



REFERENCE: 16/3/3/6/7/2/B1/14/1127/21

DATE: 14/5/2021

The Manager
Eilandia Plase (Edms) Bpk.
PO Box 275
ROBERTSON
6705

Attention: Mr M Viljoen

E-mail: mechau@eilandia.co.za

Dear Sir

COMMENT ON NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION 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) FOR THE PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR CULTIVATION PURPOSES ON PARTS OF PORTION NO. 38 OF FARM UITNOOD NO. 129, ROBERTSON

1. The electronic version of the NOI, as received by this Department on 28 April 2021 and the Department's letter issued on 5 May 2021, refer.
2. Following a review of the information submitted to this Department, we note the following:
 - 2.1. The proposal entails the proposed cultivation of approximately 130 hectares of indigenous vegetation on the abovementioned farm.
 - 2.2. Five potential sites namely area 1 of approximately 95 hectares, area 2 of approximately 8.2 hectares, area 3 of approximately 1.3 hectares, area 4 of approximately 10.5 hectares and area 5 of approximately 14 hectares will be cultivated.
 - 2.3. The required infrastructure to develop these parcels are already existing.
 - 2.4. Irrigation water will be used from an approved dam on the farm.
 - 2.5. Irrigation pipes will also be installed as part of the cultivation areas.
 - 2.6. There are existing farm roads that will be formalised.
 - 2.7. The sites are covered by Robertson Karoo vegetation, an ecosystem which is listed as least threatened in terms of section 52 of NEMBA and Breede Sand Fynbos vegetation, an ecosystem which is listed as vulnerable in terms of section 52 of NEMBA.
 - 2.8. The Keisers River is located to the east of the sites and is approximately 400m away from the closest point of Site 3 and several drainage lines cross the proposed sites.

Process

3. It is noted that the applicant intends to apply for Activity 12 of Listing Notice 3. You are required to confirm why the abovementioned activity will be applicable since the vegetation types are classified as vulnerable and least threatened ecosystems.

4. After considering the information provided in the Notice of Intent, the Department concurs that the proposed development constitutes listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).
5. A Scoping and Environmental Impact Reporting process must be followed in order to apply for Environmental Authorisation. Please ensure the Scoping Report contain all information requirements outlined in Appendix 2 of the EIA Regulations, 2014 (as amended). Omission of any required information may result in the application for Environmental Authorisation being refused.
6. You are advised that when undertaking the Scoping and Environmental Impact Reporting 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 (<http://eadp-westerncape.kznshf.gov.za/your-resource-library>). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
 - Circular EADP 0028/2014: One Environmental Management System
 - Guideline for the Review of Specialist Input in the EIA process (June 2005).
 - Guideline for Environmental Management Plans (June 2005).
 - Guideline on Alternatives (March 2013).
 - Guideline on Need and Desirability (March 2013).

Screening Tool

7. This Directorate notes that the Screening Report (dated 5 November 2020) has identified a number of specialist studies to be conducted and the Department notes the confirmation of the relevant specialist studies and the motivation as to why certain specialist studies will not be conducted have been provided.
8. Although a motivation was provided why certain specialist studies will not be conducted, the criteria for reporting on an identified environmental theme and specialist study must still be complied with. In other words, a site sensitivity verification must be undertaken and reported on, as outlined in the Protocols.

Public Participation

9. This Department notes the submission of the electronic version of the Public Participation Plan ("PP Plan") dated 28 April 2021. The Department approves the aforementioned PP Plan. The approved PP Plan must be included with the submission of the formal application for Environmental Authorisation and should also form part of the draft report that will be distributed as part of the Public participation Process.
10. The Scoping Report must be made available to the Interested and Affected Parties, including all the relevant State Departments that administer laws relating to a matter affecting the environment, for **comment for a minimum period of 30 days**.
11. It is noted that the List of State Departments/Organs of State to be consulted during the public participation process does not include this Department. Please note that this Department must also be consulted during the public participation process.

Declarations

12. Please be advised that an updated signed and dated applicant declaration is required to be submitted with each relevant document (pre-app reports, formal application form, in-process draft report and final reports) to be submitted to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.

General

13. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. 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.
14. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested of the outcome of the application

15. 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 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr P de Villiers (Cornerstone Environmental Consultants)

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