Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE SECTION 24G APPLICATION FORM FOR THE UNLAWFUL CONSTRUCTION OF A DAM AND INFRASTRUCTURE ON PORTION 2 OF FARM NO. 232, BONNIEVALE.

1. The abovementioned document dated 24 January 2011, as received by this Department on 25 January 2011, refers.

2. This letter serves as an acknowledgement of receipt of the abovementioned document by this Department.

3. This Department will consider the Application Form without delays and advise you accordingly.

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

5. This Department would like to inform you that a site visit may be requested at a later stage. This may be necessary to enable officers to verify information pertaining to the listed activities and to determine the correct administrative fine.

Yours faithfully

[Signature]

HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) JV Brand (Langeberg Municipality)  
(2) C de Villiers (Boland Environmental Consultants)

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DEPARTMENT of
ENVIRONMENTAL AFFAIRS
& DEVELOPMENT PLANNING
Provincial Government of the Western Cape

REFERENCE: E12/2/4/4-B1/3-1001/11
ENQUIRIES: Clement Arendse

FAX
To: Rheebokskloof Trust
MC Brandon-Kirby

From: CLEMENT ARENDSE

Fax: (023) 616 3707

Subject: Portion 2 of Farm No. 232, Bonnievale

Date: 2011-03-28

Pages (incl. covering sheet): 4

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CC: [1] JV Brand (Langeberg Municipality) Fax: (023) 414 1841
[2] C de Villiers (Boland Environmental Consultancy) Fax: (023) 347 0336
Dear Sir

APPLICATION TO RECTIFY THE UNLAWFUL CONSTRUCTION OF A DAM AND ASSOCIATED INFRASTRUCTURE ON PORTION 2 OF FARM NO. 232, BONNIEVALE.

1. The abovementioned document dated 24 January 2011, as received by this Department on 25 January 2011, refers.

2. You are hereby advised that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are included in the application. Failure to do so may invalidate the application.

3. You are requested to submit the following information for the Department to determine the administrative fine that must be paid by the applicant:

   3.1 Proof of the Public Participation Process ("PPP") conducted according to Regulation 54 of Government Notice No. R. 543 of 18 June 2010, to bring the Section 24G Environmental Impact Assessment ("EIA") to the attention of potential Interested and Affected Parties ("I&APs"), including Organs of State which have jurisdiction in respect of any aspect of the relevant activities;

   3.2 A register of all I&APs in respect of the application in accordance with Regulation 55 of Government Notice No. R. 543 of 18 June 2010; and

   3.3 A report detailing the comments from I&APs, responses to such comments and the outcomes of the PPP referred to above.

4. Please be advised that the Public Participation Process ("PPP") to be followed must comply with Regulation 54. You are further advised that according to Regulation 54 (2) "The person conducting a PPP must take into account any guidelines applicable to public participation". The Department's Guideline on Public Participation (August 2010) was compiled to provide guidance on the procedure to be followed when conducting the PPP and includes, inter alia, notification of I&APs. In addition to the information required by Regulation 54 (3) to be contained in a notice, notice board or advertisement, the Department's reference number must also be included. Further details on the procedures to be followed when conducting the PPP can be obtained in the Department's Guideline. This guideline
forms part of this Department’s National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") EIA Regulations Guideline and Information Document Series which can all be downloaded from the Department’s website (http://www.capegateway.gov.za/eia guideline).

5. Please be advised that the Application Form and additional information (hereinafter referred to as "the report") must be submitted to the Department and must be made available to the public and all State Departments that administer laws relating to a matter affecting the environment. The applicant/Environmental Assessment Practitioner ("EAP") is required to inform this Department in writing upon submission of the report to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section 24 C (2) & (3) of the NEMA inform the relevant State Departments of the commencement date of the 40 day commenting period or 60 days in the case of the Department of Water Affairs for waste management activities which also require a license in terms of the National Water Act, 1998 (Act No. 36 of 1998). Please be further advised that a commenting period of 21 days will apply to all requests for comment on any information, documentation or reports (including the final copy of the above-mentioned report) other than the draft version of the report, unless an alternative commenting period is specified by this Department.

6. Be advised that the investigation of alternatives is mandatory. All alternatives identified must therefore be assessed and must be feasible and reasonable. Alternatives are not limited to activity alternatives, but include layout, design, operational and technology alternatives. A full explanation must be provided for each alternative with a substantiated justification as to why the preferred alternative was considered as the most feasible and reasonable alternative for the proposed development. Refer to the Department’s Guideline on Alternatives (available from the web address above).

7. 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 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.

8. You are advised that in compiling the report you must take into account the applicable guidelines developed by the Department which include, inter alia:

   • Guideline for envolving hydrogeologists in EIA processes, June 2005

9. In terms of good environmental practice you are encouraged to engage with State Departments and other Organs of State in the pre-application phase or early in the EIA process to solicit their inputs on any of their requirements to be addressed in the process. Please note that this does not replace the requirement of making the draft report available to State Departments as stipulated above.
10. In accordance with Section 24N of the NEMA (as amended) the Department hereby requires the submission of an Environmental Management Programme ("EMP"). The contents of such an EMP must meet the requirements outlined in Section 24N (2) & (3) of the NEMA (as amended) and Regulation 33 of the EIA Regulations, 2010. The EMP 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 Department requires that the EMP be submitted together with the report so that it can be considered simultaneously. The Department would like to advise that in compiling the EMP the Department's Guideline for Environmental Management Plans (available from the web address above) must be taken into account.

11. The Department awaits the submission of the above-mentioned report in order to expedite the Section 24G EIA process. The report must be submitted to this Department within a period of six months from the date of this letter.

12. If you, however, have progressed with the application process, but for some reason will not be able to submit the report within the six month period, you must inform the Department as such before the end of the six month period. You will be required to submit a concise motivation why the report will not be submitted within the six month period. The motivation must include the tasks that have been performed to date, the reasons for the delay in submission and an indication when the report will be submitted to the Department. Such motivation must reach the Department before the end of the six month period. The Department will consider your motivation and inform you of its decision whether it will refer the application to the Department's Directorate: Environmental Compliance and Enforcement for legal action. Should no information be provided prior to the lapsing of the six month period, the application will be referred to the Department's Directorate: Environmental Compliance and Enforcement for legal action.

13. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.

14. The Department reserves the right to revise its initial comments and request further information from your based on any new or revised information received.

Yours faithfully,

[Signature]

HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) JV Brand (Langeberg Municipality)  Tel: (028) 614 1841
(2) C de Villiers (Roland Environmental Consultants)  Fax: (028) 347 0036

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