



Directorate: Development Management
Region 2

REFERENCE: 16/3/3/6/7/1/B3/28/1157/18
ENQUIRIES: Samornay Smidt
DATE: 2018 -06- 2 0

Head of Department
Western Cape Government: Department of Transport and Public Works
Private Bag X9185
CAPE TOWN
8000

Attention: Ms M Hofmeyr

Tel.: (021) 483 5713
Email: Melanie.Hofmeyr@westerncape.gov.za

Dear Madam

COMMENT ON NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014, (AS AMENDED) FOR THE PROPOSED REHABILITATION AND UPGRADE OF DIVISIONAL ROAD 1098 (PROTEA AND WAARBURGH ROAD), PAARL

1. Your document dated 4 June 2018, as received by the Department on the same day, refer.
2. The Department notes your request for a pre-application meeting. Please note, as per our telephonic conversation, the meeting will be scheduled by the Environmental Assessment Practitioner after comment is received from this Department.
3. Following a review of the information submitted to this Department, we note the following:
 - 3.1. The proposal entails the rehabilitation and upgrade of Divisional Road 1098, Paarl
 - 3.2. The site (Divisional Road) falls within the jurisdiction of 3 local municipalities.
 - 3.3. The landuse of the surrounding properties are utilised for agricultural purposes.

Process

4. Be advised that the NEMA EIA Regulations were amended on 7 April 2017 and published in Government Gazette No. 40772 of 7 April 2017. After considering the information provided in the Notice of Intent, the Department concurs that the proposed development constitutes listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).
5. A Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall 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 Basic Assessment process.
6. Section 5.2 of the application form notes that the Department of Water and Sanitation was already consulted with respect to the requirement for a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA"). 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 WULA 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.
7. Please be advised that in terms of the Standard Operating Procedure ("SOP") between this Department and the Department of Water and Sanitation ("DWS"), which came into effect on 1 July 2017, the EAP must submit a written water use pre-application request to DWS to determine whether or not a General Authorisation or WULA is required. The pre-application request should clearly indicate whether or not an EIA is required in terms of the NEMA.
8. You are advised that when undertaking the Basic Assessment 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://eadp-westerncape.kznshf.gov.za/your-resource-library>). 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).
9. Please ensure the Basic Assessment Report and Environmental Management Programme contain all information requirements outlined in Appendices 1 and 4 respectively of GN R. 326. Omission of any required information may result in the application for Environmental Authorisation being refused.

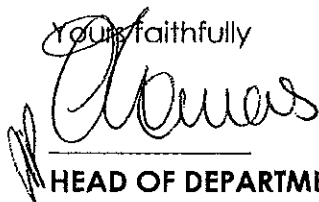
Public Participation

10. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during

the proposed application (pre-application) process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the Basic Assessment Report.

11. Should a public participation process, which includes the circulation of the pre-application Basic Assessment Report for comment, be undertaken prior to submission of an Application Form to the Department, in terms of Regulation 40, the pre-application Basic Assessment Report may also be submitted to the Department for commenting purposes. Please ensure a minimum of two printed copies of the pre-application draft Basic Assessment Report is submitted to the Department for commenting purposes.
12. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014 (as amended), any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the Basic Assessment Report, where appropriate.
13. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.
14. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.
15. No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:
 - that additional information or documents will not be requested;
 - of the outcome of the application.
16. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully



HEAD OF DEPARTMENT

DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING

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