



REFERENCE: 16/3/3/1/F5/16/2002/21

DATE: 18/02/2021

The Board of Directors
Black Orchid Farming Pty (Ltd).
P. O. Box 6100
ROGGEBAAI
8012

Attention: Ms. Mine van Wyk

Tel.: (021) 421 2129

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Dear Madam

COMMENT ON THE SITE SENSITIVITY VERIFICATION (“SSV”) REPORT FOR THE PROPOSED EXPANSION OF AN INSTREAM DAM ON THE REMAINDER OF FARM ZWARTFONTEIN NO. 792 AND PORTION 8 OF THE FARM ZWARTFONTEIN NO. 792, ZWARTFONTEIN, MALMESBURY.

1. The SSV report compiled by Mr. Anthony Mader of EnviroAfrica, as received by this Department via email correspondence on 20 January 2021, this Department's e-mail correspondence dated 10 February 2021 and the information received via e-mail on 12 February 2021, refer.
2. The SSV report indicates that the said report was compiled based on desktop studies as well as a site visit (conducted in March 2019). The SSV report further provides the following information, which is read together with the document titled “DEA Screening Tool_ Specialist Assessments Identified” and the Screening Tool Report dated 24 November 2020:
 - 2.1. The Screening Tool Report revealed the following site sensitivities:
 - 2.1.1. Agriculture Theme - Very High sensitivity;
 - 2.1.2. Animal Species Theme - Medium sensitivity;
 - 2.1.3. Aquatic Biodiversity Theme - Very High sensitivity;
 - 2.1.4. Civil Aviation Theme - High sensitivity;
 - 2.1.5. Defence Theme - Low sensitivity;
 - 2.1.6. Paleontology Theme - Low sensitivity;
 - 2.1.7. Plant Species Theme - Medium sensitivity; and
 - 2.1.8. Terrestrial Biodiversity - Theme Very High sensitivity.
 - 2.2. According to the additional information received on 12 February 2021, the abovementioned site sensitivities are either agreed to or disputed, as follows:
 - 2.2.1. The Very High sensitivity in terms of the Agriculture Theme is disputed, as the proposed development is in line with the agricultural zoning of the property. It is further revealed that approximately 4.5ha of orchards will be lost due to the proposed dam enlargement. Based on this information a Low sensitivity rating in terms of the Agriculture Theme is requested.

This Directorates response is as follows:

Although the proposed development is in keeping with the existing land use rights, please be reminded that the impacts relating to the lost agricultural land, due to the dam expansion must be assessed in the Final Basic Assessment Report ("BAR"). This must include the measures to avoid or if not possible, mitigate such impacts. This information was also requested in this Directorate's letter of comment on the Draft BAR dated 8 February 2021. Since the Western Cape Department of Agriculture did not request any agricultural assessment in their comments on the pre-application BAR, an Agricultural Compliance Statement will not be required.

- 2.2.2. The Medium sensitivity in terms of the Animal Species Theme is disputed, as no animals were noted during the site visit. The BAR and Environmental Management Programme ("EMPr") will include measures to mitigate potential impact(s) of the proposed development on animal species. Based on this information a Low sensitivity rating in terms of the Animal Species Theme is requested.

This Directorate's response is as follows:

This Directorate agrees to the Low sensitivity rating in terms of the Animal Species Theme. Please be reminded to provide the measures to mitigate potential impact(s) of the proposed development on animal species in the BAR and EMPr, as stated above.

- 2.2.3. The Very High sensitivity in terms of the Aquatic Biodiversity Theme is disputed, as the proposed development comprises the expansion of an existing dam. A Low sensitivity rating in terms of the Aquatic Biodiversity Theme is therefore requested.

This Directorate's response is as follows:

This Directorate acknowledges the nature of your proposal entailing a dam expansion. However, a Fresh Water Report dated June 2020 was already conducted. As such, the Protocols have been complied with for this environmental theme.

- 2.2.4. The High sensitivity in terms of the Civil Aviation Theme is disputed, as the proposed dam expansion will not pose any threat to civil aviation activities within the area. A Low sensitivity rating in terms of the Civil Aviation Theme is therefore requested.

This Directorate's response is as follows:

This Directorate agrees to the Low sensitivity rating in terms of the Civil Aviation Theme and no further requirements are applicable in this regard.

- 2.2.5. The Low sensitivity in terms of the Defence Theme is agreed to, due to the nature of the proposed development and since there are no defence related structures or zones on the site or within close proximity to the site.

This Directorate's response is as follows:

This Directorate agrees to the Low sensitivity rating in terms of the Defence Theme and no further requirements are applicable in this regard.

- 2.2.6. The Low sensitivity in terms of the Paleontology Theme is agreed to, as the site is located within an area of low paleontological sensitivity no impacts to significant palaeontological resources are anticipated.

This Directorate's response is as follows:

This Directorate agrees to the Low sensitivity rating in terms of the Paleontology Theme and no further requirements are applicable in this regard.

2.2.7. The Medium sensitivity in terms of the Plant Species Theme is disputed, as the Botanical Study concluded that the proposed enlargement of the Dam will not impact on any remaining vegetation or plant species of conservation value. A Low sensitivity rating in terms of the Plant Species Theme is therefore requested. Furthermore, the Very High sensitivity in terms of the Terrestrial Biodiversity Theme is being disputed, as it is projected that the proposed dam expansion will not impact on terrestrial and/or flora biodiversity of conservation value. A Low sensitivity rating in terms of the Terrestrial Biodiversity Theme is therefore requested.

This Directorates response is as follows:

This Directorate agrees that the sensitivity rating in terms of the Plant Species Theme and Terrestrial Biodiversity Theme could be regarded as low. It is however noted that Botanical Statement Report dated 18 June 2020 does indicate that some remaining indigenous species were found. As such, please ensure that the report assesses the impacts associated with the proposed clearance of identified indigenous vegetation on the site.

3. Kindly ensure that the information requested in this letter be submitted together with the Final BAR.
4. Please note that 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 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 for a fine not exceeding R5 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
5. Kindly quote the abovementioned reference number in any future correspondence in respect of your application.
6. This Department reserves the right to revise its initial comments and request further information from you based on any new or revised information received.

Yours faithfully

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MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copied to: (1) Mr. A. Mader (EnviroAfrica)
(2) Mr. A. Zaayman (Swartland Municipality)

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