Appendix F:

Correspondence related to the S24G application for rectification and continuation of the unlawful commencement of a listed activity by the Department of Environmental Affairs & Development Planning
From:
To:
30/10/2009 12:35
#432 P. 002/018

Verwyshng
Reference
Isaiahelo

Navrae
Enquiries
Inubuzo

Departement van Omgewingsake en Ontwikkelingsbepanning
Department of Environmental Affairs and Development Planning
ISebi Isicimbi yeNtale esingqonqileyo noCwango ci IoPhuhlsilo

Date
2009-10-30

The Board of Directors
CACE (Pty) Ltd
PO Box 71
Mewida
RAWSONVILLE
6845

Attention: Mr Pierre van der Merwe

Tel/ Fax: (023) 349 1646

Dear Sir,

APPLICATION: THE UNLAWFULL DIVERSION OF THE GROOTKLOOF RIVER ON FARM NO. 789/2, TIERKLOOF, WORCESTER.

1. The abovementioned documentation dated 16 October 2009, as received by the Department on the same day, refers.

2. Please be advised that for this Department to process your application, the latest Section 24 G Application (attached) must be submitted.

3. The "Section 24 G Application form", as well as other relevant forms and guidelines, are available from this Department's website http://www.capemg.gov.za/24gdp.

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

Yours faithfully,

HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Mr G Mann (Boland Enviro CC)

Utilitasgebou, Dorpstraat 1
Prinsesak X9068 Kapstadt 8000

Utilitas Building, 1 Dorp Street
Private Bag X9068 Cape Town 8000

Tel No.: 021-463 2803/6113
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E-mail: chendri@pgwc.gov.za
The Board of Directors
CACE (Pty) Ltd
PO Box 71
Mendels
RAWSONVILLE
6845

Attention: Mr Pierre van der Merwe

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM FOR THE RECTIFICATION OF THE UNLAWFUL DIVERSION OF THE GROOTKLOOF RIVER ON FARM NO. 788/4, TIERKLOOF, WORCESTER.

1. The above-mentioned document dated 19 February 2010, as received by the Department on the same day, refer.

2. This letter serves as an acknowledgement of receipt of the afore-mentioned document by this Department.

3. You are hereby advised that only those activities applied for will be considered for authorization. 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.

4. Please note that the Public Participation Process (PPP) should be conducted according to Regulation 56 of GN No. R 385 of 21 April 2008. Please note that "the site where the activity to which the application relates" is considered the entire property on which the activity was conducted and is not restricted to the construction site.

5. You are further advised that the Environmental Impact Assessment (EIA) Report must contain all the information outlined in regulation 32 (2) of the EIA regulations, as omission of information may result in the EIA report being rejected.

6. The Department's Guideline on Public Participation (May 2009) 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 56(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/eap).

7. Please be advised that the draft report must be made available to the public and all State Departments that administer laws relating to a matter affecting the environment for comment for a period of 40 days. The applicant/Environmental Assessment Practitioner is required to inform this Department in writing upon submission of the draft report to the relevant State Departments. Upon receipt of this confirmation, this Department will in accordance with Section
24O (2) & (3) of the NEMA (as amended) inform the relevant State Departments of the commencement date of the 40 day commenting period. Please be further advised that a commenting period of 21 days will apply to all requests for comment on any information, documentation or reports, unless an alternative commenting period is specified by this Department.

8. 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.

9. You are hereby requested to submit the following information for the Department to determine the administrative fine that must be paid prior to making an informed decision:

9.1 Proof of the PPP conducted according to Regulation 56 of Government Notice No. R. 385 of 21 April 2006, to bring the Section 24 G 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 activity;

9.2 A register of all I&APs in respect of the application in accordance with Regulation 57 of Government Notice No. R. 385 of 21 April 2008; and

9.3 A report detailing the comments from I&APs, responses to such comments and the outcomes of the PPP referred to 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 34 of the EIA Regulations. 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 additional information 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 information in order to expedite the Section 24G EIA Report. The outstanding information 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 outstanding information 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 outstanding information 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 information 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: Law Enforcement and Administration for legal action. Should no information be provided prior to the lapping of the six month period, the application will be referred to the Department's Directorate: Law Enforcement and Administration for legal action.

13. Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
Department of Environmental Affairs and Development Planning
Chief Directorate: Environment and Land Management

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

HEAD OF DEPARTMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
CC: (1) Mr N Wulfschlieger (BEC)
    (2) Mr P Hartzenberg (Breede Valley Municipality)

Fax: (023) 347 0336
Fax: (023) 347 3671