

PRE-APPLICATION BAR PUBLIC PARTICIPATION COMMENTS RECEIVED - PROPOSED EXPANSION OF AN INSTREAM DAM ON THE REMAINDER OF FARM NO. 792, ZWARTFONTEIN, MALMESBURY, WESTERN CAPE

B. COMMENTS RECEIVED ON THE PRE-APPLICATION BASIC ASSESSMENT REPORT

Date	Comment	I&AP	Project	Response	Respondent
25/11/2020	<p>Dear Ms Waseefa</p> <p>I please require your assistance. HWC provided comment on a NID submitted to your Department, please refer to HWC comments attached stating that no further studies are required.</p> <p>However, there has been a change of scope and it is proposed that the dam footprint be further enlarged. Please refer to the Screener and NID submitted to HWC.</p> <p>The info submitted to the Department was as follows:</p> <p>Zwartfontein dam wall to be increased by 2,3m, total dam wall height will be 14. Total footprint will increase from 4.2ha to 5.8ha (1.6 ha increase).</p> <p>However the following is now proposed. Zwartfontein dam will to be increased to a total height of 22.4m Total footprint to 14ha (which 3,8ha is existing/ transformed). A new disturbance footprint of approximately 10,2 ha (102 0000m²) is expected.</p> <p>Will a new NID have to be submitted to your Department for comment or will the impacts remain the same?</p> <p>Kind regards Inge</p>	Heritage Western Cape	Zwartfontein Dam	<p>Dear Inge</p> <p>The enlargement of the dam will not impact on heritage resources and the comment dated 30 April 2019 still stands.</p> <p>No need for an additional NID to be submitted.</p> <p>Please note the following: HWC 2019/2020 Festive Season Operation Schedule https://www.hwc.org.za/node/1913</p> <p>Kind regards, Waseefa Dhansay</p>	EnviroAfrica
06/12/2019	<p>The 'Notice of Intent' and the correspondence dated 04 April 2019 from Inge Erasmus of EnviroAfrica as received by this Department on the same date, the correspondence from this Department dated 15 April 2019 acknowledging receipt and providing comments on the 'Notice of Intent', the electronic correspondence from Inge Erasmus from EnviroAfrica, as received by this Department on 14 November 2019 and 27 November 2019, refers.</p> <p>2. Your attention is drawn to the listed activities in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 as defined in Government Notice ("GN") No. R. 983, R. 984 and R. 985 of 4 December 2014. These regulations came into effect on 8 December 2014. All activities identified as listed activities in the EIA Regulations of 2014 (as amended) that had not been commenced with on 8 December 2014, must not be undertaken without an Environmental Authorisation from the Competent Authority.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>Dear Natasha,</p> <p>I hereby acknowledge receipt of the Department's correspondence dated 06 December 2019.</p> <p>The Department's correspondence dated 06 December 2019 is duly noted.</p> <p>Please see the responses to the Department's correspondence dated 06 December 2019 below:</p> <ol style="list-style-type: none"> 1. Noted. 2. Noted. No activities will commence without an Environmental Authorisation from the Department. 	EnviroAfrica
"	<p>3. This Department has reviewed the abovementioned correspondence and noted that an existing outlet pipeline needs to be replaced and an existing pumphouse will be relocated. These proposed works seems to trigger the following listed activities in terms of the EIA Regulations of 2014 (as amended):</p> <p>* Item 12 of Listing Notice 1 of GN No. R. 983 of 2014 (as amended)</p> <p>" The development of -</p> <p>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area;</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>3. Noted. Activities 12, 19 and 48 of Listing Notice 1 (as amended) will be assessed in the NEMA EIA process.</p>	EnviroAfrica

"	<p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared."</p> <p>* Item 19 of Listing Notice 1 of GN No. R. 983 of 2014 (as amended) "The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies".</p>	DEA&DP: Region 1	Zwartfontein Dam	"	EnviroAfrica
"	<p>* Item 48 of Listing Notice 1 of GN No. R. 983 of 2014 (as amended) " The expansion of - (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion occurs- (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding- (aa) the expansion of infrastructure or structures within existing ports or harbours that will not exceed the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves".</p>	DEA&DP: Region 1	Zwartfontein Dam	"	EnviroAfrica
"	<p>Item 48 of Listing Notice 1 seems to be triggered, as the proposed expansion works with a physical footprint exceeding 100 square metres will take place within 32 metres of a watercourse.</p> <p>4. Written authorisation is therefore required from the competent authority prior to the undertaking of the abovementioned listed activities.</p> <p>5. An application for Environmental Authorisation must therefore be lodged for the aforesaid listed activities and the Environmental Authorisation granted by the competent authority before the development proposal can commence with. The relevant application form is available on this Department's website: www.westerncape.gov.za. Failure to include any applicable listed activities may invalidate the application.</p> <p>6. Please note that it is prohibited in terms of Section 24F of the NEMA for a person to commence with a listed activity unless the competent authority granted an environmental authorisation for the undertaking of the listed activity. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>7. This Department reserves the right to revise or withdraw comments or request further information or request further information from you based on any information received.</p> <p>Yours faithfully, Head of Department</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>4. Noted. No activities will commence without an Environmental Authorisation ("EA") from the Department.</p> <p>5. Noted. An application for Environmental Authorisation will be submitted for the aforementioned listed activities.</p> <p>6. Noted. No activities will commence without an Environmental Authorisation from the Department.</p> <p>7. Noted.</p> <p>I would like to thank you for providing comment on the aforementioned proposal.</p> <p>Kind regards,</p>	EnviroAfrica

30/12/2019	<p>Dear Madam</p> <p>1. The pre-application Basic Assessment Report ("BAR") dated 28 November 2019 and the correspondence dated 2 December 2019 from Inge Erasmus of EnviroAfrica as received by this Department on the same day, refer.</p> <p>2. This letter serves as an acknowledgement of receipt of the pre-application BAR by this Department.</p> <p>3. This Department will consider the information in accordance with the prescribed timeframes and advise you accordingly.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>Dear Natasha Bieding,</p> <p>I hereby acknowledge receipt of the Department's correspondence dated 30 December 2019.</p> <p>Please note that the contents of the aforementioned correspondence dated 30 December 2019, is duly noted.</p> <p>Also note that this NEMA Application has been assigned to me since Inge Erasmus who used to work on the Pre-App BAR is no longer employed with EnviroAfrica.</p> <p>Please sent all future correspondences to me as this NEMA Application is now assigned to me.</p> <p>Kind regards,</p>	EnviroAfrica
"	<p>5. Please note that the activity may not commence prior to an environmental authorisation being granted by this Department. It is prohibited in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) 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 in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.</p> <p>Yours faithfully Head of Department</p>	DEA&DP: Region 1	Zwartfontein Dam	"	EnviroAfrica
15/01/2020	<p>Dear Madam,</p> <p>Reference is made to the above-mentioned document dated November 2019 with DEA&DP Reference No: 16/3/3/6/7/1/F5/16/2037/19.</p> <p>This Department has perused the above mentioned document and has the following comments:</p> <p>1. According to the report the proposed development entails the enlargement of the existing Zwartfontein dam. The capacity of the dam will increase from 150 000m³ to 915 000m³. Please note that any development within the 1:100 year floodline or within 500m from any boundary of a wetland or water resource triggers a water use activities and must be authorised and registered in terms of Section 21 (c) "impeding or diverting the flow of water in a watercourse" and (i) "altering the bed, banks, course or characteristics of a watercourse" of the National Water Act, 1998 (Act No. 36 of 1998).</p> <p>2. Risk Assessment Matrix must be submitted as part of the Water Use Authorisation Application.</p> <p>3. Please be advised that no pollution or surface water or groundwater resources may occur due to any activity on the property as such, adequate control measures should be implemented to prevent pollution.</p> <p>4. Please note that no abstraction of surface or groundwater may take place or storage of water be created without prior authorisation from this Department, unless it is a Schedule 1 of Existing Lawful Use as described in Section 32 of the National Water Act, 1998 (Act No. 36 of 1998).</p>	Department of Water and Sanitation	Zwartfontein Dam	<p>Dear R. Johaar,</p> <p>I hereby acknowledge receipt of your Department's comment dated 15 January 2020, refers. Kind note that this project was allocated to me since Inge Erasmus is no longer employed at EnviroAfrica.</p> <p>The content of your Department's letter dated 15 January 2020 is duly noted. Please see responses to your points raised in the department's comment dated 15 January 2020 below:</p> <p>1. Noted. The applicant applied for A Water Use Authorisation via the online e-WULAAS on 13 December 2019. The applicant applied for the following water use activities: Section 21(b), 21(c) and 21(i). Please find attached proof of e-WULAAS application dated 13 December 2019.</p> <p>2. Noted. A risk Matrix will be submitted as part of the Water Use Authorisation Application.</p> <p>3. Noted. Adequate pollution control measures will be inserted into the draft EMPr.</p> <p>4. Noted. Please note that the applicant obtained a Permit from the Department of Water Affairs on 03 February 1995 for a Category 1 dam, known as the Zwartfontein Dam. Please find attached Dam Permit from Water Affairs dated 03 February 1995.</p>	EnviroAfrica

"	<p>5. The Applicant, is hereby advised to apply for a Water Use Authorisation as prescribed in Section 21 (b), (c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998), the application should be submitted online via the Departmental Electronic Water Use License Application and Authorisation System (e-WULAAS) by the following link: http://164.151.129.107/ewulaas/.</p> <p>6. The comments issued shall not be construed as exempting the developer from compliance with the provisions of any other applicable Act, Ordinance, Regulation or By-law.</p> <p>7. The person who owns, controls, occupies or uses the land in question is responsible for taking measures to prevent any occurrence of pollution to water resources.</p> <p>8. Please note that all requirements as stipulated in the National Water Act, 1998 (Act No. 36 of 1998) must be adhered to.</p> <p>9. Please note that this Department reserves the right to amend and/or add to the comments made above in the light of subsequent information received.</p> <p>Please do not hesitate to contact the above officer should there be any queries.</p> <p>Yours Sincerely, Regional Head: Western Cape</p>	Department of Water and Sanitation	Zwartfontein Dam	<p>5. Noted. The applicant applied for A Water Use Authorisation via the online e-WULAAS on 13 December 2019. The applicant applied for the following water use activities: Section 21(b), 21(c) and 21(i). Please find attached proof of e-WULAAS application dated 13 December 2019.</p> <p>6. Noted.</p> <p>7. Noted.</p> <p>8. Noted.</p> <p>9. Noted.</p> <p>I would like to thank you for providing comment on the aforementioned Pre-Application BAR for the Zwartfontein Dam.</p> <p>Kind regards,</p>	EnviroAfrica
31/01/2020	<p>Dear Madam,</p> <p>1. The pre-application Basic Assessment Report ("BAR") dated 28 November 2019 and the correspondence dated 2 December 2019 from Inge Erasmus of EnviroAfrica as received by this Department on the same date, the correspondence from this Department dated 30 December 2019 acknowledging receipt of the pre-application BAR and the site inspection which took place on 15 January 2020, refer.</p> <p>2. Having considered the information contained in the aforementioned report, this Department in accordance with Regulation 7 (5) of the Environmental Impact Assessment ("EIA") Regulations, as defined in Government Notice ("GN") No. R. 982 of 2014 (as amended), hereby provides the following comments with respect to the development proposal.</p> <p>2.1. It is stated in the pre-application BAR that the expansion of the dam is required in order to ensure adequate water supply to irrigate existing orchards. As such, it is this Department's understanding that no expansion of existing agricultural activities forms part of the current development proposal. However, please be informed that should any expansion of existing agricultural activities be proposed, you will be required to assess the impacts thereof, including the measures to avoid and if not possible mitigate such impacts. Furthermore, the assessment will have to inter alia the suitability of the soil, depending on the type of cultivation/ agricultural activities being proposed.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>Dear Natasha,</p> <p>I hereby acknowledge receipt of the Department's comment dated 31 January 2020.</p> <p>The Department's correspondence dated 31 January 2020 is duly noted.</p> <p>Please see the responses to the Department's correspondence dated 31 January 2020 below:</p> <p>1. Noted.</p> <p>2. Noted. No other expansion of existing agricultural activities form part of the current development proposal.</p> <p>2.1. Noted. A dam certificate for the existing dam was issued by the Department of Water Affairs on 03 February 1995. The dam certificate will be attached to the draft BAR as an appendix. Berg River Irrigation Board issued water use rights to the landowner on 06 June 2019. The water use rights document will be attached to the draft BAR as an Appendix.</p>	EnviroAfrica
"	<p>2.2. It is mentioned throughout the pre-application BAR that existing water use rights are in place from the Berg River Irrigation Board. You are hereby reminded to provide and include the said licenses in all future reports that will be circulated from comment.</p> <p>2.3. Please ensure that the Construction Phase Environmental Management Programme ("EMPr") is revised in order to include safety aspects for when the dam expansion works will be commenced with. This must include safety aspects for downstream users as well as on-site staff and/or contractors who will be employed to manage/oversee the dam expansion works.</p> <p>2.4. It is indicated throughout the pre-application BAR that electrical infrastructure from Eskom will need to be relocated as a result of the proposed dam expansion. As such, it is hereby requested that Eskom be included as part of the list of stakeholders who will be consulted during any follow-up Public Participation Process.</p> <p>2.5. It is noted that no technology alternatives are proposed. As such, it is hereby recommended that the feasibility of technology alternatives be investigated and in particular, water saving technology/solutions.</p> <p>2.6. It is indicated in page 64 of the pre-application BAR that information regarding social and economic aspects be included "in the next BAR". You are hereby reminded to include all outstanding information in all future reports that will be circulated for comment.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>2.2. Noted. Berg River Irrigation Board issued water use rights to the landowner on 06 June 2019. The water use rights document will be attached to the draft BAR as an Appendix.</p> <p>2.3. Noted. Safety aspects for the proposed expansion works will be incorporated into the Environmental Management Programme ("EMPr").</p> <p>2.4. Noted. Eskom will be included in the list stakeholders / I&APs</p> <p>2.5. Technology alternatives will be investigated in the draft BAR.</p> <p>2.6. Noted. The information regarding the social and economic aspects of the proposal will be included in the draft BAR.</p>	EnviroAfrica

"	<p>2.7. It is mentioned on page 77 of the pre-application BAR that graves and the modern kraal will be suitably buffered to avoid impacting on these resources. It is however unclear as to where these resources are located on the site. As such, you are hereby requested to provide more detailed information on the location of these resources on the site as well as provide a map which spatially illustrates how these resources will be buffered from the proposed development.</p> <p>2.8. It is mentioned in the pre-application BAR that rehabilitation as well as maintenance works forms part of the overall development project. As such, you are hereby requested to provide more detail on what the rehabilitation and maintenance works will entail. Furthermore, you must specify the stages at which the actions/activities relating to the rehabilitation and maintenance works will take place, respectively. Please note that aspects of rehabilitation and maintenance works can also be addressed as part of two separate plans appended to the BAR. You therefore have the option of including the proposed rehabilitation and maintenance works into two plans.</p> <p>2.9. This Department requires proof of the submittal of the application to the National Department of Water and Sanitation for a Water Use License and the proof must be appended to the Final BAR.</p> <p>2.10. You are reminded that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are assessed as part of the EIA process.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>2.7. Noted. However, please be advised that the previous Environmental Assessment Practitioner (EAP) made a typographical error on page 77 of the pre-application BAR. There are no graves or modern krales on site. The Heritage Screener which was attached as Appendix G3 of the pre-application BAR did not identify any graves or krales on site.</p> <p>2.8. Noted. More detail with regards to the rehabilitation and maintenance works will be included in the draft BAR.</p> <p>2.9. Noted. The Water Use License Application was registered on the e-WULAAS on 29 October 2019, and proof of the e-WULAAS will be attached as an appendix to the draft BAR.</p> <p>2.10. Noted.</p>	EnviroAfrica
"	<p>2.11. In terms of Section 2(h)(iii) of Appendix 2 of GN No. 982 of 4 December 2014 (as amended), please be reminded to include all comments received from Interested and Affected Parties (which includes the commenting authorities and private individuals/organisations) during the Public Participation Process, as well as the responses to those comments in the future reports which will be submitted to this Department. In this regard, it is important to obtain comments/input from the Department of Water and Sanitation and the Western Cape Department of Agriculture.</p> <p>2.12. Please be reminded to include all proof of the Public Participation Process which was conducted in terms of Regulation 41 of GN No. R. 982 of 4 December 2014 (as amended). This must include, inter alia, proof of fixing a notice board at the site where the activity will take place, giving written notice to Interested and Affected Parties and placing an advertisement in the local newspaper.</p> <p>2.13. Please be reminded to include the original signed declaration forms in the final report.</p> <p>2.14. Please be reminded to include a spatial development plan of the overall development. The plan should include all of the associated environmental constraints, such as the sensitive areas that will be avoided, e.g. buffer area.</p> <p>2.15. Your attention is drawn to Appendix 4 of GN No. R. 982 of 2014 (as amended), for the requirements with respect to the 'Content of Environmental Management Programme'. Please ensure that you fulfil these requirements.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>2.11. Noted. Department of Water and Sanitation as well as the Western Cape Department of Agriculture provided comment on the pre-application BAR, and will be included into the comments and responses report.</p> <p>2.12. Noted.</p> <p>2.13. Noted. Originally signed declaration forms will be submitted with the final report.</p> <p>2.14. Noted. A spatial development plan will be included in the draft BAR.</p> <p>2.15. Noted.</p>	EnviroAfrica
"	<p>2.16. Your attention is drawn to Appendix 4 of GN No. R. 982 of 4 December 2014 (as amended), for the requirements with respect to the 'Content of basic assessment reports'. Please ensure that you fulfil these requirements.</p> <p>2.17. Your attention is drawn to Appendix 6 of GN No. R. 982 of 4 December 2014 (as amended), for the requirements with respect to the 'Content of specialist reports'. Please ensure that you fulfil these requirements.</p> <p>3. Please note that the activity must not commence with prior to an environmental authorisation being granted by this Department. It is prohibited in terms of the National Environmental Management Act, 1998 (act No. 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the listed activity. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>4. Kindly quote the abovementioned reference number in any future correspondence in respect of this pre-application case.</p> <p>5. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.</p> <p>Yours faithfully, Head of Department</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>2.16. Noted.</p> <p>2.17. Noted.</p> <p>3. Noted. No activities will commence without an Environmental Authorisation from the Department.</p> <p>4. Noted.</p> <p>5. Noted.</p> <p>I would like to thank you for providing comment on the aforementioned proposal.</p> <p>Kind regards,</p>	EnviroAfrica

21/02/2020	<p>Your application of 02 December 2019 has reference.</p> <p>The Western Cape Department of Agriculture: Land Use Management has no comment.</p> <p>Please note: * Kindly quote the above-mentioned reference number in any future correspondence in respect of the application. * The Department reserves the right to revise initial comments and request further information from you based on the information received.</p> <p>Yours sincerely Mr. CJ van der Walt</p>	Department of Agriculture	Zwartfontein Dam	<p>Dear Mr CJ van der Walt,</p> <p>I hereby acknowledge receipt of your Department's comment dated 21 February 2020.</p> <p>In the aforementioned comment dated 21 February 2020 your Department indicated that it has no comment.</p> <p>I would like to thank you for providing comment on the aforementioned proposal.</p> <p>Kind regards,</p>	EnviroAfrica
06/03/2020	<p>Dear Madam,</p> <p>1. The 'Notice of Intent' and the correspondence dated 4 April 2019 from Inge Erasmus of EnviroAfrica as received on the same date, the correspondence from this Department dated 15 April 2019 acknowledging receipt and providing comments on the 'Notice of Intent', the electronic correspondence from Inge Erasmus from EnviroAfrica, as received by this Department on 14 November 2019, 19 November 2019, 25 November 2019 and 29 November 2019, the electronic correspondence from Emile Esquire of EnviroAfrica as received by this Department on 28 January 2020 and 19 February 2020, the correspondence issued by this Department on 28 January 2020 and 19 February 2020, the correspondence issued by this Department on 31 January 2020 providing comments on the Draft Basic Assessment Report, the electronic correspondence from this Department dated 5 February 2020 and the telephonic conversation on 3 March 2020 between Maboe Ntheja of this Department and Emile Esquire of EnviroAfrica, refer.</p> <p>2. Your attention is drawn to the listed activities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 as defined in Government Notice ("GN") No. R. 983, R. 984 and R. 985 of 4 December 2014. These Regulations came into effect on 8 December 2014. All activities identified as listed activities in the EIA Regulations of 2014 (as amended) that had not lawfully been commenced with on 8 December 2014, must not be undertaken without an Environmental Authorisation from the competent authority.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>Dear Natasha,</p> <p>I hereby acknowledge receipt of the Department's correspondence dated 06 March 2020.</p> <p>The Department's correspondence 06 March 2020 is duly noted.</p> <p>Please see the responses to the Department's correspondence 06 March 2020 below:</p> <p>1. Noted.</p> <p>2. Noted. No development will take place unless the Department has issued a decision regarding the proposed development.</p>	EnviroAfrica
"	<p>3. This Department has reviewed the abovementioned electronic correspondence from Emile Esquire of EnviroAfrica as received by this Department on 28 January 2020 and 19 February 2020 and noted that an existing outlet pipeline will be replaced with a pipeline of greater throughput capacity. The said expansion seems to trigger the following listed activity in terms of the EIA Regulations of 2014 (as amended):</p> <p>* Item 45 of Listing Notice 1 of GN No. R. 983 of 2014 (as amended): "The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure - (i) has an internal diameter of 0,36 metres or more; or (ii) has a peak throughput of 120 litres per second or more; and (a) where the facility or infrastructure is expanded by more than 1000 metres in length; or (b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more;</p> <p>excluding where such expansion - (aa) relates to transportation of water or storm water within a road reserve or railway line reserve; or (bb) will occur within an urban area".</p> <p>Item 45 of Listing Notice 1 seems to trigger, as the existing infrastructure has a peak throughput capacity of more than 120 litres per second and the proposed expansion will result in an increase of the throughput capacity of more than 10%.</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>3. Noted. Item 45 of Listing Notice 1 of GN No. R. 983 of 2014 (as amended) will be inserted into the NEMA Application Form.</p>	EnviroAfrica

"	<p>4. Furthermore, please be advised that the following activity in terms of the EIA Regulations of 2014 (as amended) will also triggered, should the pipeline route result in a new footprint of 100m² or more between the existing dam wall and pumphouse.</p> <p>* Item 48 of Listing Notice 1 of GN No. R. 983 of 2014 (as amended): The expansion of - (i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or (ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such expansion occurs - (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exist, within 32m of a watercourse, measured from the edge of a watercourse;</p> <p>excluding - (aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 of Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	DEA&DP: Region 1	Zwartfontein Dam	4. Noted. Item 48 of Listing Notice 1 of GN No. R. 983 of 2014 (as amended) will be inserted into the NEMA Application Form.	EnviroAfrica
"	<p>5. Written authorisation is therefore required from the competent authority prior to the undertaking of the abovementioned listed activities for the expansion of the on-site water transportation infrastructure on the Remainder of the Farm No. 792, Zwartfontein, Malmesbury.</p> <p>6. An application for Environmental Authorisation must therefore be lodged for the aforesaid listed activities and the Environmental Authorisation granted by the competent authority before the development proposal can be commenced with. The relevant application form is available from our website: www.westerncape.gov.za. Failure to include any applicable listed activity may invalidate the application.</p> <p>7. Please note that it is prohibited in terms of Section 24F 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 in terms of this prohibition will result in the matter being referred to the Environmental Law Enforcement Directorate for possible prosecution. A person convicted of an offence in terms of the above is liable to a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>8. This Department reserves the right to revise or withdraw comments or request further information from you based on any information received.</p> <p>Yours faithfully Head of Department</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>5. Noted. An application for Environmental Authorisation will be lodged in due course.</p> <p>6. Noted. An application for Environmental Authorisation will be lodged in due course.</p> <p>7. Noted.</p> <p>8. Noted.</p> <p>Thank you for providing comment on the aforementioned proposal.</p> <p>Kind regards,</p>	EnviroAfrica
29/03/2019	<p>Your Reference Number: 3238366</p> <p>We Acknowledge receipt of your letter dated 2019-03-29 regarding BLACK ORCHARD (PTY) LTD: PROPOSED INCREASE OF THE EXISTING ZWARTFONTEIN DAM WALL, RE ZWARTFONTEIN FARM NO. 792, MALMESBURY and confirm that the correspondence is being referred to the relevant Department for attention. Reference Number: 3238366</p>	Department of Water and Sanitation	Zwartfontein Dam	<p>Dear Sir/ Madam,</p> <p>I hereby acknowledge receipt of your email correspondence dated 29 March 2019.</p> <p>Please find your email correspondence dated 29 March 2019 attached to this email.</p> <p>The contents of your email correspondence dated 29 March 2019 is duly noted.</p> <p>Thank you for providing comment on the aforementioned proposal.</p> <p>Kind regards,</p>	EnviroAfrica

06/07/2020	<p>1. The 'Notice of Intent' and the correspondence from Ms. Inge Erasmus of EnviroAfrica dated and received by this Department on 04 April 2019, this Department's correspondence dated 15 April 2019 acknowledging receipt and commenting on the 'Notice of Intent', the pre-application Basic Assessment Report ("BAR") dated 28 November 2019 and the correspondence from Ms. Inge Erasmus of EnviroAfrica dated and received by this Department on 2 December 2019, this Department's correspondence dated 30 December 2019 acknowledging receipt of the pre-application BAR, the site inspection conducted by officials of this Department on 15 January 2020, this Department's correspondence dated 31 January 2020 providing comments on the pre-application BAR and the additional information provided by Mr. Emile Esquire of EnviroAfrica via email on 14 May 2020, 18 May 2020, 26 May 2020, 1 June 2020 and 30 June 2020, refers.</p> <p>2. It is requested that the latest email received on 30 June 2020 that the pre-application file regarding the development proposal be closed, as an application will be submitted to this Department. As such, the Department has closed the case file for all administrative purposes with effect from the dated of issue of this letter.</p> <p>3. This Department awaits your application for environmental authorisation for the listed activities that your proposed development triggers in terms of the Environmental Impact Assessment Regulations, 2014 (as amended).</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>Dear Natasha,</p> <p>The attached correspondence from the Department dated 06 July 2020, refers.</p> <p>Please see responses to your points raised below:</p> <p>1. Noted.</p> <p>2. Noted. The NEMA Application will be submitted in due course.</p> <p>3. Noted. The NEMA Application will be submitted in due course.</p>	EnviroAfrica
"	<p>4. Please note that it is prohibited in terms of Section 24F of the National Environmental Management Act, 1998 (Act 107 of 1998) for a person to commence with a listed activity unless the competent authority has granted an environmental authorisation for the undertaking of the listed activity. Failure to comply in terms of this prohibition will result in the matter being referred to the Environmental Governance Directorate of this Department for possible prosecution. A person convicted of an offence in terms of the above is liable for a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.</p> <p>5. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.</p> <p>Yours faithfully Head of Department</p>	DEA&DP: Region 1	Zwartfontein Dam	<p>4. Noted.</p> <p>5. Noted.</p> <p>Kind regards,</p>	EnviroAfrica