



BETTER TOGETHER

Development Management  
(Region 3)

**REFERENCE:** 16/3/3/6/7/1/D1/5/0184/17  
**ENQUIRIES:** Shireen Pullen  
**DATE OF ISSUE:** 2017 -12- 04

The Director  
Silverstreams Estate Home Owners Association  
PO Box 348  
**PLETTENBERG BAY**  
2087

Dear Sir

Tel: 044 535 9016  
Email: albertboni@gmail.com

**COMMENT ON THE NOTICE OF INTENT AND THE PRE-APPLICATION BASIC ASSESSMENT REPORT FOR THE PROPOSED RIVER BANK MAINTENANCE AT SILVERSTREAM ESTATE ON ERF 508, PLETTENBERG BAY**

1. The abovementioned documents dated and received by this 30 October 2017 refers.
2. This Department has reviewed the pre-application report and comments as follows:
  - 2.1. It is noted that the proposed development entails the replacement of an existing timber stabilising structure with sand bags covered with a reno-mattresses and then to re-vegetate the structure. It also involves the creating of a riparian habitat.
  - 2.2. In addition to the replacement of the structure, the proposal also entails the attachment of a floating jetty to each of the poles.
  - 2.3. A large portion of this stretch of the eastern bank of the estuary has been transformed by structures along and in the river/estuary and it is therefore important to look at the cumulative impacts beyond the site. Furthermore, the proposal must be considered in terms of the Estuary Management Plan, albeit in a draft form.

This assessment will also influence the need and desirability of the proposed structures. It is also imperative to note that the proposal must not be in conflict with the estuary management plan.

- 2.4. This Department agrees with the identified organs of state that have jurisdiction over any aspect of the proposed activity, must be consulted, and in terms of Regulation 7(2) the EAP is responsible for such consultation. The comments received from these parties and the responses thereto must be included in the final Basic Assessment Report.

- 2.5. Also note that all specialist reports submitted must comply and contain all the information stipulated in Appendix 6 to the NEMA 2014 EIA Regulations.

It is understood that the creosote has a detrimental effect on the estuarine system. It is important for the terms of reference for the freshwater specialist report to include the current effect of the creosote on the estuarine system.

- 2.6. In terms of the Environmental Impact Assessment Regulations, 2014 (as amended) when considering an application, the Competent Authority must take into account a number of specific considerations including inter alia, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. Your attention is drawn to this Department's guideline on Need and Desirability.
3. This Department avails itself for a pre-application meeting engagement to provide further guidance and advice in terms of Regulation 8 on the process requirements and the administration of your application.
    - 3.1 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.
    - 3.2 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

#### 4. Basic Assessment Process

- 4.1 You are advised that when undertaking the Basic Assessment process, you must take into account all applicable guidelines, including the guidelines developed by the Department. These can be downloaded from the Department's website, (<http://eadp-westerncape.kznshf.gov.za/your-resource-library/policies-guidelines>). 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).
- 4.2 Please note that the mooring poles and floating jetty require a lease agreement in terms of the Seashore Act, 1935. The draft BAR must be updated to reflect that this information is applicable and copies of the permit, or at least the application/request for such lease agreement from the relevant authority should be appended to the final BAR.
- 4.3 The BAR must ensure that the information required in section 63 of the National Environmental Management: Integrated Coastal Management, 2008 (Act no. 24 of 2008) is provided to inform the competent authorities decision.

4.4 Please ensure the Basic Assessment Report ("BAR") and Environmental Management Programme ("EMPr") contain all information requirements outlined in Appendices 1 and 4 respectively of GN R. 982.

4.5 Public Participation

4.5.1 A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during the proposed application (pre-application) process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR and EMPr.

4.5.2 Should a public participation process, which includes the circulation of the pre-application BAR for comment, be undertaken prior to submission of an Application Form to the Department, in terms of Regulation 40, the pre-application BAR must also be submitted to the Department for commenting purposes. Please ensure a minimum of two printed copies of the pre-application BAR is submitted to the Department for commenting purposes.

4.5.3 In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. **Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the BAR, where appropriate.

4.6 The Department awaits the submissions of the Application Form. Please note that one printed copy and one electronic copy (saved on CD/DVD) of the Application Form must be submitted.

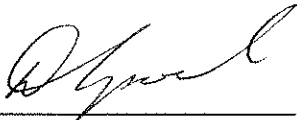
4.7 Need and Desirability

In terms of the NEMA EIA Regulations, when considering an application, the Department must take into account a number of specific considerations including *inter alia*, the need for and desirability of any proposed development. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to the Department's Guideline on Need and Desirability (March 2013).

5 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.

- 6 Kindly quote the abovementioned reference number in any future correspondence in respect of this Notice of Intent.
- 7 This Department reserves the right to revise initial comments and request further information from you based on any new or revised information received.

Yours faithfully



**HEAD OF COMPONENT**  
**DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 3)**

Copied to: Ms. A. Taljaard- Hilland Environmental (EAP)

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