

REFERENCE: 16/3/3/1/D6/29/0005/18
ENQUIRIES: Ms Jessica Christie
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The Managing Director
SSK – Sentraal-Suid Koöperasie Bpk.
P.O. Box 12
SWELLENDAM
6740

Attention: Mr. H. Gale

Tel: 028 514 8600
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Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR BASIC ASSESSMENT FOR THE PROPOSED GRAIN SILO BAG AREA ON A PORTION OF PORTION 8 OF THE FARM PATRYSFONTEIN 228, MOSSEL BAY

1. The abovementioned document dated 6 April 2018 that was received by this Department on 10 April 2018, refers.
2. In accordance with sub-regulation 3(1) and 3(2) of the EIA Regulations, 2014¹, the date of receipt of the application form is determined to be **10 April 2018**.

This letter serves as an acknowledgment of receipt of the aforementioned document by the Competent Authority.

3. Please take note of the following advice of the nature and extent of the processes that must be followed in order to comply with the National Environmental Management Act (Act no. 107 of 1998) and the Environmental Impact Assessment Regulations 2014.
4. The following requirements must be complied with in respect to all applications for Environmental Authorisation in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the EIA Regulations, 2014:

4.1. *Alternatives*

Be advised that in terms of the EIA Regulations and 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 the Department may grant authorisation for an alternative as if it has been applied

¹ Environmental Impact Assessment Regulations, 2014 (Government Notice No. R. 982 of 4 December 2014 as amended 7 April 2017)

for or may grant authorisation in respect of all or part of the activity applied for. Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (the "no-go" option) in addition to the 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 that proof of the investigation undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the no-go option exist must be provided to the Department. Refer to the Department's Guideline on Alternatives available on the Department's website (<http://eadp-westerncape.kznshf.gov.za/your-resource-library>).

4.2. *Public Participation*

The BAR must be subject to a Public Participation Process that must comply with Chapter 6 of the EIA Regulations, 2014.

In addition to the above, the Environmental Assessment Practitioner ("EAP") must submit a draft BAR to the Department for a minimum **30-day** comment period. The draft BAR must also be made available to all relevant State Departments/Organs of State that administer laws relating to a matter affecting the environment, for a **30-day** comment period.

The EAP must notify the Department in writing of the date the draft BAR was submitted to the relevant State Departments/Organs of State and clearly indicate whether or not such State Departments/Organs of State were notified of the 30-day comment period in terms of Section 24O of NEMA. It is imperative that State Departments/Organs of State are in possession of the draft Reports when the EAP issues them with the notice in terms of Section 24O of NEMA. **Please note that the EAP is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments/Organs of State in terms of Section 24O(2) and (3) of NEMA in the BAR, where appropriate.

In terms of good 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 draft BAR available to State Departments/Organs of State as stipulated above.

A register of I&APs must be opened and maintained. The register must also be submitted to the Department.

The EAP must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed. This report must also be included in the public participation information attached to the BAR to be submitted for decision.

4.3. Environmental Management Programme ("EMPr")

In accordance with Section 24N of NEMA and Regulation 19 of the Environmental Impact Assessment Regulations, 2014, the 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 (2) and (3) of the NEMA (as amended) and Appendix 4 of GN No. R. 982 of 4 December 2014. 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). It must be submitted together with the BAR. When compiling the EMPr, the Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website <http://eadp-westerncape.kznshf.gov.za/your-resource-library> must be taken into account.

4.4. Guidelines

When undertaking the EIA process, you must take into account applicable guidelines, including the guidelines developed by this 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:

- Guideline for Environmental Management Plans (June 2005).
- Guideline on Alternatives (March 2013).
- Guideline on Need and Desirability (March 2013).

4.5. Need & 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).

4.6. NEMA Principles

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 must also show how the proposed development meets the requirements of sustainable development.

4.7. BAR Requirements

The EAP must submit **two (2) printed copies as well as two (2) electronic copies** (saved on CD/DVD) of the Draft BAR and Final BAR respectively, to the Department.

The BAR must contain all the information outlined in Appendix 1 of Environmental Impact Assessment Regulations, 2014 (GN No. R. 982 of 4 December 2014) and must also include the information requested in this letter. Failure to submit any information prescribed in Appendix 1 of the Environmental Impact Assessment Regulations, 2014, may result in the application being refused.

The Department awaits the submission of the BAR as prescribed by Regulation 19 of the Environmental Impact Assessment Regulations, 2014. In accordance with Regulation 19 and 3 of the Environmental Impact Assessment Regulations, 2014, the Department hereby reminds you that the BAR must be submitted to this Department for decision within **90 days** from the date of receipt of the application by the Department.

If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/EAP must notify the Department prior to the 90-day period lapsing. The notice must state that an additional 50 days (i.e. 140 days from receipt of the application) would be required for the submission of the BAR. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report/additional information.

If the BAR is not submitted within the prescribed timeframe (90-days) or extended timeframe (140-days), the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid again.


5. General

Kindly quote the abovementioned reference number in any future correspondence in respect of the application.

Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an Environmental Authorisation for the undertaking of the activity. Failure to comply with the requirements of Section 24F and 49A of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department for prosecution. 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.

The Department reserves the right to revise initial comments and request further information based on the information received.

Yours faithfully



HEAD OF COMPONENT: ENVIRONMENTAL IMPACT MANAGEMENT SERVICES (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: Mr Renier Kapp (EAP)

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