



REFERENCE NUMBER: 16/3/3/6/7/1/A8/49/1061/23
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The Proponent
City of Cape Town: Property Disposal and Acquisition
P. O. Box 945
CAPE TOWN
8000

For Attention: Ms. Tania Lewis

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Dear Madam

ACKNOWLEDGEMENT OF RECEIPT AND COMMENT ON THE NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION FORM FOR ENVIRONMENTAL AUTHORISATION 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): THE PROPOSED REZONING AND DEVELOPMENT OF A TRUCK STOP, FILLING STATION AND ASSOCIATED INFRASTRUCTURE ON ERF 32403, RE/112629 AND RE/2197, EPPING.

1. The NOI and Site Sensitivity Verification Report ("SSVR") received by this Department via electronic mail correspondence on 17 February 2023, refers.
2. This serves as an acknowledgement of receipt and to provide comment on the NOI and SSVR by this Department.
3. Following review of the information submitted to this Department, it is noted that the proposed development will entail the development of a truck stop, filling station and associated infrastructure on Erf 32403, RE/112629 AND RE/2197, Epping.
4. All subsequent documents submitted to the competent authority must include the correct Erf numbers as certain sections of the NOI refers to Erf 112629/11629 and Re2179/2197.
5. Site Sensitivity Verification Report ("SSVR")
 - 5.1. This Directorate notes that the Screening Tool Report 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. The motivation as to why only certain specialist studies will be conducted is noted.
 - 5.2. The table on page 18 of the SSVR states that a Hydrology Impact Assessment will not be conducted. The same table further states, "The development of a filling station requires that a Geohydrology Assessment be carried out prior to development. Specialist input to be included in the BAR." This matter must be clarified in the pre-application draft BAR or the application form.

- 5.3. It is further noted that a Notice of Intent to develop will be submitted to Heritage Western Cape ("HWC"). This Directorate awaits confirmation from HWC whether a Landscape/Visual, Archeological and Cultural Heritage and Paleontological Impact Assessment is required.
- 5.4. Please note that should any authority that have 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. Activity Description
- 6.1. It is noted that a detailed description of the proposed development as well as the footprint of the proposed development have not been included in the NOI. It was indicated that this information will be included in the BAR. The BAR must include a detailed description of all the components of the proposed development as well as the footprint of the proposed development.
7. Applicable listed activities
- 7.1. You are hereby advised that only those listed activities applied for in terms of the EIA Regulations, 2014 (as amended) will be considered for authorisation. The onus is on the proponent to ensure that the above applicable listed activities are applied for and assessed as part of the pre-application and the formal EIA application process. Failure to include any applicable listed activity may invalidate the application.
8. Process
- 8.1. A Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.
- 8.2. 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 (<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:
- 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).
- 8.3. Please ensure the Basic Assessment Report and Environmental Management Programme contain all information requirements outlined in Appendices 1 and 4 respectively of EIA Regulations, 2014 (as amended). Omission of any required information may result in the application for Environmental Authorisation being refused.
9. It is noted that a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") is required. **Proof of the submission of the application must be included in the pre-application draft BAR or application form.**
10. It is also noted that the proposal triggers Section 38(1) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) ("NHRA"). A Notice of Intent to Develop ("NID") will be submitted to HWC. **Comment from HWC must be included in the pre-application draft BAR or application form.**
11. Public Participation Process
- 11.1. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken.

- 11.2. The BAR must be made available to the Interested and Affected Parties ("I&APs"), 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**.
- 11.3. In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the pre-application and formal EIA process to solicit their inputs on any of their requirements to be addressed in the pre-application and formal EIA process. Please note that this does not replace the requirement of making the pre-application and formal BAR available to State Departments/Organs of State as stipulated above.
- 11.4. The following State Departments/Organs of State must be consulted during the EIA process as part of the PPP:
- DEA&DP: Development Management;
 - CapeNature;
 - Heritage Western Cape;
 - Department of Water and Sanitation;
 - **DEA&DP: Pollution and Chemicals Management:** and
 - City of Cape Town.
12. 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.
13. Be advised 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.
14. 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; and
 - of the outcome of the application.

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

Yours faithfully

pp **HEAD OF COMPONENT**

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: Ms. C. du Toit (The Environmental Partnership)
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