



REFERENCE: 16/3/3/6/7/1/D6/29/0273/25
DATE OF ISSUE: 11 August 2025

The Director
HARTLAND LIFESTYLE ESTATE (PTY) LTD.
Unit 1
K109 Business Park 1
Tinus de Jongh St
Van Eck Park
BRAKPAN
1541

Attention: Mr. A. le Roux

E-mail: andre@dalmar.co.za

Dear Sir,

ACKNOWLEDGMENT OF RECEIPT AND COMMENT ON THE NOTICE OF INTENT TO TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED DEVELOPMENT OF A SCHOOL AND HOSPITAL ON A PORTION OF THE REMAINDER OF THE FARM VAALE VALLEY NO 219, HARTENBOS, MOSSEL BAY

1. The abovementioned document (Ref: MOS789/01 dated 10 July 2025) ("NOI Form"), compiled by the appointed Environmental Assessment Practitioner (EAP), Ms. Madeleine Knoetze (EAPASA Registration No: 2021/3230) of *Sharples Environmental Services cc*, and received by this Department on 10 July 2025, refers
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. The Department notes your "Request for a specific fee reference number". The following specific fee reference number **G-BA-EIA L24** 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.
4. Following a review of the information submitted to this Department, we note the following:
 - 4.1. Proposal: It is understood that the proposal entails the establishment of the following:
 - A Secondary School (with the capacity to accommodate 2600 learners) with a School hostel, an Admin building and Main Hall. This portion of the development will also include a Clubhouse and the Rugby fields/Athletics Track. A total number of three rugby fields will be established within the proposed development site.

- A Tertiary Education Centre with the capacity to accommodate approximately 450 students and Student Accommodation with the capacity to accommodate approximately 136 students.
- A hospital and associated infrastructure, including staff Accommodation and a helicopter landing pad.
- Internal and external auxiliary infrastructure including network of internal roads and parking bays catered specifically toward the portion of the proposed development to be serviced. The number of parking bays allocated to the proposed development aligns with the requirements of the Mossel Bay Municipal Zoning Scheme; the installation of a new sewer pump station on site as well as a new pressure line, leading from the proposed development site to the Hartenbos Regional WWTW and an access road with a width of between 5.2 m and 7.4 m with the widest reserve being 20 m.

All services (water, sewer, electricity, and solid waste) will be provided by the Mossel Bay Local Municipality. No additional bulk water infrastructure will be required, as there is a Ø500 mm bulk supply line leading from the 7Mℓ Jakkalskop Reservoir leading along the southern boundary of the proposed development site along which the project will tie into.

5. The following advice or instructions of the nature and extent of any of the processes that may or must be followed or decision support tools that must be used, in order to comply with the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment Regulations, 2014 (GN R. 982 of 4 December 2014, as amended) ("EIA Regulations, 2014"), is provided below.

Process

6. According to the information in the NOI Form, a Basic Assessment process must be followed in order to apply for Environmental Authorisation as only activities identified in terms of Listing Notice 1 and Listing Notice 3 is included in the form.

Note: Please consider the information below regarding the applicable listed activities, as this may have bearing on the process which must be followed for this application.

7. *Applicable listed activities*

Kindly note that, with the information provided, it cannot be confirmed with certainty whether activity **15 of Listing Notice 2** is applicable to the proposal, or not. The NOI states that the proposal will only require the clearance of 3,5 hectares of indigenous vegetation while the development footprint is anticipated to be 28,5 hectares in size. Kindly provide a motivation for not including this activity in the proposed list which will be applied for. This motivation may include, but is not limited to, written proof that the proposed site has been legally cleared/cultivated within the preceding 10-year period. Also note that it is only those listed activities applied for that, 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.

In addition to the above, should it be found at a later stage that the afore-mentioned activity is triggered by the proposal, a Scoping and EIR process must be undertaken which has an application fee of R10000.

8. Please ensure the Basic Assessment Report ("BAR") and Environmental Management Programme ("EMPr") contain all information requirements outlined in Appendices 1 and 4 respectively of the EIA Regulations, 2014.

9. *Environmental Management Programme ("EMPr")*

In accordance with Section 24N of NEMA and the EIA Regulations, 2014, the applicant is required to submit an Environmental Management Programme ("EMPr") with the BAR. The contents of such an EMPr must meet the requirements outlined in Appendix 4 of the EIA Regulations, 2014.

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). It must be submitted together with the EIAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), must be taken into account.

10. *National Web Based Environmental Screening Tool and Site Sensitivity Verification*

The Screening Tool Report ("STR") generated by the national web based environmental screening tool on 10 July 2025 at 15:25:23, and the Site Sensitivity Verification Report ("SSVR") (Ref: CT28/HSH/SSVR/07/25 dated 10 July 2025) appended to the NOI Form have been reviewed by the Department and provides the following comment on the respective themes and additional specialist studies that have been identified.

10.1. *General*

The SSVR does not comply with the minimum information requirements for all the themes. The Site Sensitivity Verification for those individual themes which have not been completed, should be undertaken and the SSVR submitted to this Directorate for comment prior to the application being submitted.

10.2. *Agricultural Theme*

The STR rates the agricultural theme as "*High*" sensitivity; and recommends that an Agricultural Impact Assessment be conducted. The SSVR confirmed the site's "*high*" sensitivity rating and indicates that an Agro-ecosystem Assessment will be undertaken in line with the Agricultural Resources Protocols. Furthermore, the Proponent has also submitted an application with the Western Cape Department of Agriculture for the transformation of agricultural land to the proposed development.

"Nonetheless, the EAP must consult the WCG Department of Agriculture (DoA) - Land Use Management 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 Agriculture Theme.

10.3. *Animal Species Theme*

The STR rates the sensitivity of site for this theme as "*High*" due the possible presence of here are six animal species of conservation concern for the site. The SSVR disputes the sensitivity and states that the sensitivity rating should be "*low*" instead due to the degraded state of the site.

However, the wetlands on site can provide functional habitat to animal species to a certain degree. In light hereof Mr. Jacobus Visser (Blue Skies Research) has been appointed to undertake the appropriate Animal Species Assessment following his Site Sensitivity Verification, in accordance with the Animal Species Protocols (GN 1150 of October 2020). The Specialist must submit his SSVR together with the specialist report, and must clearly demonstrate what the sensitivity of the site was.

Important: If any part of the development falls within an area of confirmed “very high” or “high” sensitivity, the assessment and reporting requirements prescribed for the “very high” or “high” sensitivity, apply to the entire development footprint. Development footprint in the context of this protocol means, the area on which the proposed development will take place and includes the area that will be disturbed or impacted.

In addition to the above, the EAP 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.

10.4. Aquatic Biodiversity Theme

The STR specifies a “low” sensitivity rating for the Aquatic Biodiversity Theme due to the degraded nature of the watercourses. James Dabrowski (Confluent Consulting) was appointed to do the Site Verification of the proposed development site. Through site verification, it was confirmed that, due to the presence of water courses (regardless of the quality of the water courses), the sensitivity of the proposed development site is “High”. The Protocol does not have a sensitivity rating of “high”, and it is understood that the specialist’s findings meant that it is “very high”.

Please note that notwithstanding the “Low sensitivity rating in terms of the STR, where the information gathered from the site sensitivity verification differs from the screening tool designation of “low” aquatic biodiversity sensitivity, and it is found to be of a “very high” sensitivity, an Aquatic Biodiversity Specialist Assessment. Nonetheless, the SSVR indicates that an Aquatic Biodiversity Specialist Assessment will be undertaken. It is noted that part of this assessment will include a hydrology assessment as well.

Furthermore, the EAP must consult the Breede Olifants Catchment Management Agency (BOCMA) 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 Aquatic Biodiversity Theme.

10.5. Archaeological and Cultural Heritage Theme & Palaeontological Heritage Theme

The STR specifies a “low” sensitivity rating for the Archaeological and Cultural Heritage due to the transformed nature of the proposed development area (being historically transformed by continuous agricultural practices). The outcome of the site inspection was that the sensitivity rating should be “low”. An archaeological and cultural heritage specialist (Mr. Jonathan Kaplan – ACRM) has been appointed to oversee the submission of a Notice of Intent to Develop to Heritage Western Cape (HWC). Should an Archaeological and Cultural Heritage Assessment be required by HWC, this Assessment will be undertaken in accordance with General Protocol for Specialist Assessments (GN 320 of March 2020) and Appendix 6 of the EIA Regulations of 2014, as amended.

The SSVR indicates that a notice of Intent to develop (NID) will be submitted to Heritage Western Cape (HWC) to confirm what level of assessments are necessary for the Archaeological and Cultural Themes. Kindly ensure that this study complies with Appendix 6 of the EIA Regulations, 2014. The proposal also triggers Section 38(1) if the National Heritage Resources Act and therefore a Notice of Intent to Develop will also be submitted to Heritage Western Cape.

10.6. Palaeontological Heritage Theme

This sensitivity theme is rated by the STR as “very high” sensitivity due to the site possible containing features with high paleontological value. The EAP argues that, based on the history of site clearance within the proposed development area (including ploughing), the anticipated impact on palaeontologic resources is expected to be Low. A suitably qualified Heritage Specialist (Jonathan Kaplan, and further a subcontracted Palaeontologist) has been appointed to inform the palaeontological sensitivity of the proposed development area. The SSVR indicates that a notice of Intent to develop (NID) will be submitted to Heritage Western Cape (HWC) to confirm what level of assessments are necessary for the Archaeological and Cultural & Palaeontology Themes.

Kindly ensure that this study complies with Appendix 6 of the EIA Regulations, 2014. The proposal also triggers Section 38(1) if the National Heritage Resources Act and therefore a Notice of Intent to Develop will also be submitted to Heritage Western Cape.

10.7. Civil Aviation Theme

The STR specifies a “medium” sensitivity rating in terms of the Civil Aviation Theme as the proposed development is located approximately 7,5km from the Mossel Bay Aerodrome. According to the SSVR the proposed development will not pose any threat to civil aviation within the area as building designs will be in line with local municipal by-laws and in accordance with existing residential developments adjacent to the site. As such, the SSVR motivates that the sensitivity rating should be a “negligible” sensitivity, which implies that no further assessment will be undertaken for this theme.

Please be advised that the SACCA does not only consider structures which may cause obstacles; but it also considers land-uses or development patterns which may impact or pose risks to aviation facilities. Notwithstanding the above, the South African Civil Aviation Authority (must be consulted (E-mail: environment@caa.co.za) and the EAP must specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Civil Aviation Theme.

10.8. Terrestrial Plant Species Theme

The STR specifies a “medium” sensitivity due to the possible presence of species of conservation concern (SCC). Due to the extensive nature of the agricultural activities on site, it is expected that limited impacts on plant SCCs will be experienced on site. The EAP did, however, identify multiple Milkwood Trees (*Sederoxilon inerme*) on site. According to the SSVR, Mark Berry (Mark Berry Botanical Surveys) has been appointed to undertake further site verification and undertake a Plant Assessment in accordance with the requirements of the October 2020 Protocols.

Therefore, the Competent Authority requires that the EAP or appointed specialist must consult the South African National Biodiversity Institute (SANBI); and the procedure set out in the Protocol regarding the **Medium Sensitivity Species of Conservation Concern Confirmation** be followed. 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.

The Terrestrial Plant Species specialist must clearly demonstrate how the above has been complied with.

In addition to the above, the EAP 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 Terrestrial Biodiversity Theme.

10.9. Terrestrial Biodiversity Theme

The STR specifies a “very high” sensitivity due to the site being a Critical Biodiversity Area 1 & 2 as well as a critically endangered ecosystem. According to the SSVR, Mark Berry (Mark Berry Botanical Surveys) has been appointed to undertake further site verification and undertake a Plant Assessment, which will also include Terrestrial Biodiversity in accordance with the requirements of the October 2020 Protocols.

Notwithstanding the proposal for this Theme, in light of the STR rating, it is strongly advised that a Terrestrial Biodiversity Specialist Assessment be undertaken. Please also refer to the guidance below on ‘combining’ specialist studies and reports.

In addition to the above, the EAP 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 Terrestrial Biodiversity Theme.

10.10. Combining specialist studies / reports:

It is noted that the *Terrestrial Biodiversity and Terrestrial Plant Species sensitivity* themes will be combined in a single report.

It is emphasised that the BAR and supporting specialist studies must comply with the legislated minimum information and reporting requirements. Therefore, all identified specialist studies must be complied with in full. It may be possible for a single person to undertake the entire specialist assessment and reporting for more than one Protocol, for example the Terrestrial Biodiversity, Terrestrial Plant Species and Animal Species themes. Please note that the partial assessment/reporting of a theme in separate reports or by two or more different persons, will not be accepted, even if there may be a level of overlap in the specialist disciplines.

Where a single person will be undertaking more than one assessment as per the identified Protocols listed in the screening tool report (STR), it must be ensured that—

- the person undertaking such specialist assessment and reporting, must be appropriately registered with SACNASP for the respective Protocols, and that he/she provides the necessary proof hereof in the BAR;
- the assessment and reports address all the minimum information requirements, as specified in the respective protocols for each of the relevant themes the person will be responsible for assessing and reporting on, and
- where a single report will be submitted (i.e., two themes are combined in a single report), such a document must clearly separate the information on the minimum information requirements of the respective protocols to avoid any ambiguity, and the report must clearly demonstrate how each aspect has been addressed. If the latter is not evident, the

report will be rejected. It is recommended that each Protocol be dealt with as a separate 'chapter' in such a combined report.

10.11. Other identified / relevant specialist reports:

(a) Socio-Economic Assessment

It is motivated that given the nature of the project, the MSDF and Municipal planning for the area, a socio-economic assessment is not deemed necessary as the socio-economic impact will mostly be high positive. Notwithstanding the motivation provided, the EIA must demonstrate that the proposed development is sustainable and how the social and economic aspects have been considered and assessed^[1]. The SSVR does however include a market feasibility study for the schools and hospital. As a minimum, the socio-economic profile of the local area (municipality and relevant sub-places) must be considered in the Basic Assessment Report, along with the financial implications of the proposed development in terms of potential for job creation and the duration of available jobs.

The assessment must demonstrate how the relevant guidelines have been considered, *inter alia* the Department's:

- Guideline for involving social assessment specialists in the EIA process, February 2007.
- Guideline for involving economists in the EIA process, June 2005.

Social and Gender Considerations:

You are reminded that the social context of the proposed development must always be considered. This includes the impact that the development proposal may have on the prevalence of HIV/AIDS, Sexually Transmitted Infections ("STI") and Tuberculosis ("TB"), as well as equity and gender related concerns.

(b) Visual Impact Assessment

It is noted that a Visual Specialist input will not form part of the Basic Assessment Process *due to site being located in an urban set-up with development similar to the proposal.*

(c) Geotechnical Assessment

It is noted that geotechnical investigations will also form part of the Basic Assessment, especially in light of the nature of the proposed development that will be undertaken. A qualified geotechnical practitioner should undertake an assessment at an appropriate level and scale, and the geotechnical assessment must be included in the Draft Basic Assessment Report.

(d) Traffic Impact Assessment

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

- the number of trips that will be generated by the proposed development;
- the adequacy of the existing intersections in the surrounding area to deal with the expected trips;
- any upgrade requirements of the existing road infrastructure; and
- any conditions / requirements from the Western Cape Government: Department of Infrastructure; and where necessary the Mossel Bay Municipality: Technical Services.

[1] Section 2(4)(i) of NEMA requires that the social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment.

For ease of reference, it is recommended that the EAP and Specialists refer to the terminology in the respective Protocols when referencing the specialist studies for specific themes. Nonetheless, if the reports are referenced as the "Freshwater Impact Assessment" and "Botanical Impact Assessment" such assessments and reports must comply with the respective Protocols.

11. *Government Policies and Plans, Guidelines, Environmental Management Instruments: Government Policies and Plans, Guidelines, Environmental Management Instruments:*

You are advised that when undertaking the EIA process, it is the responsibility of the EAP and Specialists to take into account all the government policies and plans, guidelines, environmental management instruments and other decision making instruments in respect of the application process or the kind of activity which will be the subject of the application, including the guidelines, information documents or circulars developed by this Department which include *inter alia*, the following:

- Guideline for determining the scope of specialist involvement in EIA processes, June 2005.
- Guideline for the review of specialist input in the EIA process, June 2005.
- Guideline for Environmental Management Plans (June 2005).
- Guideline for involving visual and aesthetic specialists in the EIA process, June 2005.
- Guideline for involving heritage specialists in the EIA process, June 2005.
- Guideline for involving social assessment specialists in the EIA process, February 2007.
- Guideline for involving economists in the EIA process, June 2005.
- Western Cape Provincial Spatial Development Framework, November 2014 (as amended)
- DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa (ISBN: 978-0-9802694-4-4)

Public Participation

12. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 must be undertaken. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR including the EMPr.
13. Please be advised that in accordance with Sub-regulation 40(3) public participation may be undertaken prior to the submission of the application. Should a public participation process, which includes the circulation of the pre-application BAR for comment to potential or registered interested and affected parties, be undertaken in terms of Regulation 40 prior to the submission of an Application Form to the Department, then the requirements of Regulation 41 must be complied with simultaneously and the pre-application BAR must also be submitted to the Department for commenting purposes.
14. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. **Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation.**

Relevant considerations applicable to the EIA process

15. *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.

16. *Need & Desirability*

In terms of the EIA Regulations, 2014, 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. Refer to the DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs (DEA), Pretoria, South Africa (ISBN: 978-0-9802694-4-4).

17. *Climate Change*

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 Department 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.

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.

18. *Confirmation of Availability 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:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) 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 above-mentioned development or sufficient approved unallocated capacity to be able to service the needs of development in future.

Other legislative considerations

19. NEMA Principles

The applicant will be required to clearly demonstrate 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.

20. Synchronising applications in terms of other applicable legislation with the EIA process

Although the NOI stipulates that no water use license is required for the proposed development due to the inclusion of buffers. Please submit confirmation from the Breede-Olifants Catchment Management Agency (BOCMA).

Notwithstanding the above, you are reminded that subsection 24C (11) of the National Environmental Management Act, 1998 (as amended) indicates that if both an environmental authorisation as well as a licence or permit in terms of any of the Specific Environmental Management Acts ("SEMA") is required, those applications must simultaneously be submitted 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.

Please be advised of the required synchronisation between the EIA process and the respective other licensing/permitting process (if the latter is required). 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 this application for environmental authorisation.

20.1. *National Water Act, Act No. 36 of 1998 ("NWA")*

(Synchronisation of the WULA – EIA processes / applications)

Please be advised of the required synchronisation between the EIA process and the Water Use License Application ("WULA") process (if the latter is required). 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 this application for environmental authorisation.

The applicability of the National Water Act, 1998 must be confirmed by Breede Olifants Catchment Management Agency (BOCMA) in writing.

Please be reminded that all specialist reports submitted as part of the BAR (including those submitted for consideration and which also may form part of the WULA) must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations 2014.

20.2. *National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA")*

(Synchronisation of the HIA – EIA processes / applications)

Section 38 of the NHRA sets out the requirements regarding the integration of the decision-making processes 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 to 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.

It appears that the proposed activity triggers an activity identified in terms of section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA") and it is likely that the national estate may be impacted. Comment from Heritage Western is therefore required.

General

21. The Department awaits the submission of the Application Form or where applicable a pre-application BAR prescribed by the EIA Regulation, 2014.

Please note that electronic copies of the Application Form/pre-application BAR must be submitted to the Department.

22. 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.
23. 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.
24. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully

pp _____

HEAD OF DEPARTMENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

(reference: 16/3/3/6/7/1/d6/29/0273/25)

Copied to:

EAP: Ms. Madeleine Knoetze

(Sharples Environmental Services CC)

E-mail: madeleine@sesc.net

Mr. Jaco Roux

Mossel Bay Municipality

E-mail: jroux@mosselbay.gov.za