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The Managing Director
DREAM SUPREME PROPERTIES 14 CC
PO Box 2969
VANDERBIJLPARK
1911

Attention: Mr. Gary Neal Lance

E-mail: heritageph@gmail.com

Dear Sir

**COMMENT ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT THE PROPOSED
LIGHT INDUSTRIAL DEVELOPMENT (STORAGE FACILITY) ON PORTION A OF ERF 21277
AALWYNDAL, MOSSEL BAY**

1. The undated pre-application Basic Assessment Report, compiled on your behalf by KAPP Environmental Consultants ("KAPPEC"), received by the Directorate: Development Management (Region 3) ("this Directorate") on 26 January 2023, refers.
2. This Directorate has reviewed the pre-app BAR and provides the following comments:

2.1. The proposal

It is understood that the proposal entails the clearance of approximately 1.44ha of indigenous vegetation for the development of self-storage facilities on Erf 21277 in Aalwyndal. The proposed facility will consist of the following:

- 176 small storage units in two block of approximately 1800m² each;
- Forty (40) large storage units in a 3540m² block;
- Administration Office and toilet facility (the latter connected to a septic tank); and
- Seven (7) parking bays.

Furthermore, it is understood that the internal roads will range between 10m and 12.68m wide. Water supply to the proposed development will be obtained from the existing bulk water line along Nagtegaal Street.

2.2. Listed activities that require environmental authorisation:

From the information contained in the pre-app BAR it is understood that Erf 21277 is used as a horse paddock and for grazing. Historic aerial imagery suggests that this land use commenced between 13 September 2013 and 22 March 2016. Therefore, the property was used for agricultural purposes. Furthermore, it is understood that Erf 21277 (ca. 7.7ha) will be subdivided and the resultant Portion A rezoned from *Single Residential Zone I* to *Industrial Zone I* to accommodate the storage facility.

In light of the above, this Department is of the considered view that the proposed development triggers Activity 28 of Listing Notice 1 (Government Notice No. R. 983 of 4 December 2014, as amended).

In light of the above, please be advised that only those activities applied for shall be considered for authorisation. The onus is on the proponent to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.

2.3. Specialist reports

● Biodiversity Assessment by Mark Berry Environmental Consultants

The findings of the Biodiversity Assessment have been noted. According to the assessment the vegetation on the property has been disturbed as a result of the agricultural activities but that only a small portion of the site (ca. 0.4ha in the north-western corner of the site) has completely transformed due to the agricultural activities. The assessment states that the remainder of the disturbed area has the potential to fully recover if allowed to rest.

Furthermore, the assessment identified three Species of Conservation Concern, namely *Hermannia lavandulifolia* (VU), *Polygala pubiflora* (VU) and *Ruellia pilosa* (VU). A large number of *Euphorbia procumbens* was also recorded by the specialist, along the southern boundary. According to the assessment, the numbers of this plant along the Garden Route is low. A search and rescue procedure is therefore recommended; but only if it can be demonstrated that a high transplant success rate can be achieved. If this cannot be achieved, the impacts on this biodiversity must be avoided, only where they cannot be avoided they must be mitigated. All biodiversity mitigation options must be reported on.

In this regard, please be advised that all endangered species or protected species listed in Schedules 3 and 4 respectively of the Western Cape Nature Conservation Laws Amendment Act, 2000 (Act No. 3 of 2000) may not be picked or removed without the relevant permit from CapeNature.

● Aquatic Biodiversity Verification Assessment by DDK Consulting

The Department notes that there are no aquatic features within the boundaries of the subject property. The nearest aquatic feature is approximately 420m northeast of the proposal and the expected impact thereon is considered low.

In light of the above, the proposal may require Water Use Authorisation in terms of Section 21(c) and (i) of the National Water Act, Act No. 36 of 1998 ("NWA") (i.e. any activity within the regulated area of a wetland or river). Therefore, you are advised to consult the Breede-Gouritz Catchment Management Agency to clarify the applicability of the NWA.

● Civil Aviation

With reference to this Department's letter issued on 4 June 2021, a Civil Aviation Compliance Statement must be prepared due to the close proximity of the proposed development to the Mossel Bay Aerodrome. However, such statement has not been included as part of the pre-app BAR.

In light of the above, you are hereby advised that the relevant information and comment from the Civil Aviation Authority in respect of the proposal must be included in the Draft BAR.

2.4. *Provision of Engineering Services*

According to the information in the pre-app BAR the need for water, electricity and sewage disposal is very limited due to the nature of the development proposal. In this regard the pre-app BAR indicates that a septic tank system will be proposed for the administrative office building. However, the document also indicates that a conservancy tank will be installed, which will be serviced by a private contractor. This contradictory information in the pre-app BAR must be clarified.

Notwithstanding the above, sewage disposal by means of a septic tank and soakaway system is not supported by the Department. Sewage generated as a result of the proposed development should be disposed of by means of a waterborne gravity sewer network connected to the existing municipal sewer network and disposed of at a licensed waste management facility / sewage treatment plant with sufficient unallocated sewage treatment capacity. However, the disposal of sewage by means of a conservancy tank, which is emptied regularly by a contractor and disposed of at a licensed waste management facility / sewage treatment plant with sufficient unallocated sewage treatment capacity, can be supported by this Department. The Mossel Bay Municipality must confirm in writing that unallocated sewage treatment capacity is available to service both the phased and completed (total) expected sewage output load for this proposed application, or sufficient approved unallocated capacity able to accommodate the abovementioned application in future.

2.5. *Environmental Management Programme*

The contents of the Environmental Management Programme ("EMPr") must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of GN No. R. 982 of 4 December 2014. The EMP 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).

This Department has reviewed the EMPr as included and received as part of the pre-app BAR. The following aspects must be addressed:

● *Monitoring / Reporting*

According to Section 3.1 of the EMPr an independent Environmental Control Officer ("ECO") must be appointed which will be responsible for fortnightly audits on compliance to the conditions of an Environmental authorisation and the EMPr. A clear distinction must be made between the environmental monitoring reports and post-construction rehabilitation reports by the ECO and the environmental audit report to be compiled by an independent person with the relevant environmental auditing expertise. In this regard, please note that the environmental auditor cannot be the EAP or the ECO.

Furthermore, take note of the auditing requirements with regard to environmental authorisations and EMPr's under Regulation 34 of the EIA Regulations, 2014 (as

amended). In this regard, the EMPr must be amended to ensure compliance with the requirements. The contents of the environmental audit report must comply with Appendix 7 of the EIA Regulations.

● *Search and rescue*

As referenced under Point 2.3 of this letter, the botanical specialist recorded three Species of Conservation Concern as well as *Euphorbia procumbens* which as low numbers within the Garden Route District. Furthermore, the botanical specialist recorded the presence of *Homopus areolatus* (common padloper / parrot-beaked tortoise). Although, a section dealing search and rescue of fauna and flora (page 37 of the EMPr) has been included in the EMPr, the site specific information has not been described in the EMPr.

In light of the above, the search and rescue procedure described on page 37 (Fauna and Flora) is not considered adequate. As such, a more comprehensive description of the Search and Rescue procedure (what, when, where, how) must be described in the EMPr in order to increase the success of the search and rescue operation.

● *Map with environmental sensitivities*

The EMPr must include a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.

● *Curriculum vitae of the author*

The EMPr does not include a copy of the curriculum vitae of the author of the document. In accordance with Appendix 4 of the EIA Regulations, 2014 (as amended) a copy of the EAP who compiled the EMPr must be included in the EMPr.

● *General*

It is requested that the terminology in the EMPr related to the execution of tasks be checked for consistency. Terms such as "should" and "may", which do not provide clear instruction or cannot be enforced, must be avoided in the document. It is advised that terms such as "must" and "will", which provide clear instruction, be used instead. Furthermore, the EMPr is very generic and describes procedures which may not be relevant to the development or operation of the proposed development e.g. bitumen handling, use and handling of dangerous and toxic materials, etc. Also, the EMPr contains a section i.e. "Previous Environmental Application" (page 6) which is not relevant to this proposal and seems to be related to a project in Cape Town.

In light of the above, the EMPr must be reviewed and the aspects related to occupational health and safety aspects, which falls within the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and Regulations be considered for inclusion as an appendix to the EMPr.

3. *Requirements of an EAP*

With reference to Point 4.1 of this Department's letter of 6 February 2023 please be reminded that the person appointed to hold the primary responsibility for the planning, management, co-

ordination, and execution of the tasks contemplated in Regulation 14 of the Section 24H Registration Authority Regulations, 2016 (Government Notice 849 dated 22 July 2016, as amended) must be registered with Environmental Assessment Practitioners Association of South Africa (EAPASA).

In accordance with Regulation 12(a) of the Environmental impact Assessment Regulations, 2014, an applicant must appoint an EAP to manage the application for Environmental Authorisation.

Please be reminded that as of 8 August 2022, the person appointed to hold the primary responsibility for the planning, management, co-ordination, and execution of the tasks contemplated in Regulation 14 of the Section 24H Registration Authority Regulations, 2016 (Government Notice 849 dated 22 July 2016, as amended) must be registered with Environmental Assessment Practitioners Association of South Africa (EAPASA). As from the 8th of August 2022, if anyone is found practicing without being registered, the person is engaging in fraudulent or illegal practices, unless the provisions of Regulation 21 of Section 24H Registration Authority Regulations, 2016 (as amended) apply.

Therefore, if the person appointed to perform the tasks is unregistered, he/she may submit representations to the competent authority in support of considering the applicability of Regulation 21 of Section 24H Registration Authority Regulations, 2016 (as amended). However, if it is found that Regulation 21 does not apply, a registered EAP will need to be appointed to manage the application.

Please submit such representation(s) at your earliest convenience (*inter alia* copy of your letter of appointment; description of the tasks that have been initiated as described in Regulation 14 of the Section 24H Registration Authority Regulations, 2016 (as amended)).

Further to the above, this Department has received correspondence from Mr. Renier Kapp on 16 February 2023 which clarifies the working relationship between *Kapp Environmental Consultants* ("KAPPEC") and *Guillaume Nel Environmental Consultants* ("GNEC"). According to the agreement GNEC has dedicated a registered Environmental Assessment Practitioner ("EAP"), Ms. Euonell Visagie, to KAPPEC to fulfil the requirements of all applications for environmental authorisation in respect of the responsibility for the tasks for the planning, management, co-ordination, and execution of the tasks until such time that Mr. Kapp is registered with EAPASA. The agreement indicates that these tasks will extent to all internal and external meetings, required report writing, management and execution of tasks.

However, with regard to any additional submissions in terms of Regulation 21 of the Section 24H Registration Authority Regulations, 2016 (as amended), the implementation of this agreement in the application phase and which tasks as described in Regulation 14 of the Section 24H Registration Authority Regulations, 2016 have been undertaken by which person in respect of the Basic Assessment Report, must first be clarified prior to submitting the Application for environmental authorisation.

4. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
5. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.

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

Yours faithfully

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HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/7/1/D6/29/0075/21

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