



**REFERENCE:** 16/3/3/1/B3/28/1027/19

**ENQUIRIES:** Samornay Smidt

**DATE:** 2019 -07- 19

The Board of Directors  
Telegenix Trading 865 (Pty) Ltd  
PO Box 10  
SIMONDIUM  
7670

**Attention: Mr. Mark Groenewald**

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Dear Sir

**COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT ("DBAR") FOR THE PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT OF A MIXED USE DEVELOPMENT ON FARM CUMBERLAND NO. 915, SIMONDIUM**

1. The above-mentioned document dated 19 June 2019, as received by the Department on the same day and this Department's correspondence dated 27 June 2019, refer.
2. Please find herewith the Department's comment on the draft BAR:
  - 2.1 This Department's comment dated 3 December 2018 was included in the Draft Report but not addressed in the comments and response report. Please be advised that copies of all comments received must be included in the Final BAR and addressed in the comments and response report.
  - 2.2 The following points highlighted in the aforementioned comment must still be addressed:
    - 2.2.1 A description of the portion of the development that relates to Activities 12 & 19 still does not include adequate detail with regards to dimensions and footprints related to structures and infrastructure proposed for construction. The information contained in the proposed alternative/s must include a detailed description of the development that relates to the applicable listed activities. In this instance, a description of the stormwater and effluent discharge infrastructure.

### 2.2.2 Service Confirmation:

Water Supply: The preferred alternative for water supply requires further feasibility studies and landowner negotiations. The available capacity for water supply is therefore not confirmed.

Electricity Supply: Indicated that sufficient capacity is available, subject to the construction and commissioning of the substations. Please provide this Department with the Municipal timeframes envisioned with regards to the construction and commissioning of substations to confirm that this coincides with the construction and operation of the development.

2.2.3 A final comment from Heritage Western Cape is required for the proposed development, and not an interim comment. In order to avoid duplication and allow for coordination in terms of the requirements in terms of NEMA and the NHRA, Section 38(8) of the NHRA states "that if the development activities listed in Section 38(1) must be subjected to EIA in terms of NEMA, then a separate HIA and approval from the heritage resources authority are not required, provided that the environmental authority must:

- ensure that if the relevant heritage resources authority requires an HIA it fulfils the requirements of the heritage resources authority, &
- any comments and recommendations of the relevant heritage resources authority with regard to such development have been taken into account prior to the granting of the environmental authority's consent.

As such, if a NEMA EIA is required for the development activities listed in terms of Section 38 of the NHRA, then separate HIA and EIA processes may not be followed and separate decisions may not be issued in terms of the NHRA and NEMA. An EIA process will be followed and if the heritage resources authority requires a HIA, then the HIA must be undertaken as one of the EIA specialist studies, but the environmental authority must ensure that the heritage resources authority's requirements in terms of the assessment are met." Hence, the requirements of HWC must be met as part of this Basic Assessment process and not after it is concluded.

2.2.4 Confirmation from the Department of Water and Sanitation ("DWS") whether a General Authorisation or a Water Use License Application ("WULA") is required, must be obtained. If a WULA is required, proof of submission of the WULA to the DWS must be provided.

2.2.5 Comment from the Department of Transport and Public Works with regards to the findings of the Traffic Impact Assessment must be provided.

2.2.6 Comment from this Department's Directorates: Pollution Management and Waste Management must be obtained and included in the final BAR.

2.3 Further to the above, Drakenstein Municipality: Environmental Management Division must confirm whether their comment with regards to the potential noise impact was adequately addressed.

- 2.4 In light of the fact that Activity 19 of LN 1 is triggered, it is recommended that a Maintenance Management Plan ("MMP") forms a component of the EMP. Should this Department agree to the MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking of such future maintenance activities. The Department encourages the inclusion of a MMP for applications that involve work within watercourses. Therefore, a MMP for future maintenance work within a watercourse must be compiled and submitted with the final BAR to this Department.
- 2.5 The Impact tables does not include freshwater, noise and traffic impacts, and must be amended to include all identified impacts.
- 2.6 It is unclear whether the recommendation of the Freshwater Impact Assessment have been incorporated into the development proposal. This is with specific reference to the recommended storm water management measures and proposed detention pond since it is not included in the project description or reflected in the layout plan.
- 2.7 Further to the above and as required in terms of Appendix 1 3(1)(c), a plan which locates the proposed activity or activities applied for as well as the associated structures and infrastructure at an appropriate scale, must be included in the BAR. This layout plan must be amended to include all the components of the development as it relates to the listed activities being applied for.
- 2.8 Since associated infrastructure required for the development that triggers listed activities extend onto Erf No. 1337, the relevant property details must be included in the relevant sections of the Application Form and BAR.
- 2.9 Be advised that an original signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.
- 2.10 In addition to the above, please ensure that original signed and dated Environmental Assessment Practitioner declaration is also submitted with the final BAR for decision-making.
3. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
4. 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 the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will 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.

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

Yours faithfully  


**HEAD OF COMPONENT**  
**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**  
**DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT PLANNING**

Cc: (1) R Kapp/G Nel (GNEC)

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