



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/6/7/1/B5/2/1358/17

ENQUIRIES: Bernadette Osborne

DATE OF ISSUE: 2017 -11- 16

The Board of Directors
Agterfontein Boerdery (Pty) Ltd
PO Box 77
CERES
6835

Attention: Mr D G Malherbe

Tel: (023) 312 1244
Fax: (023) 616 2675

Dear Sir

COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED ENLARGEMENT OF DRIEFONTEIN DAM ON PORTION 33 OF FARM RIETVALLEY NO. 364, CERES.

1. Your document and letter dated 27 October 2017, as received by the Department on the same day and the Department's acknowledgement thereof on 6 November 2017, refer.
2. Following the review of the information submitted to this Department, the following is noted:
 - The proposed development entails the enlargement of the in-stream Driefontein Dam on portion 33 of farm Rietvalley No. 364, Ceres.
 - The site will have a development footprint of approximately 13ha.
 - The wall length of the dam will be increased from 300m to 367m.
 - The wall height of the dam will be increased from 7.4m to 8.4m.
 - The full capacity surface area of the dam will be increased from 10.51ha to 12.67ha.
 - The full capacity of the dam will be increased from 239 000m³ to 321 000m³.
 - The site is surrounded by agricultural activities.
 - Indigenous vegetation is present on the site, namely *Ceres Shale Renosterveld* vegetation which is classified as vulnerable.
 - The site is located outside the urban area of Ceres and is zoned for Agriculture.

Process

3. Having considered the information contained in the Nol, the Department concurs that the proposed development constitutes listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended). However, please note the following:
 - Activity 48 of Government Notice ("GN") No. 327 of 7 April 2017 is triggered by the expansion of the in-stream dam and must be included in the list of activities applied for.
 - Activity 66 of GN No. 327 of 7 April 2017 will only be applicable if the wall height of the dam will be raised by 2.5m or more.
 - Activity 12 of GN No. 324 of 7 April 2017 will only be applicable if endangered or critically endangered vegetation will be removed.
4. In light of the activities identified, you are herewith advised that a Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for environmental 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.
5. The Department reminds you that the "Request for a specific fee reference number" form must be completed and submitted to the Department prior to submission of the formal application for the abovementioned proposed development. Upon receipt of the specific fee reference number, it must be inserted into the Application Form and proof of payment of the applicable fee attached when the Application Form is submitted to the Department.
6. You are advised that when undertaking the Basic Assessment process, you must take into account all applicable guidelines, including the guidelines developed by the Department. These can be downloaded from the Department's website, (<http://eadp-westerncape.kznsshf.gov.za/your-resource-library/policies-guidelines>). 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).
 - Other (as applicable).
7. Please ensure that the Basic Assessment Report ("BAR") and Environmental Management Programme ("EMPr") contain all the information requirements outlined in Appendices 1 and 4 respectively of GN No. 326.

Public Participation

8. 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.

9. Should a public participation process, which includes the circulation of the pre-application BAR for comment, be undertaken prior to submission of an Application Form to the 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.
10. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014, 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.
11. The Department awaits the submission of the Application Form and/or 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 Application Form must be submitted.
12. 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.
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:

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

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

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 2

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: (1) Inge Erasmus (EnviroAfrica CC)
(2) Hennie Taljaard (Witzenberg Municipality)

Fax: (086) 512 0152
Fax: (023) 316 1877