

**APPENDIX E2: CONSULTATION WITH
DEA&DP ON APPLICABILITY OF EIA
REGULATIONS**



**Western Cape
Government**

Environmental Affairs and
Development Planning

APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 (AS AMENDED)

Request for the Department to determine the applicability of the Environmental Impact Assessment Regulations, 2014 (as amended) in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA")

Form Number APP 07/2017

July 2017

(For official use only)	
DEA&DP Reference Number:	
EIA Reference Number:	
Date Received by Department:	
Date Received by Component:	

PROJECT TITLE

**ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED ENLARGEMENT OF DAM 2 ON HUGOSDALE FARM
NO RE/141, CALEDON DISTRICT IN THE WESTERN CAPE**

Cape Town: 1 Dorp Street, Cape Town, 8001

George: 93 York Street, George, 6530

Private Bag X9086, Cape Town, 8000

Private Bag X6509, George, 6530

www.westerncape.gov.za/dept/eadp

Note the following:

1. On 4 December 2014 the Minister of Water and Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment Amendment Regulations ("EIA Regulations), 2014 (Government Notice No. R. 982, R. 983, R. 984, R. 985 in Government Gazette No. 38282 of 4 December 2014). These regulations came into effect on 8 December 2014. The EIA Regulations of 2014 as amended replace the EIA Regulations that were promulgated in 2010. Please ensure that the regulations and any amendments thereto are considered.
2. This checklist must be used to request the competent authority to determine the applicability of the EIA Regulations of 2014 (as amended) with respect to proposed development.
3. This checklist is current as of **July 2017**. It is the responsibility of the Proponent / Environmental Assessment Practitioner ("EAP") to ascertain whether subsequent versions of this checklist have been released by the competent authority.
4. The required information must be typed within the spaces provided in the checklist. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The spaces are in the form of a table that will expand itself as each space is filled with typing.
5. The use of "*not applicable*" in the checklist must be done with caution. Where it is used in respect of material information that is required by the competent authority for assessing the request, this will result in the request for additional information.
6. Incomplete checklists will result in a request for additional information.
7. Unless protected by law, all information contained in, and attached to this checklist, will become public information on receipt by the competent authority.
8. This checklist must be submitted to the competent authority at the postal address given below or by delivery thereof to the Registry Office of the Department. **No faxed or e-mailed checklists** will be accepted.
9. The competent authority will respond in writing and provide guidance on the process to be followed.
10. The contents of relevant Departmental Circulars must be taken into account when completing this checklist.
11. This **checklist is a guide** to the information that must be submitted. Any additional information, pictorial evidence or explanations prompted by the checklist must be submitted along with this checklist in order to ensure that the competent authority does not need to request additional information from you.
12. If this checklist relates to a Waste Management Licence, this checklist must be submitted for the attention of the Director: Waste Management (tel: 021 483 2756 and fax: 021 483 4425) at the same postal address as the Cape Town Office.

DEPARTMENTAL DETAILS

<p>CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District)</p>	<p>CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)</p>	<p>GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District)</p>
<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 1) at: Tel: (021) 483-5829 Fax (021) 483-4372</p>	<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 2) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 2) at: Tel: (021) 483-5842 Fax (021) 483-3633</p>	<p>Applications and requests for specific fee reference numbers must be sent to the following details:</p> <p>Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4th Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 805-8650</p>

View the Department's website at <https://www.westerncape.gov.za/eadp/your-resource-library> for the latest version of this document.

IMPORTANT INFORMATION TO READ BEFORE COMPLETING THIS CHECKLIST

With regards to the applicability of the EIA Regulations, 2014 (as amended), note that:

- 1) The competent authority response is based on the information submitted by you;
- 2) It is an offence in terms of the EIA Regulations, 2014 (as amended) to provide incorrect or misleading information to the competent authority;
- 3) As such, the quality, correctness and detail of information submitted by you is extremely important;
- 4) It remains your responsibility to interrogate the specifics of your proposed development in order to report on the potential listed activities in this checklist;
- 5) Climate change considerations must always be taken into account with respect to any development proposal, particularly along the coast;
- 6) Any proposed development must always be designed in a water wise and conscious manner;
- 7) The social context of the proposed development must always be considered. This may include potential impacts of the proposed development on social issues such as HIV and Aids prevalence and on gender related concerns; and
- 8) The fact that your proposed development may not be listed in terms of the EIA Regulations, 2014 (as amended) does not absolve you from your general "duty of care" set out in Section 28(1) of the NEMA which states that "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment." (Note: When interpreting "duty of care" responsibility, cognisance must be taken of the principles of sustainability as contained in Section 2 of the NEMA).

1. BACKGROUND INFORMATION

Highlight the relevant Departmental Region for the proposed development	CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District)	
Duplicate this section where there is more than one proponent	Wijnberg Farm Trust	
Name of proponent: RSA Identity/ Passport Number:	Reg No IT 231/2003	
Name of contact person for proponent (if other): RSA Identity/ Passport Number:	Allan Wijnberg	
	6101215067083	
Company/ Trading name (if any): Company Registration Number:	A R Wijnberg Farming	
	n/a	
Postal address:	3 Sunnybrae Road	
	Rondebosch, Cape Town	Postal code: 7700
Telephone:	(021)4183830	Cell: 0827847458
E-mail:	awijnberg@prdw.com	Fax: (n/a)
Environmental Assessment Practitioner (EAP): EAP name: Postal address:	EOH Coastal and Environmental Services	
	Dr Anthony (Ted) Mark Avis	
	The Point Building, EOH Suite 408, 76 Regent Road, Sea Point	
		Postal code: 8005
Telephone:	(021) 045 0900	Cell: 082 783 6393
E-mail:	ted.avis@eoh.co.za	Fax: (046) 622 6564
EAP Qualifications:	PhD, Botany (Rhodes University)	
EAP Registrations/Associations:	<ul style="list-style-type: none"> • Certified Environmental Assessment Practitioner Southern Africa • SACNASP Reg no. 400059/93 • Royal Society of South Africa • Botanical Society of South Africa • South African Association of Botanists (SAAB) 	
Name of landowner: Name of contact person for landowner (if other): Postal address:	Allan R. Wijnberg	
	3 Sunnybrae Road	
	Rondebosch, Cape Town	Postal code: 7700
Telephone:	(021)4183830	Cell: 0827847458
Name of Person in control of the land: Name of contact person for person in control of the land: Postal address:		
		Postal code:
Telephone:	()	Cell:
E-mail:		Fax: ()

Note: In instances where there is more than one landowner or person in control of the land, a list of landowners/persons in control of the land, with their contact details, must be attached to the back of this form.

Municipality in whose area of jurisdiction the proposed activity will fall: Magisterial district:	THEESWATERKLOOF MUNICIPALITY
	CALEDON, UNDER OERBERG DISTRICT MUNICIPALITY
Property location of all proposed sites: Farm/Erf name(s) & number(s) (including portion) of all proposed sites: Property size(s) (m ²) of all proposed sites: Development footprint size(s) in m ² :	HUGOSDALE FARM Erf 141
	HUGOSDALE FARM Erf 141
	5405400 m² (540.54 ha)
	50 000 m²

SG 21 Digit code(s) of all proposed sites:	C013000000001410000		
Coordinates of all proposed sites: Latitude (S) Longitude (E)	34°	4'	4.50"
	19°	40'	22.49"

Note: Coordinates must be provided in degrees, minutes and seconds using the Hartebeesthoek94 WGS84 co-ordinate system. Where numerous properties/sites are involved (e.g. linear activities), you may attach a list of property descriptions and street addresses to this form.

Street address of all proposed sites:	HUGOSDALE FARM ERF 141 ON RIVIERSONDEREND ROAD (ALSO R 406)		
Magisterial District or Town:	CALEDON, UNDER OVERBERG DISTRICT MUNICIPALITY		
Closest City/Town:	CALEDON	Distance	About 55 (km)
Current zoning of all proposed sites and the date the current zoning was obtained:	ZONE 1, AGRICULTURAL ZONE ZONING DATE WAS OBTAINED IN MARCH 2011		

Note: In instances where more than one zoning is applicable, attach a list or map of the properties that indicates their respective zoning, to this form.

Is a rezoning application required?	<input checked="" type="checkbox"/>	NO
Is a consent use application required?	<input checked="" type="checkbox"/>	NO
Locality map: SEE APPENDIX 1	<p>A locality map must be attached to this checklist as an Appendix. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:</p> <ul style="list-style-type: none"> • an accurate indication of the project site position as well as the positions of the alternative sites, if any; • road names or numbers of all the major roads as well as the roads that provide access to the site(s) • a north arrow; • a legend; • the prevailing wind direction; and • GPS co-ordinates of the boundary of the property or properties (as well as the GPS co-ordinates of the development footprint), or the route corridor for linear activities. The co-ordinates must be in degrees, minutes and seconds. 	

2. DETAILS OF CURRENT ACTIVITIES

2.1 Do you have any existing approvals for existing development? If yes, provide complete details of all approvals and attach a copy/ies herewith.	YES	<input checked="" type="checkbox"/>
See Appendix 3 for existing water use licence confirmed by the Breede-Gouretz Catchment Management Agency (BGCMA)		
2.2 Have any activities physically commenced on the site/s?	<input checked="" type="checkbox"/>	NO
2.3 List the date of commencement of these activities (dd/mm/yy). NOT APPLICABLE		
2.4 Describe the commencement of these activities clearly. NOT APPLICABLE		
NO ACTIVITIES HAVE TAKEN PLACE ON THE PROPOSED SITE AT THIS STAGE.		
2.5 Clearly describe the current state of the site/s/route (This must be supported by recent photographs).		
<p>The proposed project site is a dam (Dam 2) and the area(s) that will be inundated (Appendix 2: Plate 1 and Plate 2). The site is situated at the foothills of Rivieronderend Mountain Catchment Area in the quaternary catchment H60F.</p> <p>Dam 2 has a storage capacity of <60 000m³ and the water quality of Dam 2 is unknown, however, it expected to be of high quality given the proximity of the dam to the catchment headlands (Figure 1 and Plate 3) and its use to provide water to fruit orchards and pastures on the Hugosdale Farm.</p> <p>The land surrounding Dam 2 is transformed by previous agricultural activities and the vegetation (including the riparian) is considered degraded and is infested with the alien invasive species.</p> <p>REFER TO APPENDIX 2 FOR ANNOTATED SITE PHOTOGRAPHS</p>		



FIGURE 1: The Dam Site in relation to the Catchment Headlands



FIGURE 2: Close-Up of the Existing Dam and transformed vegetation on the valley plains

2.6 Describe the existing vegetation/ground cover.

The dominant vegetation in the greater project area is Greyton Shale Fynbos and the valley in which the project occurs is dominated by Central Ruens Shale Renosterveld (Figure 3). The vegetation on site (Plate 4) is degraded and riparian regions appear to be transformed. The site is dominated by the alien invasive species of black wattle and there is evidence of efforts to eradicate these (Plate 5 and Plate 6).

3. PROJECT DESCRIPTION FOR THE PROPOSED DEVELOPMENT

3.1 Is the proposed development:

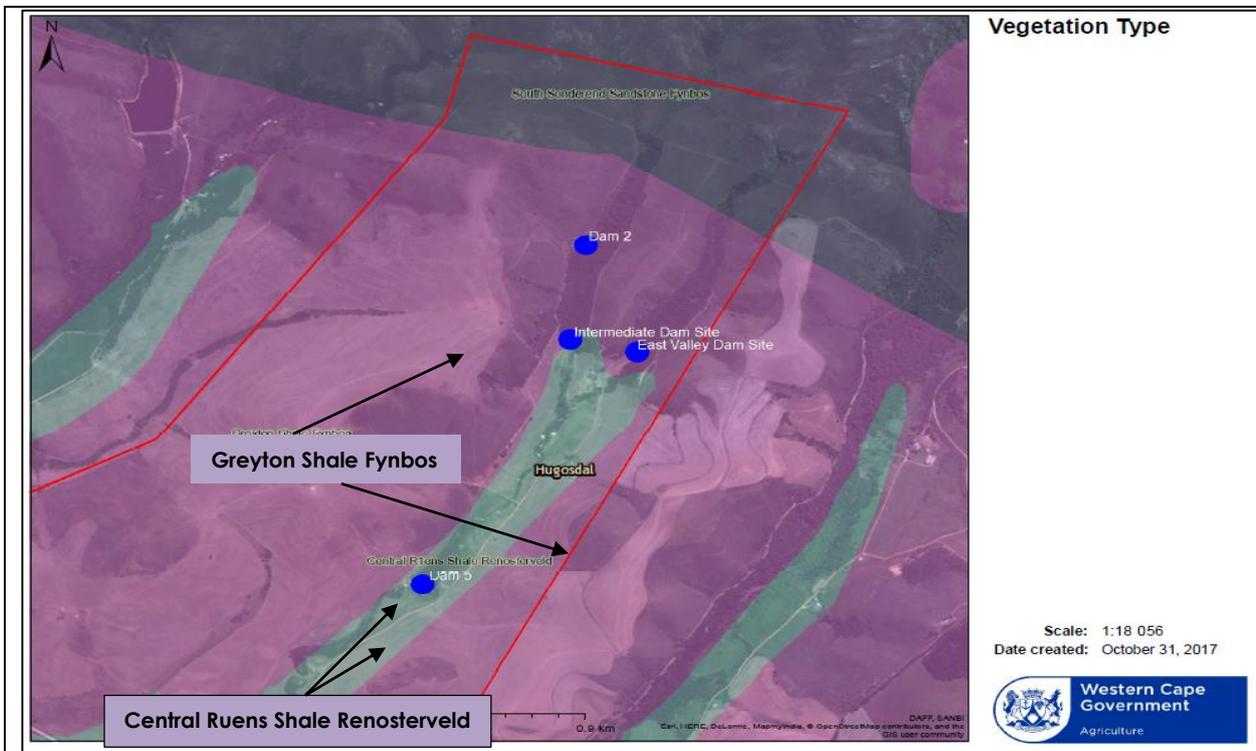


FIGURE 3: The Vegetation Type Map

2.7 Describe the ground slope, drainage and any on-site watercourses/wetlands.

Ground Slope

The slope of the site has two pronounced gradients:

- West to East across the valley - The change in elevation is approximately 27m from the highest point about 297m to the lowest 270m within the valley where the Dam is situated which can be seen as medium to gentle slope in figure 4.A below.
- North to South from catchment headlands to the valley bottom - The change in elevation from the Catchment Headlands TO THE VALLEY BOTTOM is considered very steep with a change of 217m height over 500m in length and then levelling out onto gentler slope changing 70m height over 1,500m (Figure 4: B).



FIGURE 4: Elevation Profile of the Site (A) Across the Valley Plains, and (B) From the Catchment Headlands

Drainage and water courses

The project area is bordered by medium/gentle slopes across the valley in which the proposed site falls as well as the area behind the existing dam where the inundation will take place. The site is also situated within a watercourse that flows and drains southwards towards the Rivieronsderend River (Figure 5).

3.1.1 a linear activity?	YES	
3.1.2 an activity directly related to prospecting or exploration of a mineral and petroleum resource or extraction and primary processing of a mineral resource?		NO



FIGURE 5: Dam 2 site within a watercourse

2.8 Describe the proximity to the high-water mark of the sea or any watercourses.

This project is within a water course, it is for the expansion of an existing in river dam.

2.9 Have any *ad hoc* setback lines in terms of the NEMA EIA Regulations, 2014 (as amended) been adopted by the competent authority for the subject site/s/route? (If yes, copies MUST be attached to the checklist).

Explain:

No known setback lines exist for this river however the development will be within 32m of a water course GNR 983 (23) (ii)(c).

2.10 Have any Directives under Section 30A of the NEMA (as amended) been issued by the competent authority for the subject site/s/route? (If yes, copies MUST be attached to the checklist).

Explain: **Not Applicable**

No notices have been issued for this activity in terms of Section 30A of the NEMA EIA Regulations, 2014 (as amended)

3.1.3 a strategic integrated project (SIP) as contemplated in the Infrastructure Development Act, 2014 (Act No. 23 of 2014)?

NO

3.2 Provide a detailed description of the proposed development, its associated infrastructure, and the availability of bulk services. A clear, accurate and comprehensive description will prevent any requests for additional information by the competent authority. Include information on all capacities, areas, volumes, heights, lengths, etc.

The proposed development is for the expansion of Dam 2 on Farm No RE/141 to increase the water availability for irrigation on the farm for the new deciduous fruits and cattle feed grass and reduce electricity consumption by increasing gravity feed irrigation.

The proposed Dam 2 expansion will increase the:

- **Total farm capacity from 56 965 m³ to 500 000 m³ i.e. increase of 443 035 m³**
- **Surface area from of Dam 2 from approximately 5 500m² to 65 500 m² i.e. increase of 60 000 m²**
- **Construction of a New Dam wall 20 m in height i.e. increase of 15 m**

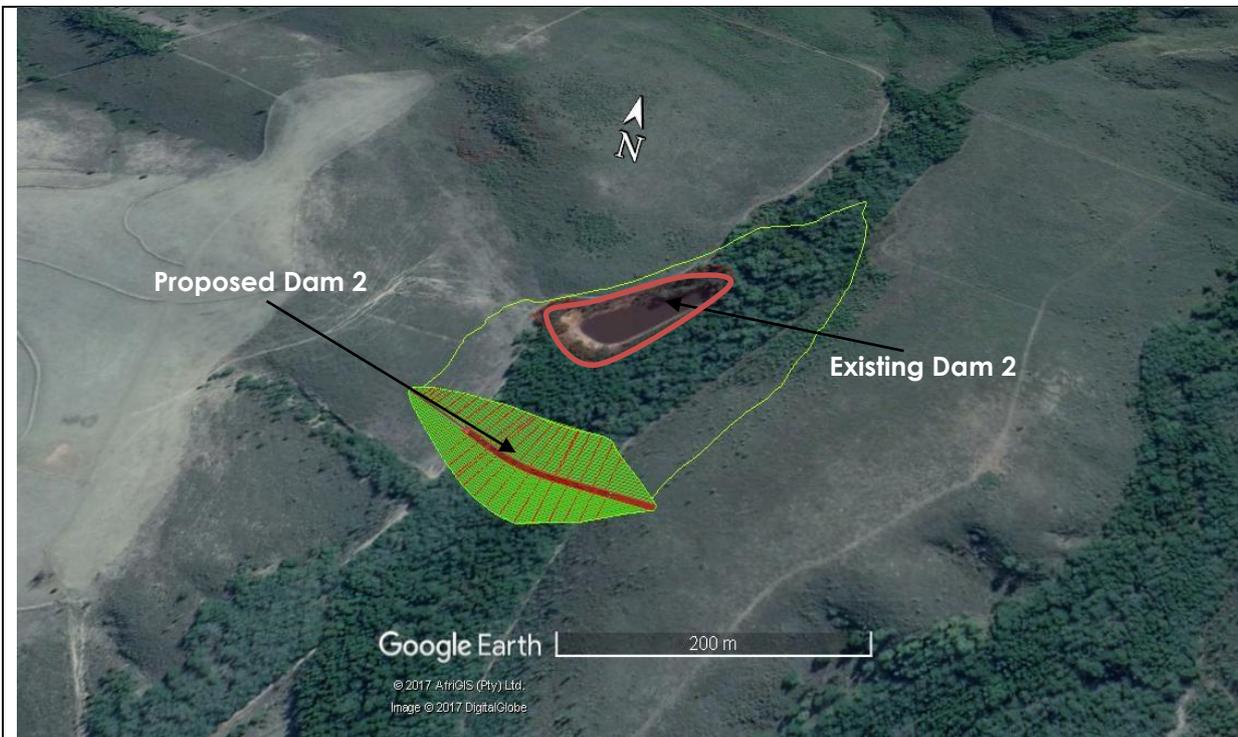


FIGURE 6: Existing Dam 2 and the Proposed Dam Inundation Area

The following infrastructure will be required as part of the proposed activity:

- Dam wall
- Spillway
- Laydown area

There are currently five dams on site with a cumulative storage capacity of 56 965 m³ to irrigate 90.7 ha. The proponent has an existing WULA which allows for taking of water for irrigation purposes, as follows:

Enlistment – Summer	180 000 m ³
Enlistment – Winter	80 000 m ³
Surface water	335 940 m ³
Total	615 940 m ³
Existing water storage	56 965 m ³

A water use license application for Section b), c) and i) water use will be required from DWS.

The expansion of an existing dam requires that a Basic Assessment be conducted, however, the expansion of the dam will be done by constructing a new dam wall (Figure 6) (>5m) that will inundate the existing dam. Given that the site is of low ecological and social sensitivity and that there is an existing dam it is suggested that only a Basic Assessment is required.

3.2.1 Does the proposed development entail the expansion or changes to an existing facility or the construction of a new facility? Explain.

The proposed activity entails an expansion and changes to an existing facility.

The current facility is a dam with a storing capacity of no more than 60 000 m³. The proposed expansion is intended to increase this holding capacity to no more than 500 000m³.

3.2.2 Does the proposed development entail the expansion of an existing development footprint or the "like for like replacement" of anything existing? Explain.

The proposed activity will see the current footprint increased with about 50 000 m².

3.2.3 What is the total area (m²) of land to be physically cleared for the proposed development (including associated infrastructure)? Provide clear details of the required footprint.

It is estimated that the proposed activity will have vegetation clearance of more than 10 000 m² but not exceeding 200 000 m². Most of the area to be cleared is infested with black wattle trees, which are an invasive species in the proposed site (Appendix 2) and is currently inundated.

3.2.4 Specifically list any dangerous goods (e.g. but not limited to chemicals/hazardous substances) and volumes thereof that will be stored on the site during development or operational activities.

The proposed activity does not encompass the use of significantly alarming and dangerous goods, however it is expected that the following may pose danger if not properly considered during planning:

- The use of heavy machinery

- An estimated 100 00m³ of wall material will be excavated and be used to build the dam wall. No excess rubble will be produced during construction phase
- Diesel/gas

3.2.5. Does the site/s/route form part of a Critical Biodiversity Area or contain any indigenous vegetation? Explain

Yes, the site does form part of a Critical Biodiversity Area (CBA) included Terrestrial CBAs and the Aquatic CBAs as seen on Figure 7 below.

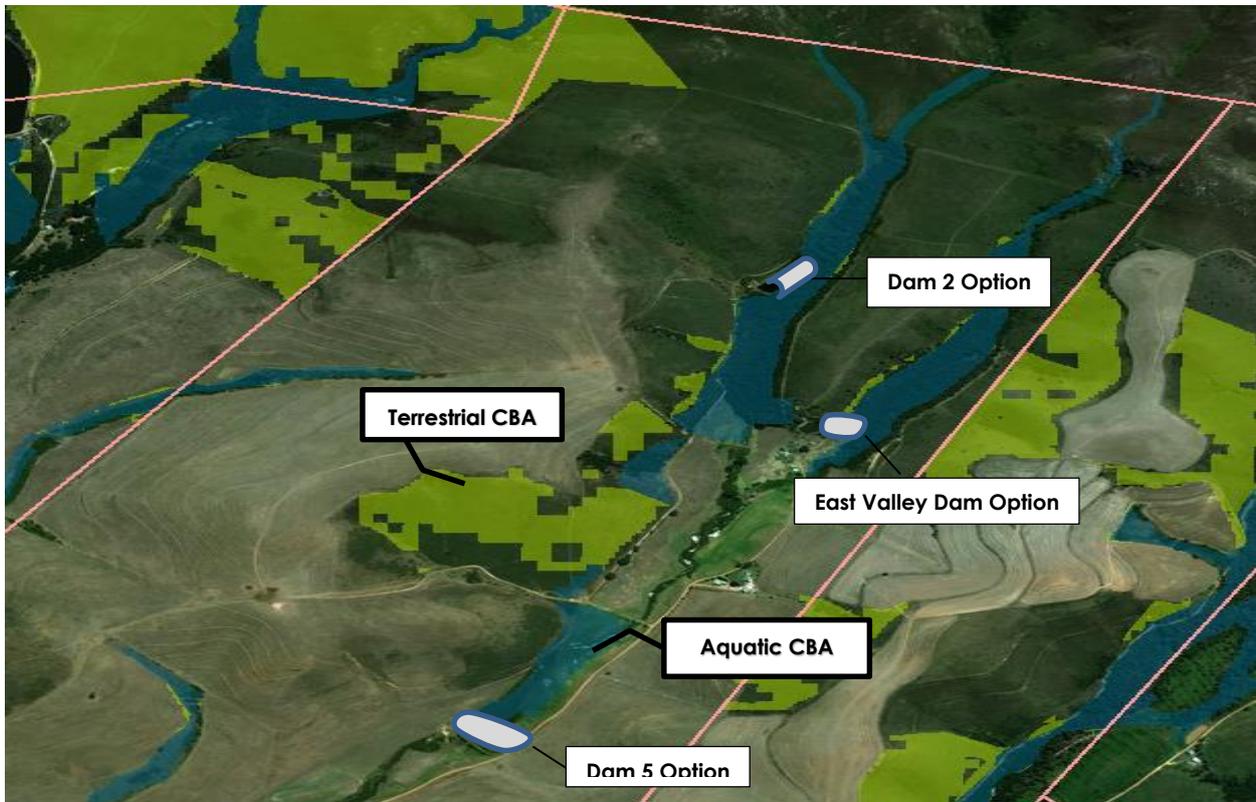


FIGURE 7: Critical Biodiversity Areas Find within the Site

Based on the dam options considered for the Dam Enlargement, Dam 2 site was recommended because it will have limited disturbance to the critical areas when compared to others site options. Other options that were considered for enlargement include the East valley dam site and Dam 5 option southward to Dam2 Site, all of which fall within the Critical Biodiversity Area.

However, the site has been transformed and the vegetation is considered degraded. It is suspected that the ecological study will not classify this site as either Aquatic or Terrestrial CBA.

REFER TO APPENDIX 1 FOR THE SITE LOCATION AND DAM OPTIONS

Figure 1: Critical Biodiversity Areas (Aquatic and Terrestrial) in relation to the Dam Options

3.3 Waste, effluent and emission management

3.3.1 Solid waste management

(i) Will the activity produce any solid waste (including rubble/sewage) during the construction or operational phases?	NO
(ii) If YES or UNCERTAIN, explain.	
(iii) If YES, will it feed into a municipal waste stream?	NO
All excess construction materials will be stored and then removed from site after construction.	
(iv) If NO to (iii) above, describe how each will be treated / disposed of.	
It is expected that during construction phase removal of vegetation will occur and rubble will be created.	

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3.3.2 Effluent

(i) Will the activity produce any effluent?		NO	
(ii) If YES or UNCERTAIN, explain.			
(iii) If YES, will the effluent be treated and/or disposed of into a municipal system?			
(iv) If NO to (iii) above, describe how it will be treated and/or disposed of:			
<p>The proposed activity is not expected to produce sewage or effluent that requires treatment.</p> <p>It is, however, worth noting that during storm water flow bursts, overflow will be expected and such, this overflow may be viewed as a form of effluent coming from the proposed dam, which is suspected will be regulated and controlled by use of outlet valve fitted at the central point of the dam or alternatively through a designed spillway and will feed into the nearest stream, the Riviersonderend located southwards from the proposed site. This will have to be detailed on the engineering designs</p> <p>During the construction phase, the river will be routed into the existing dam to ensure no overflow occurs.</p>			

3.3.3 Emissions into the atmosphere

(i) Will the activity produce emissions that will be vented into the atmosphere?		NO	
(ii) If YES or UNCERTAIN, explain. Describe the emissions in terms of type and concentration and how it will be treated/mitigated prior to venting:			
<p>Given the variable winds in the region, the proposed activity may produce dust emissions. This is not expected to be high impact as it can be watered during windy periods to lower the its impacts on the immediate receiving environment.</p>			

3.4 Water Use

Please indicate the source(s) of water for the proposed development by highlighting the appropriate box (es)

	River, Stream, Dam or Lake	
3.4.1 Please explain your selection above.		
<p>The proposed activity will be filled from natural runoff, water will not be pumped from the Riviersonderend River.</p>		
3.4.2 The volume of water required per month is:	615 940 m³	
Please provide proof of assurance of water supply (eg. Letter of confirmation from the municipality / water board/ yield of borehole).		
<p>See Appendix 3 for confirmation of existing Water Use Licences</p>		

3.5 Power Supply

3.5.1 Please indicate the source of power supply eg. Municipality / Eskom / Renewable energy source/ Self
<p>Self.</p> <p>The proposed activity does not have requirement for power in order to operate, however, at construction phase should the need for power arise, it is expected this will be supplied by a stand-by generator on site for that specific aspect of the activity. E.g. a small brush cutters and saw cutters may require power supply to be operated to clear the certain plants in the proposed site</p> <p>Given that there will be no need for power during construction phase, it is important to note that the level of the proposed site, in comparison to others, is situated above the orchards and therefore allows the irrigation to be operated without power under gravity feed.</p>
3.5.2 Explain clearly how power will be generated/transmitted/distributed?
Not Applicable

3.6 Land use description

3.6.1 Describe the current land use of the proposed site(s) for the proposed development.
According to the Municipal Spatial Development Framework, 2012: Land Use Proposals Plan, the site is categorised as an intensive agriculture area. Further classified under the MSDF- Agriculture: Land Use Classification- as cultivated drylands.
The proposed development site is currently a dam and the portion of land it is on is used for agricultural practices, including fruit orchards, grazing livestock and planting of crops.
3.6.2 Describe all the surrounding land uses .
The surrounding land uses are continuous and aligned with the land uses on the proposed site, with neighbouring farms also practicing agriculture. Predominantly visible agricultural practices when standing on the surrounding high lying plains, are grain, dairy and fruit farming.

3.7 Public Participation Processes

Has any form of public participation already been conducted with respect to the proposed development?		NO
Explain and attach proof (including any comments received and responses thereto) if yes.		
At this point, no formal public participation has been carried out.		

4. LIST THE POTENTIAL LISTED ACTIVITIES THAT YOU REGARD MAY BE APPLICABLE TO THE PROPOSED DEVELOPMENT

All activities listed in LN 1, 2 and 3 that are associated with the proposed development must be provided below.

Activity No(s):	Provide the relevant Basic Assessment Listed Activity(ies) as set out in the EIA Regulations Listing Notice 1 of 2014 (GN No. R. 983 as amended)
19	The infilling or deposition 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: (i) a watercourse;
27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation
48	The expansion of- (i) Dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion occurs- within a watercourse;
Activity No(s):	Provide the relevant Basic Assessment Listed Activity(ies) as set out in the EIA Regulations Listing Notice 3 of 2014 (GN No. R. 985 as amended)
14	The development of- (i) dams, where the dam, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such a development occurs- (a) within a watercourse; I. in western cape, (i) outside urban areas: (ff) Critical biodiversity areas or ecosystem service area as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
23	The expansion of- (i) dams, where the dam, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such a development occurs- (a) within a watercourse; I. in western cape, (i) outside urban areas: (ff) Critical biodiversity areas or ecosystem service area as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

Activity No(s):	Provide the relevant Scoping and EIR Listed Activity(ies) as set out in the EIA Regulations Listing Notice 2 of 2014 (GN No. R. 984 as amended)
Please note:	Should the above thresholds of the dam expansion be exceeded, a Full Environmental Impact Assessment will be required.
16	The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall, is 5 metres or higher and where the high water mark of the dam covers 10 hectares or more.

5. OTHER APPLICATIONS

5.1 Intended Applications in terms of the National Environmental Management Act (“NEMA”) & Specific Environmental Management Acts (“SEMA’s”)

5.1.1 Does the proposed development require an application for a waste management license in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)?		NO
If yes, explain: Not Applicable		
5.1.2 Does the proposed development require an application for a water use license in terms of the National Water Act, 1998 (Act No. 36 of 1998)?	YES	
If yes, explain: While cognisant of the existing lawful water use (Appendix 3), there may be a requirement to have a water use license applied for Section 21 b), c) and l) water uses.		
5.1.3 Does the proposed development require an application for an Atmospheric Emissions License in terms of the National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)?		NO
If yes, explain: Not Applicable		
5.1.4 Does the proposed development require a Heritage permit?		NO
Explain: While the Heritage screening process is recommended for the site, at this stage it is not expected that a Heritage permit is required for this activity.		
5.1.5 Does the proposed development require an application in terms of the National Environmental Management: Integrated Coastal Management Act (NEM: ICMA)?		NO
If yes, explain:		
5.1.5.1 Will the proposed development lie within coastal public property, the coastal protection zone, or coastal access land as defined in terms of the NEM: ICMA, 2008?		NO
Explain: Not Applicable for the proposed activity.		
5.1.5.2 If yes, has an application been submitted to the relevant competent authority?		NO
If yes, provide more details of the application submitted in terms of the NEM: ICMA: Not Applicable.		

5.2 Intended Applications in terms of other legislation

Is any permission, licence or other approval required in terms of any other legislation?		NO
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If yes, please complete the table below:

Type of approval required (List the applicable legislation & approval required):	Name of the authority responsible for administering the applicable legislation	Application submitted (Yes / No)	Status of application (e.g. pending/ granted/ refused)

6. PLANNING CONTEXT

6.1 Is the proposed development permitted in terms of the property's existing land use rights?	YES	
Please explain: The proposed development is an expansion of the existing development and according to the WULA in place the development is permitted in terms of the existing land use.		

6.2 Will the proposed development be aligned with the following:		
The Provincial Spatial Development Framework (PSDF)?	YES	
Please explain:		
<p>The proposed development seeks to ensure that sustainable agricultural practices is achieved through water conservation measures that the activity will allow and through the use of gravity fed options of water supply for irrigation purposes over electricity run generators to transport water which is neither energy efficient nor financially sound for the agricultural sector.</p> <p>This development is thus aligned with the guiding principles of the PSDF discussed under "Sustainability and Resilience" which encourages land development that is spatially compact, not resource intensive and development that is in line with the scenic landscapes and that discourages involvement of conversion of high potential agricultural land or compromise the ecosystem.</p>		
Does the proposal fall within an urban edge (as defined or adopted by the competent authority, the DEA&DP) including the Interim Urban Edge (as defined by this Department on 5 March 2012) or the edge of the built environment for the area?		NO
Please explain:		
The proposed activity is located in a rural setting		
The Integrated Development Plan of the Local Municipality?	YES	
Please explain:		
<p>The Theewaterskloof Municipality IDP developed five Strategic Focus Areas (SFA) with eight Strategic Objectives (SO's).</p> <p>In terms of the SFA V: Local Economic Development (LED) and SO8, the Municipality encourages local economic developments through creating enabling the environment favorable for economic and human development in a sustainable manner.</p> <p>The Proposed development recognizes that the environmental assessments should be undertaken to ensure that the environment is protected from harm emanating from the project lifecycle and to ascertain sustainable development.</p>		
The Spatial Development Framework of the Local Municipality?	YES	
Please explain:		
<p>The proposed activity takes into account the spatial planning categories along with the policies and strategies discussed under the Theewaterskloof Spatial Development Framework, specifically part C of the second volume which proposes sectoral strategies. S1.7 proposes the need for developments to take into account the impacts of their proposed activities and that they should be planned and implemented in such a way and manner that has minimum negative impacts on biodiversity, aesthetic, heritage or sense of place attributes. The proposed activity further justifies with use of energy and water-efficient alternatives, such as moving away from use of generators to pump water and relying on gravity fed option, which are promoted under this strategy discussed in the LMSDF.</p>		
An Environmental Management Framework (EMF)?	YES	
Please explain:		
<p>While the SDF looks at the spatial developments, the EMF is essential in early identification of biophysical and socio-economic attributes of the area where the activity is being proposed to take place. This proposal recognises that environmental assessment is required to ensure that the negative effects of the development to sensitive environment are minimised or mitigation measures recommended to safe guide development in an environmentally sound manner.</p>		
Any other Plans		NO
Please explain: No other plans are known at this stage		
6.3 Are any amendments of any of the above-mentioned required?		NO
Please explain:		
The proposed development does not require any amendments to the above plans.		

7. DECLARATIONS

7.1 THE PROPONENT

Note: Duplicate this section where there is more than one proponent.

I, **Allan Richard Wijnberg, ID number 6101215067083,**

in my **personal capacity** hereby declare/affirm that all the information submitted or to be submitted as part of this checklist is true and correct, and that I:

- am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") (as amended) and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- will provide the environmental assessment practitioner and any specialist appointed, where applicable, and the competent authority, with access to all information at my disposal that is relevant to this checklist;
- will be responsible for the costs incurred in complying with the NEMA EIA Regulations, 2014 (as amended) and any other legislation including but not limited to –
 - costs in respect of any fee prescribed by the Minister or MEC in respect of relevant regulations;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action related to this checklist, for which I or my environmental assessment practitioner is responsible in terms of the NEMA EIA Regulations, 2014 (as amended) and any Specific Environmental Management Act; and
- will not hold the competent authority responsible for any costs that may be incurred by myself in proceeding with a listed activity prior to obtaining the relevant approvals.

Signature of the applicant:

Wijnberg Farm Trust (IT 231/2003)

Name of company:

Date:

7.2 THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) (WHERE APPLICABLE)

I _____, EAP registration number: _____
as the appointed environmental assessment practitioner ("EAP") hereby declare/affirm, the correctness of the information provided or to be provided as part of this checklist, and, that I:

- regard the information contained in this checklist to be true and correct;
- am fully aware of my responsibilities in terms of the National Environmental Management Act of 1998 ("NEMA") (Act No. 107 of 1998), the Environmental Impact Assessment Regulations, 2014 ("EIA Regulations") in terms of NEMA (Government Notice No. R. 982 of 4 December 2014 refers), and the relevant specific environmental management Acts, and that failure to comply with these requirements may constitute an offence in terms of the environmental legislation;
- am fully aware that the Departments determination of the applicability of the EIA Regulations, 2014 is based on information provided by me;
- will provide the competent authority with all information requested and access to all information at my disposal that is relevant to this request;
- hereby indemnify, the government of the Republic, the competent authority and all its officers, agents and employees, from any liability arising out of, *inter alia*, any loss or damage to property or person as a consequence of any development within the development setback area as adopted by the competent authority;
- am aware that the response from the competent authority, to this request, is specific to the EIA Regulations, 2014 and does not exempt me from my legal obligations in terms of any other applicable legislation; and
- am aware that a false declaration is an offence in terms of regulation 48(1)(a) GN No. R. 982.

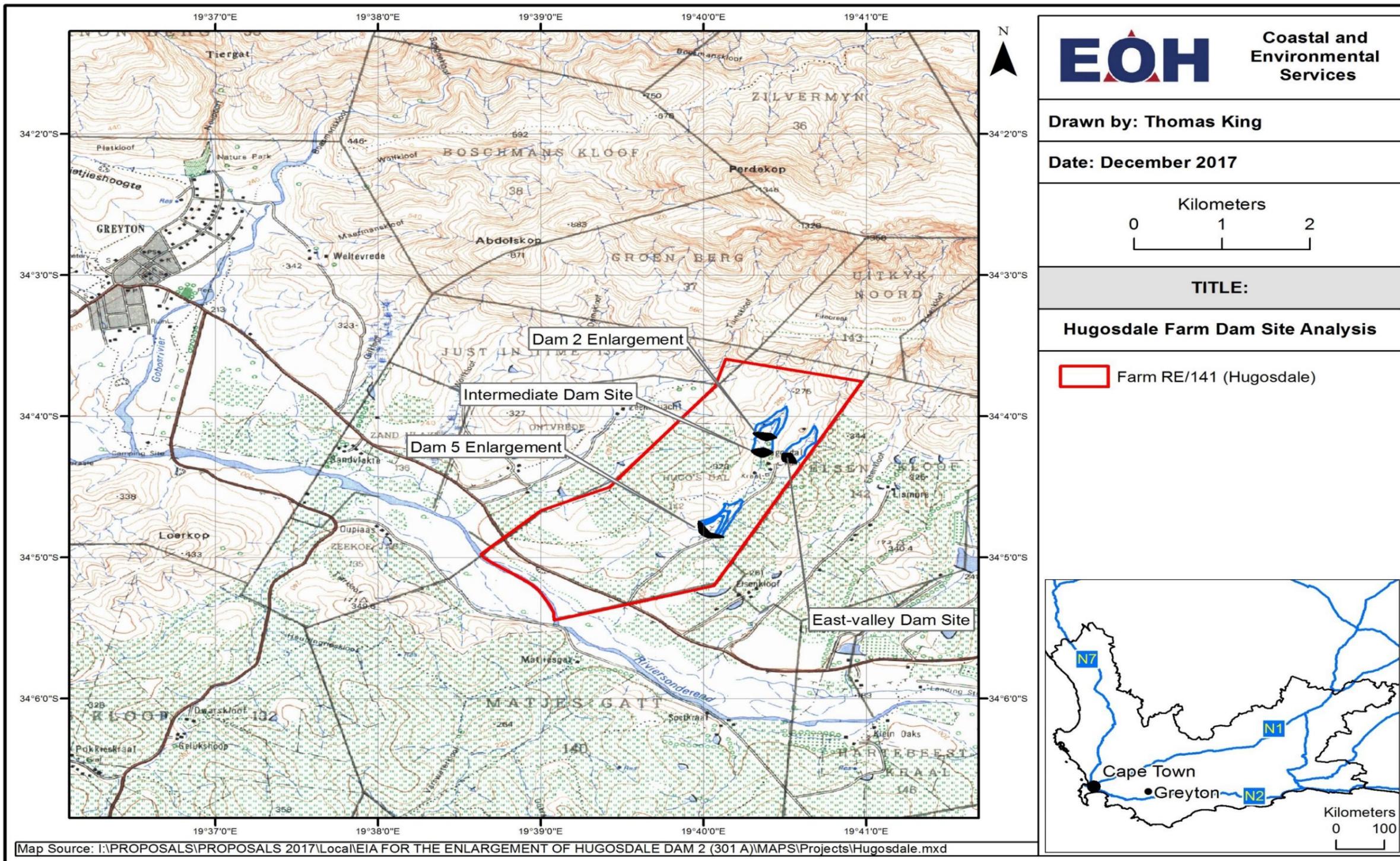
Signature of the environmental assessment practitioner:

Name of company:

Date:



Appendix 1: Locality Map



**Coastal and
Environmental
Services**

Drawn by: Thomas King

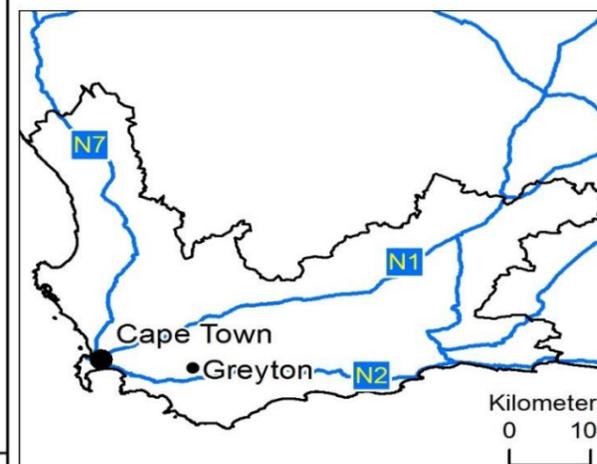
Date: December 2017



TITLE:

Hugosdale Farm Dam Site Analysis

 Farm RE/141 (Hugosdale)





Appendix 2: Site Photographs



Plate 1: View of the existing dam 2 site

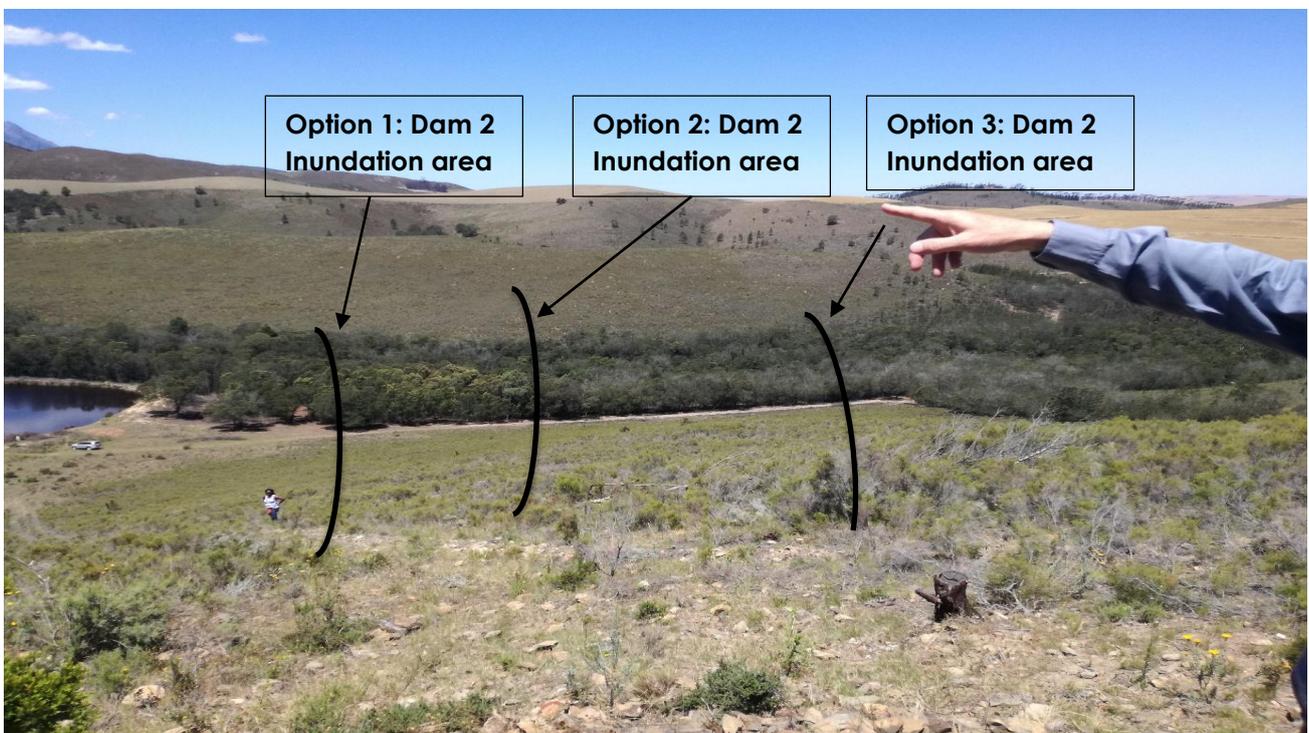


Plate 2: Hill side view of proposed options for Dam 2 extensions and inundation areas



Plate 3: View of the catchment area from the mountain down valley

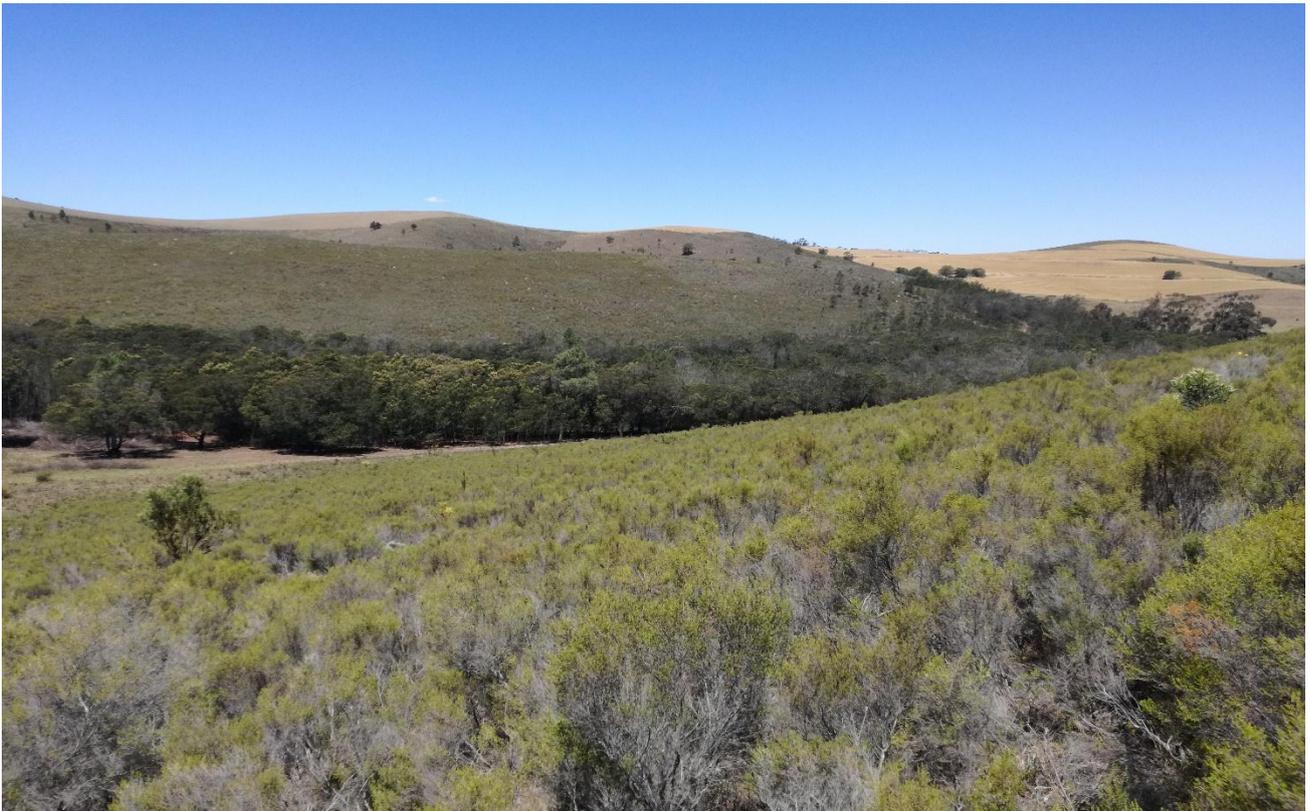


Plate 4: Vegetation on the hillsides of the valley



Plate 5: Riparian Vegetation mainly Black Wattle Trees



Plate 6: Black Wattle Trees' Eradication Efforts



Western Cape Government

Environmental Affairs and Development Planning

Appendix 3: Water Use Certificate

BREEDDE-GOURITZ

Catchment Management Agency
Opvanggebied Bestuursagentskap

I-Arhente yoLawulo lomMandla nokungqongileyo

51 Baring Street Worcester 6850, Private Bag X3055 Worcester 6850

Jan van Staden

023-3468000

4/4/3/35-C0130000000014100000-0

REGISTERED MAIL

Wijnberg Farm Trust
3 Sunnybrae Road
Rondebosch
7700

Dear Dr AR Wijnberg

APPLICATION FOR THE VERIFICATION OF EXISTING LAWFUL WATER USE IN TERMS OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998): CONFIRMATION OF EXISTING LAWFUL WATER USE IN TERMS OF SECTION 35(4)

PROPERTY DESCRIPTION: C0130000000014100000, RE/141, 540.54 ha

You are hereby informed that the lawfulness and extent of your water use on the above mentioned property has been determined by the responsible authority, as delegated by the Minister of Water and Sanitation, in terms of Section 35(4) as follows:

Section of NWA	Type of Water Use	Existing Lawful Water Use		
		Volume (m ³ /annum)*	Source	Irrigation Board or Water User Association Scheme
21(a)	Taking of water for irrigation purposes	180000	WUA/IB Scheme	Zonderendrivier WUA (Summer)
21(a)	Taking of water for irrigation purposes	80000	WUA/IB Scheme	Zonderendrivier WUA (Winter)
21(a)	Taking of water for irrigation purposes	335940	Surface Water	
21(b)	Storage of water	56965		

* In the case of Storage, the Existing Lawful Water Use is in m³

In terms of Section 35(4) of the Act this determination is also the extent of the existing lawful water use as contemplated in Section 32(1) for this property, which may be continued with under Section 34(1) subject to any existing conditions or obligations related to the water use.

No water use in excess of the lawful water use as set out herein may be used on this property without authorisation by the responsible authority.

In terms of Section 148(1) (e) of the Act you may appeal against any decision on the verification of these water use(s) to the Water tribunal within 30 (thirty) days from the date of this letter. The Registrar of the Water Tribunal is Mr Robert Mabe and his contact details are:

Postal Address
The Registrar
Water Tribunal
Private Bag X316
PRETORIA, 0001

Physical Address
Room 322
Waterbron Building
191 Francis Baard Street
PRETORIA, 0002

Contact
Tel: 012 336 7034
Cell: 082 611 1691
Email: MabeR@dwa.gov.za

A copy of the appeal must be submitted to this office.

Your water use registration will be amended to reflect the above details. A new registration certificate will then be issued to you. If an appeal is lodged, your registration certificate may be amended again depending on the outcome of the appeal.

Yours faithfully

PHAKAMANI BUTHELEZI
CHIEF EXECUTIVE OFFICER

Date: 09 February 2015

Cape Town: 1 Dorp Street, Cape Town, 8001
George: 93 York Street, George, 6530

Private Bag X9086, Cape Town, 8000
Private Bag X6509, George, 6530

www.westerncape.gov.za/dept/eadp



REFERENCE: 16/3/3/6/1/E4/5/1011/18

ENQUIRIES: Lorretta Osborne

DATE OF ISSUE: 2018 -03- 13

The Trustees
Wijnberg Farm Trust
3 Sunnybrae Road
RONDEBOSCH
7700

Attention: Mr A Wijnberg

Tel: (021) 418 3830
E-mail: awijnberg@prdw.com

Dear Sir

THE APPLICABILITY OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) with respect to the application for the proposed enlargement of dam 2 on remainder of farm hugosdale no. 141, Caledon

1. Your document submitted to the Department on 19 January 2018, refers.
2. The Department is of the understanding that:
 - 2.1 The proposal is for the expansion of dam 2 to have the following design specifications:
 - Capacity: 443 035m³ (current 56 965m³)
 - Surface area: 60 000m² (current 5 500m²)
 - Dam wall: 20m (current 5m)
 - 2.2 The dam is located within a river.
 - 2.3 It is estimated that vegetation of more than 1ha will be cleared, but it will not exceed 20ha.
 - 2.4 The site falls within Greyton Shale Fynbos, which is an endangered vegetation type in terms an ecosystem listed in terms of section 52 of the NEMBA.
 - 2.5 A new dam wall of 20m will be constructed, resulting in the inundation of the existing dam.
3. Your attention is therefore drawn to the listed activities in terms of the NEMA EIA Regulations, 2014 as defined in GN No. 327, 325 and 324 of 7 April 2017. Please be advised that, based on the information provided, the **application does** constitute the following listed activities as defined in terms of the NEMA EIA Regulations, 2014 (as amended):
 - Government Notice No. 327 of 7 April 2017: Activity 19, 27, 48 and 66
 - Government Notice No. 324 of 7 April 2017: Activity 12, and 23
4. The above is based on:
 - The expansion of the dam will take place within a watercourse.
 - Endangered vegetation will be cleared.
 - The site falls on the foothills of the Rivieronderend Mountain Catchment Area which is considered a protected area identified in terms of NEMPAA, excluding conservancies.

5. Written authorisation is therefore required from the Department prior to the undertaking of the said activities. You are hereby advised 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 included in the application.
6. The Application Form, as well as other relevant forms and guidelines, are available from this Department's website: <http://eadp-westerncape.kznsshf.gov.za/>.
7. The applicant must comply with any other statutory requirements that may be applicable to the undertaking of the activity.
8. The Department reserves the right to revise or withdraw comments or request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully



PI
HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 2
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Dr A Avis (EOH Coastal and Environmental Services)
(2) JohannesPi@twk.org.za (Theewaterskloof Municipality)

Fax: (046) 622 6564