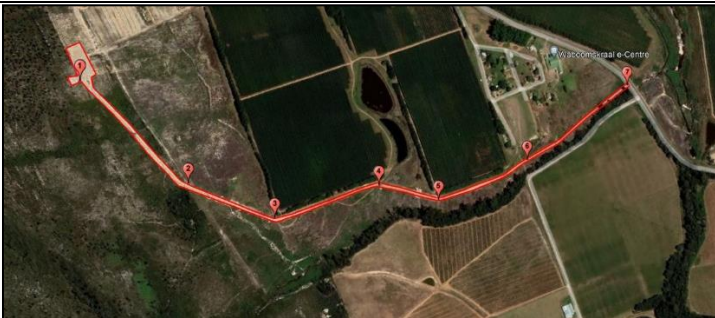


COMMENTS AND RESPONSE REPORT

ALLEGED UNLAWFUL CONSTRUCTION OF A ROAD AND CLEARANCE OF VEGETATION TO ESTABLISH A HOUSE ON THE REMAINDER OF FARM 91, HOLLE KLOOF AND PORTION 1 OF THE FARM 131, PLATTEKLOOF, AND FARM 296, WABOOMSKRAAL, GEORGE MUNICIPALITY

COMMENT	NAME/ORGANISATION	RESPONSE
<p>1. The Section 24G Application form and checklist for the alleged unlawful construction of a road and clearance of vegetation to establish a house on the Remainder of Farm 91, Holle Kloof and Portion 1 of the of the Farm 131, Plattekloof, Waboomskraal, George, refers.</p> <p>2. The Directorate: Development Management (Region 3) of the Western Cape Government: Department of Environmental Affairs and Development Planning (hereinafter referred to as "this Directorate") has reviewed the information and provides the following comment:</p>	<p>Department of Environmental Affairs and Development Planning Directorate: Development Management, Region 3</p> <p>Dorien Werth</p> <p>5 September 2022</p>	<p>The document has been revised to include the section of road that was upgraded on Farm 296, which has the Waboomskraal e-Centre on it.</p>
<p>2.1. <i>The development / activity</i></p> <p>Based on the information provided it is understood that the applicant upgraded the existing road and cleared vegetation and cut a platform for the location of the house. The construction of the road and platform for the house commenced on 9th of July 2021. The total development footprint is 8405m².</p>		<p>This is correct, although a new section of road was also constructed, this section was the last section that runs straight to the house platform. The inclusion of the upgraded road from the tarred road (junction near the Waboomskraal e-Centre) increases the total development footprint to 15000 m² (Approximately 12000m² was previously disturbed/existing road/cleared areas, 3100m² cleared for the new section of the road, from point 1 to 2)</p>

		
<p><i>2.2. Applicable Listed Activities</i></p> <p>It is noted from the Freshwater Assessment (Dated: May 2022), rehabilitation of the erosion gully between the furrow and the Kleinbos River includes the infilling of the shallow erosion gully/flow path with the deposited sediment located on the western embankment of the river and revegetating all disturbed areas with suitable indigenous vegetation. This proposed rehabilitation measures do trigger Activity 19 of the Environmental Impact Assessment Regulations Listing Notice 1 (GN No R.326 as amended 7 April 2017).</p>		<p>Thank you for confirming this aspect, the document has been revised to reflect that the activity will be triggered by the rehabilitation measures.</p>
<p>It is noted that Activity 24 of the Environmental Impact Assessment Regulations Listing Notice 1 (GN No R.326 as amended 7 April 2017) is applicable as the road is between 4 and 4.5m in width, however as a result of the flood event the width of the road and the rehabilitation</p>		<p>This activity was included but it was also indicated that it was not triggered as the exclusion (c) of the activity is applicable (the section of road/donga which is currently wider than 8m is less than 1km in length). Additionally, a road of 8m wide was not constructed and will not be constructed.</p>

measures proposed could exceed 8m. The donga area is proposed to be rehabilitated and revegetated and as such once the rehabilitation is complete the footprint of the road will remain unvegetated.		
Activity 27 of the Environmental Impact Assessment Regulations Listing Notice 1 (GN No R.326 as amended 7 April 2017) is applicable as the cleared area is on the applicant's property.		Thank you for confirming that this activity is applicable. Please do note that this was not undertaken by the landowner
According to the freshwater specialist, no watercourses were affected by the applicants' activities and Activity 48 of the Environmental Impact Assessment Regulations Listing Notice 1 (GN No R.326 as amended 7 April 2017) is not applicable.		Thank you for confirming that this activity was not triggered.
Based on the information provided it is noted that the new section of the road constructed from the existing jeep track up to the house platform (approximately 255m) is located over indigenous vegetation and does trigger Activity 4 of the Environmental Impact Assessment Regulations Listing Notice 3 (GN No R.324 as amended 7 April 2017).		Thank you for confirming that this activity is applicable.
It is noted that the clearance of vegetation for the upgrading and extension of the road and possibly the re-clearance of vegetation on the site does not trigger Activity 12 of the Environmental Impact Assessment Regulations		Thank you for confirming that this activity is not triggered

Listing Notice 3 (GN No R.324 as amended 7 April 2017) as agriculture zoning is not considerate equivalent to conservational zoning.		
The site is zoned Agriculture, which is not considered equivalent to conservation zoning therefore, Activity 15 of the Environmental Impact Assessment Regulations Listing Notice 3 (GN No R.324 as amended 7 April 2017) is not triggered.		Thank you for confirming that this activity is not triggered
<p><i>2.2. Screening Tool</i></p> <p>A Screening Report from the National Web based Environmental Screening Tool is required. The Screening Tool also provides the site-specific EIA process and review information. The Screening Tool identifies related exclusions and/or specific requirements including specialist studies applicable to the site and/or development, based on the national sector classification and the environmental sensitivity of the site. Please ensure the Screening Report is included.</p>		A Screening Report was generated (12 January 2022), it has been attached to the application as an Appendix N.
<p><i>2.3. Specialist Reports</i></p> <p>Please be reminded that any specialist doing work related to any of the fields of practice listed in Schedule I of the Natural Scientific Professions Act, 2003 (Act 27 of 2003) ("SACNASP") Act must be registered with the SACNASP in any of the prescribed categories [Section 18] and further to this, only a person registered with the SACNASP may practise in a consulting capacity [Section 20]. The applicant/EAP must confirm that this</p>		<p>The specialists CV's are attached to the back of their corresponding reports/compliance statements and include their SACNASP registration numbers.</p> <p>Only an Assessment level report was undertaken for the Freshwater aspects, the vegetation, terrestrial biodiversity and animal species only required compliance statement level reports.</p>

<p>requirement has been complied with and the declaration(s) must reflect compliance with the applicable Act.</p> <p>Furthermore, it is recommended that the specialist report(s) should contain all the information set out in Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).</p>		
<p><i>2.4. Public Participation Process</i></p> <p>It is noted that proof of the public participation process will be included in the final S24G EIR.</p>		This is correct.
<p><i>2.5. Water Use License Application</i></p> <p>The S24G application indicates that the applicant is entitled to a 1/3 share of the water rights that is in place, it is noted that no water use license is required for the proposed development. However please obtain final comments/recommendations from the Breede-Gouritz Catchment Management Agency and include the comments/recommendations in the final S24G EIR.</p>		Please see BGCMA's comments below.
<p><i>2.6. Stormwater Management</i></p> <p>A formal Stormwater Management Plan should be compiled, and an appropriate stormwater management system must be incorporated into all designs. This must be included in the Environmental Management Plan and be adhered to.</p>		The Civil Engineering report contains the stormwater measures for the road. A Stormwater management plan should be developed for the house.
<p>Comments:</p> <p>Besides the fact that the extreme rainfall came at a unfortunate time during the road and site construction, leading to the erosion.</p> <p>I have the following comments:</p>	<p>Andre Steenkamp</p> <p>Portion 74 of Portion 73 of Farm Kouwdouw No 88</p>	<p>Thank you for your positive comments.</p>

<p>I believe that the completion of the road and house would be advantages to surrounding property owners for the following reasons:</p> <ul style="list-style-type: none"> • Better vehicle access to the upper portion of the mountain would be beneficial in firefighting efforts. (Like the fires we had in October 2018.) • Having home owners occupy the land would aid in keeping the alien trees at bay. Both for the spreading of the trees to neighbours but also for the fire risk. <p>I am therefore in favour of them being granted the opportunity to repair the flood damage and to complete the construction of the road and house.</p>	<p>24 August 2022</p>	
<p>The impact on the SAB farm has not been considered in the S24G report. Omission of the impacts on downstream activities as set out below have not been incorporated in the S24G Report.</p>	<p>Brenton Strauss – Operations Manager : SAB Hop Farms</p> <p>26 August 2022</p>	<p>More information was requested regarding these comments, it was understood from your response that your team are in the process of collating relevant information for submission.</p> <p>As indicated in our email, you will be given the opportunity to provide your comments in the next round of PPP.</p>
<p>1. Activities triggered i.t.o. NEMA including the Socio Economic impacts on communities downstream.</p>		<p>We would like to know what socio-economic impacts concern you?</p>
<p>2. Hydrology of the Kleinbos River & other water sources are not detailed/considered</p>		<p>We would like to know how you feel the hydrology of the Kleinbos River and other water sources have been affected?</p>
<p>3. Water Uses i.t.o of the NWA are omitted. Damages to "Water Works" regarded as enabling Existing Lawful Water Uses i.t.o sec 32 of the NWA must be listed.</p>		<p>Which water works have been damaged</p>
<p>4. Water Uses License Applications for work in the Regulated Area of the NWA must be detailed for comments and remedial work.</p>		<p>Could you expand on the need for a WULA, Confluent has been appointed to address any needs in terms of WULA or GA registration.</p>
<p>Our registered water rights were infringed upon and not addressed in the report.</p>	<p>Beverley Joseph Managing Director Zelpy 1185 (Pty) Ltd</p>	<p>In what way were your registered water rights infringed upon and what specifically would you like us to investigate or address?</p>

<p>The whole affected area was not disclosed and indicated, hence the effect of the activity was not fully assessed.</p> <p>No proper consideration of the impact on wetlands and water courses that supply several farmers.</p> <p>Incomplete downstream effect evaluation.</p> <p>No clear indication of all the impacted rivers, not all affected rivers are addressed in the report.</p> <p>Incomplete damage and impact disclosed and considered in the report</p> <p>No consideration of the impact on general authorization in terms of runoff/surface water and it appears to be impeded and diverted.</p> <p>There are several effects on active agricultural businesses not addressed in the report.</p> <p>Social economic impact on the community both downstream and adjacent not addressed.</p>		<p>Which is the whole affected area you are referring to?</p> <p>Have you read the wetland report and can you please be specific about which aspects have not been considered?</p> <p>Can you expand on this as it is a vague statement?</p> <p>Can you expand on this?</p> <p>Can you please expand on this aspect. Which damage are you referring to and where?</p> <p>Can you please expand on this aspect?</p> <p>Can you please expand on this aspect?</p> <p>Are you referring to the socio economic impact of the erosion of the road or of the road itself? And what about the socio economic impact is it that concerns you? Can you please expand on this aspect?</p>
<p>Kouwdouw farm (Hopco Pty Ltd) requests an extension of the time period to comment on the public participation process pertaining to Nema section 24G: public participation process: (ref: 14/2/4/1/d2/53/0003/21). Please grant us until the 5th of October 2022.</p>	<p>André Nel Director Kouwdouw Farm</p>	<p>In accordance with advice from the S24G directorate, the PPP period has not been extended however there will be another opportunity to provide comment, regardless if your comments are received before the start of the next PPP your comments will be accepted.</p>

<p>The Western Cape Department of Agriculture: Land use Management has no objection towards the NEMA S24G process on condition that the appropriate rehabilitation of the erosion donga is implemented and monitored for compliance. The establishment of the proposed house is subjected to the development parameters of the local Municipality.</p>	<p>Western Cape Department of Agriculture</p> <p>C.J. van der Walt (Landuse Manager)</p> <p>9 September 2022</p>	<p>Thank you for your comments. As a condition of retrospect Environmental Authorisation, an ECO will have to be appointed to monitor compliance of the construction and rehabilitation phases.</p>
<p>1. The BGCMA has received the submission of the above-mentioned application on 3 August 2022 and comments are reflected on the paragraphs below</p>	<p>Breede-Gouritz Catchment Management Agency</p> <p>Mr. L Sodladla</p> <p>12 September 2022</p>	
<p>2. Information contained on the section 24G Application Form and Checklist prepared by Sharples Environmental Services cc (SES) for Octo Trading 377 cc has been reviewed, and according to page 12 and 13 no activities took place within a watercourse or within a regulated area of a watercourse. It is however observed that due to the erosion of the gully, sedimentation of the Kleinbos River has occurred. The applicant indicated an intention to rehabilitate the impacts of sedimentation within a regulated area of a watercourse.</p>		<p>This is correct</p>
<p>3. The applicant is hereby instructed to obtain an authorization from the BGCMA before commencing with rehabilitation within the regulated area of a watercourse as the activity will trigger section 21(c)&(i) water uses in terms of the National Water Act 36 of 1998 (NWA). To commence with any works within a regulated area of a watercourse without an approval from the BGCMA will constitute an illegal water use</p>		<p>Thank you for your guidance, Dr. James Dabrowski of confluent has been appointed to undertake the WULA process or GA registration</p>

activity which is an offence in terms of section 151(1)(a) of NWA.		
4. The BGCMA reserves the right to revise initial comments should new information emerge.		Thank you for providing comments
<p>CapeNature would like to thank you for the opportunity to review the above application. Please note that our comments only pertain to the biodiversity related impacts and not to the overall desirability of the application. CapeNature wishes to make the following comments:</p> <p>1. According to the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet <i>et.al.</i> 2017)¹, the property would have had Ecological Support Areas (ESA 1: Terrestrial and ESA 2: Restore). A few non-perennial rivers transverse the property and the National Wetland Map 5 mapped one of these watercourses as a valley bottom wetland. Furthermore, the property is within the National Strategic Water Source Area for surface water for the Outeniqua region and the National Strategic Water Source Area for groundwater for the George and Outeniqua regions. These National Strategic Water Source Areas serves as water sources protection for Gouritz and watercourse protection - South Coastal Belt.</p>	<p>CapeNature</p> <p>Megan Simons</p> <p>29 September 2022</p>	This is correct
2. According to Mucina and Rutherford ³ and the Western Cape Biodiversity Spatial Plan (Pool-Stanvliet <i>et.al.</i> 2017) the vegetation is mapped as Least Threatened South Outeniqua Sandstone Fynbos.		This is correct
3. CapeNature is satisfied that an Alien Invasive Control Plan will be compiled. The eradication and monitoring of the spread of invasive alien species should follow the National Environmental Management: Biodiversity Act (Act No.10 of 2004).		With the removal of large alien trees, some disturbance can be expected due to trees falling once cut down, and the removal thereof, this will however be undertaken in the most reasonable sensitive way.

Control methods for the eradication of alien invasive species must be implemented in such a way that it prevents harm to the surrounding environment.		
4. The property was flooded during November 2021 therefore stormwater management control measures must be strictly implemented to avoid any negative impacts.		Stormwater measures have been recommended in the civil engineering rehabilitation report and will be implemented for the construction of the house.
5. CapeNature recommends the watercourses be mapped as No-Go areas and included in the EMPr.		Apart from rehabilitation measures that will come within close proximity to the Kleinbos River, no activities will be undertaken within any watercourses.
6. The Environmental Control Officer (ECO) must monitor the rehabilitation and ensure the implementation of the proposed mitigation measures. The ECO should also ensure the construction work is done aligned with the EMPr and must identify any harmful activities to the environment.		The appointment of an ECO to monitor compliance with the EMPr and Retrospective EA will be a condition of authorisation.
CapeNature does not object to the proposed rehabilitation of the erosion gully and CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.		Thank you for your comments