



REFERENCE: 16/3/3/6/7/2/E3/10/1163/17
ENQUIRIES: Ms Lorretta Osborne
DATE OF ISSUE: 2017 -07- 03

The Trustees
Sangasdrift Trust
PO Box 15
BONNIEVALE
6730

Attention: Mrs O Jonker

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Dear Madam

COMMENT ON NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS 2014 FOR THE PROPOSED CONSTRUCTION OF HUT DAM ON PORTIONS 3 AND 5 OF FARM VAN DER WATSKRAAL NO. 394 AND THE RECONSTRUCTION OF AN EXISTING WEIR ON REMAINDER OF FARM NO. 234, SWELLENDAM

1. The abovementioned document submitted to the Department on 9 June 2017 and the Departmental letter issued on 20 June 2017, refer.
2. This letter serves as an acknowledgement of receipt of the aforementioned document by the Department.
3. Following a review of the information submitted to this Department, we note the following:
 - 3.1. The proposal entails the construction of a dam and the reconstruction of an existing weir on the above-mentioned farms.
 - 3.2. The capacity of the dam will be 330 000m² and the height of the dam wall will be 14m.
 - 3.3. The total footprint of the dam will be 6.8ha.
 - 3.4. A new pipeline of 300mm in diameter will be constructed to feed water from the weir to the storage dam.
 - 3.5. The existing weir will be rehabilitated with a steel-enforced concrete weir with piped outlet works.
 - 3.6. The weir will be based on a foundation of about 3.6m wide and will be equipped with a downstream flush valve.
 - 3.7. The current zoning of the site is Agriculture.

- 3.8. The excavated soil will be used in the construction of the dam wall.
- 3.9. The vegetation on the site is classified as vulnerable.
- 3.10. An application in terms of Section 21 of the National Water Act, 1998 (Act 36 of 1998) for a Water Use Licence is required.

Process

4. On 7 April 2017 the Minister of Environmental Affairs amended the regulations that was promulgated on 4 December 2014 in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations 2014 (as amended) (Government Notice ("GN") No. R. 326, R. 327, R. 325 and R. 324 in Government Gazette No. 40772 of 7 April 2017).
5. You are therefore requested to consult the amended listed notices as contained in GN No. R.327, R.325 and R.324 of 7 April 2017, and to inform this Department of all activities applicable to the application. You will also be required to indicate how the impacts of any additional activities, listed in terms of the NEMA EIA Regulations, 2014 (as amended), have been adequately assessed, if applicable.
6. Proof of submission of a Water Use Licence Application ("WULA") to the Department of Water and Sanitation must be provided to this Department with the final BAR. In addition, where a WULA is required, please ensure the WULA assessment information is included with the in-process BAR.
7. In light of the fact that Activity 19 of Government Notice No. R. 983 in terms of the NEMA EIA Regulations, 2014 is triggered by the proposed development, the Department recommends that a Maintenance Management Plan ("MMP") forms a component of the Operational Environmental Management Plan. Please refer to the attached Guideline for Compiling a MMP. Please be advised that the MMP relates to the aforementioned listed activity only.
8. After considering the information provided in the Notice of Intent, the Department concurs that the proposed development constitutes listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended).
9. 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.
10. You are advised that when undertaking the Basic Assessment process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (<http://eadp-westerncape.kznshf.gov.za/your-resource-library>). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
 - Circular EADP 0028/2014: One Environmental Management System.
 - Guideline for the Review of Specialist Input in the EIA process (June 2005).
 - Guideline for Environmental Management Plans (June 2005).
 - Guideline on Alternatives (March 2013).
 - Guideline on Need and Desirability (March 2013).
 - Guideline for involving a Visual and Aesthetic Specialist (June 2005).

11. Please ensure the Basic Assessment Report and Environmental Management Programme contain all information requirements outlined in Appendices 1 and 4 respectively of GN R. 326. Omission of any required information may result in the application for Environmental Authorisation being refused.

Public Participation

12. 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 Basic Assessment Report.
13. Should a public participation process, which includes the circulation of the pre-application Basic Assessment Report for comment, be undertaken prior to submission of an Application Form to the Department, in terms of Regulation 40, the pre-application Basic Assessment Report may also be submitted to the Department for commenting purposes. Please ensure a minimum of two printed copies of the pre-application draft Basic Assessment Report is submitted to the Department for commenting purposes.
14. 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 Basic Assessment Report, where appropriate.
15. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate 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.
16. 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:

- that additional information or documents will not be requested of the outcome of the application

17. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

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**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 2
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms I Erasmus (EnviroAfrica CC)
(2) The Municipal Manager (Swellendam Municipality)

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