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The Board of Directors
Afrimat Readymix (Cape) Pty Ltd
Tyger Valley Office Park No.2
Cnr Willie Van Schoor & Old Oak Road
BELLVILLE
7530

Attention: Mr. Pieter Grove

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Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FOR BASIC ASSESSMENT REPORT (“BAR”) IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATION, 2014 (AS AMENDED): THE PROPOSAL DEVELOPMENT OF READYMIX BATCHING PLANT AND ASSOCIATED INFRASTRUCTURE ON ERF 4886, MACASSAR

1. The application form dated 28 September 2020, as received by this Department via electronic mail correspondence on 27 October 2020 and additional information received on 23 November 2020, refers.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by this Department.
3. Following a review of the information submitted to this Department, the following is noted:
 - 3.1 The proposed development entails the erection of a mobile batching plant and associated infrastructure on Erf 4886 comprises of the following:
 - A fence and gate of 3965m²;
 - Infrastructure including storage of ±27m²;
 - A mobile plant with a fly-ash silos of approximately 14m height and 2.5m diameter;
 - Aggregate storage bins;
 - Fine material and solid dry-out bunkers; and
 - Pond, washing bay and parking area;
 - 3.2. The development footprint will be approximately 3965m² on an area zoned Agriculture and the majority of infrastructure is mobile, facilitating future removal of the batch plant for the rehabilitation of the area.

4. Applicable Listed Activities:

4.1 After considering the information provided in the application form, this Department notes that you have indicated that the proposed development constitutes the following listed activity defined in terms of the EIA Regulations, 2014, (as amended), namely:

4.1.1 Activity 12 of Listing Notice 3: Basic Assessment of the EIA Regulations, 2014 (as amended).

4.2 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.

5. Screening Tool:

5.1 This Directorate notes that a Screening Tool Report dated 02 April 2020 was provided.

5.1.1 The following specialist studies were identified in the abovementioned Screening Report-

- Landscape/Visual Impact Assessment
- Archaeological and Cultural Heritage Impact Assessment
- Palaeontology Impact Assessment
- Terrestrial Biodiversity Impact Assessment
- Aquatic Biodiversity Impact Assessment
- Socio Economic Assessment
- Plant Species Assessment
- Animal Species Assessment
- Agricultural Impact Assessment
- Hydrology Assessment
- Plant Species Assessment
- Animal Species Assessment

5.2 It is indicated in the abovementioned application form that only the Botanical Assessment will be included in the Draft BAR. Please note that motivation must be provided as to why the other identified specialist assessments will not be conducted. If any relevant commenting authority requests that additional specialist assessment be conducted the specialist assessment must be conducted.

6. Protocols:

6.1 Since a botanical assessment will be undertaken (as mentioned in paragraph 5.2), your attention is drawn to the following:

6.1.1 The "Procedures for the Assessment and Minimum Criteria for Reporting on identified Environmental Themes in terms of Sections 24(5)(a) and (h) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), when applying for Environmental Authorisation" ("the Protocols") (Government Notice No. 320 as published in Government Gazette No. 43110 on 20 March 2020) came into effect on 9 May 2020.

- 6.1.2 Be advised that the Protocols must be complied with for every new application that is submitted after **9 May 2020**.
- 6.1.3 According to the Protocols, before commencing with a specialist assessment, the current use of the land and environmental sensitivity of the site under consideration identified by the screening tool must be confirmed by undertaking a site sensitivity verification.
- 6.1.4 Where assessment protocols are prescribed for the identified environmental themes included in the Protocols (for example Aquatic Biodiversity and Terrestrial Biodiversity Theme), the specialist assessment must comply with the Protocols.
- 6.1.5 Where a specialist assessment is required, but no specific environmental theme protocol has been prescribed, the level of assessment must be based on the findings of the site verification and must comply with Appendix 6 of the EIA Regulations, 2014 (as amended).

7. Exemptions:

This Department notes that you do not intend to apply for exemption from any of the requirements of the Public Participation Process as stipulated by Regulation 41, from other provisions contained in the EIA Regulations, 2014 (as amended) nor the NEMA. Please note that should you fail to meet a requirement of the EIA Regulations, 2014 (as amended) or the NEMA and if no exemption from that provision was applied for, your application for environmental authorisation may be refused.

8. Alternatives:

8.1 Be advised that in terms of the EIA Regulations, 2014 (as amended) and the NEMA, the investigation of alternatives is mandatory. All alternatives identified must therefore be investigated to determine if they are feasible and reasonable. In this regard it must be noted that this Department may grant authorisation for an alternative as if the alternative has been applied for or may grant authorisation in respect of all or part of the activity applied for as specified in Regulation 20 of the EIA Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, operational and technology alternatives.

8.2 You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (*i.e.*, the “no-go” option) in addition to other alternatives identified. Every EIA process must therefore identify and investigate alternatives, with feasible and reasonable alternatives to be comparatively assessed. If, however, after having identified and investigated alternatives, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this instance is proof that the investigation was undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the ‘no-go’ option exist.

9. Public Participation:

- 9.1. According to this Directorate's records, a Public Participation Process Plan was received electronically on 23 November 2020.
- 9.2. In accordance with Regulation 40(3), a copy of the Draft BAR must be made available to this Department, for commenting. Please note that the BAR must be submitted via email to the case officer, with attached pdf versions of the report or, if too large to attach

to an e-mail, to be made available *via* an electronic link provided in the email that is accessible by this Directorate. This Directorate may require that a hard copy of the BAR also be submitted to this Department by a certain date but will advise you accordingly.

- 9.3. In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the EIA process to solicit their inputs on any of their requirements to be addressed in the EIA process. Please note that this does not replace the requirement of making the BAR available to State Departments as stipulated above.
10. In accordance with Section 24N of the NEMA and Regulation 19, this Department hereby requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N of the NEMA (as amended) and Regulation 19 of the EIA Regulations, 2014 (as amended). The EMPr must address the potential environmental impacts of the activity throughout the project life cycle including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted together with the BAR. This Department would like to advise that in compiling the EMPr, this Department's Guideline for Environmental Management Plans (June 2005), available on this Department's website must be taken into account.
11. You are referred to Appendix 1 of the EIA Regulations, 2014 (as amended) for the requirements with respect to the 'Content of basic assessment reports'. You are advised that when undertaking the EIA process, you must take into account this Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended) as well as any other guidance provided by this Department.
12. In terms of the EIA Regulations, 2014 (as amended), when considering an application, this 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.
13. In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and how the proposed development meets the requirements of sustainable development.
14. In accordance with Regulation 19(1) of the EIA Regulations, 2014 (as amended), the Final BAR must be submitted within 90 days of receipt of the application by this Department, calculated from 23 November 2020 and taking into account that the period from 15 December 2020 until 5 January 2021 must be excluded in the reckoning of days. Furthermore, in terms of Regulation 45 of the EIA Regulations, 2014 (as amended), an application in terms of the EIA Regulations, 2014 (as amended) lapses and the competent authority will deem the application as having lapsed, if the applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless extension has been granted in terms of Regulation 3(7).
16. Kindly quote the abovementioned reference number in any future correspondence regarding the application.
17. It is prohibited in terms of Section 24F of the NEMA for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the activity. A person convicted of an offence in terms of the above is liable

for a fine not exceeding R5 000 000 or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.

18. This Department reserves the right to revise initial comments and request further information based on any new or revised information received.

Yours faithfully

pp HEAD OF DEPARTMENT

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