



REFERENCE: 16/3/3/6/7/1/F3/10/3044/25

DATE: 5 AUGUST 2025

The Board of Directors
Agrimark (Pty) Ltd
1 Westhoven
CHARLESTON HILLS
8135

For Attention: Messrs. Graeme Wayne Sim and Tiaan Lessing

Tel: (021) 860 3227

Email: Tiaan.lessing@agrimark.co.za

Dear Sirs

COMMENTS ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT ("BAR") AND THE ENVIRONMENTAL MANAGEMENT PROGRAMME ("EMPR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED PROPOSED INSTALLATION OF ADDITIONAL FUEL STORAGE TANKS AND ASSOCIATED INFRASTRUCTURE ON PLOT 601 (A PART OF PLOT 553), OLIFANTSRIVER SETTLEMENT, LUTZVILLE

1. The pre-application BAR, EMPr and supporting documentation, received by this Directorate via electronic mail correspondence on 10 July 2025, and this Directorate's acknowledgement thereafter (dated 16 July 2025), refer.
2. This Directorate has considered the information contained in the pre-application BAR and has the following comments:

2.1. Listed Activity

This Directorate confirms that Listed Activity 51 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is applicable to the proposed installation of additional fuel storage tanks and associated infrastructure on Plot 601 (a part of Plot 553), Olifantsriver Settlement, Lutzville.

2.2. Public Participation Process

You are required to submit proof of the Public Participation Process being conducted for the draft BAR. This will include, *inter alia*, the following:

- 2.2.1. Proof that the pre-application BAR was made available to all relevant and registered Interested and Affected Parties ("I&APs"), which include the following relevant authorities:
 - 2.2.1.1. CapeNature;
 - 2.2.1.2. Heritage Western Cape;
 - 2.2.1.3. Saldanha Local Municipality;
 - 2.2.1.4. West Coast District Municipality;
 - 2.2.1.5. National Department of Water and Sanitation;
 - 2.2.1.6. The Department's Directorate: Pollution and Chemicals Management;
 - 2.2.1.7. The Department's Directorate: Waste Management; and
 - 2.2.1.8. Western Cape Government: Infrastructure.

- 2.2.2. Please be advised to obtain comments from CapeNature and provide those comments to this Directorate during the Basic Assessment process.
- 2.2.3. A complete list of registered I&APs and the Comments and Response Report, indicating all the comments received from I&APs on the pre-application BAR and the responses thereto; and
- 2.2.4. Please ensure that all comments are adequately addressed, prior to the submission of the draft BAR for further comment.
- 2.3. Specialist Reports
- 2.3.1. The Aquatic Biodiversity Compliance Statement provided in the pre-application BAR was undertaken by an Ecological Specialist and not a Professional Aquatic Specialist. Kindly ensure that the specialist assessment is undertaken by a suitable and qualified Aquatic Specialist.
- 2.3.2. Please ensure that all relevant specialist assessments required are undertaken and included in the draft BAR.
- 2.3.3. The recommendations of specialist professionals contained in specialist reports must be transferred into the Environmental Management Programme ("EMPr") to be submitted with the draft BAR.
- 2.3.4. Kindly be advised to ensure that the content of specialist reports complies with the relevant Protocol or Appendix 6 of the EIA Regulations, 2014 (as amended), where no Protocol exists.
- 2.4. Sense of Place
- You are reminded to ensure that all efforts are made and illustrated in the final BAR of how the proposed development will respect the surrounding area's unique agriculture and heritage value.
- 2.5. Prescribed Timeframes
- 2.5.1. Please be reminded that in accordance with Regulation 19(1) of the EIA Regulations, 2014 (as amended), the draft- and final BARs must be submitted within ninety (90) days of receipt of the application by the Competent Authority.
- 2.5.2. In terms of Regulation 45 of the EIA Regulations, 2014 (as amended), an application in terms of the EIA Regulations, 2014 (as amended) lapses and the Competent Authority will deem the application as having lapsed, if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations.
- 2.5.3. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Competent Authority that an additional 50 days (*i.e.*, 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50 days must include a minimum commenting period of thirty (30) days to allow I&APs to comment on the revised report/additional information.
- 2.6. General
- 2.6.1. Your attention is once more drawn to Appendix 1 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the '*Content of basic assessment reports*'. Please ensure that these requirements are met.

- 2.6.2. Your attention is drawn to Appendix 4 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the 'Content of Environmental Management Programme'. Please ensure that these requirements are met.
- 2.6.3. Please note that Documentation must be submitted via mail correspondence to the central email address (DEADPEIAAdmin@westerncape.gov.za), with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link to download the documents.
3. You are reminded that it is an offence in terms of Section 49A of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity.
4. Kindly quote the abovementioned reference number in any future correspondence regarding this application.
5. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

**Ayesha
Hamdulay**

Digitally signed by Ayesha
Hamdulay
Date: 2025.08.05 00:18:17 +02'00'

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

Copied to:
(1) Chantel Muller (Sillito Environmental Consulting (Pty) Ltd)
(2) Municipal Manager Matzikama Municipality

Email: chantel@environmentalconsultants.co.za
Email munman@matzikama.gov.za



REFERENCE: 16/3/3/1/F3/10/3044/25
DATE: 30 SEPTEMBER 2025

The Board of Directors
Agrimark (Pty) Ltd
1 Westhoven
CHARLESTON HILLS
8135

For attention: Mr. A. Abein and Mr. Tiaan Lessing

Tel.: (021) 860 3227

Email: Tiaan.lessing@agrimark.co.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION AND THE DRAFT BASIC ASSESSMENT REPORT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED INSTALLATION OF DIESEL FUEL STORAGE TANKS AND ASSOCIATED INFRASTRUCTURE ON PLOT 601 (A PART OF PLOT 553), OLIFANTSRIVER SETTLEMENT, LUTZVILLE

1. The administrative application fee of R2000 (Specific fee Ref: W-BA-EIA-L07) paid on 5 March 2025, the Application Form and the draft Basic Assessment ("BAR"), received by this Directorate via electronic mail correspondence on 22 September 2025, refer.
2. This serves to acknowledge receipt of the aforementioned documents by this Directorate.
3. Kindly be advised that this Directorate will provide comment on the draft BAR within the stipulated commenting period. To this end, kindly note the following:
 - 3.1. You are advised that, in future, the Environmental Assessment Practitioner ("EAP") must first await this Directorate's acknowledgement of receipt of the Application Form prior to disseminating the draft BAR for public comment.
 - 3.2. The above will help ensure all legislated requirements and information requested by this Directorate are included in the draft BAR disseminated to the public for comment.
 - 3.3. You are therefore reminded that failure to meet all the legislated requirements and include all information requested in this Directorate's acknowledgement letter in the final BAR, may invalidate the application.
 - 3.4. Note that all information placed before the Competent Authority must have been made available in the draft BAR disseminated for public comment.
4. Applicable Listed Activities
 - 4.1. Having considered the information contained in the Application Form, this Directorate confirms that the proposed development constitutes Listed Activity 51 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is applicable to the proposed installation of additional fuel storage tanks and associated infrastructure on Plot 601 (a part of Plot 553), Olifantsriver Settlement, Lutzville.

- 4.2. You are hereby advised that only those Listed Activity(s) applied for in terms of the EIA Regulations, 2014 (as amended) will be considered for authorisation.
- 4.3. The onus is on the applicant to ensure that all of the applicable Listed Activities are applied for and assessed, as part of the EIA process. Failure to include all applicable Listed Activities may invalidate the application.

5. Heritage Resources

- 5.1. It is indicated in the abovementioned Application Form that the proposed development may constitute the undertaking of the categories of development, as set out in Section 38(1) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- 5.2. It is noted that Heritage Western Cape ("HWC") will be consulted and, according to the information contained in the Application Form, to confirm whether or not the proposed development requires any action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- 5.3. Kindly ensure that the comment obtained from HWC is appended to the draft and final BARs.

6. Screening Tool, Protocols, Site Sensitivity Verification and Specialist Assessments

6.1. Screening Tool Report

6.1.1. This Directorate notes that the Screening Tool Report (dated 4 March 2025) has identified a number of specialist studies to be conducted. A motivation as to why certain specialist studies highlighted in the Screening Report will/will not be conducted has been provided.

6.1.2. The following specialist assessments were identified in the Screening Tool Report (dated 4 March 2025):

- 6.1.2.1. An Agricultural Impact Assessment;
- 6.1.2.2. An Archaeological and Cultural Heritage Impact Assessment;
- 6.1.2.3. A Paleontology Impact Assessment;
- 6.1.2.4. A Terrestrial Biodiversity Impact Assessment;
- 6.1.2.5. An Aquatic Biodiversity Impact Assessment;
- 6.1.2.6. A Hydrology Assessment;
- 6.1.2.7. A Traffic Impact Assessment;
- 6.1.2.8. A Noise Impact Assessment;
- 6.1.2.9. A Geotechnical Assessment;
- 6.1.2.10. A Socio-Economic Assessment;
- 6.1.2.11. A Plant Species Assessment; and
- 6.1.2.12. An Animal Species Assessment.

6.2. The Protocols

6.2.1. The "*Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998, when applying for Environmental Authorisation*" ("the Protocols") were published on 20 March 2020 (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) and the Protocols are applicable to your proposed development.

6.2.2. Be advised that the Protocols must be complied with for every new application that is submitted after 9 May 2020. Specialist studies/compliance statements conducted during the pre-application phase must meet the requirements of the Protocols by the time the draft report is submitted to the Competent Authority.

6.3. Site Sensitivity Verification and Specialist Assessments

- 6.3.1. According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking Site Sensitivity Verification ("SSV"). This Directorate notes that the outcome of the SSV has been recorded in the format of a report.
- 6.3.2. The motivation for not conducting certain specialist studies, as identified in the Screening Tool Report is noted.
- 6.3.3. Please note that should any authority that has jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence.
- 6.3.4. It is indicated in the SSV Report (dated August 2025) that the following specialist studies will be undertaken, as part of the Basic Assessment application process:
 - 6.3.4.1. A Terrestrial Biodiversity Impact Assessment;
 - 6.3.4.2. An Aquatic Biodiversity Impact Assessment;
 - 6.3.4.3. A Plant Species Compliance Statement; and
 - 6.3.4.4. An Animal Species Compliance Statement.
- 6.3.5. Please be advised that all specialist studies, must meet the requirements of the Protocol of the applicable Theme, or Appendix 6 of the EIA Regulations, 2014 (as amended), where no Protocol exists.
- 6.3.6. Furthermore, please be advised to ensure that all specialist assessments are undertaken by suitably qualified specialists, with relevant expertise in the field of study and are registered with a relevant professional body. Please ensure that their credentials such as Curriculum Vitae and Professional Registration are provided to this Directorate in the draft – and – final BARs.

7. Exemptions

- 7.1. This Directorate notes that you do not intend to apply for exemption in terms of the National Exemption Regulations, 2014 from any of the requirements of the PPP, as stipulated in Regulation 41 of the EIA Regulations, 2014 (as amended) and that you do not intend to apply for exemption from any other provisions contained in the EIA Regulations, 2014 (as amended), the NEMA or any notice issued under the NEMA.
- 7.2. Please note that should you fail to meet any requirement of the EIA Regulations, 2014 (as amended) or the NEMA, and if no exemption from that provision was applied for and granted, your EIA application may be refused by this Directorate.

8. Guidelines

You are advised that when undertaking the Basic Assessment process, you must take into account the applicable Guidelines including the Guidelines developed by the Department. The Department's Guidelines can be downloaded from the Department's website. In particular, the Guidelines that may be applicable to the proposed development include, *inter alia*, the following:

- 8.1. Guideline for the Review of Specialist Input in the EIA process (June 2005)
- 8.2. Guideline for Environmental Management Plans (June 2005)
- 8.3. Guideline on Alternatives (March 2013)
- 8.4. Guideline on Need and Desirability (March 2013)

9. Public Participation Process ("PPP")

- 9.1. The BAR must be subjected to a PPP that complies with Chapter 6 of the EIA Regulations, 2014 (as amended) and must take into account any applicable Guidelines published in terms of Section 24J of the NEMA, the Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended), as well as any other Guidelines developed by the Department.
- 9.2. In addition to the above, the EAP must submit an electronic copy of the BAR to the Department for a minimum commenting period of thirty (30) days. The BAR must be made available to all relevant State Departments and/or Organs of State that administer laws relating to a matter affecting the environment, for a minimum commenting period of thirty (30) days.
- 9.3. This Directorate herewith further provides the following comments:
 - 9.3.1. Your attention is drawn to Circular 0027 of 2021 regarding the electronic administration of EIA applications. The Directorate: Development Management (Region 1 and 2) will continue with the electronic submission of correspondence and has for this reason established a dedicated e-mail address for the submission of all correspondence to the Directorates. For the Cape Town office, the e-mail address is DEADPEIAAdmin@westerncape.gov.za.
 - 9.3.2. This new electronic means of working is effective from 1 February 2022 and all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to the aforementioned email address.
 - 9.3.3. Please ensure that where electronic copies cannot be accessed by I&APs, alternative access to copies of the draft BAR are made available.
 - 9.3.4. E-mail notification to I&APs is strongly supported. However, other means of notification for those I&APs will be required, where no e-mail addresses are available, or where the likelihood of success of this electronic correspondence is expected to be low.
 - 9.3.5. Where I&APs are unable to access electronic copies of the draft BAR, a hard copy of the report must be made available. Alternatively, the EAP will be required to engage with I&APs, with respect to alternative methods of accessing electronic copies of the draft BAR.
 - 9.3.6. It is hereby requested that documents be submitted in pdf. format and not scanned, as far as possible. Documents should also be saved, as separate documents, as opposed one consolidated pdf. document being submitted.
- 9.4. The EAP must notify this Directorate in writing of the date the BAR was submitted to the relevant State Departments and/or Organs of State and clearly indicate whether such State Departments and/or Organs of State were notified of the commenting period in terms of Section 24O of the NEMA.
- 9.5. It is imperative that State Departments and/or Organs of State be in possession of the Reports when the EAP issues them with the notice in terms of Section 24O of the 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 and/or Organs of State in terms of Section 24O(2) and (3) of the NEMA in the BAR, where appropriate.
- 9.6. In terms of good environmental practice, you are encouraged to engage with State Departments and/or Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the BAR available to State Departments and/or Organs

of State, as stipulated above. The following State Departments and/or Organs of State must be consulted during the application process, as part of the PPP:

- 9.6.1. CapeNature;
- 9.6.2. Heritage Western Cape;
- 9.6.3. ESKOM;
- 9.6.4. Relevant Departments within Matzikama Local Municipality;
- 9.6.5. West Coast District Municipality;
- 9.6.6. The Department's Directorate: Pollution and Chemicals Management;
- 9.6.7. The Department's Directorate: Waste Management;
- 9.6.8. The Department's Directorate: Air Quality Management;
- 9.6.9. Western Cape Government: Agriculture;
- 9.6.10. Western Cape Government: Infrastructure; and
- 9.6.11. National Department of Water and Sanitation.

- 9.7. A register of I&APs must be opened and maintained. The said register must be submitted to this Directorate. 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 include a description of the PPP followed. This report must be included in the public participation information attached to the final BAR to be submitted for a decision.

10. Content of a Basic Assessment Report ("BAR")

The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014 (as amended) and must include the information requested in this letter. Failure to submit any information prescribed in Appendix 1 of the EIA Regulations, 2014 (as amended) may result in Environmental Authorisation being refused.

11. Environmental Management Programme ("EMPr")

- 11.1. In accordance with Section 24N of the NEMA and Regulation 19 of the EIA Regulations, 2014 (as amended), this Directorate hereby requires the submission of an EMPr. The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations, 2014 (as amended).
- 11.2. The EMPr must address the potential environmental impacts of the proposed expansion throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted together with the BAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website, must be taken into account as well as Appendix 4 of the EIA Regulations, 2014 (as amended).

12. Alternatives

- 12.1. Be advised that in terms of the EIA Regulations, 2014 (as amended) and the NEMA the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that this Directorate may grant authorisation for an alternative, as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for, as specified in Regulation 20 of the EIA Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives.
- 12.2. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.e., the "no-go" option) in addition to other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the

comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is proof that the investigation was undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the “no-go” option exist.

13. Need and Desirability

In terms of the NEMA EIA Regulations, 2014 (as amended), when considering an application, the Directorate 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.

14. Project Plan

The Project Plan submitted together with the Application Form is hereby acknowledged and appears to be in order with regards to the allocated timeframes for each phase of the application process.

15. 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.

16. 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.

17. Climate Change

17.1. 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 the 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.

17.2. 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. Process Requirements

18.1. This Directorate awaits the submission of the final BAR for decision-making, as prescribed by Regulation 19 of the EIA Regulations, 2014 (as amended). In accordance with Regulation 19 of GN No. R.982 (as amended), this Directorate hereby stipulates that the final BAR for decision-making must be submitted to this Directorate within ninety (90) days from the date of receipt of the Application Form for Environmental Authorisation by this Directorate, **calculated from 22 September 2025**.

18.2. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/ EAP must notify this Directorate that an additional 50 days (*i.e.*, 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50

days must include a minimum commenting period of thirty (30) days to allow registered Interested and Affected Parties ("I&APs") to comment on the revised report/additional information.

18.3. If the final BAR for decision-making is not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of the EIA Regulations, 2014 (as amended) and your case file will be closed for administrative purposes, unless an extension has been granted in terms of Regulation 3(7) of the EIA Regulations, 2014 (as amended). Should you wish to pursue the application again, a new EIA application process would have to be initiated. A new Application Form for Environmental Authorisation would have to be submitted to the Competent Authority with proof of having again paid the prescribed application fee.

19. It is prohibited in terms of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity. Non-compliance in terms of the prohibition will be referred to the Department's Directorate: Environmental Law Enforcement for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R10 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

20. Kindly quote the abovementioned reference number in any future correspondence regarding this application.

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

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

**Ayesha
Hamdulay**

Digitally signed by Ayesha
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Date: 2025.09.30 18:59:31 +02'00'

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

Copied to:
(1) Chantel Muller (Sillito Environmental Consulting (Pty) Ltd)
(2) Municipal Manager Matzikama Municipality

Email: chantel@environmentalconsultants.co.za
Email munman@matzikama.gov.za



REFERENCE: 16/3/3/1/F3/10/3044/25
DATE: 15 OCTOBER 2025

The Board of Directors
Agrimark (Pty) Ltd
1 Westhoven
CHARLESTON HILLS
8135

For attention: Mr. A. Abein and Mr. Tiaan Lessing

Tel.: (021) 860 3227

E-mail: Tiaan.lessing@agrimark.co.za

Dear Sir

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED INSTALLATION OF DIESEL FUEL STORAGE TANKS AND ASSOCIATED INFRASTRUCTURE ON PLOT 601 (A PART OF PLOT 553), OLIFANTSRIVER SETTLEMENT, LUTZVILLE

1. The administrative application fee of R2000 (Specific fee Ref: W-BA-EIA-L07) paid on 5 March 2025, the Application Form, the supporting documentation and the draft Basic Assessment ("BAR"), received by this Directorate via electronic mail correspondence on 22 September 2025, and this Directorate's acknowledgement of receipt letter (dated 30 January 2025), refer.
2. This Directorate has considered the information contained in the draft BAR and has the following comments:

2.1. Listed Activities

The Department confirms that Listed Activity 51 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) is applicable to the proposed installation of additional fuel storage tanks and associated infrastructure on Plot 601 (a part of Plot 553), Olifantsriver Settlement, Lutzville.

2.2. Public Participation Process

You are required to submit proof of the Public Participation Process being conducted for the draft BAR. This will include (but is not limited to):

- 2.2.1. Proof that the draft BAR was made available to all relevant and registered Interested and Affected Parties ("I&APs"), which includes the following relevant authorities:

- 2.2.1.1. ESKOM;
- 2.2.1.2. CapeNature;
- 2.2.1.3. Heritage Western Cape;
- 2.2.1.4. Matzikama Local Municipality;
- 2.2.1.5. West Coast District Municipality;
- 2.2.1.6. The Department's Directorate: Waste Management;
- 2.2.1.7. The Department's Directorate: Pollution and Chemicals Management;
- 2.2.1.8. The Department's Directorate: Air Quality Management;

- 2.2.1.9. Western Cape Government: Agriculture;
 - 2.2.1.10. Western Cape Government: Infrastructure; and
 - 2.2.1.11. National Department of Water and Sanitation.
- 2.2.2. Please be reminded to obtain comments from CapeNature and ensure that such comments are adequately responded to and appended to the final BAR.
 - 2.2.3. Kindly be reminded to obtain comments from Heritage Western Cape and ensure that such comments are adequately responded to appended to the final BAR.
 - 2.2.4. A complete list of registered I&APs and the Comments and Response Report, indicating all the comments received from I&APs on the draft BAR and the responses thereto; and
 - 2.2.5. Please ensure that all comments are adequately addressed, prior to the submission of the final BAR for decision-making.
- 2.3. Specialist Reports
- 2.3.1. The recommendations of specialist professionals contained in specialist reports must be transferred into the Environmental Management Programme ("EMPr") to be submitted with the final BAR for decision-making.
 - 2.3.2. This Directorate notes the specialist's motivation for not undertaking an Animal Species Assessment. According to the Protocol for Animal Species, where the site sensitivity for the Animal Species Theme rated in the Screening Tool to be 'very high' or 'high' is being disputed to be of 'low' site sensitivity, the information required to verify the disputed site sensitivity rating must be gathered by a Professional Natural Scientist registered with South African Council for Natural Scientific Professionals ("SACNASP"), with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is being undertaken. According to the SACNASP database of registered scientists (URL: <https://www.sacnasp.org.za/scientists>), Mr. Hanekom is registered as a Candidate Natural Scientist in the field of zoological sciences. According to the South African Qualifications Authority ("SAQA"), only a Professional Natural Scientist can sign off on scientific reports. In light of the above, Mr. Hanekom does not have the requisite professional registration to perform the duties required by the Animal Species Protocol. The Animal Species Compliance Statement cannot be accepted. Therefore, the relevant study must be undertaken by a Professional Natural Scientist with a field of practice relevant to the taxonomic group ("taxa") (Zoological Sciences) and the report included in the BAR.
 - 2.3.3. According to the Aquatic Biodiversity Protocol, an Aquatic Biodiversity Compliance Statement must be prepared by a suitably qualified specialist registered with SACNASP, with expertise in the field of aquatic sciences. According to the information in the Aquatic Biodiversity Compliance Statement, Mr. Hanekom is registered (Registration No: 004415) as a Professional Natural Scientist in the field of Ecological Sciences. Furthermore, according to the SACNASP database of registered scientists (URL: <https://www.sacnasp.org.za/scientists>), Mr. Hanekom is registered as a Candidate Natural Scientist in the field of aquatic sciences. According to the SAQA, only a Professional Natural Scientist can sign off on scientific reports. In light of the above, Mr. Hanekom does not have the requisite professional registration to perform the duties required by the Aquatic Biodiversity Protocol. The Aquatic Biodiversity Compliance Statement cannot be accepted. Therefore, the relevant study must be undertaken by a Professional Natural Scientist in the field of aquatic sciences and the report included in the BAR.
 - 2.3.4. It has further come to light that since the sensitivity of the site in respect of the Agriculture Theme is "low", in terms of the Agriculture Protocol an Agricultural Compliance Statement must be submitted. The Agricultural Compliance Statement must be prepared by a competent soil scientist/agricultural specialist

registered with the SACNASP and must verify that the site is of "low" sensitivity for agricultural resources and whether or not the proposed development will have an unacceptable negative impact on the agricultural production capability of the site. You are once again reminded that according to the SAQA, only a Professional Natural Scientist can sign off on scientific reports. Therefore, the relevant study must be undertaken by a Professional Natural Scientist in the field of agricultural sciences and the report included in the BAR.

2.3.5. Kindly be advised to ensure that the content of specialist reports and compliance statements complies with the relevant Protocols, or Appendix 6 of the EIA Regulations, 2014 (as amended), where no Protocols exist.

2.3.6. Please be advised to ensure that all specialist assessments are undertaken by suitably qualified specialists, with relevant expertise in the field of study and are registered with a relevant professional body. Please ensure that their credentials such as Curriculum Vitae and Professional Registration are provided to this Directorate in the draft – and – final BARs.

2.4. Alternatives

You are reminded to ensure that all possible alternatives are considered and investigated for the proposed development.

2.5. EMPr Requirements

2.5.1. You are reminded to ensure that relevant recommendations from, *inter alia*, specialist professionals, commenting authorities, are included in the EMPr.

2.5.2. Your attention is drawn to Appendix 4 of the EIA Regulations, 2014, (as amended), for the requirements with respect to the 'Content of Environmental Management Programme'. Please ensure that you fulfil these requirements.

2.6. BAR Requirements

Your attention is once more drawn to Appendix 1 of the EIA Regulations, 2014 (as amended), for the requirements with respect to the 'Content of basic assessment reports'. Please ensure that these requirements are met.

2.7. Prescribed Timeframes

2.7.1. Please be reminded that in accordance with Regulation 19(1) of the EIA Regulations, 2014 (as amended), the final BAR must be submitted within ninety (90) days of receipt of the application by the Competent Authority, **calculated from 22 September 2025**.

2.7.2. In terms of Regulation 45 of the EIA Regulations, 2014 (as amended), an application in terms of the EIA Regulations, 2014 (as amended) lapses and the Competent Authority will deem the application as having lapsed, if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations.

2.7.3. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Competent Authority that an additional 50 days (*i.e.*, 140 days from receipt of the Application Form for Environmental Authorisation) will be required for the submission of the final BAR for decision-making. The additional 50 days must include a minimum commenting period of thirty (30) days to allow I&APs to comment on the revised report/additional information.

2.8. General

2.8.1. This Directorate awaits the submission of the final BAR for decision-making.

2.8.2. Please note that the final BAR must be submitted via mail correspondence to the central email address (DEADPEIAAdmin@westerncape.gov.za) and must include a link to download the documents. The submission of the final BAR must contain an MS Word document/pdf (not scanned) copy of the final BAR and separate appendices.

3. You are reminded that it is an offence in terms of Section 49A of the NEMA for a person to commence with a Listed Activity unless the Competent Authority has granted an Environmental Authorisation for the undertaking of the activity.
4. Kindly quote the abovementioned reference number in any future correspondence regarding this application.
5. This Directorate reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

**Ayesha
Hamdulay**

Digitally signed by Ayesha
Hamdulay
Date: 2025.10.15 16:33:23 +02'00'

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

Copied to:

- (1) Chantel Muller (Sillito Environmental Consulting (Pty) Ltd)
- (2) Municipal Manager Matzikama Municipality)

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