



**REFERENCE NUMBER:** 16/3/3/9/5/A5/31/2069/25  
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**For Attention: Mr. P. van der Westhuysen**

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Dear Sir

**COMMENT ON THE ENVIRONMENTAL AUDIT REPORT SUBMITTED IN COMPLIANCE WITH THE CONDITIONS OF AUTHORISATION FOR THE AUTHORISED DEVELOPMENT OF A REGIONAL STORMWATER POND AND ASSOCIATED INFRASTRUCTURE ON UNREGISTERED ERF 2001 (PREVIOUSLY A PORTION OF PORTION 32 OF FARM NO. 168), ERF 1991 (PREVIOUSLY PORTION 33 OF FARM NO. 168) AND WITHIN A PORTION OF THE ROAD RESERVE OF DARWIN ROAD, FISANTEKRAAL.**

1. The Environmental Authorisation ("EA") issued by this Directorate on 11 April 2022 for the development of a regional stormwater pond and associated infrastructure on unregistered Erf 2001 (previously a portion of Portion 32 of Farm No. 168), Erf 1991 (previously Portion 33 of Farm No. 168) and within a portion of the road reserve of Darwin Road, Fisantekraal (Ref. No. 16/3/3/1/A5/31/2048/21), the amended EA issued by this Directorate on 20 March 2024 (Ref. No. 16/3/3/5/A5/31/2034/23) and the Environmental Audit Report dated 19 September 2024 and received by this Directorate via electronic mail correspondence on 10 March 2025, refer.
2. This letter serves as an acknowledgement of receipt and comment on the Environmental Audit Report (dated 19 September 2024) by this Directorate.
3. This Directorate notes that the Environmental Audit Report (dated 19 September 2024) has been submitted in compliance with Condition 14.1 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21).
4. Comment on the Environmental Audit Report (dated 19 September 2024) is as follows:
  - 4.1. With respect to compliance with the conditions of the EA (Ref. No. 16/3/3/1/A5/31/2048/21)
    - 4.1.1. Condition 1 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) and as amended on 20 March 2024 (Ref. No. 16/3/3/5/A5/31/2034/23) **has been complied with** as the listed activities were undertaken in accordance with the authorised alternative.
    - 4.1.2. Although the auditor indicated that Condition 2 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) has been complied with, this Directorate was informed that construction activities may have commenced 13 April 2024. The date of commencement of construction activities is therefore questioned.

- 4.1.3. Although the Environmental Audit Report notes Condition 3 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) as being complied with, the auditor notes that construction is anticipated to be completed within 4 months. This Directorate does not agree that the aforementioned condition was complied with as the aforementioned condition refers to the conclusion of the commencement of the listed activities.
- 4.1.4. Condition 5 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since changes to the scope of the EA was authorised prior to the implementation of such changes.
- 4.1.5. Although the auditor indicated that Condition 6 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) was complied with, this Directorate does not agree that the aforementioned condition was complied with. Proof of compliance with Condition 7 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) was not available during the audit. In addition, the auditor indicated that the appeal period ended on 15 April 2024 and construction activities commenced on 07 May 2024. However, the Environmental Control Officer ("ECO") indicated that the appeal period ended on 11 April 2024 and construction may have commenced on 13 April 2025.
- 4.1.6. Proof of Condition 7 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) was not available at the time of the audit. Please note that this Directorate confirmed compliance with Condition 7 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) in this Directorate's correspondence dated 28 March 2025 (Ref. No. 16/3/3/1/A5/21/2048/21 and 16/3/3/5/A5/31/2034/23).
- 4.1.7. Although the auditor confirmed compliance with Condition 8 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), the aforementioned condition cannot be confirmed at this stage due to the uncertainty regarding the date of commencement of construction activities. Further information, as requested above, is required.
- 4.1.8. Condition 9 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) and as amended on 20 March 2024 (Ref. No. 16/3/3/5/A5/31/2034/23) **has been complied with** since the EMPr was implemented.
- 4.1.9. Condition 10 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since proof of the EMPr on file at the site has been provided.
- 4.1.10. Although the auditor confirmed compliance with Condition 11 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), the date that the ECO was appointed has not been provided.
- 4.1.11. Condition 12 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since proof of copies of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), amended EA (Ref. No. 16/3/3/5/A5/31/2034/23), EMPr and ECO reports on site were provided.
- 4.1.12. Condition 13 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since access to the site was granted.
- 4.1.13. Although the auditor confirms compliance with Condition 14.1 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), the aforementioned condition **has been partially complied with** since the Environmental Audit Report was not submitted to the Competent Authority one month after the completion of the undertaking of the environmental audit.
- 4.1.14. Condition 15 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since no heritage remains have been unearthed on site.
- 4.1.15. Although the auditor confirms compliance with Condition 16 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21), the auditor does not confirm whether an integrated waste management approach was implemented. Clarification is therefore required.
- 4.1.16. Condition 17 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since contamination of the surface or ground water was not evident during the site audit.

- 4.1.17. Condition 18 of the of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been partially complied with** since the proposed site was partially demarcated during the site audit.
- 4.1.18. Condition 19 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since vehicles/machinery were not stored within 32m of the watercourse/seasonal drainage line during the site audit.
- 4.1.19. Condition 20 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) **has been complied with** since the recommendations of the Aquatic Impact Assessment Report (compiled by Blue Science and dated September 2021) were implemented.
- 4.2. With respect to compliance with conditions of the amended EA (Ref. No. 16/3/3/5/A4/5/3035/19)
- 4.2.1. Conditions 1 and 2 of the amended EA (Ref. No. 16/3/3/5/A5/31/2034/23) **has been complied with** since registered interested and affected parties were notified of the decision within 14 calendar days of the date of the decision and proof thereof has been provided.
- 4.3. With respect to compliance with the approved EMPr
- 4.3.1. Partial compliance with respect to sediment management, the demarcation of the development footprint, waste containers and waste management and stockpiles were noted by the auditor.
- 4.3.2. Recommendations with respect to the aforementioned aspects were provided by the auditor.
- 4.4. The auditor has concluded that the EA holder has sufficiently complied with the conditions of the EA and that the EMPr is adequate and effective to manage and mitigate activities.
- 4.5. A compliance rating has not been provided by the auditor.
5. In light of the above, an addendum to the Environmental Audit Report must be provided. The addendum must include the following information and must be submitted to this Directorate **on or before 06 May 2025**:
- 5.1. Clarification with respect to the end date of the appeal period and the date construction activities were commenced with must be provided. The relevant proof must be included.
- 5.2. The compliance rating/colour coding assigned to Conditions 3, 6, 8, 11, 14.1, 16 and any other conditions of the EA (Ref. No. 16/3/3/1/A5/31/2048/21) must be corrected (where relevant).
- 5.3. The date that the ECO was appointed must be provided. This must include proof of appointment.
- 5.4. Confirmation as to whether an integrated waste management process was implemented on the site must be provided.
- 5.5. A compliance rating for overall compliance with the conditions of authorisation and EMPr must be provided.
6. Proof of the implementation of the recommendations of the auditor with respect to compliance with the EMPr must be submitted along with the next audit report required in terms of Condition 14.2 of the EA (Ref. No. 16/3/3/1/A5/31/2048/21).
7. Should the requested information not be provided within the stipulated timeframe, the matter may be referred to the Department's Directorate: Environmental Law Enforcement for further action.

8. You are advised that compliance site audits may be forthcoming and that you may be informed of such visits accordingly.

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

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

Yours faithfully

p.p. \_\_\_\_\_

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to: (1) Ms. S. Warnich-Stemmet (City of Cape Town: ERM)  
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