



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE NUMBER: 16/3/3/2/A4/5/3027/19

ENQUIRIES: MS. K. ADRIAANSE

DATE OF ISSUE: 2019 -10- 0 4

The Municipal Manager
City of Cape Town
Housing Implementation
Somerset West Municipal Building
Corner Victoria Street and Andries Pretorius Street
SOMERSET WEST
7130

For Attention: Mr. A. van Niekerk / Ms. S. van Jaarsveld

Tel: (021) 444 4678

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Dear Sir / Madam

ACCEPTANCE OF THE FINAL SCOPING REPORT ("SR") AND PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT REPORTING PROCESS IN TERMS OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE BLUEBERRY HILL HOUSING DEVELOPMENT AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 1901, BLUE DOWNS.

The final SR dated September 2019 and received by this Department on 19 September 2019 and this Directorate's acknowledgement thereof dated 26 September 2019, CapeNature's comment on the draft SR dated 29 September 2019 and received by this Directorate via electronic mail correspondence on 30 September 2019, the Department of Water and Sanitation's comment on the draft SR dated 03 September 2019 and received by this Directorate via electronic mail correspondence on 30 September 2019, this Directorate's electronic mail correspondence dated 01 October 2019 and the Environmental Assessment Practitioner's electronic mail dated 01 October 2019, refer.

1. This letter serves to inform you that the aforementioned document has been accepted by this Directorate.
2. *Contents of the Environmental Impact Assessment ("EIA") Report*
 - 2.1. You are hereby advised that the EIA Report must contain all the information set out in Appendix 3 of the NEMA EIA Regulations, 2014 (as amended). Omission of information may result in the application for Environmental Authorisation being refused.
 - 2.2. You are reminded that the consideration and reporting on need and desirability of the proposed development must include:
 - 2.2.1. The current zoning of the proposed site; and

2.2.2. The cumulative impacts associated with the proposed development on existing social and health services must be reported on in the EIA Report. It is unclear as to whether or not there are sufficient clinics, schools, police stations and other associated services within close proximity to the proposed development to service the residents of the proposed development. In addition, it is unclear as to whether or not the number of community facilities that are proposed as part of the proposed development will be sufficient in this regard. You are therefore required to provide further information in the EIA Report.

2.3. Confirmation of sufficient, spare and unallocated services from the relevant service providers must be included in the EIA Report.

3. *Draft Environmental Management Programme ("EMPr")*

An EMPr that contains all the information set out in Appendix 4 of the NEMA EIA Regulations, 2014 (as amended) must be compiled that addresses the potential environmental impacts of the activity on the environment throughout the project life cycle, i.e. the EMPr must address impacts in respect of the planning and design, pre-construction and construction activities, operation of the activity, rehabilitation of the environment and closure/decommissioning (if applicable). The Department would like to advise that in compiling the EMPr the Department's Guideline for Environmental Management Programmes (available from the Department's website (<http://www.westerncape.gov.za/eadp>)) must be taken into account.

4. *Specialist studies*

Note that the specialist report(s) must be appended to the EIA Report. Please ensure that these specialist reports contain all the information specified in Appendix 6 of the NEMA EIA Regulations, 2014 (as amended).

5. *Public Participation*

5.1. The Environmental Assessment Practitioner ("EAP") must submit a minimum of one printed copy of the draft EIA Report and EMPr to the Department for a **30-day** comment period. The draft EIA Report and EMPr must also be made available to all relevant State Departments/Organs of State that administer laws relating to a matter affecting the environment, for a 30-day comment period. The EAP must notify the Department in writing of the date the draft EIA Report and EMPr was submitted to the relevant State Departments/Organs of State and clearly indicate whether or not such State Departments/Organs of State were notified of the **30-day** comment period in terms of Section 24O of the NEMA. It is imperative that State Departments/Organs of State are in possession of the draft Reports when the EAP issues them with the notice in terms of Section 24O of NEMA. **Please note that the EAP is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments/Organs of State in terms of Section 24O(2) and (3) of NEMA in the draft EIA Report, where appropriate.

5.2. Comments from the authorities must be obtained and included in the EIA Report:

5.2.1. This Department's Directorate: Waste Management;

5.2.2. This Department's Directorate: Pollution and Chemicals Management;

5.2.3. CapeNature;

5.2.4. The Department of Water and Sanitation;

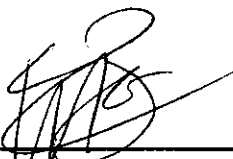
5.2.5. The Western Cape Government: Department of Health;

5.2.6. The Western Cape Government: Department of Education; and

- 5.2.7. The Western Cape Government: Department of Transport and Public Works.
- 5.3. Proof of the written notification of the draft Scoping Report to ward councilors and adjacent neighbours must be included in the EIA Report.
- 5.4. The EAP must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed. This report must also be included in the public participation information to be attached to the EIA Report submitted for a decision.
- 5.5. Please ensure that comments from all the relevant Organs of State, including any comments from the Department, are submitted with the EIA Report.
6. You may now proceed with the EIA process in accordance with the tasks outlined in the Plan of Study for EIA.
7. This Directorate awaits the submission of the EIA Report as prescribed by the NEMA EIA Regulations, 2014 (as amended). In accordance with Regulation 23(1) of the NEMA EIA Regulations, 2014 (as amended), the EIA Report and EMPr must be submitted to this Directorate for decision within a period of **106 days** from the date of this letter. If however, significant changes have been made or significant new information has been added to the EIA Report, the applicant/EAP must notify the Department that an additional 50 days (i.e. 156 days from the date of the acceptance of the Scoping Report by the Department) would be required for the submission of the EIA Report. The additional 50 days must include a minimum 30-day commenting period to allow registered Interested and Affected Parties to comment on the revised report and/or additional information.
8. If the EIA Report and EMPr are not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of the NEMA EIA Regulations, 2014 (as amended) and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid again.
9. Please note that one printed copy and one electronic copy (saved on CD/DVD) of the EIA Report and EMPr must be submitted to the Department for decision.
10. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
11. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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.

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

Yours faithfully



HEAD OF DEPARTMENT

Copies to: (1) Ms. C. Müller (Sillito Environmental Consulting)
(2) Mr. A. Forbes (City of Cape Town: Environmental Resource Management)
(3) Mr. A. Oosthuizen (DEA&DP: DDF)

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