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ENQUIRIES: Mr. M. Lamour
DATE OF ISSUE:

11 MAY 2017

The Director
Adorite (Pty) Ltd.
Building 2, Maxwell Office, Magwa Crescent West, Waterfall City
JUKSKEI VIEW
2090

Attention: Mr. H. C. Bezuidenhout

Tel: (012) 471 1600
Email: coenie@atterbury.co.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR BASIC ASSESSMENT IN TERMS OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED), WITH RESPECT TO THE PROPOSED TRANSFORMATION OF LAND USED AS A GOLF COURSE FOR THE ESTABLISHMENT OF THE KING DAVID WAREHOUSING, INDUSTRIAL AND BUSINESS DEVELOPMENT ON ERF 112674 CAPE TOWN AND THE REMAINDER OF ERF 1181, MATROOSFONTEIN.

Your Notice of Intent ("NOI") dated 28 April 2017 and received by the Department on 02 May 2017 and the additional information received from Ms. M. Talbot of Chand Environmental Consultants on 10 May 2017, refer.

1. This letter serves as an acknowledgement of receipt, by this Directorate of the aforementioned document dated 28 April 2017.
2. On 07 April 2017, the Minister of Environmental Affairs made amendments to the Environmental Impact Assessment Regulations, 2014 Published under Government Notice No. 982 in Gazette No. 3822 of December 2014, in terms of sections 24(2), 24(5), 24D and 44 read with section 47A (1)(b) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"). Please note the amended Regulations came into effect on **07 April 2017**.
3. The Environmental Assessment Practitioner is strongly advised to familiarise themselves with the amended EIA Regulations.
4. Following review of the information submitted to this Directorate, the following is noted:
 - 4.1. The proposed development will entail the transformation of land used as a golf course for the establishment of the King David warehousing, industrial and business development;
 - 4.2. The development footprint will be approximately 71.6 ha;
 - 4.3. Erf 112674 is zoned as Open Space Zone 3 (private open space) and the remainder of Erf 1181 is zoned as Open Space Zone 2 (public open space);
 - 4.4. Roads will be developed as part of the proposed development;

4.5. There are watercourses on the Erf 112674; and

4.6. The sites are located inside the urban area.

5. *Applicable listed activities*

5.1. Based on the information provided by you, the proposed development **will trigger** the following listed activity in terms of the NEMA EIA Regulations, 2014 (as amended on 07 April 2017):

Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended)

Activity Number: 19

Activity Description:

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;

but excluding where such infilling, depositing, dredging, excavation, removal or moving—

(a) will occur behind a development setback;

(b) is for maintenance purposes undertaken in accordance with a maintenance management plan

(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;

(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or

(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.

5.2. The following listed activity may be triggered by the proposed development:

Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended)

Activity Number: 4

Activity Description:

The development of a road wider than 4 metres with a reserve less than 13,5 metres.

i. Western Cape

i. Areas zoned for use as public open space or equivalent zoning;

ii. Areas outside urban areas;

(aa) Areas containing indigenous vegetation;

(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or

iii. Inside urban areas:

(aa) Areas zoned for conservation use; or

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.

5.2.1 You are therefore required to clarify whether any access or internal roads wider than 4 m but with a reserve of less than 13.5 m will be developed on the Remainder of Erf 1181, since the property is zoned Public Open Space (Open Space 2).

5.3 Note that Activity 12 of Listing Notice 1 of the NEMA EIA Regulations, 2014 (as amended) is not triggered by the proposed development as the properties are located inside an urban area.

5.4 Note that Activity 15 of Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended) is not triggered due to the following:

- Although the proposed development will occur in an urban area, it will not occur in an area zoned for conservation use or an equivalent zoning;
- None of the properties are located within a protected area in terms of the National Environmental Management: Protected Areas Act (Act 57 of 2003); and
- None of the properties are located within sensitive areas identified in an environmental management framework as contemplated in chapter 5 of the National Environmental Management Act (Act 107 of 1998, as amended).

6. 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 EIA process.

7. *Contents of a Basic Assessment Report ("BAR")*

You are hereby advised that the BAR must contain all the information outlined in Appendix 1 of the NEMA EIA Regulations, 2014 (as amended). Omission of any of the said information may result in the refusal of Environmental Authorisation.

8. *Exemptions*

It is evident that you do not intend to apply for exemption from any provisions contained in the NEMA or the EIA Regulations, 2014 (as amended). 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.

9. *Alternatives*

Be advised that in terms of the NEMA 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 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 as specified in terms of Regulation 24 of GN No. R. 982 of 04 December 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives. 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 "no-go" alternative, 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 and the "no-go" alternatives exist must be provided to the Directorate.

10. Public Participation

10.1 You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. However, public participation must be undertaken in terms of Regulation 41 of the NEMA EIA Regulations, 2014 (as amended).

10.2 The BAR must be made available to the Interested and Affected Parties ("I&APs"), including all the relevant State Departments that administer laws relating to a matter affecting the environment, for **comment for a period of 30 days**. The BAR may also be submitted to this Directorate for comment in accordance with Regulation 40(3) of the NEMA EIA Regulations, 2014.

10.3 In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State in the pre-application phase 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 BAR available to State Departments as stipulated above.

11. Environmental Management Programme (EMP)

In accordance with Section 24N of the NEMA and Regulation 19 of the NEMA EIA Regulations, 2014 (as amended), the Department hereby requires the submission of an Environmental Management Programme ("EMP"). The contents of such an EMP must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Appendix 4 of the NEMA EIA Regulations, 2014 (as amended). The EMP 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 EMP must be submitted together with the BAR.

12. Need and Desirability

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

13. Waste Minimisation

This Directorate further wishes to inform you that consideration must be given to ways to minimise waste and wastage in the design, construction and operational phase of the proposed development. Your attention is therefore drawn to the Department's Waste Minimisation Guideline for Environmental Impact Assessment Reviews (May 2003), available from the Department on request. The Guideline raises awareness of waste minimisation issues and highlights waste and wastage minimisation practices. In particular, it is recommended that Part B be considered as it covers general waste and wastage minimisation and general construction activities. It is important to remember that a recycling programme must adopt the cradle-to-grave approach. Any recycled material must be disposed of at a recycling facility and not be disposed of as general household waste at a landfill site.

14. General

14.1 In addition to the above requirements, 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.

14.2 This Department awaits the submission of the Application Form as prescribed by the EIA Regulations, 2014 (as amended).

Kindly quote the above-mentioned reference number in any future correspondence in respect of the pre-application process.

Please note that the activity may not commence prior to an Environmental Authorisation being granted by this Directorate.

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

Yours faithfully



HEAD OF DEPARTMENT

Copies to: (1) Ms. M. Talbot (Chand Environmental Consultants)
(2) Mr. M. Flax (Landowner)
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