



REFERENCE: 16/3/3/6/7/1/A1/2/3077/24

DATE: 17 May 2024

The Board of Directors
Velaskar Property Development (Pty) Ltd
92 Flat Road

Rylands
7764

Attention: Mr. H.I. Velaskar

Cell: 082 362 9324

E-mail: newlook@telkomsa.net

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION 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 BASIC ASSESSMENT FOR THE PROPOSED REZONING AND SUBDIVISION OF PORTION 16 OF THE FARM KLEIN DASSENBERG NO.20 FOR THE DEVELOPMENT OF A SHOPPING CENTRE AND ASSOCIATED INFRASTRUCTURE, ATLANTIS.

1. The Notice of Intent ("NOI") and supporting documentation, as received by this Directorate via electronic mail correspondence on 06 May 2024, refer.
2. This letter serves as an acknowledgement of receipt and comment on the aforementioned documents by this Directorate.
3. Following a review of the information submitted to this Directorate, the following is noted:
 - 3.1. The proposal entails the rezoning and subdivision of Portion 16 of the Klein Dassenberg No. 20 for development of a new shopping centre with a development footprint of approximately 7 974m²;
 - 3.2. Access to the proposed site may be via the R304 or Saxonworld roads.
 - 3.3. The proposed site is zoned Agriculture and is located outside an urban area.
 - 3.4. According to CapeFarm Mapper mapping tool, the site contains Atlantis Sand Fynbos vegetation, categorised as a Critical Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, November 2022. More than 300m² of the said indigenous vegetation will be cleared, as part of the development proposal.
 - 3.5. There are no watercourse/wetlands within or within 32m of the proposed site.
 - 3.6. The proposed site falls outside of any mapped Critical Biodiversity Area. The site falls within an Ecological Support Area (Restore).

4. Please be advised that although the footprint of the buildings will be approximately 7474m² in extent, the development footprint includes the parking areas, internal roads and associated infrastructure. Therefore, please ensure that the development footprint is amended to include the additional infrastructure and parking areas, as indicated in the Site Development Plan ("SDP").
5. The description of the proposal must include a description of the infrastructure to be developed and relate to the listed activities applied for.
6. Please ensure the correct site-coordinates and SG21 digit codes are included in the application form and the pre-application Basic Assessment Report ("BAR").
7. Applicable Listed Activities:
 - 7.1. This Directorate has reviewed the information contained in the NOI and agrees Activity 12 of Listing Notice 3 is applicable to the proposed development.
 - 7.1.1. However, please note that should the development footprint of the proposed buildings, parking areas, internal roads and associated infrastructure exceed 1ha, Activity 27 and Activity 28 of Listing Notice 1 will also be applicable to the proposal.
 - 7.1.2. Since the site contains indigenous vegetation and is located outside an urban area, and the proposal includes the development of roads wider than 4m, please confirm whether Activity 4 of Listing Notice 3 is applicable to the proposal.
 - 7.1.3. Please confirm the dimension (length and diameter) of the water pipeline infrastructure to be upgraded, as additional listed activities may be triggered.
8. You are reminded to ensure that only those Listed Activities applied for in terms of the EIA Regulations, 2014 (as amended) will be considered for authorisation.
9. The onus is on the proponent to ensure that the all applicable Listed Activities are applied for and assessed, as part of the pre-application- and the formal EIA application processes. Failure to include any applicable Listed Activity may invalidate the application.
10. Screening Tool, Protocols, Site Sensitivity Verification ("SSV") Report and Specialist Assessments:
 - 10.1 This Directorate notes that a Screening Tool Report (dated 02 June 2023) has identified a number of specialist studies to be conducted. A motivation, as to why certain specialist studies highlighted in the Screening Tool Report will/will not be conducted, has been provided.
 - 10.2 The following specialist assessments were identified in the Screening Tool Report (dated 02 June 2023):
 - 10.2.1 An Agricultural Impact Assessment;
 - 10.2.2 An Animal Species Impact Assessment;
 - 10.2.3 An Aquatic Biodiversity Impact Assessment;
 - 10.2.4 An Archaeological and Cultural Heritage Impact Assessment;
 - 10.2.5 A Palaeontological Impact Assessment;
 - 10.2.6 A Plant Species Impact Assessment;
 - 10.2.7 A Socio-Economic Assessment; and
 - 10.2.8 A Terrestrial Biodiversity Impact Assessment.
 - 10.3 The Protocols
 - 10.3.1. The *"Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental*

Authorisation" ("the Protocols") were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and the Protocols are applicable to your proposed development.

- 10.3.2. Be advised that the Protocols must be complied with for every new application that is submitted after 9 May 2020. Specialist studies/compliance statements conducted during the pre-application phase must meet the requirements of the Protocols by the time the draft report is submitted to the Competent Authority. Appendix 6 of the EIA Regulations, 2014 (as amended) must be met for specialist studies, where no Protocol exists.

10.4 SSV Report

- 10.4.1. According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking SSV. This Directorate notes that the outcome of the SSV has been recorded in the format of a report.

- 10.4.2. The following specialist studies will be conducted:

- An Agricultural Impact Assessment;
- A Terrestrial Biodiversity Compliance Statement; and
- Aquatic Compliance Statement.

- 10.4.3. The Agricultural Impact Assessment and the Terrestrial and Aquatic Biodiversity Compliance Statements must meet the relevant requirements of the applicable Protocols.

- 10.4.4. Please be reminded that should any additional studies be commissioned for which there are no protocol requirements applicable, the said specialist studies must meet the relevant requirements of Appendix 6 of the EIA Regulations, 2014 (as amended).

- 10.4.5. Further, please note that should any authority that has jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence.

11. Exemption

This Directorate notes that you do not intend to apply for exemption from any of the requirements of the Public Participation Process as stipulated by Regulation 41, from any other provisions contained in the EIA Regulations, 2014 (as amended) or the NEMA. Please note that should you fail to meet a requirement of the EIA Regulations, 2014 (as amended) or the NEMA and if no exemption from that provision was applied for, your application for environmental authorisation may be refused.

12. Alternatives

- 12.1. Be advised that in terms of the EIA Regulations, 2014 (as amended) and the 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 this Directorate 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 as specified in Regulation 20 of the EIA Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives.

12.2. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.e., the “no-go” option) in addition to 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 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.

13. Public Participation

13.1 A Public Participation Process (“PPP”) that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken.

13.2 This Directorate herewith provides the following comments:

13.2.1 Your attention is drawn to Circular 0027 of 2021 regarding the electronic administration of EIA applications. The Directorate: Development Management (Region 1 and 2) will continue with the electronic submission of correspondence and has for this reason established a dedicated e-mail address for the submission of all correspondence to the Directorates. For the Cape Town office, the e-mail address is DEADPEIAAdmin@westerncape.gov.za

This electronic means of working is effective from 01 February 2022 and all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to the aforementioned email address.

13.2.2 Please ensure that where electronic copies cannot be accessed by Interested and Affected Parties (“I&APs”), alternative access to copies of the BAR are made available.

13.2.3 Please be reminded that 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 the NEMA, this 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 this Department.

13.2.4 E-mail notification to I&APs is strongly supported. However, other means of notification for those I&APs will be required where no e-mail addresses are available, or where the likelihood of success of this electronic correspondence is expected to be low.

13.2.5 Where I&APs are unable to access electronic copies of the BAR, a hard copy of the BAR must be made available. Alternatively, the EAP will be required to engage with I&APs, with respect to alternative methods of accessing electronic copies of the BAR.

13.3. The pre-application BAR must be made available to the I&APs, including all the relevant State Departments and other Organs of State that administer laws relating to a matter affecting the environment, for a minimum commenting period of thirty (30) days.

13.4 In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the pre-application- and formal EIA processes to solicit their inputs on any of their requirements to be addressed in the pre-application- and formal EIA application processes. Please note that this does not replace

the requirement of making the pre-application- and formal BARs available to State Departments/Organs of State, as stipulated above.

- 13.5. The following State Departments/Organs of State as included in the list of Authorities to be consulted in the NOI, must be consulted during the pre-application and formal EIA application processes:

- 13.5.1 DEA&DP Directorate: Waste Management;
- 13.5.2 Cape Nature;
- 13.5.3 Relevant Departments of the City of Cape Town Municipality;
- 13.5.4 Western Cape Government: Department of Agriculture;
- 13.5.5 Eskom; and
- 13.5.6 The Department of Water and Sanitation ("DWS").

- 13.6. Please note that the following:

- 13.6.1 The correct contact person at DWS is: Nelisa Ndobeni- NdobeniN@dws.gov.za;
- 13.6.2 The correct contact person at CapeNature: Ismat Adams (iadams@capenature.co.za)
- 13.6.3 The correct contact person at HWC is: Waseefa Dhansay (Waseefa.Dhansay@westerncape.gov.za)

14. Environmental Management Programme ("EMPr")

In accordance with Section 24N of NEMA and Regulation 19 the Department hereby requires the submission of an EMPr. The contents of such an EMPr must meet the requirements outlined in Section 24N of the NEMA (as amended) and Appendix 4 of the EIA Regulations, 2014 (as amended). 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. The Directorate would like to advise that in compiling the EMPr the Directorate's Guideline for Environmental Management Plans (June 2005), available on the Directorate's website must be taken into account.

15. Climate Change

- 15.1. The BAR must report on the potential impacts on climate change. One of the objectives of the Western Cape Provincial Spatial Development Framework published by this Directorate is to minimise the consumption of scarce environmental resources such as water, fuel, building materials, mineral resources, electricity, and land. To this effect and as part of the efforts to reduce the effects of climate change, you must, as part of the EIA process, identify energy efficient technologies that could be implemented for the proposed development.
- 15.2. Considering that South Africa is a water scarce country and that many catchments in the Western Cape are already water stressed, you must also consider implementing the use of water saving devices and technologies for the proposed development, where possible.

16. Process

- 16.1. A Basic Assessment process must be followed in order to apply for Environmental Authorisation.
- 16.2. You are referred to Appendix 1 of the EIA Regulations, 2014 (as amended) for the requirements with respect to the '*Content of basic assessment reports*'. You are advised that when undertaking the EIA process, you must take into account the Directorate'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 Directorate.

16.3. You are advised that when undertaking the Basic Assessment process, you must take into account 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 Guidelines developed by the Department.

16.4. The Department's Guidelines can be downloaded from the Department's website: www.westerncape.gov.za/eadp. In particular, the Guidelines that may be applicable to the development proposal include, *inter alia*, the following:

16.4.1. Guideline for Environmental Management Plans (June 2005)

16.4.2. Guideline on Public Participation (March 2013)

16.4.3. Guideline on Alternatives (March 2013)

16.4.4. Guideline on Need and Desirability (March 2013)

17. Pre-application BAR Requirements

17.1 You are hereby advised that the pre-application BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014 (as amended), and must also include the information requested in this letter.

17.2 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. 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, or of the outcome of an application.

17.3 Kindly ensure that the pre-application BAR is submitted as a standalone document, separate to the accompanying appendices, and ensure that each one of the appendices is saved separately (in PDF format and not scanned).

18. Project Plan

Your Project Plan submitted together with the abovementioned 'Notice of Intent' is acknowledged and largely appears to be in order with regard to the allocated timeframes.

19. Need and Desirability

In terms of the EIA Regulations, 2014 (as amended), when considering an application, the Directorate 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.

20. 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.

21. It is prohibited in terms of Section 49A 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. Non-compliance in terms of the prohibition must be referred to the Department's Directorate: Environmental Law Enforcement for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

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

This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

pp **MR. ZAAHIR TOEFY**
DIRECTORATE: DEVELOPMENT MANAGEMENT REGION 1

Copied to:

(1) Mr. Peter Harmse (ECOS Consulting (Pty) Ltd)
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town: EHM)

E-mail: environmental@ecos-consulting.co.za
E-mail: Sonja.WarnichStemmet@capetown.gov.za