



**EIA REFERENCE:** 16/3/3/6/7/1/F5/20/2206/17

**ENQUIRIES:** AYESHA HAMDULAY

**DATE OF ISSUE:** 2018 -01- 18

The Board of Directors  
JH Smuts Boerdery EDMS BPK  
P O Box 22  
**RIEBEECK KASTEEL**  
7307

**Attention: Mr Jan Smuts**

Cell: 083 551 4567

E-mail: [smuts@timco.co.za](mailto:smuts@timco.co.za)

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE NOTICE OF INTENT TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED EXPANSION OF THE JAN SMUTS ROOIHOOGTE PIGGERY ON PORTION 4 OF THE FARM NO. 649, GROOTVERLANGEN, RIEBEECK KASTEEL**

1. The Notice of Intent Form with cover letter dated 16 November 2017, received by this Department on 17 November 2017, refers.
2. This letter serves as an acknowledgement of receipt of the abovementioned document by this Department.
3. This Department notes that the proposed expansion of the existing Jan Smuts Rooihogte Piggery on Portion 4 of the Farm No. 649, Grootverlangen, Riebeeck Kasteel entails the following:
  - Expansion of the breeding site to approximately 2.8ha (six piggery additional houses)
  - Expansion of the Weaning site to approximately 0.5ha (two piggery additional houses)
  - Expansion of the Growing site to approximately 4.85ha (eight piggery houses)
4. Listed Activities  
After considering the information provided in the Notice of Intent, this Department notes that the proposed development constitutes a listed activity as defined in terms of the NEMA EIA Regulations, 2014 (as amended), namely Activity 39 of GN No. R.983 (as amended).

**Item 39 of GN No. R.983 (as amended):**

"The expansion and related operation of facilities for the concentration of animals in densities that will exceed—

- (i) 20 square metres per large stock unit, where the expansion will constitute more than 500 additional units;
- (ii) 8 square meters per small stock unit, where the expansion will constitute more than;
  - (a) 1 000 additional units per facility or more excluding pigs where (b) applies; or
  - (b) 250 additional pigs, excluding piglets that are not yet weaned;
- (iii) 30 square metres per crocodile where the expansion will constitute an additional 20 crocodiles or more;
- (iv) 3 square metres per rabbit where the expansion will constitute more than 500 additional rabbits; or
- (v) 250 square metres per ostrich or emu where the expansion will constitute more than 50 additional ostriches or emus."

You are hereby advised that only those listed activities applied for in terms of the EIA Regulations, 2014 (as amended) will be considered for authorisation. The onus is on the applicant to ensure that all applicable listed activities are applied for and assessed as part of the EIA process. Failure to include any applicable listed activity may invalidate the application.

5. Process

A Basic Assessment Process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment Process.

You are referred to Appendix 1 of GN No. R.982 (as amended) for the requirements with respect to the 'Basic Assessment Process'. You are advised that when undertaking the Basic Assessment Process you must take into account this Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations, 2014 (as amended) as well as any other guidance provided by this Department. This Department's guidelines can be downloaded from the Department's website. In particular, the guidelines that may be applicable to the proposed development include, *inter alia*, the following:

- 5.1. Guideline for Environmental Management Plans (June 2005)
- 5.2. Guideline on Exemption Applications (March 2013)
- 5.3. Guideline on Public Participation (March 2013)
- 5.4. Guideline on Alternatives (March 2013)
- 5.5. Guideline on Need and Desirability (March 2013)

6. Request for a Specific Fee Reference

This Department reminds you that the "Request for a specific fee reference number" form must be completed and submitted to this Department prior to submission of the formal application for the abovementioned proposed development. This Department advises that the Request for a Specific Fee Reference Number Form be submitted to this Department approximately 30 days before the intended date for the submission of the Application Form for Environmental Authorisation. Upon receipt of the specific fee reference number, it must

be inserted into the Application Form for Environmental Authorisation and proof of payment of the applicable fee attached when the Application Form is submitted to this Department.

7. Exemption

This Department notes that you do not intend to apply for Exemption in terms of the National Exemption Regulations, 2014 promulgated on 08 December 2014 from any of the requirements of the Public Participation Process as stipulated by Regulation 41 of the EIA Regulations, 2014 (as amended) any other provisions contained in the EIA Regulations, 2014 (as amended) the NEMA or any notice issued under the NEMA. Please note that should you fail to meet a requirement of the EIA Regulations, 2014 (as amended) or the NEMA and if no exemption from that provision was applied for, your application for Environmental Authorisation may be refused by this Department.

8. Alternatives

Be advised that in terms of the EIA Regulations, 2014 (as amended) and the 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 this Department may grant authorisation for an alternative as if it has been applied for or may grant authorisation in respect of all or part of the activity applied for as specified in Regulation 20 of GN No. R.982 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, activity, 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 (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 proof that the investigation was undertaken and motivation indicating that no reasonable or feasible alternatives other than the preferred option and the 'No-Go' option exist.

9. Public Participation Process

A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during the proposed application (pre-application) process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the BAR and EMPr.

Should a PPP, which includes the circulation of the pre-application BAR for comment, be undertaken prior to submission of an Application Form for Environmental Authorisation to this Department, in terms of Regulation 40, the pre-application BAR may also be submitted to the Department for commenting purposes. Please ensure a minimum of two printed copies of the pre-application BAR is submitted to the Department for commenting purposes.

In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014 (as amended), any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to

comment within 30 days. Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation. Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the BAR, where appropriate. It is noted that, amongst others, the following State Departments and Organs of State will be consulted during the EIA process as part of the PPP:

- 9.1. CapeNature;
- 9.2. Heritage Western Cape;
- 9.3. Swartland Municipality;
- 9.4. The West Coast District Municipality;
- 9.5. The Ward Councillor;
- 9.6. The Department of Health;
- 9.7. The Department of Agriculture;
- 9.8. The Department of Water and Sanitation;
- 9.9. DEA&DP Directorate: Waste Management; and
- 9.10. DEA&DP Directorate: Chemicals and Pollution Management.

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 EIA process. Please note that this does not replace the requirement of making the Basic Assessment Report available to State Departments as stipulated above.

The person conducting the PPP must fulfill the requirements outlined in Chapter 6 of the EIA Regulations, 2014 (as amended) and must take into account any applicable Guidelines published in terms of Section 24J of the NEMA, this Department's Circular EADP 0028/2014 on the "One Environmental Management System" and the EIA Regulations 2014 (as amended), as well as any other guidance provided by this Department. Note that the public participation requirements are applicable to all proposed site.

10. Environmental Management Programme ("EMPr")

In accordance with Section 24N of NEMA and Regulation 19, this 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 of the NEMA (as amended) and Regulation 19 of the EIA Regulations, 2014 (as amended). 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). The EMPr must be submitted together with the Basic Assessment Report. This Department would like to advise that in compiling the EMPr, this Department's Guideline for Environmental Management Plans (June 2005), available on this Department's website must be taken into account as well as Appendix 4 of the EIA Regulations, 2014 (as amended).

11. Need and Desirability

In terms of the EIA Regulations, 2014 (as amended) when considering an application, this 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 SR. The SR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability.

12. The Department awaits the submission of the pre-application BAR prescribed by the EIA Regulations, 2014 (as amended). Please note that one printed copy and one electronic copy (saved on CD/DVD) of the pre-application BAR must be submitted.
13. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- 13.1. That additional information or documents will not be requested, or
  - 13.2. Of the outcome of the application.
14. 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.
  15. It is prohibited in terms of Section 24F 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 in terms of the prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
  16. Kindly quote the abovementioned reference number in any future correspondence regarding this letter.
  17. The Department reserves the right to revise or withdraw its comments and request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: Ms L. R. Abrahams / Mr N. Hanekom

(EcoImpact)

E-mail: [admin@ecoimpact.co.za](mailto:admin@ecoimpact.co.za)



**REFERENCE:** 19/2/5/7/F5/20/WL0114/17

The Board of Directors  
Eco Impact Legal Consulting (Pty) Ltd  
PO Box 45070  
**CLAREMONT**  
7735

Tel: (021) 671 1660  
Fax: (021) 671 9976  
Email: [admin@ecoimpact.co.za](mailto:admin@ecoimpact.co.za)

**Attention:** Ms LR Abrahams

Dear Madam

**ACKNOWLEDGEMENT OF RECEIPT OF THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR THE PROPOSED EXPANSION OF THE JAN SMUTS ROOIHOOGTE PIGGERY, RIEBEEK KASTEEL**

1. The abovementioned documentation, dated 16 November 2017, as received by the Department of Environmental Affairs and Development Planning, Directorate: Waste Management ('the Department') on 17 November 2017, refers.
2. This letter serves as an acknowledgment of receipt of the abovementioned document.
3. This Department notes, based on the information received, that the Facility will engage in composting activities.
4. Furthermore, based on the information received and subsequent telephonic conversation with Ms LR Abrahams, it is understood that the quantities that will be composted will not trigger the Category A listed Activity 3 (6), *'The treatment of general waste using any form of treatment at a facility that has the capacity to treat in excess of 10 tons but less than 100 tons'* as contained in Government Notice No. 921 of 29 November 2013, *'The list of waste management activities that have, or are likely to have a detrimental effect on the environment'*.
5. Kindly note, should the composting activity increase to treat quantities of waste greater than 10 tons/day, a waste management licence is required prior to the composting taking place. It is an offence in terms of section 20 (b) of the NEM: WA for a person to commence, undertake or conduct a waste management activity, except in accordance with a Waste Management License issued in respect of that activity, if a License is required. Failure to comply with the requirements of section 20 (b) of the NEM: WA will result in the matter being referred to the Directorate: Environmental Governance 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.



6. Kindly quote the abovementioned reference number in any future correspondence in respect to the application.
7. The Department reserves the right to revise initial comments and request further information based on any new or revised information received.

Yours faithfully



**LANCE MCBAIN-CHARLES**  
**DEPUTY DIRECTOR: WASTE MANAGEMENT LICENSING**

**DATE:** 2017/12/5

## Nicole Loebenberg

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**From:** Chrisna <info@zonquasdrift.co.za>  
**Sent:** 25 January 2018 11:02 AM  
**To:** admin@ecoimpact.co.za  
**Cc:** Alexander Mettenheimer  
**Subject:** PUBLIC PARTICIPATION PROCESS - PROPOSED JAN SMUTS ROOIHOOGTE PIGGERY EXPANSION, RIEBEEK KASTEEL

Dear Mrs Abrahams

I am writing to you in the context of the public participation process for the proposed JAN SMUTS ROOIHOOGTE PIGGERY Expansion.

Zonquasdrift Estate is the owner of the a nearby Farm ( Gedeelte 2, “ Die Ou Opstal” plaas Nr 648 in landregister of Malmesbury ).

When the current piggery aires the existing facilities an enormous smell from fills the air in the Valley, in particular when the wind blows from the southern direction.

An increase in the facility will increase the smell.

Further i cannot judge and submit for your consideration the impact and handling of the CO2 output of further 1000 sows.

Furthermore the traffic to and from the piggery will be a burden on the gravel road from Riebeek Kasteel to Voëlvlei Dam. The rock bed of this road is severely damaged already and would need reinforcement. or to the road from Rooihoogte to the R46.

on both grounds i object to the expansion  
yours sincerely

Alexander Mettenheimer  
**ZONQUASDRIFT ESTATES (PTY) LTD**  
**POSBUS 7**  
**RIEBEEK KASTEEL**  
**7307**  
**Tel : 022-4481078**  
[info@zonquasdrift.co.za](mailto:info@zonquasdrift.co.za)



## Lauren Abrahams

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**From:** Zethembe Khuluse <Zethembe.Khuluse@westerncape.gov.za>  
**Sent:** Tuesday, December 05, 2017 1:57 PM  
**To:** smuts@timco.co.za  
**Cc:** lauren@ecoimpact.co.za  
**Subject:** FARM PORTION 649 AND PORTION 4 OF FARM 649, MALMESBURY, SWARTLAND MUNICIPALITY (CASE: 17110819ZK1117E)  
**Attachments:** Record of Decision.pdf

**CASE: 17110819ZK1117E**  
**FARM PORTION 649 AND PORTION 4 OF FARM 649**  
**MALMESBURY**  
**SWARTLAND MUNICIPALITY**

The matter above has reference.

Heritage Western Cape is in receipt of your application for the above matter received on 17 November 2017.

You are hereby notified that, since there is no reason to believe that the proposed expansion of the existing 1000 sow piggery to 2000 sows by expanding the existing breed on Farm Portion 649 and Portion 4 of Farm 649, **will not impact** on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately and Heritage Western Cape must be notified without delay.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official below and quote the case number.

Regards

**Mr. Zethembe khuluse (MTRP)**

Heritage Officer  
Department of Cultural Affairs and Sport  
Heritage Western Cape  
3<sup>rd</sup> Floor, Protea Assurance Building  
Green Market Square  
Cape Town  
8001

**t) 021 483 9685**

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