



Cape EAPrac

Cape Environmental Assessment Practitioners (Pty) Ltd

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23 August 2021

Our Ref: KAN557/05

DEA&DP Ref: 14/2/4/1/D3/8/0027/19

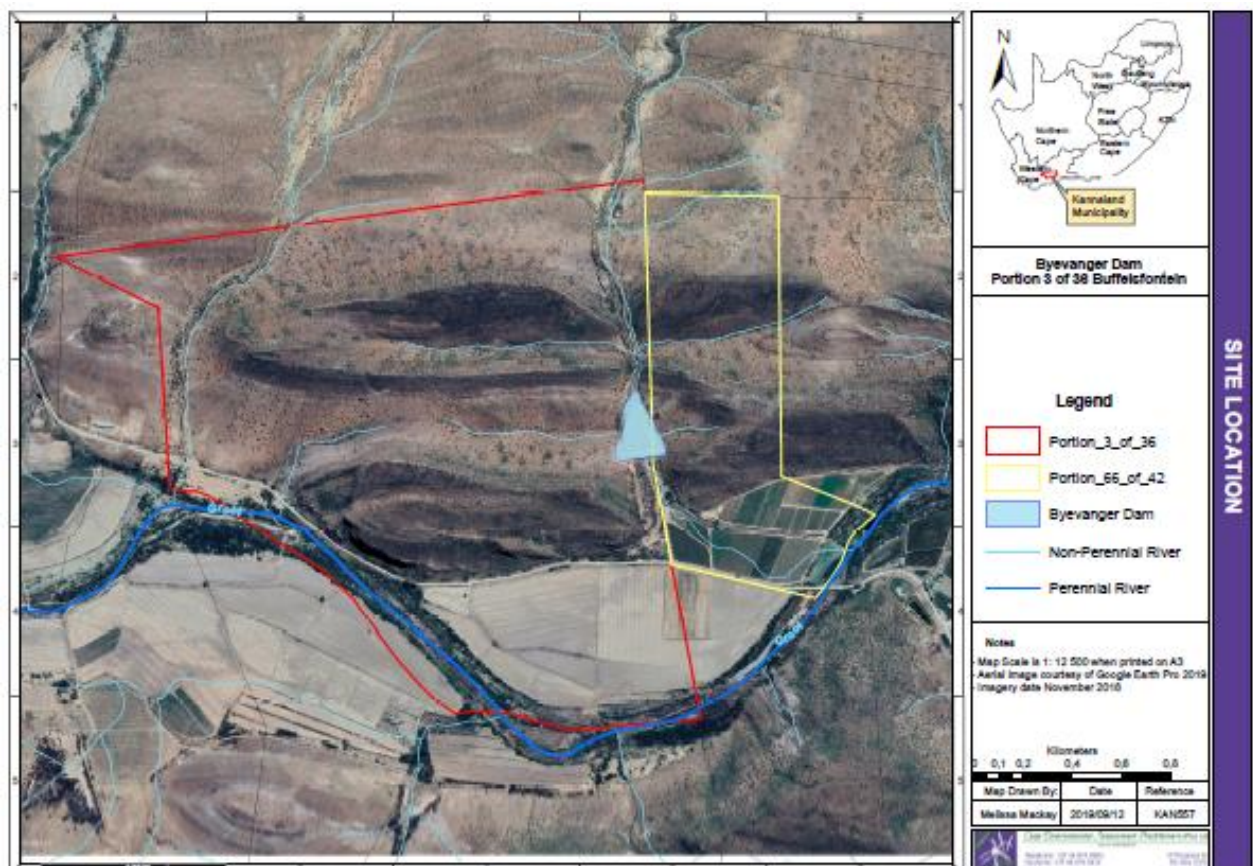
WUL Ref: WU19163

Attention: Key Stakeholders and Neighbours

VIA: EMAIL / MAIL / FAX / POST

RE: DRAFT 24G RECTIFICATION APPLICATION REPORT FOR CONSTRUCTION OF AN EARTH DAM ON PORTION 3 OF 36 BUFFELSFONTEIN & PORTION 66 OF 42 VOORBAAT, NEAR LADISMITH

Cape Environmental Assessment Practitioners (Cape EAPrac) have been appointed by the Applicant, **JG Nel Familietrust**, to ensure compliance with the regulations contained in the **National Environmental Management Act** (NEMA, No 107 of 1998 as amended) and the 24G Regulations for Rectification of unlawful activities. The applicant replaced an old earth dam with a new one in a non-perennial watercourse on Portion 3 of 36 Buffelsfontein & Portion 66 of 42 Voorbaat, near Ladismith.



The applicant replaced an existing earth dam that had failed multiple times with a new dam approximately 140m upstream of the previous dam. The new dam storage proposed is ±149 621m³. This is to accommodate water from the non-perennial watercourse and to store water from the Buffelsrivier Scheme.

The activity required the necessary Environmental Authorisation (EA) in order to commence and as the actions commenced without the relevant EA, the competent authority is the 24G Directorate of the **Department of Environmental Affairs and Development Planning** (DEA&DP).

A **Water Use License** is being applied for the construction of the dam and and the storage of water on the non-perennial watercourse egressing into the Groot River. The applicant is applying for storage of water for irrigation. These activities trigger the following water uses in terms of the National Water Act (NWA) 1998 (Act 36 of 1998 as amended):

- Section 21 (b) Storing water
- Section 21 (c) Impeding or diverting the flow of water in a watercourse and
- Section 21 (i) Altering the bed, banks, course or characteristics of a watercourse.

Please note that the WUL requires a 60 day comment period. The competent authority for the WUL is the **Breede Gouritz Management Catchment Agency** (BGCMA).

As a key stakeholder, neighbouring property owner or relevant authority, you have been identified by Cape EAPrac as a potential **“Interested & Affected Party”** (I&AP) for the process. This notification gives effect to Sections 24O(2) and (3) of the NEMA, and stakeholders and authorities are hereby advised that a period of 30 days is provided within which to comment on the available documentation. Please note that an additional 30 days ie 60 in total, is provided in order to comply with the requirements for public participation in terms of the National Water Act for Water Use Licences Applications.

The 24G process considers the clearing, watercourse crossings and operational activities in light of the legislation applicable. As such, the following listed activities in terms of the **NEMA 2014 EIA Regulations, as amended** (R327 & R324) are applicable:

GN No. R. 327 Activity No(s): (Listing Notice 1 of 20	Describe the relevant listed activity(ies) in writing as per GN No. R.327 of 2014 ("NEMA 2014 Basic Assessment activity/ies")	Describe the portion of the development the project description that relates to applicable listed activity.	State the date of commencement of activity
12(i)(c)	The development of – (i) Dams or weirs, where the dam or weir, including associated infrastructure and water surface area, exceeds 100m²; or (ii) Infrastructure or structures with a	The applicant constructed a within a watercourse tributary of Groot River. The dam is approximately 3.6ha in size, with a wall height of ±	March 2018

	<p>physical footprint of 100m² or more;</p> <p>Where such development occurs –</p> <p>(a) Within a watercourse;</p> <p>(b) In front of development setback; or</p> <p>If no development setback occurs, within 32m of a watercourse measured from the edge of the watercourse.</p>		
27	<p>The clearance of an area of 1ha or more, but less than 20ha of indigenous vegetation.</p>	<p>The applicant constructed a dam within a watercourse tributary of the Groot River. The dam is approximately 3.6ha in size, with a wall height of 1.5m.</p>	<p>March 2018</p>

This Notification serves to inform the identified stakeholders of the proposal and provide the opportunity to become involved in the environmental process. A Draft 24G Application Report will be available to Registered I&APs for review and comment for a period of **60 days**. The Report will be made available on the Cape EAPrac website (www.cape-eaprac.co.za), in hard copy to authority stakeholders and on request in an agreed upon format. In addition, and in line with current Covid-19 Regulations, the documents may also be obtained digitally via the WeTransfer provided in the email. If you require any other options, please contact this office directly.

Stakeholders who would like to participate in the Environmental Assessment process, who would like to receive future correspondence and project information and/or who would like to submit comment throughout the remainder of the environmental process, must submit their preliminary comments/registration notice, **in writing**, within the specified 60 day period extending from **Friday 27th August to Tuesday 26th October 2021**, to Cape EAPrac.

Only those parties (other than identified authorities) that formally register by responding to this notice in writing and submitting their complete contact details (postal, email, phone and fax) and/or comments during the process will be kept up-to-date with the results of the process and be informed of documents available for public review.

Preliminary comments and registrations can be submitted to:

Cape EAPrac

ATT: Melissa Mackay

P.O. Box 2070, George, 6530

Tel.: 044 874 0365

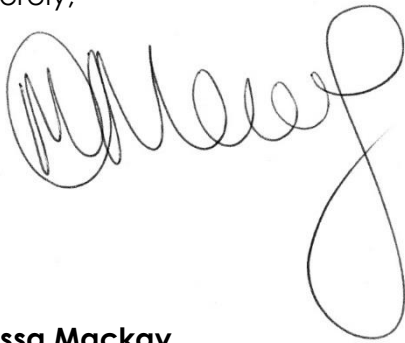
Fax: 044 874 0432

Email: mel@cape-eaprac.co.za

Should you wish not to receive any further information, please inform this office in writing. Please provide this office with the names **and** contact details of any other persons that may have an interest in this proposal along with your own comments.

If you have any enquiries in this regard, or would like any additional information, please do not hesitate to contact this office directly.

Sincerely,



Melissa Mackay

For Cape EAPrac

Kind regards,

Comment and Registration Period:
Friday 27th August to Tuesday 26th October 2021

Please Note: When registering as an Interested and Affected Party (I&AP), you consent to the lawful processing of personal information in relation to the intended purposes, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013). Your information will be used for this project, or any future project where you are identified as an I&AP. You also agree that by submitting comment to inform this process, your contact details will, where required by a public body, be reflected in our regulated reports that must be compiled and submitted to the general public, registered stakeholders, organs of state as well as the competent authority for consideration and decision-making.

Kindly view our [Privacy Statement](#) for more information.