

NO.	DATE	AFFILIATION	REFERENCE NO.	COMMENTS	RESPONSE	RESPONDENT
COMMENTS ON PRE-APP BAR						
1.	2018-08-27	DEADP Loretta Osborne	16/3/3/6/7/1B5/16/1368/17	Appendix F1.6 Acknowledgment of receipt of the BAR	Noted	EnviroAfirca
2.	2018-09-11	Cape Nature Pippa Huntly	SSD14/2/6/1/9/2/602_Water_ Distribution_Snel_Worcester	Appendix F1.7 Cape Nature comment on Pre-App BAR 1. CapeNature’s comments of 22 November 2017 have been adequately addressed including the potential for a fish impact study which has been deemed unnecessary. As noted previously, the Western Cape Biodiversity Spatial Plan of 2017 indicates that there are Critical Biodiversity Areas (CBAs) and Ecological Support Areas (ESAs) on site. These have been correctly reflected in the report as has their desired management state. Both the proposed pipeline route and the distribution chamber are located in CBAs however given that the proposed development is located specifically in already	1. Noted, thank you.	EnviroAfrica

				<p>disturbed areas and the impact of construction is temporary, we concur with the EAP and the botanical and freshwater specialist that the potential impact on the CBAs are not likely to be significant. Additionally given that the impact is of a temporary nature it is not expected to have any significant impact on connectivity.</p> <p>2. The mapped natural vegetation for the area is Breede Alluvial Fynbos (Endangered) and Breede Shale Fynbos (Least Threatened), however the only potential impact is from the pipeline, the proposed footprint of which is located within already disturbed areas devoid of indigenous vegetation. While it is noted that the biodiversity specialist is of the opinion that the impact of the proposed development is expected to be medium/low, it is still important that mitigation measures are implemented in</p>	<p>2. Noted.</p>	
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				<p>order to reduce the potential environmental impact. The mitigation measures recommended by the Botanical Specialist area supported.</p> <p>3. Cape Nature thus does not oppose this application from the Darling Brug and Wagenboomrivier irrigation Boards. The proposed development will enable improved regulation of water use and specifically improved ecological reserve flow.</p> <p>4. Water structure (weir and associated infrastructure) Alternative 1 is preferred due to the smaller impact in the receiving environment.</p> <p>5. Pipeline Route 1 is preferred as it will have a smaller impact on the receiving environment due to alignment with existing roads and along areas already disturbed.</p> <p>Please note that our comments pertain only to the biodiversity related impact and not to the overall desirability of the application. CapeNature reserves the right</p>	<p>3. Noted, thank you, Recommendations were included in the BAR and EMPr.</p> <p>4. Noted and agreed.</p> <p>5. Noted and agreed.</p> <p>Noted.</p>	
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				to revise initial comments and request further information based on any additional information that may be received.		
3.	2018-09-13	BGCMA E Rossouw	4/10/2/H10C/Wagenboomsrivier	<p>Appendix F1.8 Comment Pre-App BAR</p> <p>The Pre-App BAR for the abovementioned project, dated 14 August 2018, received by the BGCMA for comment, as well as the detailed discussions with Mr Douglas van Niekerk (Secretary of two Irrigation Boards), and site visits with the relevant stakeholders and design team to confirm the placement and siting of the structures and pipeline the BGCMA comment as follows:</p> <ol style="list-style-type: none"> 1. After having had the opportunity to peruse both the DBAR and the detailed specialist reports, the BGCMA confirms that all consideration as discussed in the site-and other meetings were addresses by the applicant. The BGCMA has received the WULA for this project and the processes to provide a formal authorisation is ongoing. Should the specialist of the DWS require additional information, not reflected in the reports, this will be managed 	1. Noted and agreed	EnviroAfrica

4.	2018-10-18	DEADP Loretta Osborne	16/3/3/6/7/1/B5/16/1368/17	<p>Appendix F1.9</p> <p>Comment on Pre-App BAR</p> <ol style="list-style-type: none"> 1. The draft BAR and the letter dated 14 August 2018, as received by the Department on the same day and the Departmental letter issued on 27 August 2018, refer. 2. Please find herewith the Department’s comment on the DBAR: <ol style="list-style-type: none"> 2.1 The Department noticed discrepancies with regards to the description of the development components, e.g. different dimensions for the footprint of the water distribution structure. A clear, accurate and comprehensive description of the proposed development must be provided during the application phase. 2.2 It is noted that the WULA is underway, as mentioned in page 18 of the report. Note that in terms of the Agreement for the One Environmental System (section 50A of the NEMA and section 42(5) and 163A of the NWA the processes for a WULA and for 	<ol style="list-style-type: none"> 1. Noted. 2. <ol style="list-style-type: none"> 2.1 Thank you for pointing out these discrepancies. These have been corrected in the report. 2.2 Agreed. Please refer to Appendix E2 and E2.1 for proof that the WULA was submitted and proof that DWS accepted the WULA. 	EnviroAfrica
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				<p>an EIA must be aligned and intergrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regs as well as the 2017 WUL Regs/ please be advised that in term of the Standard Operating Procedure (SOP) between the Department and the DWS, which came into effect on 1 July 2017, the EAP must submit a written water use pre-application request to DWS to determine whether or not a GA or WULA is required. The Pre-App request should clearly indicate whether or not an EIA is required in terms of the NEMA,</p> <p>2.3 The report stated that “the proposed pipeline will be approximately 2.7km in length with an internal diameter of 0.35m” clarity is required why Activity 9 of Listing Notice 1 of 2014 will be applicable for the propose development.</p> <p>2.4 Furthermore, the report states that “the construction footprint of the pipeline will be 21.6ha” clarity is also required</p>	<p>2.3 This Activity was removed.</p> <p>2.4 Corrected.</p>	
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				<p>by Activity 27 of Listing Notice 1 of 2014 will be applicable.</p> <p>2.5 The report refer to the incorrect trigger for the geographical area in Activity 12 of Listing Notice 3 of 2014. This must be corrected, since the site falls within an endangered ecosystem listed in terms of section 52 of the NEMA:Biodiversity Act (Act 10 of 2004). To date no critical biodiversity areas as identified in bioregional plans have been adopted by a competent authority.</p> <p>2.6 Proof of compliance with the public participation steps outlined in Reg 41 must be included in the in-process BAR. In addition, a comprehensive C&RR that includes all the comments received and the responses thereto must be also included in the in-process BAR.</p> <p>2.7 All original signed declarations (applicant, EAP and specialist) are to be included during the application phase.</p> <p>2.8 The footprint on pages ii-vi od the EMPr refers to Onseepkans</p>	<p>2.5 Corrected</p> <p>2.6 Please refer to Appendix F1 of the BAR</p> <p>2.7 Noted and agreed. The original declaration for the BAR will be submitted with the Final BAR.</p> <p>2.8 Noted and corrected.</p>	
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				<p>bulk water supply system” and on pages 1-57 of refer to “Hut dam”. the in-process EMPr must be amended accordingly.</p> <p>2.9 Page 2 of the EMPr stated that, “EnviroAfrica was appointed by the Department of Agriculture, Land Reform and Rural Development ” the correct details of the applicant must be included in the in-process EMPr.</p> <p>2.10 Page 41 of the EMPr refer to “method statements of a RMMP”. Noted that no MMP was attached or part of the EMPr for reviewing,</p> <p>2.11 Since Activity 10 of Listing Notice 1 of 2014 will be applied for, the Department recommends that a MMP form a component of the OEMP. Is should be noted that a MMP is for the maintenance of structures and infrastructure after the completion of construction activities and that construction related activities must be excluded for the MMP. Pease refer to the attached Guideline for Compiling a MMP.</p>	<p>2.9 Noted and corrected.</p> <p>2.10 Noted and corrected.</p> <p>2.11 Noted and included as Appendix H2.</p>	
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				<p>2.12 The in-process BAR and EMPr must contained all information required outlined in Appendix 1 and 4 respectively of the EI Regs 2014 (as amended). Omission of any required information may result in the application for the EA being refused by the CA.</p> <p>2.13 All recommendation and mitigation measures proposed by the EAP and specialist studies must be incorporated into the in-process BAR, MMP and EMPr.</p> <p>3. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>4. Please note that it is an offence in terms of Section 49A(1) (a) of NEMA for a person to commence with a listed activity unless the CA has granted an EA 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</p>	<p>2.12 Noted</p> <p>2.13 Noted</p> <p>3. Noted.</p> <p>4. Noted.</p>	
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				<p>exceeding R10 million or to imprisonment for a period not exceeding 10 years, or both such fine ad imprisonment.</p> <p>5. The Department reserves the right to revise or withdraw comments or request further information base on any information received.</p>	5. Noted.	
COMMENTS ON NOI/ INITIAL PPP						
1.	2017-11-09	DEADP Loretta Osborne	16/3/3/6/7/1/B5/16/1368/17	Acknowledgment of receipt of NOI	Thank you	
2.	2017-11-10	DEADP Loretta Osborne	16/3/3/6/7/1/B5/16/1368/17	3. Please note that when the formal application form is submitted to the Department, the original applicant declaration must be included.	Noted	EnviroAfrica
				4. Several pages of the NOI have the incorrect vegetation status. Please include the correct vegetation status upon submission of the application form.	Noted and corrected	
				5. After considering the information provided in the NOI, the Department concurs that the proposed development constitutes listed activities as defined in terms of NEMA EIA Regs, 2014 (as amended)		
				6. A Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered		

				<p>for authorisation. The onus is on the application to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.</p>		
				<p>7. 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.</p> <p>8. Please ensure the BAR and EMPr contain all information requirements outlined in Appendix 1 and 4 respectively of GN 326. Omission may result in the EA being refused</p> <p>9. A PPP that meets the requirements of Regulation 41 of the EIA Regs 2014 must be undertaken.</p> <p>10. Should a PPP, which includes the circulation of the pre-application BAR for comment, be undertaken prior to the submission of the Application Form to the Department, in terms Reg 40, the pre-application BAR may also be submitted to the Department for commenting purposes. Two printed copies of the pre-app BAR must be submitted.</p>		

				<p>11. Ito section 240 (2) and (3) of NEMA and Reg 7(2) and 43(2) of the EIA Regs 2014, as amended, any state departments that administer law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. The EAP is responsible for such consultation. The EAP must include proof of such notification to the relevant State Departments/ Organs of state in terms of Section 240(2) and (3) NEMA in the BAR, where appropriate.</p> <p>12. Please note that it is an offence in terms of section 49A(1)(a) of NEMA for a person to commence with a listed activity unless CA has granted an EA to undertaking it. Failure to comply is punishable.</p> <p>13. Please note that pre-application consultation is advisory.</p>		
3.	2017-11-22	Cape Nature (Alana Duffell-Canham)	SSD14/2/6/1/9/6/602_Water_Distribution_Snel	<p>1. The river in which the proposed distribution structure site is located has been determined as an Aquatic Critical Biodiversity Area (please refer to the 2017 Western Cape Biodiversity Spatial Plan (WCBSP)1). There are also wetland areas associated with the river which are also</p>		

				<p>aquatic CBAs. The river is part of a Freshwater Ecosystem Priority Area (FEPA) river corridor.</p> <p>The site is therefore within an area of high ecological importance. A detailed freshwater impact assessment must be conducted which considers Ecological Flow Requirements in detail. The project may also have an impact on indigenous fish and a fish survey may need to be included as part of the assessment.</p>		
3.	2017-12-12	Elkerine Rossouw (BGCMA)		<p>Please provide the CMA with the draft scoping / BAR in hard copy. There after any changes and additional information can be submitted in CD format.</p> <p>The WULA process will be determined by the outcome of the Risk Matrix of the Freshwater specialist. This must please be submitted to the BGCMA as soon as possible</p>		
PRE-APPLICATION BAR FOR COMMENT						
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