



REFERENCE: 16/3/3/1/A1/20/3027/22

DATE: 14 June 2022

The Board of Directors
Ikamva Green Holdings trading as Platinum Pride Crematorium
P.O. Box 791
VREDENDAL
8610

Attention: Mr. Sybrand Teubes

E-mail: sybrand.teubes@platinumpride.co.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR BASIC ASSESSMENT IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED ESTABLISHMENT OF A CREMATORIUM AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 2433, MONTAGUE GARDENS.

1. The application form as received by this Department via electronic mail correspondence on 06 June 2022, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Following a review of the information submitted to this Department, the following is noted:
 - 3.1 The proposed development entails the establishment of a crematorium and associated infrastructure on Erf No. 2433, Montague Gardens.
 - 3.2 The proposed crematorium will be contained within the existing 1050m² building.
 - 3.3 The site has been completely transformed.
 - 3.4 The site is zoned General Industrial 1.
4. Applicable Listed Activities:
 - 4.1 After considering the information provided in the application form, the Department concurs that the proposed development constitutes the following listed activity as defined in terms of the EIA Regulations, 2014, (as amended), namely:
 - 4.1.1 Activity 14 of Listing Notice 1 of the EIA Regulations, 2014 (as amended).
 - 4.2 It is noted that more than 80m³ of Liquid Petroleum Gas will be stored on site. It is therefore this Directorate's opinion that Activity 10 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is not applicable since this listed activity provides for the storage of a dangerous good not exceeding 80m³.
 - 4.3 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.

5. Screening Report, Protocols and Specialist Assessments:

5.1 This Directorate notes that a Screening Report (dated 20 January 2022) and confirmation of the relevant specialist studies to be conducted have been provided. A Site Sensitivity Verification Report dated May 2022 has also been provided by the Environmental Assessment Practitioner ("EAP").

5.2 The following specialist assessments were identified in the Screening Report (dated 20 January 2022):

- 5.2.1 An Agricultural Impact Assessment;
- 5.2.2 A Landscape/Visual Impact Assessment;
- 5.2.3 An Archaeological and Cultural Heritage Impact Assessment;
- 5.2.4 A Palaeontological Impact Assessment;
- 5.2.5 A Terrestrial Biodiversity Impact Assessment;
- 5.2.6 An Aquatic Biodiversity Impact Assessment;
- 5.2.7 A Hydrology Assessment;
- 5.2.8 A Socio-Economic Impact Assessment;
- 5.2.9 An Ambient Air Quality Impact Assessment;
- 5.2.10 An Air Quality Impact Assessment;
- 5.2.11 A Plant Species Assessment; and
- 5.2.12 An Animal Species Impact Assessment.

5.3 Although the abovementioned specialist assessments were identified in the Screening Report (dated 20 January 2022), it was motivated that the following studies will not be undertaken for the following reasons:

- 5.3.1 An Agricultural Impact Assessment will not be conducted. The site is located within an existing industrial area. The proposed site is zoned General Industrial 1, of which the primary use includes crematorium facilities. As such, an Agricultural Impact Assessment or Compliance Statement is not warranted.
- 5.3.2 A Landscape Impact Assessment, Archaeological and Cultural Heritage Impact Assessment and a Paleontology Impact Assessment will not be conducted. The proposed site is located within the urban area and is surrounded by industrial developments and will not impact on the visual character of the surroundings.
- 5.3.3 A Plant Species Assessment will not be conducted. The site is significantly transformed and the existing building will not be expanded. This Directorate concurs that a Plant Species Assessment is not warranted.
- 5.3.4 An Animal Species Assessment will not be conducted. The site does not host the appropriate habitat for the African Dung Beetle (*Pachysoma aesculapius*), the Peringuey's Meadow Katydid (*Conocephalus peringueyi*) and the Bladder grasshopper (*Bullacris obliqua*). As such, an Animal Species Assessment is not warranted.
- 5.3.5 A Terrestrial Biodiversity Impact Assessment will not be conducted. The site is significantly transformed and the existing building will not be expanded. This Directorate concurs that a Terrestrial Biodiversity Impact Assessment or Compliance Statement is not warranted.

5.3.6 Civil Aviation and Defence Themes:

The surrounding properties contain existing structures which are higher than the existing building on the site. In addition, the closest aerodrome (Ysterplaat Aerodrome) is located approximately 5.3km from the proposed site.

The closest military and defence sites include Fort Ikapa Military Base, Wingfield Military Base and Ysterplaat Aerodrome, which are located 4.1km, 5km and 5.3km from the proposed site, respectively.

This Directorate concurs that a Civil Aviation Impact Assessment or Compliance Statement and a Defence Impact Assessment or Compliance Statement are not warranted.

5.3.7 A Socio-Economic Impact Assessment will not be conducted. The proposed crematorium is aligned with the City of Cape Town's Integrated Development Plan and Spatial Development Framework objectives and will contribute towards the need for increased cremation capacity in the City. The planning context and socio-economic aspects will be addressed in the Basic Assessment Report ("BAR"). As such, a Socio-Economic Assessment is not warranted.

5.3.8 An aquatic specialist will be appointed to compile a Compliance Statement.

5.3.9 An Air Quality Impact Assessment and an Ambient Air Quality Impact Assessment will be conducted.

5.3.10 **Since the Regulations Relating to the Management of Human Remains, 2013 are applicable to this proposed development and residential dwellings are located approximately 400m of the site boundary, please be advised that a Health Impact Assessment will need to be conducted. This information is required to assess the potential negative health impacts.** This requirement was outlined in the Department's comment on the Notice of Intent Form dated 20 May 2022 (Ref No: 16/3/3/6/7/2/A1/20/3065/22).

5.3.11 You are further advised that should any of the commenting authorities request any of the specialist studies identified in the Screening Tool and/or additional specialist studies, these will need to be undertaken.

5.4 Be advised that the Protocols are applicable to your proposed development.

5.5 Where an assessment protocol is prescribed for one of the environmental themes included in the Protocol (in this instance, civil aviation, defence and aquatic biodiversity), the specialist assessment must comply with the Protocol.

5.6 Where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the findings of the site verification and must comply with Appendix 6 of the EIA Regulations, 2014 (as amended).

6. Exemptions:

The Department 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 National

Environmental Management Act, 1998 (Act No. 107 of 1998) ("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.

7. Alternatives:

7.1 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 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 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.

7.2 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.

8. Public Participation:

8.1 It is noted that the public participation will be undertaken in accordance with the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended).

8.2 This Department herewith provides the following comments:

8.2.1 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.

8.2.2 This new 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.

8.3 Please ensure that where electronic copies cannot be accessed by interested and affected parties ("I&APs"), alternative access to copies of the draft BAR are made available.

8.4 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'. 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.

- 8.5 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.
 - 8.6 Where I&APs are unable to access electronic copies of the draft BAR, a hard copy of the report 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 draft BAR.
 - 8.7 In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the EIA process 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 draft BAR available to State Departments as stipulated above.
9. In accordance with Section 24N of NEMA and Regulation 19 the Department hereby requires the submission of an Environmental management Programme ("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 Department would like to advise that in compiling the EMPr the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website must be taken into account.
 10. In terms of the EIA Regulations, 2014 (as amended), when considering an application, the Department 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.
 11. 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.
 12. In accordance with Regulation 19(1) of the EIA Regulations, 2014 (as amended), the final BAR must be submitted within 90 days of receipt of the application by the Department, (*i.e.*, calculated from 06 June 2022).

If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department that an additional 50 days (*i.e.*, 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

Further note, in terms of Regulation 45 of the EIA Regulations, 2014 (as amended), an application in terms of the EIA Regulations, 2014 (as amended) lapses and the competent authority will deem the application as having lapsed, if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless extension has been granted in terms of Regulation 3(7).

13. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
14. It is prohibited in terms of Section 24F 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. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

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

Yours faithfully

Taryn
Dreyer
Digitally signed
by Taryn Dreyer
Date:
2022.06.14
08:26:47 +02'00'

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

CC: (1) Ms. Ameesha Sanker (Sharples Environmental Services cc)
(2) Ms. Sonja Warnich-Stemmet (City of Cape Town)

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E-mail: sonja.warnichstemmet@capetown.gov.za



REFERENCE: 16/3/3/6/7/2/A1/20/3065/22

DATE: 20 May 2022

The Board of Directors
Ikamva Green Holdings trading as Platinum Pride Crematorium
P.O. Box 791
VREDENDAL
8610

Attention: Mr. Sybrand Teubes

E-mail: sybrand.teubes@platinumpride.co.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR SCOPING AND ENVIRONMENTAL IMPACT REPORTING ("S&EIR") FOR THE PROPOSED ESTABLISHMENT OF A CREMATORIUM AND ASSOCIATED INFRASTRUCTURE ON ERF NO. 2433, MONTAGUE GARDENS.

1. The abovementioned document that was received by this Department via electronic mail correspondence on 10 May 2022 and the meeting held between an official of this Directorate and the Environmental Assessment Practitioner on 17 May 2022, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Following a review of the information submitted to this Department, the following is noted:
 - 3.1 The proposed development entails the establishment of a crematorium and associated infrastructure on Erf No. 2433, Montague Gardens.
 - 3.2 The proposed crematorium will be contained within the existing 1050m² building.
 - 3.3 The site has been completely transformed.
 - 3.4 The site is zoned General Industrial 1.
4. Applicable Listed Activities:
 - 4.1 After considering the information provided in the Notice of Intent, the Department concurs that the proposed development constitutes the following listed activity as defined in terms of the Environmental Impact Assessment ("EIA") Regulations, 2014, (as amended), namely:
 - 4.1.1 Activity 6 of Listing Notice 2 of the EIA Regulations, 2014 (as amended).
 - 4.2 A S&EIR 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 S&EIR process.

- 4.3 **On page 10 of the Notice of Intent it is requested that the process be downscaled from a S&EIR process to a Basic Assessment. Please be advised that such a provision is not provided in the EIA Regulations, 2014 (as amended), and as such, a S&EIR process must be followed.** Should any activities in Listing Notice 1 be triggered, then a Basic Assessment process would be required and Activity 6 of Listing Notice 2 will not be triggered (as it includes an exclusion where any activity is Listing Notice 1 is triggered).

5. Screening Tool:

- 5.1 This Directorate notes that a Screening Report (dated 20 January 2022) and confirmation of the relevant specialist studies to be conducted have been provided. A Site Sensitivity Verification Report dated May 2022 has also been provided by the Environmental Assessment Practitioner ("EAP").
- 5.2 The following specialist assessments were identified in the Screening Report (dated 20 January 2022):
- 5.2.1 An Agricultural Impact Assessment;
 - 5.2.2 A Landscape/Visual Impact Assessment;
 - 5.2.3 An Archaeological and Cultural Heritage Impact Assessment;
 - 5.2.4 A Palaeontological Impact Assessment;
 - 5.2.5 A Terrestrial Biodiversity Impact Assessment;
 - 5.2.6 An Aquatic Biodiversity Impact Assessment;
 - 5.2.7 A Hydrology Assessment;
 - 5.2.8 A Socio-Economic Impact Assessment;
 - 5.2.9 An Ambient Air Quality Impact Assessment;
 - 5.2.10 An Air Quality Impact Assessment;
 - 5.2.11 A Plant Species Assessment; and
 - 5.2.12 An Animal Species Impact Assessment.
- 5.3 Although the abovementioned specialist assessments were identified in the Screening Report (dated 20 January 2022), it was motivated that the following studies will not be undertaken for the following reasons:
- 5.3.1 An Agricultural Impact Assessment will not be conducted. The site is located within an existing industrial area. The proposed site is zoned General Industrial 1, of which the primary use includes crematorium facilities. As such, an Agricultural Impact Assessment or Compliance Statement is not warranted.
 - 5.3.2 A Landscape Impact Assessment, Archaeological and Cultural Heritage Impact Assessment and a Paleontology Impact Assessment will not be conducted. The proposed site is located within the urban area and is surrounded by industrial developments and will not impact on the visual character of the surroundings.
 - 5.3.3 A Plant Species Assessment will not be conducted. The site is significantly transformed and the existing building will not be expanded. This Directorate concurs that a Plant Species Assessment is not warranted.
 - 5.3.4 An Animal Species Assessment will not be conducted. The site does not host the appropriate habitat for the African Dung Beetle (*Pachysoma aesculapius*), the Peringuey's Meadow Katydid (*Conocephalus peringueyi*)

and the Bladder grasshopper (*Bullacris obliqua*). As such, an Animal Species Assessment is not warranted.

- 5.3.5 A Terrestrial Biodiversity Impact Assessment will not be conducted. The site is significantly transformed and the existing building will not be expanded. This Directorate concurs that a Terrestrial Biodiversity Impact Assessment or Compliance Statement is not warranted.

5.3.6 Civil Aviation and Defence Themes:

The surrounding properties contain existing structures which are higher than the existing building on the site. In addition, the closest aerodrome (Ysterplaat Aerodrome) is located approximately 5.3km from the proposed site.

The closest military and defence sites include Fort Ikapa Military Base, Wingfield Military Base and Ysterplaat Aerodrome, which are located 4.1km, 5km and 5.3km from the proposed site, respectively.

This Directorate concurs that a Civil Aviation Impact Assessment or Compliance Statement and a Defence Impact Assessment or Compliance Statement are not warranted.

- 5.3.7 A Socio-Economic Impact Assessment will not be conducted. The proposed crematorium is aligned with the City of Cape Town's Integrated Development Plan and Spatial Development Framework objectives and will contribute towards the need for increased cremation capacity in the City. The planning context and socio-economic aspects will be addressed in the EIA Report. As such, a Socio-Economic Assessment is not warranted.

- 5.3.8 An aquatic specialist will be appointed to compile a Compliance Statement.

- 5.3.9 An Air Quality Impact Assessment and an Ambient Air Quality Impact Assessment will be conducted.

- 5.3.10 Since the Regulations Relating to the Management of Human Remains, 2013 are applicable to this proposed development and residential dwellings are located approximately 400m of the site boundary, please be advised that a Health Impact Assessment will need to be conducted. This information is required to assess the potential negative health impacts.

- 5.3.11 You are further advised that should any of the commenting authorities request any of the specialist studies identified in the Screening Tool and/or additional specialist studies, these will need to be undertaken.

6. Protocols:

- 6.1 Since specialist studies will be/have been undertaken, your attention is drawn to the following:

- 6.1.1 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 (Act No. 107 of 1998) ("NEMA"), when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110

on 20 March 2020) came into effect on 09 May 2020. The Protocols are applicable to your proposed development.

- 6.1.2 Be advised that the Protocols must be complied with for every new application that is submitted after 09 May 2020, unless the specialist studies were initiated prior to 09 May 2020.
- 6.1.3 Where an assessment protocol is prescribed for one of the environmental themes included in the Protocol (in this instance, civil aviation, defence and terrestrial biodiversity), the specialist assessment must comply with the Protocol.
- 6.1.4 Where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the findings of the site verification and must comply with Appendix 6 of the EIA Regulations, 2014 (as amended).

7. Please note the following advice pertaining to the Notice of Intent:

7.1 Consultation with State Departments/organs of state:

In terms of Section 24O of the NEMA the competent authority must consult with every State Department that administers a law relating to a matter affecting the environment when the competent authority considers an application for an environmental authorisation.

- 7.1.1 Heritage Western Cape and the Western Cape Department of Health must also be consulted and added to your list of State Departments to be consulted on page 32.

7.2 Confirmation of availability of services:

Since water supply, solid waste removal, electricity supply and effluent discharge services will be provided by the City of Cape Town, you are requested to provide this office with written proof that the municipality has sufficient capacity to provide the necessary services to the proposed development. Confirmation of the availability of services from the service provider must be provided together with the EIA Report.

7.3 Application fee:

The Department hereby reminds you that the "Request for a specific fee reference number" form must be completed and submitted to the Department prior to submission of the formal application. Upon receipt of the specific fee reference number, it must be inserted into the Application Form and proof of payment of the applicable fee attached when the Application Form is submitted to the Department.

- 8. The Department 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.

9. 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 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 Regulation 24 of the EIA Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives.
10. 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.
11. Public Participation
 - 11.1 It is noted that the public participation will be undertaken in accordance with the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended).
 - 11.2 This Department herewith provides the following comments:
 - 11.2.1 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 new 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.
 - 11.2.2 Please ensure that where electronic copies cannot be accessed by interested and affected parties ("I&APs"), alternative access to copies of the draft Scoping Report are made available.
 - 11.2.3 You are referred to Appendix 2 of the EIA Regulations, 2014 (as amended) for the requirements with respect to the '*Content of scoping reports*'. 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.
 - 11.3 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.

11.4 Where I&APS are unable to access electronic copies of the draft Scoping Report, a hard copy of the report 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 draft Scoping Report.

11.5 In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State in the pre-application phase or early in the EIA process 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 Scoping Report available to State Departments as stipulated above.

12. Plan of Study:

A Plan of Study for EIA, which sets out the approach to the EIA in accordance with Appendix 2 of the EIA Regulations, 2014 (as amended) must be compiled and submitted together with the draft Scoping Report for comment.

13. In terms of the EIA Regulations, 2014 (as amended), when considering an application, the Department 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 pre-application Scoping Report. The report must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability.

14. The Scoping and EIA phases of the EIA process are two distinctly separate phases, each having its own requirements and reports to be submitted. The Department will not accept Scoping and EIA Reports where the processes or information of the two phases were combined into a single process or report.

15. 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.

16. It is prohibited in terms of Section 24F 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. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

17. This Department awaits the submission of the pre-application Scoping Report and/or the application form for environmental authorisation.

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

19. 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 the application

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

Yours faithfully

Taryn

Dreyer

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Taryn Dreyer
Date: 2022.05.20
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pp **HEAD OF DEPARTMENT**

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Ms. Ameesha Sanker (Sharples Environmental Services cc)
(2) Mr. Morné Theron (City of Cape Town)

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E-mail: Morene.Theron@capetown.gov.za