



REFERENCE: 16/3/3/6/7/1/B5/2/1400/18

ENQUIRIES: Ms. Saa-rah Adams

DATE: 19. 01. 2019

The Board of Directors
Jade Hills Farming (Pty) Ltd
P. O. Box 72
CERES
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Attention: Mr. Jean Faul

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Dear Sir

COMMENT ON THE PRE- APPLICATION DRAFT SCOPING REPORT OF THE NOTICE OF INTENT TO DEVELOP A NEW STORAGE DAM ON PORTION 26 OF FARM STINKFONTEIN NO. 383, CERES

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:
 - 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.
 - 2.2. The construction of the dam is proposed to take place in two phases:
 - 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.
 - 2.2.2. There is an existing water use right of 8.6ha available for Phase 1 of the development.
 - 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.
 - 2.2.4. A Water Use License Application is required for additional water use rights for Phase 2.
 - 2.3. The area to be cleared to accommodate the proposed dam is transformed by agricultural activities.

- 2.4. A botanical and freshwater specialist will be appointed to investigate the environmental impacts associated with the proposed development.
3. Please note the following advice pertaining to the application:
- 3.1. Having considered the information contained in the draft Scoping Report, you are hereby advised that only those activities applied for will be considered for authorisation. The Department notes the inclusion of Listed Activities 12 and 14 of Listing Notice 3. Based on available mapping information sources, the indigenous vegetation is categorised as Vulnerable in terms of Section 52 of NEMBA and no critical biodiversity areas, or ecosystem service areas or systematic biodiversity plans have been adopted by the competent authority. 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 assessed as part of the Environmental Impact Assessment ("EIA") process. Omission of any activity may invalidate the application.
- 3.2. The Department notes that the approval for the dam will allow for the development of 10ha of fruit orchards. Please ensure that this area is indicated on the locality maps as well as 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 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 traverse any watercourses and possibly subsequently need to be included in the Water Use License Application ("WULA") in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA").

Note that all the aspects of the development i.e. the dam, the abstraction point, the irrigation network, the access roads, the area to be changed from dryland agriculture to fruit orchards etc. must be included in the in-process draft Scoping Report and form part of the relevant specialists' investigation of environmental impacts associated with the proposed development.

- 3.3. The Department notes that a WULA is required and that an application for the storage of water has been submitted to the Breede Gouritz Catchment Management Agency ("BGCMA"). In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a Water Use Licence Authorisation 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. Please ensure that the relevant water management authority provides 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 in the in-process Scoping Report.

3.4. In addition to the above this Department notes discrepancies between the information presented in the draft Scoping Report, the WULA and the Preliminary Design Report in terms of the capacity of the dam and the flooded area/full supply level of the dam namely:

- The draft Scoping Report indicates the following as the dam design specifications:
Phase 1 Capacity: 65 000m³
Phase 1 Flooded Area: 1,7ha
Phase 2 Capacity: 165 000m³
Phase 2 Flooded Area: 3,1ha
- The WULA indicates the following as the dam design specifications:
Capacity: 67 000m³
- The Preliminary Design Report indicates the following as the dam design specifications:
Capacity: 67 600m³
Flooded area: 1,7ha

With regards to the above please note that amendments to the above needs to be made to ensure that the information reflected in the in-process draft Scoping Report, WULA and Preliminary Design Report is the same. Please be advised that should phase 2 of the proposal form part of the NEMA EIA Regulations process that the WULA and Preliminary Design Report needs to reflect this.

3.5. On page 3 of the WULA, it states that "the scheme water would be abstracted from its prier abstraction point and taken by pipeline to a point where it can be released to gravitate into the proposed dam." It is noted that this aspect of the project description is not included in the draft Scoping Report. Note that the all the aspects of the development i.e. the dam, the abstraction point, the irrigation network, the access roads, the area to be changed from dryland agriculture to fruit orchards etc. must be included in the in-process draft Scoping Report and form part of the relevant specialists' investigation of environmental impacts associated with the proposed development.

3.6. The proposed development is in close proximity and may traverse watercourses and drainage channels. It is recommended that either the operational section of the Environmental Management Programme ("EMPr") be amended to include a Maintenance Management Plan ("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 final BAR.

3.7. Please ensure that all specialist reports contain all the information specified in Appendix 6 of the EIA Regulations, 2014 (as amended). Please note that the specialist report(s) and input must be appended to the final Environmental Impact Report ("EIR").

3.8. Please ensure that the recommendations and mitigation measures pertaining to the assessment including the recommendations made by the specialists are incorporated in the

in-process draft/final Scoping Report and EMPr. Comments from, but not limited to, the following relevant authorities must be obtained during the Public Participation Process and included in the Scoping Report submitted for decision-making:

- CapeNature;
- Heritage Western Cape;
- Witzenberg Municipality;
- Department of Agriculture; and
- Department of Water and Sanitation and/or the relevant water management authority.

3.9. The applicant/EAP is reminded to include the following PPP information, in terms of the EIA Regulations, 2014, in the Scoping Report for decision-making:

- Details of the public participation process undertaken in terms of regulation 41 of these Regulations, including copies of the supporting documents and inputs; and
- A summary of the issues raised by Interested and Affected Parties ("I&APs"), and an indication of the manner in which the issues were incorporated, or the reasons for not including them.
- Comments from Organs of State as mentioned above.

3.10. In line with the information requirements of Appendix 2 of the EIA Regulations, 2014, please ensure the following is included in the Scoping Report submitted to the Department for decision-making once formal application has been made:

For inclusion in the Scoping Report:

- 3.10.1. The Surveyor General code of each cadastral land parcel;
- 3.10.2. A summary of the findings and impact management measures identified in any specialist report complying with Appendix 6 of the Regulations and an indication as to how these findings and recommendations have been included in the final report;
- 3.10.3. Any aspects which were conditional to the findings of the assessment either by the EAP or specialist which are to be included as conditions of authorisation.

For inclusion in the EMPr:

- 3.10.4. The expertise of that EAP to prepare an EMPr, including a curriculum vitae;
- 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.

4. Note original signed and dated applicant, specialist and EAP declarations are required to be submitted with the draft and final reports to this Department for decision-making.
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 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.

6. The Department awaits the submission of the amended Application Form prescribed by Regulation 16 of the EIA Regulations, 2014 (as amended).
7. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
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 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.
9. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



HEAD OF COMPONENT

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