

INITIAL PUBLIC PARTICIPATION COMMENTS RECEIVED - UNLAWFUL CONSTRUCTION OF INFRASTRUCTURE FOR THE EXPANSION OF VINEYARDS ON PORTION 13 OF ORANGE FARM NO. 16, AUGRABIES FALLS WAY

DRAFT S24G ENVIRONMENTAL IMPACT REPORT COMMENTS RECEIVED - THE LAIR VINEYARDS

| Date | Comment | I&AP | Project | Response | Respondent |
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| 05/07/2017 | <p>Good day,</p> <p>Kindly note that the project falls under the Upington Office of the Department of Water and Sanitation. You need to print and bind the documentation and send it to the admin officer at DWS, Upington Office for attention: Pabalelo Olifant. The e-mail address in you contact list is that of an official in Head Office. Please use the postal address below.</p> <p>Jolene van Wyk-Towell Water Control Private Bag X5912 Upington 8800</p> | Department of Water and Sanitation (Jolene van Wyk-Towell) | unlawful expansion of vineyards | <p>Dear Jolene,</p> <p>Your response is hereby acknowledged.</p> <p>Please note that I will bind the report and send it to your Upington Office for Pabalelo Olifant's attention.</p> <p>Please don't hesitate to contact me should you require additional information.</p> <p>Kind regards,</p> | Enviro Africa |
| 05/07/2017 | <p>Dear Emile, Please courier to:</p> <p>Department Water and Sanitation Louisvale Road Upington 8800 Contact: 0543385800</p> | Department of Water and Sanitation (Jolene van Wyk-Towell) | unlawful expansion of vineyards | <p>Dear Jolen,</p> <p>Thank you very much.</p> <p>Kind regards,</p> | EnviroAfrica |
| Dated 14 July 2017 and received on 20/07/2017 | <p>This office has no objections or comments on the abovementioned proposal on condition that all regulations and terms of the Spatial Planning and Land Management Act (Act 16 of 2013) as well as the Town Planning Scheme Regulations for Kai !Garib Municipality are comply with.</p> <p>Please also make sure that the proposal will not be detrimental to any other property or landowner.</p> | Kai !Garib Local Municipality (Willie Swart) | unlawful expansion of vineyards | <p>Dear Mr. Willie,</p> <p>I hereby acknowledge receipt of your comment. Please note that your comment is duly noted.</p> <p>Adjacent land owners has also been notified of the proposed development.</p> <p>Thank you for your comment.</p> | EnviroAfrica |
| 18/07/2017 | <p>Good morning,</p> <p>SAHRA has received via post a notification of the 24G Application for the unlawful construction of infrastructure for the expansion of a vineyard on Portion 13 of Orange Falls Farm No 16, Augrabies, Northern Cape Province. Please note that SAHRA does not accept posted, hardcopy, emailed or website links as official submissions. Please create an application on the South African Heritage Information System (SAHRIS) and upload all documents to the case. Once completed, please change the status of the case from DRAFT to SUBMITTED and notify me, referencing the Case ID number.</p> | SAHRA (Natasha Higgitt) | unlawful expansion of vineyards | <p>Hi Natasha,</p> <p>The S24G EIR has been uploaded onto SAHRIS on 05 July 2017, and Case ID Number: 11307.</p> <p>Please see the link to SAHRIS below: http://www.sahra.org.za/sahris/cases/rectification-unlawful-construction-infrastructure-expansion-vineyard-portion-13-orange-falls</p> <p>Kind regards,</p> | EnviroAfrica |
| 09/08/2017 | <p>Dear Emile – My apologies for only responding now. However, the CD with information was only received recently via normal post and long after the commenting period commencement date.</p> <p>Since I am responsible for the required WULA and Plow certificate I will not make detailed comments on your report but only lift out the serious flaw in the report.</p> <p>Note that both DENC and DWS were already on site and emphasized the fact that operations on the farm is taking place without the required environmental authorisation and water licences. The water licences include the shortage of water rights and the fact that development took place over watercourses. I have submitted a temporary transfer application with the aim to temporary solve the shortage of water.</p> <p>The fact that you did not include the necessary listed activities for work near and over watercourses is surprising. Especially, since I have pointed this out to the applicant and in my comment on the application form. This means that I cannot complete the WULA and Plow Certificate because environmental authorisation is required for the development near and over water courses.</p> <p>It is also surprising that you are not clear on the lack of water rights for the property. At this stage I am not clear whether the additional water could be sourced from the canal – it is therefore also possible that a pumpstation at the river would be required. Lastly – just a general question – why is the report written as if the development is still to be undertaken?</p> | Pieter Badenhorst Professional Services | " | <p>Dear Pieter,</p> <p>Your comment is duly noted.</p> <p>Please note that your concerns will be addressed during the compilation of the final S24G EIR.</p> <p>We are consulting with DENC to include the additional listed activity.</p> <p>Kind regards</p> | EnviroAfrica |

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| 11/08/2017 | <p>Please note that the letter was received via normal post on 28 July 2017. The final date for comment of 3 Augustus 2017 is therefore totally unreasonable. You should ensure that I&APs receive your notification before commencement of the commenting period.</p> <p>We wish to submit comments on the report and will do so by 14 August 2017.</p> | Stephan Pieterse (Dormell Properties/ Capespan Farms) | " | <p>Dear Stephan,</p> <p>Your response is noted.</p> <p>I am awaiting your comment on 14 August 2017.</p> <p>Kind regards,</p> | EnviroAfrica |
| 11/08/2017 | <ol style="list-style-type: none"> 1. The report and EMP is written in a way as if the development is still to take place whereas final earthworks were already completed in 2016. 2. The application is for 10ha where more than 10ha was already developed by July 2010. 3. It is indicated that the streams are not important which is surprising since those same streams that run over the Noudonsies property were deemed to be watercourse by DWS when assessing the development. In my view, the absence of the relevant listed activities serves as a fatal flaw for the report presented. 4. It is fact that the development does not have adequate water rights for 20ha. Why is this point not raised specifically with indication on whether the necessary applications will be made to DWS? 5. No mention is made of the drainage water from the development that is causing serious problems for Noudonsies which lies immediately downstream. | Stephan Pieterse (Dormell Properties/ Capespan Farms) | " | <p>Hi Stephan,</p> <p>Your comment is noted.</p> <p>Please note that S24G application form has been amended and includes the additional watercourse related listed activities.</p> <p>Please note that a WULA application will be submitted in due course.</p> <p>The final S24G Environmental Impact Report (EIR) will go out for a 30 day commenting period in due course. The watercourse related concerns will be addressed in the EIR.</p> <p>Kind regards</p> | EnviroAfrica |
| 10/08/2017 | <p>Please take note that the temporary transfer cannot go through without all the issues below be addressed. Please take note that the Department will consider issuing a directive regarding the unlawful water use should the water user not adhere to all legislation and meet the requirements thereof.</p> | Jolene van Wyk-Towell (DWS). | " | <p>Dear Jolene,</p> <p>Thank you for your comment dated 10 August 2017, which is duly noted.</p> <p>Please note that in response, EnviroAfrica has approached DENC as the competent authority to address the issue of the inclusion of listed activity 14 under Listing Notice 1 (GN. R. 327) of NEMA in our current application process. We would like your Department to be aware of our best attention to issues of environmental concern and appreciate your input to the robustness of this application process. If there are any additional concerns from the Department of Water and Sanitation (DWS), please do not hesitate to contact our offices.</p> <p>To this end, I will forward you the correspondence as sent to DENC earlier today (11 August 2017). Please note that when EnviroAfrica initiates a Public Participation Process (PPP), all documentation is available on our website (www.enviroafrica.co.za) under "For public participation", in addition to the hardcopy information letter sent to I&APs. Since I&APs are informed of such, any I&AP request for additional electronic copies of the documentation submitted does not absolve the I&AP's responsibility to adhere to the legislated timeframes of the PPP.</p> <p>A hard copy of the S24G EIR was posted to DWS (Kimberly) office on 30 June 2017. EnviroAfrica was informed by yourself, on 05 July 2017, that a hardcopy of the S24G EIR have to be submitted to DWS's Upington office. Subsequently, a copy of the S24G EIR was couriered to the DWA's Upington Office and received by your office on 17 July 2017. In addition, please note that if required by the competent authority the final S24G EIR, with an updated comments and response report, will be sent to registered I&APs for commenting.</p> <p>Please be assured (as always) of our commitment to a sustainable environment and the protection of our natural resources. Kind regards,</p> | EnviroAfrica |
| 11/08/2017 | <p>Dear Emile – your letter dated 28 June 2017 has reference:</p> <p>Please note that the letter was received via normal post on 28 July 2017. The final date for comment of 3 Augustus 2017 is therefore totally unreasonable. You should ensure that I&APs receive your notification before commencement of the commenting period.</p> <p>We wish to submit comments on the report and will do so by 14 August 2017.</p> | Stephan Pieterse (Dormell Properties/ Capespan Farms) | " | <p>Dear Stephan,</p> <p>Your response is noted.</p> <p>I am awaiting your comment on 14 August 2017.</p> <p>Kind regards</p> | EnviroAfrica |

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| 11/08/2017 | <p>Since I am not experienced with the EIA Regulations please find these general comments:</p> <ol style="list-style-type: none"> 1. The report and EMP is written in a way as if the development is still to take place whereas final earthworks were already completed in 2016. 2. The application is for 10ha where more than 10ha was already developed by July 2010. 3. It is indicated that the streams are not important which is surprising since those streams that run over the Noudonsies property were deemed to be watercourse by DWS when assessing the development. In my view, the absence of the relevant listed activities serves as a fatal flaw for the report presented. 4. It is fact that the development does not have adequate water rights for the 20ha. Why is this point not raised specifically with indication on whether the necessary applications will be made to DWS? 5. No mention is made of the drainage water from the development that is causing serious erosion problems for Noudonsies which lies immediately downstream. | Stephan Pieterse (Dormell Properties/ Capespan Farms) | " | <p>Hi Stephan,</p> <p>Your comment is noted.</p> <p>Please note that S24G application form has been amended and includes the additional watercourse related listed activities.</p> <p>Please note that a WULA application will be submitted in due course.</p> <p>The final S24G Environmental Impact Report (EIR) will go out for a 30 day commenting period in due course. The watercourse related concerns will be addressed in the EIR.</p> <p>Kind regards</p> | EnviroAfrica |
| 30/08/2017 | <p>The SAHRA Archaeology, Palaeontology and Meteorites (APM) Unit does not accept the submitted report. A Heritage Impact Assessment (HIA) must be conducted for the development which will assess the potential heritage resources that may have been present within the development area, and what may still be uncovered during the operation of the vineyards. The HIA must assess all heritage as defined in section 3 of the National Heritage Resources Act, Act 25 of 1999 (NHRA) and comply with section 38(3) of the NHRA. Further comments will be issued on receipt of the above.</p> <p>Should you have any further queries, please contact the designated official using the case number quoted above in the case header.</p> | SAHRA (Natasha Higgitt) | " | <p>Your letter dated 30 August, 2017 (Interim Comment) refers:</p> <p>Please note the following:</p> <ol style="list-style-type: none"> 1. The affected portion of land is entirely transformed and degraded (refer to Figure 1). 2. The 'illegal' vineyard has been operational since 2010. 3. The affected landholdings were already grazed prior to development of the vineyards. 4. No archaeological remains were found during a screening assessment of the affected site. <p>However, relatively large numbers of Middle Stone Age tools in banded ironstone were recorded during an assessment of Farm No. 16/13 (refer to Figure 2). This study, separate from the Section24G Rectification, was undertaken as part of a Basic Assessment Process for a proposed new vineyard development on the same farm, and is part of a separate application process being done by EnviroAfrica cc. A desktop palaeontological study will also be undertaken by Dr John Almond (Nature Viva) as part of the new application.</p> <p>I trust this clarifies matters.</p> | Jonathan Kaplan |
| 08/09/2017 | <p>Good afternoon,</p> <p>Thank you for the response. Please ensure that the document has been uploaded to the relevant SAHRIS case application, and the status of the case has been changed to submitted.</p> | SAHRA (Natasha Higgitt) | " | <p>Dear Natasha,</p> <p>Please note that the document was uploaded onto SAHRIS yesterday and the status changed to submitted.</p> | EnviroAfrica |
| 30/08/2017 | <p>The Department of Water & Sanitation (DWS) hereby acknowledge receipt of the draft EIR for the rectification of the unlawful construction of infrastructure for the expansion of a vineyard on portion 13 Orange Falls Farm No. 16, Augrabies, Northern Cape.</p> <p>The Department takes note of the proposed activity and therefore provides the following comment:</p> <ol style="list-style-type: none"> 1. Please note that transferring of water rights for the above mentioned development needs to be authorised by this Department. 2. Page 4 of the report indicates that sewage on the farm gets emptied by a honey sucker by the Local Municipality. Please furnish this department with a copy of the agreement between the farm and the municipality. 3. Please note that no development should take place within 100m horizontal distance from a watercourse or within 1:100 year flood line. Operation and storage of equipment within the riparian zone must be limited as far as possible. | Chantel Schwarts (DWS) | " | <p>Dear Chantel,</p> <p>Your email with attached comment dated 30 August 2017 refers.</p> <p>Your comment is duly noted.</p> <p>The applicant indicated that a Water Use License Application will be submitted in due course.</p> <p>A confirmation letter from the municipality, that sewage on the farm gets emptied by a local municipality, will be obtained from the applicant and will be forwarded to you.</p> | EnviroAfrica |
| 08/09/2017 | <p>Dear Emile</p> <p>Noted. Please note that you can submit all of the information required by our office in one batch when you apply for a Water Use Licence. There is a DW755 form that needs to be completed in order to apply for a water use licence, I have attached the form.</p> <p>With many thanks and kind regards, Chantel</p> | Chantel Schwarts (DWS) | " | <p>Dear Chantel,</p> <p>Please find attached letter from the Municipality dated 21 September 2017.</p> <p>It was confirmed that the municipality is responsible for the removal of sewage on the farm.</p> <p>Kind regards, Emile</p> | EnviroAfrica |
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