



REFERENCE NUMBER: 16/3/3/6/7/1/A7/5/3067/20

ENQUIRIES: Ms. N. Wookey

DATE OF ISSUE: 24 AUGUST 2020

The Director
DA 'Realty (Pty) Ltd.
PO Box 2515
PINETOWN
3600

For Attention: Mr. A. H. Darvesh

Tel: (087) 470 0514

Email: president@artecheholdings.com

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT AND COMMENT ON THE REVISED PUBLIC PARTICIPATION PLAN RELATING TO THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR BASIC ASSESSMENT FOR THE PROPOSED APARTMENT BLOCK AND ASSOCIATED INFRASTRUCTURE ON ERF 46 AND ERF 47 (TO BE CONSOLIDATED INTO ERF 580), CLIFTON.

1. Your Notice of Intent ("NOI") dated 20 May 2020 and received by this Department via electronic mail correspondence on 21 May 2020, this Directorate's acknowledgement thereof dated 04 June 2020, the Pre-Application Public Participation Plan dated and received by this Department via electronic mail correspondence on 17 June 2020, this Directorate's correspondence dated 30 June 2020 and the revised Public Participation Plan dated and received by this Department via electronic mail correspondence on 14 August 2020, refer.
2. This letter serves as an acknowledgement of receipt and comment on the revised Public Participation Plan (dated 14 August 2020) by this Directorate.
3. Based on the information contained in the revised Public Participation Plan (dated 14 August 2020), the following is noted:
 - 3.1. The pre-application Public Participation Process will entail the following:
 - 3.1.1. A preliminary database of Interested and Affected Parties ("I&APs") has been compiled.
 - 3.1.2. A Background Information Document ("BID") will be distributed via email to the preliminary I&APs list (which have email addresses), posted to the adjacent landowners who do not have email addresses and made available on the EAP's website;
 - 3.1.3. A comment period of 30 days will be provided on the BID;

3.1.4. Specific engagement with the City of Cape Town: Roads and Stormwater will be undertaken via site meetings (with adherence to the social distancing and sanitizing measurements), electronic mail correspondences and video-conferencing in order to resolve the way forward for the gully and potential rehabilitation requirements.

3.1.5. Public review of the pre-application draft BAR

3.1.5.1. I&AP's will be notified via email correspondence (including state departments) and via registered post to those I&APs who do not have email addresses;

3.1.5.2. The Pre-Application draft BAR will be made available for download on the Environmental Assessment Practitioner's ("EAP's") website (www.chand.co.za); and

3.1.5.3. A comment period of 35 days is proposed by the EAP. The additional 5 days is to accommodate lockdown.

3.2. The post application Public Participation Process will entail the following:

3.2.1. Registered I&AP's will be notified via email correspondence (including state departments) and registered post to those I&APs who do not have email addresses;

3.2.2. A notice board will be placed on site where proposed activities are to be undertaken;

3.2.3. Written notification will be provided to occupiers/ landowners adjacent to the boundary of the site via mail-out, email and knock-and-drops;

3.2.4. An advertisement of the proposed project will be placed in a local newspaper;

3.2.5. A comment period of 35 days is proposed by the EAP. The additional 5 days is to accommodate lockdown;

3.2.6. I&APs will be notified of the final decision from the competent authority via email and posted to those who have postal addresses only. This notification will also be made available on the EAP's website (www.chand.co.za).

3.3. This Directorate notes that the EAP requires a 30-day extension in accordance with Section 4.4. of the Directions issued by the Minister of Forestry, Fisheries and the Environment (dated 05 June 2020) as indicated in the Gantt chart.

4. Based on the information contained in the revised Public Participation Plan (dated 14 August 2020), please note the following:

4.1. In light of the Covid-19 Pandemic and the current National Lockdown Level 2, the Directions (dated 05 June 2020), which were applicable for the National Lockdown Level 3, are no longer applicable. Therefore, an application for environmental authorisation submitted under National Lockdown Level 2 must meet the requirements of the NEMA EIA Regulations, 2014 (as amended). The 30-day extension in accordance with Section 4.4. of the Directions issued by the Minister of Forestry, Fisheries and the Environment (dated 05 June 2020) will therefore no longer be available as part of the application for environmental authorisation. You are referred to this Department's circular on EIA and related licensing services and supporting professional services during Covid-10 Lockdown Alert Level 2 (Circular No. 0017/2020) for further information.

4.2. As previously requested in this Directorate's correspondence (dated 30 June 2020), the preliminary I&AP list must include this Department's Directorate: Biodiversity and Coastal Management and this Department's Directorate: Pollution and Chemicals Management.

- 4.2.1 It is re-iterated that should the defence and/or civil aviation protocols be applicable to the proposed development, the Department of Defence and the South African Civil Aviation Authority must be included in the I&AP list (if applicable).
- 4.3 Should the BID, pre-application draft BAR and post-application draft BAR not be available on the EAP's website, an alternative link to download the said documents must be provided.
- 4.4 Should I&APs not have access to an electronic copy of the said documents, hard copies must be made available upon a reasonable request.
- 4.5 Reports must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach to an email, to be made available via an electronic link provided in the email that is accessible by the Directorate. The Directorate may require that a hard copy of the reports also be submitted to the Department by a certain date, but will advise you accordingly.
- 4.6 Please note that all proof of having conducted the Public Participation Process in terms of Chapter 6 of the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended) must be supplied to this Department.
- 4.7 Please be reminded that the Public Participation Process must fulfill the requirements outlined in 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 National Environmental Management Act, 1998 (Act No. 107 of 1998), this Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended), as well as any other guidance provided by this Department.
- 4.8 You are referred 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 you fulfill these requirements prior to the circulation of any BARs for comments.
- 4.9 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 fulfill these requirements.
5. You are hereby informed that this Department agrees with the methods of conducting the Public Participation Process as outlined in the abovementioned revised Public Participation Plan (dated 14 August 2020) provided that you also meet the requirements, as outlined above in paragraphs 4.1. to 4.9.
6. Please note that 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. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
7. Kindly quote the above-mentioned reference number in any future correspondence in respect of the pre-application.

This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



HEAD OF DEPARTMENT

Copies to: (1) Mr. D. Georgeades (City of Cape Town: ERM)
(2) Ms. M. Penwarden (Chand Environmental)

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