



Doug Jeffery Environmental Consultants (Pty) Ltd

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23 August 2016

Department of Environmental Affairs and Development Planning
Integrated Environmental Management: Region 2
Private Bag X9086
Cape Town
8000

Dear Ayesha Hamdulay



AD HOC SETBACK LINE CHECKLIST

PROPOSED AD-HOC DEVELOPMENT SETBACK LINE FOR BOKBAAI, FARM 733, MALMESBURY

Your reference number 16/3/3/6/2/F5/16/2101/16 refers.

Enclosed are 2 hard copies (one being the original) and 1 CD copy of the above-mentioned application for your decision. The public participation has been included in the Setback Line Report – refer to Appendix E.

Should you have any queries, please do not hesitate to contact us.

Yours faithfully,

Lindsay Speirs

Doug Jeffery Environmental Consultants



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE: 16/3/3/6/2/F5/16/2101/16

ENQUIRIES: Ayesha Hamdulay

DATE OF ISSUE: 2016 -07- 0 1

The Board of Trustees
The Mapula Trust
P O Box 100
CONSTANTIA
7848

Attention: Mr Duncan Parker

Tel.: (021) 762 4380

Fax: (021) 761 9471

Dear Sir

PUBLIC PARTICIPATION REQUIREMENTS PERTAINING TO THE DEFINITION/ADOPTION OF AN AD HOC DEVELOPMENT SETBACK LINE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 WITH RESPECT TO THE PROPOSED DEVELOPMENT OF THREE NEW BUILDINGS AND THE RENOVATION OF EXISTING BUILDINGS FOR ENVIRONMENTAL EDUCATION PURPOSES ON THE FARM NO. 733, MALMESBURY

1. The abovementioned document dated 25 May 2015, which was received by this Department on 30 May 2016, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Your attention is drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in Government Notice ("GN") No. R. 982, R. 983, R. 984 and R. 985 of 04 December 2014. These Regulations came into effect on 08 December 2014. All activities identified as listed activities in the NEMA EIA Regulations of 2014 that had not been commenced with on 08 December 2014, must not be undertaken without an Environmental Authorisation from the Competent Authority.
4. This Department confirms that the proposed development of three new buildings and the renovation of existing buildings for environmental education purposes on the Farm No. 733, Malmesbury will trigger the following listed activity in GN No. R983:

07th Floor, 1 Dorp Street, Cape Town, 8001
Tel.: +27 21 483 0756/3185 Fax: +27 21 483 4372
Electronic Mail: Ayesha.Hamdulay@westerncape.gov.za

Private Bag X9086, Cape Town, 8000
www.westerncape.gov.za/eadp

Item 19 of GN No. R.983:

"The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-

- (i) a watercourse;
- (ii) the seashore; or
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater -

but excluding where such infilling, depositing, dredging, excavation, removal or moving-

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies"

5. A Public Participation Process ("PPP") that complies with the minimum requirements for the adoption of an *ad hoc* development setback line application must be conducted. The PPP must entail the following:
 - 5.1 Written notification to all adjacent landowners whose properties may be affected by construction work that relates to the project.
 - 5.2 Obtaining written comments from the relevant local and district authorities which have jurisdiction in Malmesbury, which is to be submitted to the Department.
 - 5.3 Obtaining written comment from Heritage Western Cape and CapeNature.
 - 5.4 The above parties must be afforded a minimum commenting period of 30 days. Proof of notifying the above parties and any comments received must be submitted to this Department.
6. This Department requests that the above requested information be submitted to the Department in order for this Department to decide upon the application for an *ad hoc* development setback line. Upon receipt of the additional information the Department will notify the applicant of its decision.
7. Please be aware that there are aspects of this development proposal (for example, the scope of the application) that might prejudice the favourable consideration of the application when this Department makes a decision on your request to adopt an *ad hoc* development setback line.
8. Please note that this Department may not approve an *ad hoc* development setback line that falls outside of the property boundary on which the development proposal is proposed. The eastern boundary line of the Farm No. 733, Malmesbury will therefore be considered for the proposed setback line by this Department.
9. Please also note that it is the applicant's responsibility to ensure that all statutory requirements relevant to the proposal are met. You are hereby informed that the onus is on the applicant (i.e. the plot owner/developer) to identify the listed activities that will be applicable to the proposal.



10. It is prohibited in terms of the NEMA to commence with a listed activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Environmental Governance Directorate of this Department for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R5 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
11. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
12. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully



HEAD OF DEPARTMENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied To:

(1) Mr Doug Jeffery (Doug Jeffery Environmental Consultants (Pty) Ltd) Fax: (086) 660 2635



**Western Cape
Government**

Environmental Affairs and
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT
REGION 1**

REFERENCE: 16/3/3/6/2/F5/16/2101/16

ENQUIRIES: Ayesha Hamdulay

DATE OF ISSUE: 2016-10-31

The Board of Trustees

The Mapula Trust

P O Box 100

CONSTANTIA

7848

Attention: Mr Duncan Parker

Tel.: (021) 762 4380

Fax: (021) 761 9471

Dear Sir

WITHDRAWAL OF THE REQUEST FOR THE DEFINITION/ADOPTION OF AN AD HOC DEVELOPMENT SETBACK LINE IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 WITH RESPECT TO THE PROPOSED DEVELOPMENT OF THREE NEW BUILDINGS AND THE RENOVATION OF EXISTING BUILDINGS FOR ENVIRONMENTAL EDUCATION PURPOSES ON THE FARM NO. 733, MALMESBURY

1. The request for the adoption/definition of an *ad hoc* development setback line document dated 25 May 2015, which was received by this Department on 30 May 2016, and the additional information received electronically and in hard copy (hand delivered) by this Department on 26 and 27 October 2016 respectively, has reference.
2. This Department has reviewed the correspondence and notes that the applicant intends to submit an application in terms of Section 24G of the NEMA for the commencement of unauthorised listed activities in furtherance of the development proposal on the property. The Department hereby closes the case file with effect from the date of issue of this letter.
3. In addition to the above, please take note of the duty of care and remediation of environmental damage in terms of Section 28 of the NEMA. The 'duty of care' states that "every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring or, in so far, as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment". The obligation to take reasonable measures is imposed on, *inter alia*, "an owner of land, a person in control of land or a person who has a right to use the land or premises on which or in which (a) any activity or process is or was performed or

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undertaken or (b) any other situation exists which causes, has caused or is likely to cause significant degradation of the environment....".

4. It is prohibited in terms of the NEMA to commence with a listed activity without a relevant Environmental Authorisation from the Competent Authority. Non-compliance in terms of the prohibition will be referred to the Environmental Governance Directorate of this Department for possible prosecution. The penalty for a person convicted of an offence in terms of the above is a fine not exceeding R5 000 000 or imprisonment for not more than 10 years, or both such fine and such imprisonment.
5. Kindly quote the abovementioned reference number in any future correspondence concerning the proposed development.
6. This Department reserves the right to revise or withdraw its comments and request further information based on any information received.

Yours faithfully



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