

REFERENCE: 16/3/3/6/7/1/D5/8/0425/24
SPECIFIC FEE REFERENCE: G-BA-EIA-L2
DATE OF ISSUE: **24 March 2025**

The Managing Director
BELLADONNA (PTY) LTD
PO Box 577
RIVERSDALE
6670

Attention: Mr. Gideon Pepler

E-mail: gpepler.hri@wispernet.co.za

Dear Sir

ACKNOWLEDGMENT AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED MIXED-USE RESIDENTIAL DEVELOPMENT ON A PORTION OF ERF 21 AND ERF 266, RIVERSDALE

1. The abovementioned undated Notice of Intent ("NOI") (Ref: CT18/RDH/NOI/03/25) dated 13 March 2025 compiled on your behalf by your appointed Environmental Assessment Practitioner ("EAP"), Ms. Madeleine Knoetze (EAPASA No: 2021/3230) of *Sharples Environmental Services cc* ("SES"), and received by this Department on 14 March 2025, refers.
2. This letter serves as acknowledgement of receipt of the abovementioned report on **14 March 2025**.
3. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the information in the NOI and provides the following comment:

3.1. *The proposal*

According to the NOI the proposal entails the development of a large residential development, approximately 56ha in extent, on a portion of Erf 21 and Erf 266, Riversdale ("the site"). The preferred development proposal includes the following:

- 27 Agricultural Zone II offerings comprising 27.5ha;
- 159 Single Residential erven comprising 10.4ha;
- 3 Pockets of General Residential Zone II offerings for a total of 10.4ha;
- 1 Business Zone of 0.7ha;
- 1 Open Space Zone 1 erf comprising 1.5ha;
- 7 Transport Zone II erven comprising 3.8ha;
- 1 Transport Zone II erf approximately 1.9ha; and
- 1 Utility Zone.

The development will also include the installation of internal services infrastructure including internal roads, water reticulation, sewer, electrical reticulation and stormwater. The proposed development will be implemented approximate to the Layout Plan (Plan No: 217/LP12; Date: 13 September 2024) drafted by Planserv (Pty) Ltd which is attached as Appendix I of the NOI.

3.2. *Interim urban edge / urban area*

According to the information in the NOI (letter from the Hessequa Municipality dated 3 June 2021 – Appendix O of the NOI) the site has been included in the urban edge of Riversdale; however, no documentation has been provided to substantiate this statement. According to the Hessequa Municipality's GIS Viewer the proposed site is located outside the demarcated urban edge of Riversdale. Furthermore, this Directorate is not aware of any public participation process in respect of the amendments to the Hessequa Municipality Spatial Development Framework. This must be clarified in the Basic Assessment Report.

Notwithstanding the above, please be advised that the urban edge in terms of Spatial Planning and Land Use Management Act, Act No. 16 of 2013 ("SPLUMA"), and the Municipal Systems Act, Act No. 32 of 2000 ("MSA"); and the urban area in terms of the NEMA and the Regulations in terms of NEMA are two different aspects. The urban area serves as a geographical area in terms of the EIA Regulation Listing Notices and may be defined and adopted by a competent authority responsible for environmental affairs, whereas an urban edge determined in terms of the MSA may only be defined by municipalities. In this regard, the Western Cape Minister of Local Government, Environmental Affairs and Development Planning has not adopted any urban edge (as identified in the Spatial Development Framework) for Riversdale.

Based on this Department's NEMA EIA Circular 1 of 2012, and the information received, the portion of land does not conform to the requirements of the "interim urban edge" as adopted on 5 March 2012 and is therefore not deemed to be an urban area for the purpose of the Environmental Impact Assessment Regulations, 2014.

3.3. *Process to obtain environmental authorisation*

Based on the information submitted to this Directorate 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 proponent / appointed consultant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.

3.4. *Specific fee reference number*

The Department notes your "Request for a specific fee reference number". The following specific fee reference number **G-BA-EIA-L2** must be inserted into the Application Form and proof of payment of the application fee attached when the Application Form is submitted to the Department.

3.5. *Pre-Application Consultation*

It is noted that the consultant does not intend to have a pre-application consultation meeting. Based on the information in the NOI, this Directorate strongly advises that a pre-application consultation meeting be arranged prior to the circulation of any pre-application documentation.

Further to above, please consider the provisions of the Western Cape Land Use Planning Act, 2014 (Act No. 3 of 2014), specifically as it pertains to Provincial approval of land development

where it may have a substantial effect on agriculture. As this Department administers this law too, it is advised that an integrated pre-application meeting be arranged.

Please be advised that it is the responsibility of you or your consultant to make the necessary arrangements for the meeting. Kindly note that virtual meetings via Microsoft Teams are preferred.

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

3.6. Public Participation Process

According to the NOI the appointed EAP does not intend to follow a pre-application assessment process. Therefore, the consultant is reminded that it must be ensured that Regulation 41 of the Environmental Impact Assessment, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended) is complied with simultaneously during the application phase.

Furthermore, the Department notes the State Departments / Organs of State that will be informed of the decision. In addition to the identified authorities, you are also required to notify the following authorities which administer a law in respect of the proposal:

- *Garden Route District Municipality*
This Directorate notes that Mr. Vernon Gibbs-Halls is listed as one of the representatives of the Garden Route District Municipality who will be informed of the proposal. Please be reminded that Mr. Gibbs-Halls is no longer in the employ of this organ of state, and he has not been in their employ for many years now. Kindly update your records.
- *South African National Roads Agency Limited*
% Ms. Nicole Abrahams - abrahamsn@nra.co.za
- *DEA&DP: Directorate Development Management (Region 3)*
Sub-Directorate: Regulatory Planning Advisory Services
% Mr. Riaan Thomson - Riaan.Thomson@westerncape.gov.za

NOTE: The consultant must ensure that the correct representatives of all organs of state / state department are notified of the proposal.

3.7. Alternatives

In terms of the EIA Regulations, 2014 the investigation of alternatives is mandatory. This includes the option of not proceeding with the proposed activity (the "no-go" option). All alternatives identified must be determined to be feasible and reasonable. In this regard it must be noted that the Department may grant authorisation for an alternative as if it had been applied for or may grant authorisation in respect of the whole or part of the proposed project in the application. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives.

If, after identified alternatives have been investigated, 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 of the investigations undertaken, and

motivation for there being no reasonable or feasible alternatives other than the preferred option and the no-go option.

3.8. *Need & Desirability*

In terms of the 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. As such, the need for and desirability of the proposed activities 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.

3.9. *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.

3.10. *Screening Tool Report and Site Sensitivity Verification Reports*

In accordance with the applicable protocols or minimum information requirements, which have been published in the Government Gazette (i.e. Government Gazette No. 43110 of 20 March 2020 and Government Gazette No. 43855 of 30 October 2020) you are required to submit a site sensitivity verification report(s) which confirms or disputes the site sensitivities for each of the themes identified in the Screening Tool Report. Furthermore, the report(s) must include a motivation for the exclusion of any of the specialist assessments identified in the Screening Tool Report, which in the opinion of the consultant are not considered relevant or required.

This Directorate has reviewed the Site Sensitivity Verification Report ("SSVR") (Ref: CT18/RHD/SSVR/03/25) dated 13 March 2025, compiled by the EAP. Please be reminded that where a protocol has been published for an identified theme, that the respective specialist reports must adhere to the requirements of the protocol. Where a specific protocol has not been identified for a specialist study, such specialist study must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

● *Agricultural Theme*

According to the Screening Tool Report ("STR") submitted with the NOI the sensitivity rating for the Agricultural Theme is HIGH. According to the SSVR, the findings of the site visit undertaken by the EAP confirmed that the HIGH sensitivity in terms of the Agricultural Theme and that an Agricultural Impact Assessment would be required. A site sensitivity verification by the specialist also confirmed HIGH sensitivity, but according to the SSVR the specialist indicated that the impact can be assessed based on existing information, without the detailed site investigation that is required for an Agricultural Agro-Ecosystem Specialist Assessment. It is therefore, recommended that an Agricultural Compliance Statement be compiled.

The proposed development will result in a loss of 56.4ha of viable cropland. Furthermore, the STR and SSVR indicate that the site falls within a Protected Agricultural Area (i.e. Heidelberg-Slangrivier Protected Agricultural area), a demarcated area in which the climate, terrain and soil are generally conducive for agricultural production and which, historically, has made important contributions to the production of the various crops. Within Protected Agricultural Areas, the protection, particularly of arable land, is considered a priority for the protection of food security in South Africa.

Both the EAP and agricultural specialist have confirmed in the SSVR that the sensitivity rating is 'high', for which the Protocol requires that an *Agricultural Agro- Ecosystem Specialist Assessment* be undertaken. Notwithstanding the perceived level of available information or possible impacts, the Protocol does not make provision to switch between the level of assessment once the site sensitivity rating has been determined/confirmed.

In light of the above, this Directorate disagrees with the findings of the SSVR, and you are required to commission an **Agricultural Agro-Ecosystem Assessment** which must be compiled by a soil scientist or agricultural specialist registered with the South African Council for Natural Scientific Professionals ("SACNASP"). Such assessment must comply with the requirement of the Agricultural Protocol.

Furthermore, the EAP/specialist must consult the Western Cape Government: Department of Agriculture (DoA) - Land Use Management and the National Department of Agriculture, Land Reform and Rural Development (DALRRD) specifically obtain written confirmation from said organs of state regarding any requirements in respect of the agricultural aspects.

● *Animal Species Theme*

The STR specifies a HIGH sensitivity rating for the Animal Species Theme. According to the SSVR site sensitivity verification was undertaken by relevant specialist which recorded a total of 22 animal species within the existing agricultural fields which provide habitat both while under cultivation and after being harvested. According to the SSVR there is an abundance of similar suitable land for these species in the surrounding area and that the development is unlikely to have a major impact on the continued survival of these species on the area. In light of the aforementioned, the SSVR recommends a LOW sensitivity and indicates that an Animal species Compliance Statement will be compiled to inform the BAR.

Notwithstanding, the views provided by the specialist on the possible impacts related to this theme, the SSVR has failed to refute the use of the land nor the environmental sensitivity of the site. The SSVR in fact demonstrated that despite the land-use, the site provided suitable habitat for noteworthy animal species.

Considering the above, it is strongly advised that the *Animal Species Specialist Assessment* be undertaken by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is being undertaken, and that Species Specialist Assessment Report be submitted to the competent authority for consideration.

Furthermore, the EAP/specialist must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

● *Aquatic Biodiversity Theme*

The STR specifies a VERY HIGH sensitivity rating for the Aquatic Biodiversity Theme. According to the SSVR a specialist confirmed the presence of a wetland within the development site. In this regard, it is understood that an Aquatic Biodiversity Impact Assessment will be undertaken to inform the BAR. It must be ensured that Aquatic Biodiversity Specialist Assessment report adheres to the requirements of the protocol.

Furthermore, the EAP/specialist must consult the Breede Olifants Catchment Management Agency (BOCMA) during the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

● *Archaeological and Cultural Heritage; and Palaeontological Themes*

The procedure for site sensitivity verification where no specific assessment protocol has been prescribed, has been gazetted in Government Notice No. 320 of 20 March 2020. According to the SSVR Heritage Western Cape ("HWC") was consulted and that a Heritage Impact Assessment (including Visual Impact Assessment) is required. Please be reminded that the relevant report must comply with the minimum report requirements specified in Appendices 1 and 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

Section 38 of the NHRA sets out the requirements regarding the integration of the decision-making process with that of the EIA Regulations 2014, however, under the proviso that the necessary information is submitted and any comments and recommendations of the relevant heritage resources authority (HWC) with regard to such development have been provided and taken into account prior to the granting of the authorisation. Further to the above:

- ❖ An application for Environmental Authorisation, must include, where applicable, the investigation, assessment and evaluation of the impact of any proposed listed or specified activity on any national estate referred to in section 3(2) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), excluding the national estate contemplated in section 3(2)(i)(vi) and (vii) of that Act.
- ❖ Where Section 38 of the NHRA is triggered, the Standard Operating Procedure between Heritage Western Cape and this Department must be followed. If Section 38 is applicable to the proposed development, then the proponent/applicant is required to submit a Notice of Intent to Develop ("NID") to Heritage Western Cape and attach a copy thereof to the EIA application form. If Heritage Western Cape requires a Heritage Impact Assessment, the Heritage Impact Assessment must be undertaken as one of the specialist studies of the EIA process to be undertaken in terms of the NEMA EIA Regulations, 2014.

● *Civil Aviation Theme*

The proposed site is located approximately 2.7km of the Riversdale Aerodrome (FARD) and the STR specifies a HIGH sensitivity rating in terms of the Civil Aviation Theme. According to the SSVR the FARD is no longer listed as an active facility in terms of the Aeronautical Information Publication published by the Civil Aviation Authority (last uploaded in January 2025). Furthermore, it is reported that no major airline services are available at the airport, all airport infrastructure is dilapidated, and the airport grounds are no longer used for its intended purpose. The SSVR therefore indicates that the proposed development will have no impact on the operations of the airport.

This Directorate acknowledges the findings of the SSVR; **nonetheless**, the South African Civil Aviation Authority (E-mail: environment@caa.co.za) must be consulted regarding any matters that must be addressed in the compliance statement and / or BAR.

● *Terrestrial Plant Species Theme*

The STR specifies a MEDIUM sensitivity in terms of the Terrestrial Plant Species Theme which is disputed in the SSVR as the majority of the has been transformed by agricultural practices. According to the SSVR the botanical specialist has undertaken a site sensitivity verification and

indicated that no plant Species of Conservation Concern ("SCC") are likely to be present anywhere within the development site given its long history of agricultural disturbance. According to the SSVR a consolidated Compliance Statement for plant species and terrestrial biodiversity aspects) will be compiled to inform the BAR.

Notwithstanding the SSVR's motivation, the Competent Authority requires that the EAP or appointed specialist must consult the South African National Biodiversity Institute (SANBI) as indicated in the STR; and the procedure set out in the Protocol regarding the *Medium Sensitivity Species of Conservation Concern Confirmation* be followed. The assessment report for this theme that will be submitted with the BAR, must clearly demonstrate how this process was followed and which outcome was achieved.

Please note that—

- where SCC are found on site or have been confirmed to be likely present, a Terrestrial Plant Species Specialist Assessment must be submitted in accordance with the requirements specified for "very high" and "high" sensitivity in this protocol.
- similarly, where no SCC are found on site during the investigation or if the presence is confirmed to be unlikely, a Terrestrial Plant Species Compliance Statement must be submitted.

Furthermore, the EAP/specialist must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

● *Terrestrial Biodiversity Theme*

The STR specifies a VERY HIGH sensitivity for the Terrestrial Biodiversity Theme due to *inter alia* the historic vegetation being mapped as Endangered Eastern Rûens Shale Renosterveld. However, the SSVR indicates that there is essentially no natural vegetation remaining as 97% of the proposed development site is regularly cultivated.

The Directorate acknowledges the findings of the SSVR; however, the report must consider all biodiversity informants which may be identified in other themes.

Furthermore, the EAP/specialist must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

● *Combining specialist studies / reports:*

According to the information in the SSVR, the assessments in terms of the Terrestrial Plant Species Theme and the Terrestrial Biodiversity Theme will be included in a single report. Therefore, it must be ensured that the report addresses all the minimum information requirements of all the relevant themes as specified in the respective protocols. Furthermore, the specialist must provide the necessary proof that he/she is appropriately registered with SACNASP for the respective Protocols.

For example, it may be possible to combine an assessment report for the Terrestrial Biodiversity and Plant Species themes if the person undertaking the respective assessments can demonstrate that she/he complies with all the requirements for the respective Protocols.

● *Other identified / relevant specialist reports*

● *Traffic Impact Assessment*

Due to the location, scale and nature of the proposed development you are hereby advised that the EIA process be informed by a Traffic Impact Assessment. The following information as a minimum must be included in the assessment:

- ❖ the estimated number of trips that will be generated by the proposed development;
- ❖ the upgrades required to existing roads and / or intersections;
- ❖ any conditions / requirements from the local authority and relevant road authorities; and
- ❖ any other requirements for road infrastructure.

● *Visual Impact Assessment*

This Directorate notes that a Visual Impact Assessment ("VIA") must be undertaken to inform the Heritage Impact Assessment ("HIA"). In this regard, it must be ensured that the report complies with the minimum information requirements as stipulated in Appendix 6 of the EIA Regulations, 2014. The VIA **must** clearly demonstrate how this Department's *Guideline for involving visual and aesthetic specialists in the EIA process* (June 2005) has been considered in the assessment. To achieve the latter, it is strongly advised that the VIA be separated from the HIA. You are advised to consult with the SANRAL with regard to any requirements for visual screening from the N2 National Road.

3.11. *Other relevant considerations*

● *National Water Act, Act No. 36 of 1998*

Please be advised that the National Environmental Management Laws Amendment Act, Act 2 of 2022 (NEMLAA), came into effect on 30 June 2023. This Act added sub-section 24C(11) to the National Environmental Management Act, Act 107 of 1998, as amended (NEMA) which requires that "a person who requires an environmental authorisation which also involves an activity that requires a licence or permit in terms of any of the specific environmental management Acts (i.e., NWA), must simultaneously submit those applications to the relevant competent authority or licensing authority, as the case may be, indicating in each application all other licences, authorisations and permits applied for".

According to the SSVR a wetland is present within the proposed development footprint. Therefore, you are advised to consult BOCMA to determine whether authorisation in terms of the National Water Act, Act No. 36 of 1998 ("NWA") is required. The applicability of the NWA must be confirmed by BOCMA in writing.

In light of the above, please advise your appointed consultant responsible for the Water Use Authorisation ("WUA") process to liaise; and consult with the relevant authority, the BOCMA urgently.

Please be advised that the EIA process and the Water Use Application process must be synchronised. You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of the application for environmental authorisation.

■ Confirmation of Municipal Services

Please be advised that the confirmation of municipal services will be a crucial aspect of your application. For ease of reference, the information requirements detailed below should be addressed in a letter of confirmation of municipal services, namely:

- Potable water supply:
 - (i) the total existing capacity of the Municipal potable water supply;
 - (ii) any additional expansion of the potable water supply capacity (e.g. reservoirs) already approved of by the environmental authority, but not yet effected;
 - (iii) unallocated potable water supply capacity available to service both the phased and completed (total) potable water demand for the abovementioned application, or sufficient approved unallocated capacity able to accommodate the abovementioned application in future.
- Sewer network and wastewater treatment:
 - (i) the total existing capacity of the municipal sewer network and wastewater treatment works("WWTW");
 - (ii) any additional expansion of the sewer network or WWTW capacity already approved of by the environmental authority, but not yet effected;
 - (iii) unallocated sewer network capacity and sewage treatment capacity available to service both the phased and completed (total) expected sewage output load by the abovementioned applications, or sufficient approved unallocated capacity able to accommodate the abovementioned applications in future.
- Solid waste and disposal:
 - (i) the total existing capacity of the municipal waste site;
 - (ii) any additional capacity at the municipal waste site (i.e. expansions) already approved by the environmental authority, but not yet effected;
 - (iii) unallocated waste disposal capacity available to service both the phased and completed (total) expected solid waste output load by the abovementioned applications, or sufficient approved unallocated capacity able to accommodate the abovementioned applications in future.
- Electricity and electricity distribution:
 - (i) total existing electrical distribution capacity of the municipality;
 - (ii) any additional expansion of the electrical distribution capacity already approved of by the environmental authority, but not yet effected;
 - (iii) unallocated electrical distribution capacity available to service the abovementioned applications, or sufficient approved unallocated able to accommodate the abovementioned applications in future. With reference to electrical capacity, the notified demand of the municipality must be provided, and whether an increase thereof is required to service a development. If the notified demand will be exceeded, the capacity must be confirmed by ESKOM.
- Stormwater infrastructure / structures:
 - (i) the total existing stormwater management capacity of the municipality;

- (ii) any additional stormwater management capacity / structures of the municipality (i.e. expansions) already approved by the environmental authority, but not yet effected; and
- (iii) unallocated stormwater management capacity available to service the abovementioned development or sufficient approved unallocated capacity to be able to service the needs of development in future.

4. 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. Furthermore, should no further information or documentation be received within six (6) months of the date of this letter, this will result in your file being closed for administrative purposes and a new enquiry will need to be submitted thereafter.

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.

5. Please note that a listed activity may not commence prior to an environmental authorisation being granted by the Department.
6. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

pp_____

HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/7/1/D5/8/0425/24

Copied to:

Sharples Environmental Services cc

(1) EAP: Ms. Madeleine Knoetze

E-mail: madeleine@sescs.net