



**REFERENCE:** 16/3/3/6/7/2/D1/13/0181/24  
**ENQUIRIES:** Shireen Pullen  
**DATE OF ISSUE:** **08 July 2024**

The Director  
Krans Development (PTY) LTD  
PO Box 95861  
**WATERKLOOF**  
0145

**Attention: Mr. Andre Vlok**

Email: [andre@canprop.co.za](mailto:andre@canprop.co.za)

Dear Sir

**ACKNOWLEDGMENT OF RECEIPT AND COMMENT ON THE NOTICE OF INTENT (NOI) TO APPLY FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NEMA EIA REGULATIONS FOR THE PROPOSED MIXED-USE DEVELOPMENT ON PORTION 7 AND 8 OF THE FARM KRANSHOEK 432, BITOU MUNICIPALITY**

1. The abovementioned document received by the Directorate: Development Management (Region 3), hereinafter referred to as "this Directorate" via electronic mail on 7 June 2024 refers.
2. This letter serves as acknowledgment of receipt of the above-mentioned document by this Directorate.
3. Kindly quote the abovementioned reference number in any future correspondence in respect of this Notice of Intent. Also, kindly take note of your specific fee reference number **G-SEIR-EIA-K2**.
4. The proposed development entails the development of a mixed-use development with associated infrastructure consisting of the following:
  - Community Zone I – Educational facilities of all kinds;
  - Community Zone II – Provision of places where communities can congregate and worship according to the custom of their specific faith or religion;
  - Business Zone III – Provision opportunity of retail sale of goods and services to the public; General Residential Zone 1 – Provision of dwelling house for a single family, where each dwelling has its own land unit;
  - Open Space Zone I – Public Open Space; • Open Space Zone II – Private Open Space; Transport Zone II – Public road;
  - Transport Zone III – Private road;
  - Utility Zone – Where the proposed pump station will be located.

The proposed development will follow a phased approach, with portion 7 consisting of four (4) phases and portion 8 will consist of two (2) development phases (which includes the development of a Primary/Secondary School as part of Phase 1).

5. In light of the above, a Scoping and Environmental Impact Assessment Process is applicable to the proposed development. You are advised that when undertaking the Scoping/EIA Process, you must take into account all applicable guidelines, including the guidelines developed by the Department. These can be downloaded from the Department's website, (<http://eadp-westerncape.kznshf.gov.za/your-resource-library/policies-guidelines>). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
- Circular EADP 0028/2014: One Environmental Management System
  - Guideline for the review of specialist input in the EIA process, June 2005.
  - Guideline for involving biodiversity specialists 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)
  - Guideline on Public Participation (March 2013)

## **6. Public Participation**

Please be advised that according to Regulation 41(2) the person conducting a public participation process (PPP) must "take into account any guidelines applicable to public participation".

When notifying I&APs of the application the minimum information to be provided in a notice, which include placing an advertisement or fixing a notice board, must contain, inter alia, whether a Basic Assessment or Scoping & EIR process is to be followed and information on how to register as an I&AP. A register of I&APs must be opened, maintained and made available to any person requesting access to the register in writing. The register must also be submitted together with the final EIR.

In addition to the above, please ensure that this Department's Planning component is provided with an opportunity to provide comment/input on the proposal. The sooner they are involved in the process, the better.

## **7. Alternatives**

Be advised that in terms of the EIA Regulations and NEMA the investigation of alternatives is mandatory. Also note that alternatives are not limited to site and location alternatives. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable.

## **8. Heritage**

It is noted that an NID will be submitted to Heritage Western Cape (HWC) to determine whether Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is applicable to the proposal.

## **9. One Environmental System**

It is also understood that the proposal will require a Water Use License in terms of the National Water Act, 1998 (Act No 36 of 1998) in addition to the Environmental Authorisation in terms of the NEMA EIA Regulations, as amended. In light of the one environmental system, it is now a requirement to synchronise these processes in order to ensure that all processes are duly informed by one another. It is therefore the duty of the Environmental Assessment Practitioner ("EAP") to take note of the timeframes and synchronise the three processes.

## **10. Specialist Input**

### **10.1 Screening Tool Report**

- a) The screening tool report identifies numerous specialist requirements in the process, however, the NOI states that not all specialist studies identified by the screening tool may be required.

- b) Protocols or Minimum Information Requirements

Please be informed that the applicable protocols or minimum information requirements, which were published in Government Notice No. 320 of 20 March 2020 (Government Gazette No. 43110

of 20 March 2020 refers), which came into effect on 9 May 2020, must be applied to the impact assessment process that must be followed: Provided that if the specialist assessment affected by any of the protocols, was commissioned before 9 May 2020, then the applicant is allowed to continue and submit documents for decision-making, which do not need to comply with the requirements of the protocols. Proof that the specialist work was outsourced before 9 May 2020, is deemed to be sufficient to allow this on a case-by-case basis. In such instances, the specialist report need not comply with the applicable protocol, but must comply with Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

Therefore—

- i. in accordance to the above, where the applicable protocol applies to any specialist performing work related to any of the fields of practice listed in Schedule I of the Natural Scientific Professions Act, 2003 (Act 27 of 2003) must be registered with the South African Council for Natural Scientific Professions ("SACNASP")<sup>[1]</sup> in any of the prescribed categories [Section 18] and further to this, only a person registered with the SACNASP may practise in a consulting capacity [Section 20]; or
- ii. where a specialist assessment was commissioned prior to 9 May 2020, you are required to submit proof to the competent authority that the work was commissioned prior to the said date (e.g. approved quotation for specialist assessment and/or proof of work being carried out).
- iii. It is the responsibility of the Environmental Assessment Practitioner (EAP) to confirm this list and to motivate in the assessment report, the reason for not including any of the identified specialist studies, including the provision of photographic evidence of the footprint situation. Such motivation must be submitted to this Department as soon as possible, preferably before the submission of the application form.

#### 10.2 Site Verification Report (SSVR)

Please be advised that a SSVR must adhere to the requirements of the various protocols. In this regard the protocols state that the outcome of the site sensitivity verification must be recorded in the form of a report that, *inter alia*:

- confirms or disputes the current use of the land and the environmental sensitivity as identified by the screening tool, such as new developments or infrastructure, the change in vegetation cover or status etc.; and
  - contains a motivation and evidence (e.g. photographs) of either the verified or different use of the land and environmental sensitivity.
- a) **Agricultural Sensitivity Theme**  
The Agricultural Sensitivity theme is rated as "Very High" and according to the protocols, an Agro-Ecosystems Specialist Assessment must be undertaken. The Environmental Assessment Practitioner (EAP) disputes the sensitivity and motivates that the proposed development site has been zoned as Agricultural Zone I, and that vegetation has since been allowed to re-establish and agricultural practice is not currently the dominant land use and that the Department of Agriculture will be included in the list of I&APs. Although this can be agreed to, please note that, should the outcome of the PPP necessitate such a study, the requirement will have to be complied with.
  - b) **Terrestrial Biodiversity Sensitivity Theme**  
The Terrestrial Biodiversity Sensitivity Theme is rated as "Very High", which requires an assessment by a SACNASP registered specialist in the field of Terrestrial Biodiversity. The appointed specialist confirmed that the development area falls within the terrestrial biodiversity screening tool designated Ecological Support Area (ESA) 1 associated along portion 8 and CBA 2 that's associated with the watercourse on portion 7. A Terrestrial Biodiversity and Plant Species Specialist will be appointed to conduct an impact assessment for the proposed development. Additionally, CapeNature will be included as a Stakeholder as part of the Public Participation Processes. This Directorate agrees with the way forward.

---

[1] **SACNASP** – the legislated regulatory body for natural science practitioners in South Africa.



- c) **Animal Sensitivity Theme**  
The Animal Sensitivity Theme is rated as "High", due to the identification of species of conservation concern that might occur on the site. According to the protocols, a Specialist Assessment must be done by a SACNASP registered specialist in the field of terrestrial animal species. A site verification site visit conducted by the EAP, could not confirm the presence of any of the SCCs. Notwithstanding the afore-mentioned, a Terrestrial Animal Species Impact Assessment will be conducted for the proposed development. This Directorate is in agreement herewith. Comment from CapeNature must be sought very early in the process for more guidance.
- d) **Plant Sensitivity Theme**  
The Plant Sensitivity Theme is rated as "Medium" and requires an assessment by a SACNASP registered specialist with expertise in the field of terrestrial plant species. A specialist was appointed to verify whether any of the species of conservation concern was noted on site. No presence of species that are of conservation concern were found on site. Notwithstanding the afore-mentioned, the EAP does not clearly state whether the sensitivity is disputed. Nonetheless, it is the understanding that the plant specialist assessment will form part of the Terrestrial Biodiversity Assessment. Comment from CapeNature must be sought very early in the process for more guidance.
- e) **Civil Aviation Theme**  
According to the screening tool the civil aviation sensitivity was rated as "high", as the site is located within 8km of the Plettenberg Bay airport. Comment from the CAA must be included in the final EIR that must be submitted for decision-making by this Directorate, but preferably prior to the commencement of the application phase.
- f) **Aquatic Sensitivity Theme**  
According to the screening tool the aquatic sensitivity was rated as "very high". The NOI states that a specialist has been appointed to assess and provide either an assessment or compliance statement depending on their findings. According to the protocols, an aquatic compliance statement is only applicable when the sensitivity rating is "low" and not when it is "very high". It is therefore the opinion of this Directorate that an aquatic specialist assessment must be undertaken, due to the very high sensitivity of the site, regardless of whether there are any watercourses on the site or not.
- g) **Palaeontology**  
The Screening Tool indicated that the site has a "High" sensitivity rating and that a Palaeontology Impact Assessment might be required. Palaeontology will therefore be considered for this assessment. Prof. Marion Bamford was appointed by ASHA Consulting to provide palaeontological insights into potential impacts of the proposed development on the potential resources. According to the findings of the specialist, trace fossils, tracks and burrows are expected to occur in the Peninsula Formation sandstone and associated mudstones, the obvious thick covering of unconsolidated sand, soil and light gravel with no bedrock exposed means that it is extremely unlikely that fossils will be present on site. Furthermore, geological test excavation carried out on Portion 9 immediately to the west showed that no bedrock was present in any of their holes which extended between 2.3 m and 3.1 m deep. A Notice of Intent to Develop will be compiled and submitted to Heritage Western Cape (HWC) for consideration. This Directorate agrees with the way forward.
- h) **Archaeological and Cultural Heritage Sensitivity Theme**  
According to the Screening tool, the Archaeological and Cultural Heritage Sensitivity of the site is rated as "low". The screening tool does not suggest an Archaeological and Cultural Heritage Impact Assessment be completed. Kindly ensure that comment is obtained from Heritage Western Cape as soon as possible in the process.

- i) Socio-Economic  
Due to the alignment of the proposed development with the strategic goals of the Bitou Local Municipality, a Socio-Economic Assessment is not planned at present. The Socio-Economic Context of the proposed development will be further elaborated upon during the planned EIA process.

## 11. Services

Please ensure that there are sufficient service-infrastructure and services available to support the proposed development. Written confirmation from the local municipality is crucial to the success of this application.

## 12. Need and Desirability

- 12.1 In terms of the NEMA EIA Regulations, 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.
- 12.2 As such, the need for and desirability of the proposed activity must be considered and reported on in the Scoping Report and Environmental Impact Report (EIR). The final EIR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).

## 13. Pre- Application Consultation

- 13.1 This Directorate itself for a pre-application meeting at a time convenient for all parties to provide further guidance and advice in terms of Regulation 8 on the process requirements and the administration of your application.
  - 13.2 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.
  - 13.3 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
14. Please ensure the Scoping Report and Plan of Study for EIA comply with all the information requirements outlined in Appendices 2. Care must be taken that the EAP does not collapse the scoping process by including specialist input prior to a plan of study being "accepted".
15. This Directorate awaits the submission of the Application Form prescribed by the EIA Regulations, 2014 (as amended).
16. 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.
17. Kindly quote the abovementioned reference number in any future correspondence in respect of this application.

18. This Department reserves the right to revise initial comments and request further information from you based on any new or revised information received.

Yours faithfully

S

pp\_\_\_\_\_

**HEAD OF DEPARTMENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copy:

Madeleine Knoetze

Anje Minnie

Sharples Environmental Services cc

Bitou Municipality

Email: [madeleine@sescs.net](mailto:madeleine@sescs.net)

Email: [aminnie@plett.gov.za](mailto:aminnie@plett.gov.za)