

NO.	DATE	AFFILIATION	REFERENCE NUMBER	COMMENTS	RESPONSE	RESPONDENT
Comments on Pre-Application BAR						
1.	2018-08-11	Cape Nature Phillipa Huntly	SSD14/2/6/1/9/3/3 64_33_Dam_Ceres	<p>Appendix F2.1</p> <p>1. According the Western Cape Biodiversity Spatial Plan of 2017 (WCBSA), there is a terrestrial Ecological Support Area (ESA) in the north eastern section of the farm however this is outside of the footprint of the proposed development. There are aquatic ESAs (Category 2) associated with the non-perennial streams which traverse the property and lead into the existing Driefontein dam. These have been correctly reflected in the report. The desired management objective for ESA 2 is to restore and/or manage to minimise the impact on ecological infrastructure functioning – in this case the non-perennial streams. There is potential for restoration of sections of the water courses and we support the recommendation made in the botanical report and reflected in the BAR.</p> <p>2. As noted in the CapeNature comments of 22 Nov 2017, the mapped natural vegetation for this area is Ceres Shale Renosterveld which is listed as Vulnerable and is steadily declining to</p>	<p>1. Noted and agreed.</p> <p>2. Noted and agreed.</p>	EnviroAfrica

				<p>the extent that it almost qualifies as an Endangered ecosystem. Additionally, in terms of formal protection, this vegetation type is considered poorly protected. It is noted that the current stats of the site is that it has been transformed by extensive and intensive agriculture over a long period of time with no significant natural vegetation remaining. This is reflected in the BAR and the botanical specialist report. It is noted that no new clearing will be done for infrastructure as existing roads and irrigation pipes will be used. It is noted that the footprint of the dam will remain similar to the existing footprint with extra capacity gained via excavation of the existing dam.</p> <p>3. It is noted that the proposed expansion is planned in a phased approach and that the reason for expanding the capacity of the dam is to allow for 22ha of deciduous fruit orchards on previously cultivated land. Please provided clarity on the proposed time frame for Phase 2 and the rationale behind the phased approach.</p> <p>4. Downstream cumulative impacts are a concern with all dam expansions and applications for new dams, particularly given the recent catchment wide increase in the number of</p>	<p>Appendix F2.1.1 for email correspondence</p> <p>3. The reason for the phased approach for the proposed dam expansion is due to financial restrictions and budgeting phases. It was proposed that phase 2 will only commence after \pm5-8 years or even more after the first phase when finances / sponsors are available.</p> <p>4.</p>	<p>EnviroAfrica & Sarel Beter Ingenieurs</p>
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				<p>applications for such. However in this case it is noted that the volume of water that is proposed to be stored in the Driefontein dam, after the completion of phase 1 and 2, does not represent any more water being extracted from the river than is currently being abstracted via a canal system. It is noted that the relevant Water Use Licence is valid as confirmed by BGCMA. For clarity:</p> <p>(a) Please indicate response to the CapeNature comment on 22 Nov 2017 regarding ecological requirements.</p>	<p>4 (a) Please note that there is extremely limited or no natural runoff/ natural streams feeding the Driefontein dam and therefore no Ecological Flow Requirements were considered. Firstly, according to precipitation and accompanying run-off of this particular drier area of the larger Ceres basin, there is very little run-of, secondly please note that the Warmbokkeveld Scheme Canal cut off any possible natural runoff.</p> <p>Please refer to the attached map (Appendix F2.1.1.1) indicating the Warmbokkeveld Irrigation Board Canal system (Purple line). Its main purpose is to feed water from the water-rich mountainous area to the drier Ceres basin, also in particular the Driefontein dam. The yellow polygon</p>	
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				<p>(b) Is the canal system to be de-commissioned once replaced by the dam?</p>	<p>represents the Agterfontein Trust (Driefontein Dam) outlet (or “tap”) from which water is released from the scheme and flows to the dam via a earth trench into the Driefontein dam (light blue line) and therefore does not a represent a natural stream.</p> <p>The darker blue line above the dam represents another stream which will be redirected past the dam (as per recommendations from BGCMA) so that the water do not flow into the dam.</p> <p>4 (b) No, the canal system will and cannot be de-commissioned since it feeds not only this particular dam but about 20-30 more dams downstream. The Warmbokkeveld Irrigation Canal Scheme serves 25-27 BGCMA listed members. The dam expansion will and cannot replace the canal. A dam is build to store the winter water for the summer season and therefore a dam cannot replace a winter rainfall canal system, it has different functions. The Driefontein dam is not depended on any natural</p>	
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				<p>5. Any invasive alien vegetation on the property needs to be cleared on a regular basis and any areas of erosion on the property need to be rehabilitated.</p> <p>Please note that our comments pertain only to the biodiversity and ecological aspects of the receiving environment and not to the overall desirability of the application. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>stream to provide water, this has been confirmed by BGCMA in the DWS driven Validation & Verification process of 2013. The farm has no surface water excepts the scheduled Warmbokkeveld Irrigation Board water, which could in the past never be potted because of limited storage. The purpose of this dam is solely to enlarge the capacity in order to pot up lawful scheduled water and therefore no more surface or run-off water will be extracted that was in the past.</p> <p>5. Agreed and Noted</p>	<p>EnviroAfrica</p>
2	2018-08-2018	BGCMA	4/190/2/H108?Riet vallley364/33	Appendix F2.1		EnviroAfrica

				<p>1. BGCMA would like to acknowledge receipt of the WULA which was lodged online for Agterfontein Trust on 18 December 2017. The WULA is in relation to the enlargement of the Driefontein Dam as suggested in the Technical Report for the WULA dated March 2018. It is therefore, during the process of WULA evaluation that all water resources related issues would be addressed.</p> <p>2.</p> <p>General</p> <ul style="list-style-type: none"> • No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998). • No waste or water containing waste may be disposed without authorisation from the National Water Act, 1998 (Act 36 of 1998) and National Environmental Management: Waste Act, 2008 (Act 59 of 2008). • All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to. • No pollution of surface water or groundwater resources may occur. • Stormwater management must be addressed both in terms of flooding, erosion and pollution potential. • No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities and premises may be discharged into a water resource. Polluted stormwater must be contained. <p>3. Please be advised that no activities may commence without the appropriate approvals/authorisation where needed from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorisation for. The Department of Water and Sanitation (DWS) has issued notice 131 of 2017 regulations that require the taking of water for irrigation</p>	<p>1. Noted</p> <p>2. Agreed & noted</p> <p>3. Agreed & noted</p>	
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				<p>purposed be measures, recorded and reported.</p> <p>4. This office reserves the right to amend and revise its comments as well as to request further information</p>	4. Noted	
3.		DEADP Bernadette Osborne	16/3/3/6/7/1/B5/2 /1358/17	<p>Appendix F2.3</p> <p>1. The pre-application Draft BAR and letter dated 12 July 2018, received by this Department on the same day and this Department's acknowledgement thereof on 17 July 2018, refer.</p> <p>2. This letter serves as comment on the aforementioned document by this Department.</p> <p>3. According to the information submitted to this Department, the following is noted:</p> <ul style="list-style-type: none"> • The proposed development entails the enlargement of the Driefontein Dam on portion 33 of Farm Rietvalley No. 364, Ceres. • The proposed dam expansion will be implemented in two phases. During phase 1 the dam will be enlarged to a storage capacity of approximately 320 000m³ and during phase 2 the dam will be enlarged to a storage capacity of approximately 420 000m³. • The existing spillway will be demolished and a new spillway will be constructed within the same footprint 	<p>1. Noted.</p> <p>2. Noted</p> <p>3. Correct</p>	

				<p>but with a total increase in height of 2.15m. During phase 1 the spillway will be increased with 1.55m and a further 0.6m during phase 2.</p> <ul style="list-style-type: none"> • The proposed development will enable the cultivation of an additional 22ha of deciduous fruit orchards on previously cultivated land. Water will be pumped from the proposed dam to the new orchards for irrigation. • The site is surrounded by agricultural activities. • The site historically contained indigenous vegetation, namely Ceres Shale Renosterveld vegetation, which is classified as vulnerable. It has however been transformed due to past and ongoing agricultural activities of wheat farming with no indigenous vegetation remaining on the site. • The dam is an in-stream dam and will only store the existing lawful water use. • The site is located outside the urban area of Ceres and is zoned for agriculture use. <p>4. This Department’s comments are as follows: 4.1 In terms of the NEMA EIA Regulations, 2014 as defined in Listing Notices 1, 2 and 3, please note the following:</p>	<p>4. 4.1 See below</p>	
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				<ul style="list-style-type: none"> • Since the proposal entails the expansion of an in-stream dam, Activity 48 of Listing Notice 1 will be triggered by the proposal and must be included in the list of activities applied for, as indicated in this Department's letter dated 16 November 2017. • It is indicated that the new irrigation pipes "should not trigger any listed activities". The new or extended irrigation pipes might however trigger Activity 12 and/or Activity 48 of Listing Notice 1. This must be clarified and included, if applicable. • Since little to no indigenous vegetation remains on the site, Activity 27 of Listing Notice 1 and Activity 12 of Listing Notice 3 will not be triggered by the proposal. • Since the vegetation on the site is not classified as endangered / 	<ul style="list-style-type: none"> • Noted and included • Please refer to Appendix A2 which indicates (with green marker) the location of 22ha deciduous fruit orchards on <u>ploughed land</u>. The map also indicates the <u>existing pipeline infrastructure</u> (red line). Water will be pumped from Driefontein Dam to Brand se Dam and another small dam west of Brand se dam from where it will be used for the irrigation of crops. No new pipeline infrastructure to be constructed, no natural vegetation will be lost. • Noted and removed • Noted and removed 	
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				<p>critically endangered Activity 12 of Listing Notice 3 will not be triggered by the proposal.</p> <ul style="list-style-type: none"> • If the height of the dam will not be increased by 2.5m and if the high watermark will not be increased by 10ha, Activity 66 of Listing Notice 1 will not be triggered by the proposal. <p>4.2 A comment from the Department of Water and Sanitation (“DWS”) must be included in the BAR. Please be advised that in terms of the Standard Operating Procedure between this Department and the Department of Water and Sanitation, which came into effect on 1 July 2017, the Environmental Assessment Practitioner must submit a written water use application request to the Department of Water and Sanitation to determine whether or not a General Authorisation or WULA in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and</p>	<ul style="list-style-type: none"> • Noted and removed. The dam wall will only be increased by 2.15 in total and the total footprint will only be increased by ±6.39ha. Thus this activity will not be applicable. <p>4.2 Please refer to Appendix F2.2 for comments from BGCMA stating that a WULA lodged online.</p>	
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				<p>163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014 (as amended), as well as the 2017 WULA Regulations.</p> <p>4.3 Since Activity 19 of Listing Notice 1 is triggered, and future maintenance related work may be required, the Department recommends that a Maintenance Management Plan (“MMP”) forms a component of the Environmental Management Programme (“EMPr”). Should the Department agree to the proposed MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking thereof. Please refer to the attached document. Please be advised that the MMP relates to the aforementioned listed activity only.</p> <p>4.4 On Page 11 the following is stated, “The applicant might have to ask for an amendment of the EA for construction phase 2”. The basic assessment process includes both phases of the development. If Environmental Authorisation is granted for both phases, the activities must commence within 5</p>	<p>4.3 Please refer to Appendix F2.3.1 for email correspondence on this comment.</p> <p>4.4 Noted</p>	
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				<p>years and be completed within 10 years from the date of commencement.</p> <p>4.5 The Water Use License Application must be included under Appendix I and not only on request, as indicated.</p> <p>4.6 Appendix J2, the Impact Risk Matrix only includes the preferred alternative. As required under Section G (2) (b) of the BAR, the table must be repeated for each alternative considered to ensure a comparative assessment.</p> <p>4.7 Based on the design specifications included in the Botanical Statement dated 30 May 2018, the Technical Report dated March 2018, the Heritage Impact Assessment dated May 2018 and the Palaeontological Heritage Report dated April 2018, only phase 1 of the proposed dam enlargement was considered. An updated statement for the entire proposal, i.e Phase II must be included to confirm whether the initial findings remains applicable.</p>	<p>4.5 Please note that the WULA is done electronically through the EWULA system, please refer to Appendix F2.2 for a letter from BGCMA confirming that a WULA was lodged online.</p> <p>4.6 Please refer to Appendix J2.1, J2.2 and J2.3 for the Impact Risk Matrix for Alternative 1 (Preferred), Alternative 2 (Not preferred) and No-go alternative.</p> <p>4.7 Reports have been updated and included.</p>	
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				<p>4.8 Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014 with regards to the final submission of the BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.</p> <p>4.9 Please include the original signed applicant declaration in the BAR. No copies of faxes will be accepted. Be advised that an original signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>4.10 In addition to the above, please ensure that original signed</p>	<p>4.8 Agreed</p> <p>4.9 Please note the original declaration from the Applicant will be included in the Application and Final BAR.</p> <p>4.10 Please note the original declaration from</p>	
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				<p>and dated Environmental Assessment Practitioner (“EAP”) declaration is also submitted with the final BAR for decision-making.</p> <p>5. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>6. 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 the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will 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.</p>	<p>the EAP will be included in the Application and Final BAR.</p> <p>5. Noted.</p> <p>6. Agreed & Noted</p>	