In terms of Section 3(h)(iii) of Appendix 1 of the EIA Regulations, 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.
  - 2.6. Your attention is drawn to Appendix 1 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the ‘*Content of basic assessment reports*’. Please ensure that you fulfil these requirements.
  - 2.7. Your attention is drawn to Appendix 4 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the ‘*Content of Environmental Management Programme*’. Please ensure that you fulfil these requirements.
  - 2.8. Your attention is drawn to Appendix 6 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the ‘*Content of specialist reports*’. Please ensure that you fulfil these requirements.
  - 2.9. Please be informed that if the Final BAR is not submitted within the prescribed timeframe, *i.e.* 6 November 2020, the application will lapse in terms of Regulation 45 of the NEMA EIA Regulations, 2014 (as amended) and your case 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 again.
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 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. 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.
  4. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

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

  
PP. \_\_\_\_\_

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copied to: (1) Mr. Guillaume Nel Mr. Chistoff Dippenaar (Guillaume Nel Environmental Consultants) Email: guillaume@gnec.co.za / christoff@gnec.co.za  
(2) Ms. Clarissa Fransman (City of Cape Town) Email: Clarissa.Fransman@capetown.gov.za