

NO.	DATE	AFFILIATION	REFERENCE NO.	COMMENTS	RESPONSE	RESPONDENCE
COMMENTS ON PRE-APP SCOPING REPORT						
1.	13/06/2019	CapeNature Philippa Huntly	DDS14/2/6/1/9/6/383- 26_JadeHills_dam_Ceres	<p>Appendix F1.3 Cape Nature comment on Pre-App Scoping Report</p> <ol style="list-style-type: none"> 1. Cape Nature’s comments of 11 December 2018 have been correctly reflected in the comments and response table, bar the date which reflects 2019 for the CapeNature and BGCMA comment. 2. As indicated in the 2017 WC BSP there are no CBA mapped for the site nor in the immediate vicinity of the proposed site. ESAs are mapped along the drainage lines which transverse the property, one of which coincides with the proposed dam and this is correctly reflected in the report. As noted the desired management objective for the ESA 2 area is that they are restored and or managed to minimise impact on ecological infrastructure functioning – especially as 	<p>Noted.</p> <p>Noted. Please note based on findings from the Freshwater specialist (Appendix G2), the drainage lines on site is considered disturbed with no riparian vegetation remaining. Given the site findings, it is the opinion of the ecologist that the drainage line, from an ecological perspective, does not conform to the definition of a watercourse that support aquatic</p>	EnviroAfrica

				<p>relevant in this case, water-related, functioning. The recommendations that will come out of the freshwater assessment currently underway will be of particular importance in this regard.</p>	<p>ecosystems with an associated riparian zone.</p> <p>With the proposed dam development the potential is realised to restore the degraded ESA2 and protect indigenous hardy shrubs present the north of the property. It is proposed to establish an ecological corridor and artificial wetland. These areas should be considered No-go areas for agricultural development and protected during the proposed phase 2 enlargement of the dam. The artificial wetland can be moved further south with the proposed phase 2 enlargement. Please refer to Appendix A, locality and layout maps.</p>	
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				<p>3. In terms of potentially botanical impacts, the mapped vegetation of the area is Ceres Shale Renosterveld which is classified as Endangered according to criterion A1, irreversible loss of natural habitat. It is noted however, that the area is intensely cultivated with little remaining natural vegetation. As reflect in aerial imagery, and as noted in the comments and response table, there is little to no natural vegetation remaining at the proposed site and along the associated drainage line. It is understood that the area of natural veld remaining to the south of the dam wall will not be impacted by the development. The proposal to link this area of natural veld up with the small stream to re-establish a more natural corridor linking the remaining natural veld with the dam along a rocky ridge, is supported. It is noted that</p>	<p>3. Please refer to the Botanical Assessment (Appendix G1) and findings summarised in Section 7 of the Scoping Report. The botanical assessment states that it is unlikely that the proposed dam development will lead to any significant impact on biodiversity as a result of his placement.</p> <p>The site and its immediate surroundings are considered transformed with no natural veld remaining. Only a few hardy indigenous species remains.</p> <p>It is proposed that an ecological corridor and artificial wetland be created to protect the remaining natural vegetation on site. Please refer to Appendix A for locality and layout.</p>	
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				<p>a botanical specialist will conduct a Botanical Assessment to determine conditions on site. Search for species of conservation concern and to make recommendations.</p> <p>4. In relation to freshwater impacts, as indicated above. It is noted that a Freshwater Assessment is currently underway, the findings of which will inform the next phase of this application.</p> <p>Cape Nature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>5. Please refer to the Freshwater Assessment Appendix G2& G2.1 and findings summarised in Section 7 of the Scoping Report.</p>	
2.	18/06/2019	BGCMA Elkerine Rossouw	4/10/2/H10B/Farm 383/26 Stinkfontein, Ceres	<p>Appendix F1.4 BGCMA comment on Pre-App Scoping Report</p> <p>1. The BGCMA is also in the process of assessing the information for the WULA</p>	<p>1. Noted</p>	EnviroAfrica

				<p>2. Following a site visit the BGCMA requires confirmation in the form of a Risk Matrix and Freshwater report for the impact on the resource including mitigation measures associated with the design of the dam on the resource.</p> <p>3. The EMP for both the construction and operational phases of the dam should consider the management of alien invasive species in the watercourse feeding and flowing from the dam.</p> <p>General comments:</p> <p>4. All relevant sections and regulations of the NWA Act 36 of 1998 regarding water use must be adhered to;</p> <p>5. No pollution of surface water or ground water resources may occur;</p> <p>6. The owner needs to adopt and implement a water demand management plan to conserve water when development takes place;</p> <p>7. Water use on the property must be measured as per the NWA GN 41317 and 41381</p>	<p>2. Noted. Please refer to Appendix G2.1 for the Freshwater Risk Assessment.</p> <p>3. Noted.</p> <p>4. Noted and agreed.</p> <p>5. Noted and agreed.</p> <p>6. Noted and agreed.</p> <p>7. Noted and agreed.</p>	
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				<p>The comments provided are in the interest of responsible water resource management. The BGCMA will gladly comment on any additional information provided for review. The BGCMA reserves the right to revise initial comment and request further information based on any additional information that might be received.</p>		
3.	19/07/2019	DEADP Saa-rah Adams	16/3/3/6/7/1/B5/2 /1400/18	<p>Appendix F1.5 DEADP comment on Pre-App Scoping Report</p> <ol style="list-style-type: none"> 1. The letter and draft Scoping Report as received by this Department on 17 May 2019 and the Department's correspondence dated 27 May 2019, refer. 2. According to the information submitted to this Department, it is noted that the proposal entails the following: <ol style="list-style-type: none"> 2.1 The proposed development will take place on Portion 26 of the Farm Stinkfontein No. 383, Ceres and entails the construction of a new dam. 	<ol style="list-style-type: none"> 1. Noted. 2. Noted. 2.1 Agreed. 	

				<p>2.2 The construction of the dam will have a capacity to take place over two phases:</p> <p>2.2.1 Phase 1 of the dam will have a capacity of approximately 65 000m³ with a maximum wall height of 11.1m and a total surface area of 2ha.</p> <p>2.2.2 There is an existing water use right to 8.6ha available for Phase 1 of the development.</p> <p>2.2.3 For phase 2 the dam will be increased to approximately 165 000m³, with an increased maximum wall height of 14.8m and an increased total surface area of 3.6ha.</p>	<p>2.2 Noted. However, it was decided that</p> <p>2.2.1 Phase 1 will have a capacity of 67 000m³. Wall height of 11.1m and a total surface area of 2ha.</p> <p>2.2.2 Agreed, refer to Appendix E2 for confirmation of the EWU from Rietvallei Irrigation Board</p> <p>2.2.3 It was decided that phase 2 dam enlargement will be dealt with in a separate application as no water is available for the phase 2 development. A separate WULA for additional water use right for phase 2 will be applied for.</p>	
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				<p>2.2.4 A WULA is required for additional water use rights for Phase 2.</p> <p>2.3 The area to be cleared to accommodate the proposed dam is transformed by agricultural activities.</p> <p>2.4 A botanical and freshwater specialist will be appointed to investigate the environmental impacts associated with the proposed development.</p> <p>3. Please note the following advice pertaining to the application:</p> <p>3.1 Having considered the information contained in the Draft Scoping report, you are advised that only those activities applied for will be considered for authorisation. The Department notes the inclusion of Listed Activities 12 and 14 of LN 3. Based on available mapping information sources, the indigenous vegetation is</p>	<p>2.2.4 Please refer to response 2.2.3 above.</p> <p>2.3 Agreed.</p> <p>2.4 Agreed. Please refer to Appendix G1 & G2.</p> <p>3. Noted.</p> <p>3.1 Noted. Listed Activities have been updated.</p>	
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				<p>categorised as Vulnerable in terms of Section 52 of NEMBA and no CBA, or ecosystem service areas or systematic biodiversity plans have been adopted by the CA. for these reasons, the aforementioned activities will not be triggered. The onus is on the applicant to ensure that all the applicable listed activities are applied for and addressed as part of the EIA process. Omission of any activities mat invalidate this application.</p> <p>3.2 The Department noted that the approvals for the dam will allow for the development of 10ha of fruit orchards. Please ensure that this area is indicated on the locality map as well as the sensitivity maps due to the presence of watercourses/drainage lines on site. In addition to this, you are required to provide details regarding the irrigation network associated with the proposed development of the fruit</p>	<p>3.2 Please refer to Appendix A for proposed locality and layout and Appendix B for design layout of the proposed dam and associated infrastructure. Updated Sensitivity maps, Appendix D, was also included which included the proposed dam development and associated infrastructure.</p>	
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				<p>orchards i.e. is there an existing irrigation network and/or is a new one required to be developed. Should a new irrigation network be required, will any of the pipelines transverse any watercourses and possible subsequently need to be included in the WULA in terms of the NWA Act 35 of 1998.</p> <p>Noted that all the aspect of the development i.e. the dam, the abstraction point, the irrigation network, the access roads, the area to be changed from dryland agri to fruit orchards etc must be included in the in-process draft scoping report and form part of the relevant specialist's investigation of environmental impacts associated with the proposed development.</p> <p>3.3 The Department notes that a WULA is required and that an application for the storage of the water has been submitted to the BGCMA. In terms of the Agreement of</p>	<p>3.3 Noted and agreed. It was decided that phase 2 dam enlargement will be dealt with in a separate application as no water is available for the phase 2</p>	
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				<p>the One Environmental System the process of the WULA and for the EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA regs well as the WULA regs. Please ensure that the relevant water management authority provides a comment on the proposed development specifically, and not only regarding the status of the property's existing lawful water use or in terms of the WULA submitted to them. Note that proof of submission of the WULA must be included on the in-process Scoping report.</p> <p>3.4 In addition to the above this Department notes discrepancies between the information presented in the draft Scoping report, WULA and Prelim Design Report in terms of the capacity of the dam and the flooded area/ full supply level of the dam:</p> <ul style="list-style-type: none"> • Draft scoping report: 	<p>development. A separate WULA for additional water use right for phase 2 will be applied for.</p> <p>3.4 Thank you for pointing out these discrepancies. The Scoping report was updated to reflect capacity as submitted in the WUL. Phase 1 Capacity 6 700m3.</p>	
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				<p>Phase 1 Capacity: 60 000m³ Phase 1 Flooded Area: 1.7 ha Phase 2 Capacity: 165 000m³ Phase 2 Flooded Area: 3.1ha</p> <ul style="list-style-type: none"> • The WULA Capacity: 67 000m³ • The prelim design report Capacity: 67 600m³ <p>With regards to the above please note that amendments to the above needs to be made to ensure all information reflected in the in-process draft scoping report, WULA and Prelim design report is the same. Please be advised that should phase 2 of the proposal form part of the NEMA EIA Regs that the WULA and prelim design report need to reflect this.</p> <p>3.5 On page 3 of the WULA, it stated that “the scheme water would be abstracted from its prior abstraction point and taken by pipeline to a point where it can be released to gravitated into the proposed dam”. it is noted that this aspect of the proposed description is not</p>	<p>3.5 The proposed infrastructure associated with the dam development was included in the project description of the Scoping Report. Please refer to Appendix A for locality and layout of the exiting Rietvalei Scheme pipeline and abstraction point as</p>	
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				<p>included in the draft Scoping Report. Note that all the aspects of the development i.e. dam abstraction point, irrigation network; the access roads, the area to be changed from dryland to fruit orchards etc. must be included in the in-process draft Scoping report to form part of the relevant specialists' investigation of environmental impacts associated with the proposed develop.</p> <p>3.6 The proposed development is in close proximity and may transverse watercourse and drainage channels. It is recommended that either the operational section of the EMPr be amended to include a MMP for the future maintenance of infrastructure in the watercourse and drainage channels or that a separate MMP document be drafted and included in the FBAR.</p>	<p>well as the proposed pipeline which will connect to the existing scheme as the Jade Hills Delivery point from where water will gravitate to the dam. The maps indicated the proposed agricultural development. Appendix B indicates layout and roads associated with the agricultural development. Irrigation pipelines to fall within the roads. Please also refer to updated Sensitivity Map, Appendix D.</p> <p>3.6 Noted. An MMP will be drafted.</p>	
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				<p>3.7 Please ensure that all specialist reports contain all the information specified in Appendix 6 of the EIA Regs. Please note that the specialist reports and input must be appended to the final EIR.</p> <p>3.8 Please ensure that the recommendations and mitigation measures pertaining to the assessment including the recommendations made by the specialist are incorporated in the in-process draft/ final Scoping report and EMPr.</p> <p>Comments from, but not limited to, the following relevant authorities must be obtained during the PPP and included in the Scoping report submitted for decision-making:</p> <ul style="list-style-type: none"> • Cape Nature • HWC 	<p>3.7 Noted and agreed. Please refer to Specialist report, Appendix G.</p> <p>3.8 Noted and agreed. Specialist finds and recommendations are summarised in Section 7 of the report. Mitigation measures/ recommendations will be discussed in more detail in the EIR but is included in the Draft EMPr, Appendix H.</p> <p>Noted. All authorities had the opportunity to provide comment on the Pre-App Scoping report, please refer to Appendix F7.2 and will have an opportunity to give comment on the Post-App Scoping report (this report).</p> <ul style="list-style-type: none"> • Cape Nature: Commented received Appendix F1.3 	
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				<ul style="list-style-type: none"> • Witzenberg Municipality • Dept Agri • DWS and/or the relevant water management authority. <p>3.9 The Applicant/ EAP is reminded to include the following PPP, n terms of the EIA Regs in the Scoping for decision making:</p> <ul style="list-style-type: none"> • Details of the PPP undertaken in terms of reg 41 of these regulations, including copies of the supporting documents and inputs; • A summary of the issues raised by I&APs and an indication of the manner in which the issues were incorporated or the reasons for not including them. • Comments from Organ of State as mentioned above. 	<ul style="list-style-type: none"> • HWC: Final comment received based on Heritage NID, Appendix E1. • Witzenberg Mun: No comments received • Dept Agri: No comments received. • BGVMA: Commented received Appendix F1.4 <p>3.9 Noted.</p> <ul style="list-style-type: none"> • Please refer to Appendix F for the PPP undertaken. • Please refer to the C&RR, Appendix F1 • Please refer to original comment received, Appendix F1.1 – F1.4 	
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				<p>3.10 In line with the information requirements of Appendix 2 of the EIA Regs, 2014, please ensure the following is included in the Scoping Report submitted to the Department for decision-making once formal application has been made.</p> <p>For inclusion in the Scoping Report:</p> <p>3.10.1 The Surveyor General code of each cadastral land parcel;</p> <p>3.10.2 A summary of the findings and impact management measures identified in any specialist report complying with Appendix 6 of the Reg and an indication as to how these findings and recommendations have been included in the final report;</p> <p>3.10.3 Any aspects which were conditional to the</p>	<p>3.10. Noted.</p> <p>3.10.1 SG code is included in Section 3.1 of the Scoping report.</p> <p>3.10.2 To be included in the EIR report.</p> <p>A summary of the findings and impact management measures identified in any specialist report is included in Section 7 and 9 of the report.</p> <p>3.10.3 To be included in the EIR report.</p>	
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				<p>findings of the assessment either by the EAP or specialist which are to be included as condition of authorisation.</p> <p>For inclusion in the EMPr:</p> <p>3.10.4 the expertise of that of the EAP to prepare an EMPr, including a CV;</p> <p>3.10.5 A map of the proposed activity and its' associated infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided.</p> <p>4. Note original signed and dated application, specialist and EAP declarations are required to be submitted with the draft and final report to this Department for decision making.</p> <p>5. 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</p>	<p>3.10.4 Noted and included.</p> <p>3.10.5 Noted and included, please refer to Appendix A, Locality and Layout.</p> <p>4. Noted and to be included.</p> <p>5. Noted and agreed.</p>	
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				<p>submitted for decision-making. Furthermore, through signing this declaration, the application is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended with the report with respect to this application.</p> <p>6. This Department awaits the submission of the amended Application Form prescribed by regulation 16 of the EIA Regulation, 2014 (as amended).</p> <p>7. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p> <p>8. 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 CA has granted an EA for the undertaking of the activity.</p>	<p>6. Noted.</p> <p>7. Noted.</p> <p>8. Noted and agreed.</p>	
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				<p>Failure to comply with the requirement 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 fin and imprisonment.</p> <p>9. This Department reserves the right to revise or withdraw any comments or request further information for you based on any information received.</p>	<p>9. Noted and agreed.</p>	
COMMENTS ON INITIAL PUBLIC PARTICIPATION						
1.	22/11/2018	BGCMA E Rossouw	4/10/2/H10B/Farm 383/26 Stinkfontein, Ceres	<p>Appendix F1.1</p> <p>The BGCMA is the commenting authority for the proposed</p>	Noted.	EnviroAfrica

				<p>application and a hard copy document should be forwarded to the abovementioned address. The BGCMA has been notified via e-WULA's of the application for the proposed project and the water use authorisation is being followed. Should you have any queries, do not hesitate to contact the office at the abovementioned contact details for clarification. Please ensure the use of the BGCMA reference number in all correspondence</p>		
2.	11/12/2018	Philippa Huntly	SSD14/2/6/1/9/6_383-26_JadeHills_Dam_Ceres	<p>Appendix F1.2</p> <p>Cape Nature Comment on Notification Letter.</p> <p>In the context of this application please note that CapeNature does not support activities that may negatively impact the following habitats and their ecological functioning: a) rivers, wetlands, flood plains, and groundwater dependent communities or ecosystems; b) representative habitat in Critically Endangered and Endangered ecosystems; c) any area that has been identified as a Critical Biodiversity Area or Ecological Support Area as identified by the most recent systematic conservation</p>	<p>PB Consult (and EnviroAfirca) noted and supports CapeNature's view in respect of the protection of special habitats, like water courses, wetlands, CBA etc.</p> <p>However, in this case, please note that there is no more natural vegetation left within the proposed footprint and the small drainage line. The only natural veld remaining is a small patch to the south of the proposed dam along a rocky ridge, which will not be impacted. In fact, it is proposed to link this vegetation up with the small stream and to re-establish a more natural</p>	Peet Botes, Botanical Specialist

			<p>plan (the Western Cape Biodiversity Spatial Plan of 2017); d) any other special habitats that may contain a unique assemblage of species; e) any habitat that may contain rare, threatened or range-restricted floral or faunal species (Species of Conservation Concern); f) natural or mostly natural habitat in an ecological corridor or along a vegetation boundary.</p> <p>Appropriate buffers must be determined by a suitably qualified specialist to avoid impacting on these habitats and particular attention should be paid to avoiding the loss of intact habitat, maximizing connectivity at a landscape scale, maximizing habitat heterogeneity and reducing fragmentation at a local and regional scale. Please also note that an infestation by alien plants does not necessarily mean that an area is not important for biodiversity conservation.</p> <p>CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.</p>	<p>corridor linking the remaining natural veld with the dam. It is also proposed to establish a small man-made wetland area at the inlet of the dam to filter incoming water and to help with sedimentation control. These recommendations were made specifically to enhance and rehabilitated a transformed area back to a more natural veld.</p> <p>(Specialist findings still to be included)</p>	<p>EnviroAfrica</p>
