



DRAKENSTEIN

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Paarl | Wellington | Gouda | Saron | Simondium

+27 21 807 4500 +27 21 872 8054

www.drakenstein.gov.za

records@drakenstein.gov.za

Civic Centre, Berg River Boulevard, Paarl 7646

Enquiries: Lauren King
Contact number: 021 807 4841
Reference: 15/4/1 (F915), Simondium
Date: 22 July 2019

Guillaume Nel Environmental Consultants
P.O. Box 2632
Paarl
7620

By email: renier@gnec.co.za

Attention: Renier Kapp

POST-APPLICATION DRAFT BASIC ASSESSMENT REPORT: PROPOSED REZONING, SUBDIVISION AND DEVELOPMENT OF A MIXED USE DEVELOPMENT ON FARM 915, CUMBERLAND, SIMONDIUM (DEA&DP REF NO. 16/3/3/7/1/B3/28/1027/19)

Reference is made to your email correspondence, dated 22 July 2019, relating to the comments from Drakenstein Municipality on the above application, dated 19 July 2019.

Abstract from email (Full email attached as Annexure A):

"The recommendation from your Department – "a condition be included in the environmental authorisation that all activities within the development be limited to the rating level for urban districts as set out in table 2 of SANS 10103" is not the correct way to go about this to our opinion. This would imply a blanket ban on possible noise generating industry and a future amendment application to the DEA&DP would be required in order to remove this condition attached to the Environmental Authorisation. As per our previous correspondence and the request from the Engineer, it would make much more sense, seeing as Noise Impacts are overseen by Drakenstein Municipality, that a Noise Impact Assessment be submitted to and approved by Drakenstein Municipality prior to any building plan approvals by Drakenstein Municipality. This could then be included as a condition of approval in the Environmental Authorisation and any future planning approvals. This Noise Impact Assessment can from then on be updated as per the comment from Reece, as and when more detailed information becomes available.

As per a comment obtained from DEA&DP on the Post-Application Draft BAR, DEA&DP has requested GNEC to obtain confirmation from your Department that the application can continue on this basis:

"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."

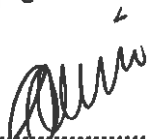
Having reviewed your request and discussing the matter with the relevant officials, the following revised comment is brought to your attention:

- Due to the close proximity of the proposed industrial and commercial erven to the proposed residential units, it is highly unlikely that noise will be dampened sufficiently to within the allowable rating levels for urban districts at the property projection plane of the nearest residential erf, should

the industrial and commercial even produce noise at the maximum allowable rating level in accordance with table 2 of SANS 10103.

- Should a conflict arise in future, the rights of the residential home owners and tenants to enjoy noise levels within the prescribed rating level for urban districts shall take priority over the rights of owners and tenants of the industrial and commercial units to produce noise up to the maximum allowable noise levels for industrial and business districts as set out in table 2 of SANS 10103.
- Should the Noise Control Officer determine that the noise level at the property projection plane of the nearest residential is causing a disturbing noise, any of the owners and tenants of the industrial and commercial units may be required to conduct a Noise Impact Assessment in accordance with SANS 10328 at the request of the Noise Control Officer.
- Any mitigation measures identified in the Noise Impact Assessment are to be implemented to ensure that all noise emanating from activities in the industrial and commercial districts will at all times not exceed the permissible outdoor levels on neighbouring residential premises and permissible indoor levels in office spaces. This includes vehicular traffic to and from the industrial and commercial districts.

Kind regards



.....
C. WINTER

MANAGER: ENVIRONMENTAL MANAGEMENT

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ANNEXURE A

Lauren King

From: Lauren King
Sent: Monday, July 22, 2019 11:44 AM
To: 'Renier Kapp'
Subject: FW: Simondium Mixed Use_Post-App BAR Comment

Dear Renier,

Please see below email response from Shaun Reece (Noise Control Officer) with regards to your enquiry regarding the requested Noise Impact Assessment.

Please include the below in the comment from Drakenstein Municipality on the above application.

King regards

Lauren King
Environmental Officer: Planning and Sustainability

t: +27 21 807 4841
e: Lauren.King@drakenstein.gov.za
a: 5th Floor, Nedbank Building, cnr Breda Street and Bergriver Boulevard, Paarl 7646



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SAVE WATER / BESPAAR WATER

From: Shaun Reece
Sent: Monday, July 22, 2019 11:33 AM
To: Lauren King <Lauren.King@drakenstein.gov.za>
Cc: Cindy Winter <Cindy.Winter@drakenstein.gov.za>
Subject: RE: Simondium Mixed Use_Post-App BAR Comment

Hi Lauren

I think we should ask for Noise Impact Assessments at the building plan stage but for now we can use the following comment:

Due to the close proximity of the proposed industrial and commercial erven to the proposed residential units, it is highly unlikely that noise will be dampened sufficiently to within the allowable rating levels for urban districts at the property projection plane of the nearest residential erf, should the industrial and commercial erven produce noise at the maximum allowable rating level in accordance with table 2 of SANS 10103. Should a conflict arise in future, the rights of the residential home owners and tenants to enjoy noise levels within the prescribed rating level for urban districts shall take priority over the rights of owners and tenants of the industrial and commercial units to produce noise up to the maximum allowable noise levels for industrial and business districts as set out in table 2 of SANS 10103. Should the Noise Control Officer determine that the noise level at the property projection plane of the nearest residential is causing a disturbing noise, any of the owners and tenants of the industrial and commercial units may be required to conduct a Noise Impact Assessment in accordance with SANS 10328 at the request of the Noise Control Officer. Any mitigation measures identified in the Noise Impact Assessment are to be implemented to

ensure that all noise emanating from activities in the industrial and commercial districts will at all times not exceed the permissible outdoor levels on neighbouring residential premises and permissible indoor levels in office spaces. This includes vehicular traffic to and from the industrial and commercial districts.

Regards

Mr Shaun Reece
Senior Environmental Officer

t: +27 21 807 4833
f: +27 86 494 4513
e: Shaun.Reece@drakenstein.gov.za
a: 1 Breda Street, Paarl 7646



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SAVE WATER / BESPAAR WATER

From: Renier Kapp [<mailto:renier@kappec.co.za>]
Sent: 22 July 2019 09:09 AM
To: Lauren King
Cc: Cindy Winter; Shaun Reece; Adrian Jongens
Subject: Simondium Mixed Use_Post-App BAR Comment
Importance: High

Dear Lauren,

Thank you for the collated comment from Drakenstein Municipality dated 19 July, this is much appreciated.

I just need to clarify one matter with regards to the comment in reference to the EMD.
This refers to comment 1. as detailed:

"Having reviewed the above Post-Application DBAR and associated Comments and Response Report, the Environmental Management Division is not satisfied with the response provided with regards to the Noise Impact Assessment previously requested by this Branch.

1. Section 4(1) of the Western Cape Noise Control Regulations of 2013 state the following:

4. (1) The land authority, or any other authority responsible for considering an application for a building plan approval, business license approval, planning approval or environmental authorisation, may instruct the application to conduct and submit, as part of the application –

(a) a noise impact assessment in accordance with SANS 10328 to establish whether the noise impact rating of the proposed land use or activity exceeds the appropriate rating level for a particular district as indicated in SANS 10103; or

(b) where the noise level measurements cannot be determined, an assessment, to the satisfaction of the local authority, of the noise level of the proposed land use or activity.

Due to the fact that no Noise Impact Assessment was undertaken in accordance with SANS 10328 as requested, the division does not support the development of the industrial and commercial areas with the full rights to produce noise up to the maximum respective rating levels for noise in districts as set out in table 2 of SANS 10103. This division

recommends that should the application be approved, a condition be included in the environmental authorisation that all activities within the development be limited to the rating level for urban districts as set out in table 2 of SANS 10103."

Subsequent to obtaining a request for a Noise Impact Assessment (NIA) in the Pre-Application Phase of the Basic Assessment Process, GNEC approached very experienced Acoustical Engineers Jongens Keet and Associates in order to conduct the required NIA. Mr Adrian Jongens, after assessing the request and the proposal indicated that *"it is unrealistic to require the implementation of noise mitigation procedures that will encompass all possible types of activities producing 70 dBA within the industrial district if such activities with associated noise levels will not actually occur."*

A more realistic approach is to stipulate that appropriate noise mitigation procedures are to be incorporated to ensure that all noise emanating from activities in the industrial district will at all times not exceed the permissible outdoor levels on neighbouring residential land and permissible indoor levels in office spaces. This includes vehicular traffic to and from the industrial district.

This in turn requires detailed knowledge and associated noise level data of each activity, including machinery, which will form part of the proposed development. I cannot attempt an NIA without that data."

The response from Drakenstein (Shaun Reece) indicated that:

"Without a detailed noise impact assessment prescribing appropriate mitigation measures, all erven within the proposed development, including industrial zoned erven are to be limited to the outdoor noise rating level for suburban districts with little road traffic as prescribed in table 2 of SANS 10103.

A noise management plan must be developed and continually updated for the industrial and commercial component of the proposed development. As data on the noise generating activities becomes available, the noise management plan must be updated to include each noise generating activity with appropriate mitigation measures prescribed.

The constitution of the home owners association or body corporation of the residential component and the industrial component must reflect that noise complaints will be handled internally between the two parties."

The recommendation from your Department – *"a condition be included in the environmental authorisation that all activities within the development be limited to the rating level for urban districts as set out in table 2 of SANS 10103"* is not the correct way to go about this to our opinion. This would imply a blanket ban on possible noise generating industry and a future amendment application to the DEA&DP would be required in order to remove this condition attached to the Environmental Authorisation. As per our previous correspondence and the request from the Engineer, it would make much more sense, seeing as Noise Impacts are overseen by Drakenstein Municipality, that a Noise Impact Assessment be submitted to and approved by Drakenstein Municipality prior to any building plan approvals by Drakenstein Municipality. This could then be included as a condition of approval in the Environmental Authorisation and any future planning approvals. This Noise Impact Assessment can from then on be updated as per the comment from Reece, as and when more detailed information becomes available.

As per a comment obtained from DEA&DP on the Post-Application Draft BAR, DEA&DP has requested GNEC to obtain confirmation from your Department that the application can continue on this basis:

"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."

Your feedback on the above is much appreciated.

Sincerely,

Renier Kapp
for GNEC

Guillaume Nel
environmental consultants

45 Fabriek Street
Paarl
7646

Tel: 021 870 1874
Fax: 021 870 1873
Cell: 082 675 5233
E-Mail: renier@gnec.co.za

Sincerely,