



BGCMA
P O Box 2070
GEORGE
6530

Attention: Mr Rudzani Makahane

Our reference:
C235.001

Your reference :
Byevanger Dam

Date :
30 October 2019

Pages in total:
2.

Dear Rudzani

DRAFT MINUTES OF A pre-WULA MEETING HELD ON 30 OCTOBER 2019 AT THE FARM PORTION 3 OF BUFFELSFONTEIN NR 36 IN THE LADISMITH REGISTRATION DISTRICT OWNED BY THE JG NEL FAMILIE TRUST IN ANTICIPATION OF THE WATER USE LICENCE APPLICATION AS WELL AS THE ENVIRONMENTAL PROCESS IN TERMS OF NEMA

1. I refer to the Section 24G Application in terms of the National Environmental Act and the concurrent Water Use Application process in terms of sec 40 onwards of the National Water Act.
2. Attached hereto the pre-WULA Meeting Minutes for your consideration, possible additions, amendments and acceptance.
3. The DRAFT status will be removed once you agree with the contents of all three of the documents.

Kind regards
R Kleynhans Pr. Eng

ANNEXURE A

DRAFT MINUTES OF A pre-WULA MEETING HELD ON 30 OCTOBER 2019 AT THE FARM PORTION 3 OF BUFFELSFONTEIN NR 36 IN THE LADISMITH REGISTRATION DISTRICT OWNED BY THE JG NEL FAMILIE TRUST IN ANTICIPATION OF THE WATER USE LICENCE APPLICATION AS WELL AS THE ENVIRONMENTAL PROCESS IN TERMS OF NEMA



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1. **In attendance:**

RM	Mr. Rudzani Makahane	Breede-Gouritz CMA
AM	Ms. Anza Mabayi	Breede-Gouritz CMA
MN	Ms. Magdalena Nel	JG Nel Family Trust
FN	Mr. Fanie Nel	JG Nel Family Trust
MM	Mrs. Melissa Mackay	Cape EAPrac
RK	Mr. Retief Kleynhans	Gorra Water

2. **Apologies:**

MK	Mrs. Marna Kleynhans	MK & Associates
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3. **Matters discussed:**
 1. The purpose of the meeting is to firstly serve as a Pre-WULA meeting and it was confirmed by **RM** in anticipation of the further Phases as dictated by the web based e-WULAAS system for the Water Use Licence Application for the various water uses related to the unlawful construction of the Byevanger Dam by the JOHANNES GERHARDUS NEL FAMILIE TRUST ("**JGNFT**").

 2. The meeting was also informed by **MM** acting as the environmental specialist as to the requirements of the NEMA legislation for the Listed Activities involved in the construction of the Byevanger Dam.

 3. **MM** stated that it is instructed that the WULA must cater for the following NWA Water Uses:
 - a. Section 21(a), Taking of Water,
 - b. Section 21(b) Storing of Water,
 - c. Section 21(c) Impeding and Diversion of a Water Course.
 - d. Section 21(i) Altering the Banks of a River.

 4. The newly constructed Byevanger Dam Full Supply Capacity was surveyed as with a volume of 149 521m³ which is 139 521m³ more than the verified Dam 2 it was to replace (as verified by BGCMA ito Section 35(4) – 27 July 2016 verification attached). This Dam 2 was breached after the qualifying period, and that verified storage will now be stored in Byevanger Dam. It was agreed by both **RM** and **AM** this authorised storage may be transferred from to this Byevanger Dam but that the storage may not exceed the verified volume of 10 000m³.

 5. It was confirmed that the Byevanger Dam was surveyed in detail and this survey is included in the first Dam Safety Inspection. The dam has already been registered and classified with the Department of Water and Sanitation Dam Safety Office, and a first Dam Safety Report has been submitted. The specified Design Flood and Safety Evaluation Flood cannot be serviced by



the spillway. This must be rectified as soon as possible during or even before the authorisation process. **MM** will investigate and respond as to the elimination of this risk.

6. As the **BD** was surveyed the lawful sec 32 Storage will be pegged in the dam, and no more storage will be allowed than the original verified volume. The **JFNT** will ensure that a weekly photograph of actual storage with the Limitation Peg will be sent to **RK** the Dam Engineer to confirm compliance with this condition. Stored water above the 10 000m³ will be released through the outlet pipe and not stored.
7. The water use from various sources was discussed and it was confirmed that a mix of scheduled volume of the Buffelsrivier Irrigation Board, borehole water and runoff from upstream may be eventually be stored once **BD** was authorised. The LRA from Buffelsrivier Irrigation Board water had not been available in 4 years.
8. As the common Water Source is the Buffelsriver - stage the strategy for the WULA is that the small Byevanger Dam catchment will, therefore, contribute the shortfall from this Irrigation Board which may not be more in total than the annual verified volume combined out of the Buffelsriver Irrigation Board and the Byevanger Dam catchment (maybe groundwater as well).
9. It is important to be certain that the total area under irrigation, at a volume of 480 046m³ annually (verified), may not be exceeded by the volumes stored and measured in the Byevanger Dam.
10. Currently the undersized spillway is on the Right Bank looking downstream. It was suggested by the water specialist (Confluence represented by Jackie) that this should be relocated to the Left Bank looking downstream. However, the material there is a clayey conglomerate and is susceptible to erosion and, therefore, it will be recommended that the dam spillway will be retained on the Right Bank side. The specialists (Confluence and **RK**), need to agree on this and the decision will form a part of the design and technical report of the dam in the WULA .
11. Recently the JFG Nel Family Trust was allowed as an Applicant water user on the WULA system . This Pre-WULA meeting will form part of the WULA application and this will be forwarded to all attendees under an Attendance Register which was duly signed (attached).
12. At this stage it is obvious that a Water Balance/Dam Yield must be done to ensure that the volume of as verified is not exceeded. This will be done by a hydrologist to be appointed **RK**. The 1/3rd share of the eastern neighbouring Lofpoort Farm in the dam will be considered as well.
13. The co-ordination of the NEMA and the Water Act was mentioned, and **MM** enquired whether the public participation is 60 days for the WULA. Mr Makahane confirmed that as long as the public participation acknowledges all interested and affected parties this can be done in the 300 day WULA process – however from the NEMA side **MM** will ensure compliance. Environmental posters on display from today onwards is part of the public process.
14. It was also mentioned that the WULA system's approval is dependent on BBBEE, and that the offset is suggested by the Social Impact Assessor whose report reflects this.



A photo of the attendees was taken and is attached hereto, and everybody was thanked for their commitment and congenial manner in which the meeting was conducted.

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BYWONINGSREGISTER					
C235 Johannes Gerhardus Nel Familie Trust					
30 Oktober 2019 om 10:00					
NR.		NAAM & VAN	MAATSKAPPY	POSADRES	KONTAK BESONDERHEDE.
1		<i>Mr. Rudanie Makahaye</i>	<i>Mr. Rudanie Makahaye</i>		Tel: Faks: Sel: E-pos
2		<i>Mr. Anza Mabayi</i>	<i>Mr. Anza Mabayi</i>		Tel: Faks: Sel: E-pos
3		<i>Mr. Melissa Mackay</i>	<i>Mr. Melissa Mackay</i>		Tel: Faks: Sel: E-pos
4	Mnr	Retief Kleyman	Gorra Water	Posbus 1965 George 6530	Tel: 0448743866 Faks: 0866709157 Sel: 0832777422 E-pos retief@gorrawater.co.za

Mr. Magdalena Nel
Mr. Fanie Nel

Gorra Water

Bladsy 1 van 1

Posbus 1965 GEORGE 6530
Tel. 044 874 3866
E-pos. retief@gorrawater.co.za

