# APPENDIX F3: COMMENTS & RESPONSE TABLE

THE PROPOSED CONSTRUCTION OF A NEW DAM, EXPANSION OF AN EXISTING DAM AND THE EXPANSION OF THE EXISTING CULTIVATION AREAS, ON PORTION 3 OF FARM 781 (ERIN DE VIGNE), BOT RIVER.

**Comment period: 26 October – 27 November 2023 (Pre-application Draft BAR)**

| NO | COMMENT | RESPONSE | RESPONDENT |
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| | **I&AP: Mohseen Moosa (Ecology Farm) - 23 October 2023** | | |
| **1** | We are Ecology next door. We generally support Ted's improvements, just a few questions …<br><br>Could you in a nutshell let us know whether the work proposed will affect the water table at Ecology. We are significantly lower than Erin de Vigne and we draw our water from a natural dam/spring that is fed from the ground table. In Summer months the level drops significantly but still provides strong water to our farm. We also have a borehole on the border with Ted.<br><br>Could you also advise on the impact downstream if the large dam's wall is compromised/breaks … the current weather conditions caused some of our dam walls at our large farm to break, and there have been similar breaks in Elgin recently as well. This will be a real concern. | Noted.<br><br>Please note that no groundwater will be utilised for the filling of the dams. Water is extracted from the weir positioned above the farm in the Huiskloof River. Water will be gravity fed to the proposed dams via an existing 200 mm diameter HDPE pipeline from the diversion weir on the Huiskloof River.<br><br>An engineering report has been undertaken for the proposed Dams which addresses the dam safety aspect (Appendix G5). Detailed dam designs will be undertaken should Environmental Authorisation be granted which addresses standard modern dam safety requirements. Furthermore, according to the Freshwater Specialist and the Risk Assessment Matrix undertaken, as it relates to the NWA [National Water Act], determined that all activities pertaining to the Alternative and Preferred development pose a low-risk significance of impact to the Bot River. Please refer to the Freshwater Impact Assessment (Appendix G2) which assesses the impacts on the surrounding Freshwater resources. | Jenna Theron - PHS |

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| **I&AP: Michele Scanlon (Chairperson, Maremmana Homeowners Association) - 13 November 2023** | | | |
| **2.1** | Thank you for returning my call on Friday. As mentioned, please can you register the Maremmana Homeowners Association (MHOA) as an interested party to the ongoing public participation process and feedback on future progress of the EIA application for the dam extensions planned on Portion 3 of Farm 781 which directly abuts Maremmana. The MHOA represents 50 homeowners as well as being the landowner of commonland for the estate which is demarcated as Portion 56 of Farm 781 on Karwyderskraal Road, Bot River, 7185. We will be sending an email notification to all owners regarding the application for awareness. Individual owners may opt to register themselves with you directly as an interested party or to comment directly. The MHOA will collate any homeowner and Trustee feedback received and forward onto you before end of the closing date.<br><br>Please register the emails on the distribution list here as registered parties which includes myself as Chairperson of the MHOA, the MHOA generic email address and our managing agents Percipient. | Noted. | Jenna Theron - PHS |
| **I&AP: Michèle Scanlon (Chairperson, Maremmana Homeowners Association) - 27 November 2023** | | | |
| **2.2** | Further to the advertised public consultation process regarding the extension of the dams on Portion 3 of Farm 781, the Maremmana Homeowners Association (MHOA) wishes to note that the 15Ha of MHOA land directly adjacent to Portion 3 on | An engineering report has been undertaken for the proposed Dams (Appendix G5) with detailed dam designs to be undertaken, should Environmental Authorisation be granted. Water flowing during high rain events naturally flows in the direction of Maremmana due to the natural slope and drainage of | Jenna Theron – PHS |

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| | Karwyderskraal Road has consistently suffered with repeated water seepage and run of water from Portion 3. The resulting impact is that the MHOA has had to dig its own protection barriers about 4m deep inside of the fenceline and create a network of furrows across the land so as to channel the resulting water flow away from residential or other infrastructure which is exacerbated by the gradient of the land from Portion 3 to Portion 56. Thus, we wish to record a request on whether the extension of the dam on Portion 3 could factor this in either by permitting waterflow from our adjacent corner to the newly extended dam (instead of onto our land), either via a channel under the central entrance road on Portion 3, or some other means to deter the excessive water flow onto MHOA land.<br><br>Otherwise the MHOA does not have any objections to the proposed works and wishes our neighbour best wishes for the continuation of the dam extensions and resultant activity in the new vineyards. | the land. All landowners need to address stormwater management on site regarding stormwater run-off as a result of natural drainage. | |
| **I&AP: Vhengani Ligudu – Breede-Olifants Catchment Management Agency (BOCMA) (23 November 2023)** | | | |
| **3** | The Breede-Olifants Catchment Management Agency (BOCMA) has the following comments:<br>1. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered.<br>2. The proponent has initiated the water use authorisation application process regarding the proposed construction and enlargement of the off -stream dams.<br>3. The application WU28950 is for section 21 (b), (c) and (i) water uses. Water for irrigational purpose for the property Portion 3 of the Farm 781, Caledon is not yet confirmed under Section 33 of | The proponent has initiated the water use authorisation application process regarding the proposed construction and enlargement of the off -stream dams. The application WU28950 is for section 21 (b), (c) and (i) water uses. Water for irrigational purpose for the property Portion 3 of the Farm 781, Caledon is not yet confirmed under Section 33 of the National Water Act, 1998. Until the Section 35(4) letter is issued, the status of the water use remains as unverified. The ELU confirmation for S21(a) 130 000$m^3$/annum irrigation water and for Dam 2 (25 000$m^3$) has been received. The WULA will be for the expansion of the dams (S21b) and the S21(c) and (i) water uses. | Jenna Theron - PHS |

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| | the National Water Act, 1998. Until the Section 35(4) letter is issued, the status of the water use remains as unverified.<br>4. Please note that all the water use related issues such as impacts and mitigation measures will be addressed in the assessment process.<br>5. Please note that engaging in activity that triggers the National Water Act without authorisation is an offence and will result in the BOCMA taking legal action against the proponent in terms of Section 151 of the National Water Act, 1998 (Act 36 of 1998).<br><br>This office reserves the right to revise initial comments and request further information based on any additional information that may be received. The onus remains with the registered property owner to confirm adherence to any other relevant legislation that any activities might trigger and/or need authorization. | Please refer to Appendix G6 for the WULA. | |

| I&AP: Rulien Volschenk – Overberg District Municipality (24 November 2023) | | | |
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| **4** | The Overberg District Municipality's department of Environmental Management Services takes cognisance of the draft Basic Assessment Report for the cultivation of a new irrigation area of approximately 10ha, the construction of a new dam of with a storage capacity of 2000m³, and the expansion of Dam2 to a 67000m³ storage capacity.<br><br>There are several areas within in the study area which is categorised in terms of the Western Cape Biodiversity Spatial Plan, 2017 (WCBSP) as Critically Biodiversity Areas (CBA 1), Critically Biodiversity Areas (degraded) (CBA 2), Ecological Support Areas (ESA) 1 & 2, and Other Natural Areas. The Overberg District Municipality's Spatial Development Framework, 2023, clearly define Spatial Planning Categories (SPCs) to reflect how the area should be developed spatially to ensure sustainability. These SPCs are linked with the Biodiversity Spatial Plan Categories:<br><br>BSP Category / SPC: Protected area; CBA 1; CBA 2; ESA 1; ESA 2; ONA; NNR<br>Core 1<br>Core 2<br>Buffer 1<br>Buffer 2<br>Intensive agriculture<br><br>The following land uses are permitted per Spatial Planning Categories:<br><br>The following land uses are permitted per Spatial Planning Categories as follows:<br>• Core 1: Critical Biodiversity Areas 1 (CBA) and protected areas, these include habitats classified as highly irreplaceable, critically endangered, or endangered terrestrial (land), aquatic (rivers, wetlands, and estuary es,) and marine habitats. It also includes essential biological corridors vital to sustain their functionality. These areas must be regarded as "no-go" for development and must be kept in a natural state, with a management plan focused on maintaining or improving the state of biodiversity. There should be no further loss of natural habitat and degraded areas should be rehabilitated.<br><br>• Core 2: Consists of two areas: Critical Biodiversity Area 2 (Degraded) and Ecological Support Area 1. these areas are in a degraded or secondary condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure. These areas should be maintained in a natural or near-natural state with no further loss of natural habitat. These areas should be rehabilitated. | Noted. The EMPr includes extensive management guidelines and goals for the construction and operational aspects of the property going forward. These include detailed management measures which will ensure conservation areas are earmarked and managed as such with appropriate alien clearing and fire management undertaken on the entire property. | Jenna Theron – PHS |

- Buffer 1: These areas may be degraded but still play an important role in supporting the functioning of Protected Areas or CBAs and are essential for delivering ecosystem services. These areas should be restored and/or managed to minimize impact on ecological infrastructure functioning; especially soil and water-related services. Two components of the rural landscape make up Buffer 1 Areas: (i) Ecological Support Area 2: Restore and/or manage to minimize impact on ecological infrastructure functioning; especially soil and water-related services. (ii) Other Natural Areas: Minimize habitat and species loss and ensure ecosystem functionality through strategic landscape planning. Offers flexibility in permissible land-uses, but some authorisation may still be required for high-impact land-uses.

- Buffer 2: This category includes areas designated as Other Natural Areas, located in an extensive and/or intensive agriculture matrix (i.e., livestock production) as the dominant land use. The Buffer 2 SPC requires that habitat and species loss is minimized, and that ecosystem functionality is preserved through strategic landscape planning. Buffer 2 areas offer flexibility in permissible land uses, but some authorisation may still be required for high-impact land-uses.

- Agriculture: Comprises of existing and potential intensive agricultural footprint (i.e., homogeneous farming areas made up of cultivated land and production support areas). It includes areas in which significant or complete loss of natural habitat and ecological functioning has taken place due to farming activities. Existing and potential agricultural landscapes should be consolidated and protected; sustainable agricultural development, land and agrarian reform, and food security should be facilitated, and ecosystems must be stabilised and managed to restore their ecological functionality.

Vegetation types identified within the study area are Rûens Silcrete Renosterveld, Western Rûens Renosterveld, and Elim Ferricrete Fynbos. All of these vegetation types are listed as critically endangered in the revised National List of Threatened Terrestrial Ecosystems, 2022 (Government Gazette notice 47526). It is noted that the planned layout of the proposed development is situated mostly within previously cultivated land, categorising it as low-sensitive area. The ODM SDF furthermore support the protection of prominent indigenous vegetation and the habitat of indigenous fauna.

The ODM SDF promotes the following principles:

- Promote responsible veld management in Extensive Agricultural areas to improve veld carrying capacity and biodiversity;
- Explore crop diversification in light of predicted temperature increases due to climate change;
- Promote water-saving irrigation systems and precision irrigation technologies;
- Protect and restore productive agricultural land;
- Protect and manage natural sources of potable water to ensure water supply and quality; and
- There must therefore be sufficient water storage capacity in the Overberg District for the growth and expansion of the agriculture sector.

As per the National Environmental Management: Biodiversity Act of 2004 as well as the Conservation of Agricultural Resources Act of 1983, each landowner is responsible for the management of invasive species on their properties. Therefore, any listed alien and invasive species should be removed with regular follow-up clearing. An alien vegetation removal plan should be developed and implemented for the entire property to limit further degradation to sensitive ecosystems.

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| **I&AP: Rhett Smart – Cape Nature (24 November 2023)** | | | |
| **5.1** | Project Context<br>There was previously an investigation into alleged unlawful activities consisting of clearing of indigenous vegetation on the subject property and a weir and pipeline on a neighbouring property to supply water to the subject property. The outcome of the investigation of the clearing of the indigenous vegetation was that this was deemed to be lawful, although CapeNature was not involved in the final determination. The area which was cleared was delineated and was subsequently cleared again before the 10-year period expired where after it reverts back to indigenous vegetation. This area has now been cultivated based on the aerial imagery. The current application is for an expansion of the cultivation areas on the property and water storage for irrigation. | Noted. | Jenna Theron – PHS |
| **5.2** | Desktop Information<br>The majority of the property is mapped as Critical Biodiversity Area 2 (CBA), with patches of CBA 1 and No Natural. The vegetation is mapped as Rûens Silcrete Renosterveld (endangered) in the western and central sections, Western Rûens Shale Renosterveld (critically endangered) in the eastern and north eastern sections and Elim Ferricrete Fynbos (endangered) in the north western corner. There are no natural aquatic features mapped on the site, with the Bot River and associated floodplain wetland located directly to the east of the property. CapeNature agrees with the site sensitivity verification report in relation to the national web-based screening tool and the specialist studies undertaken. | Noted. | Jenna Theron – PHS |

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| **5.3** | <u>Botanical Impact Assessment</u><br>The botanical impact assessment refers to the SA VegMap mapping as described above, but indicates that most of site would best be mapped as Elim Ferricrete Fynbos (the prevalence of Proteaceae, Restionaceae and Ericaceae species in the species list supports the presence of fynbos), however the soil disturbance across the site over time results in difficulty in determining and delineating the vegetation types that would have been present. Three botanical studies from the previous process can be referred to regarding the historical condition of the site (August 2005 October 2010 and October 2013) and they all indicate that there is/was also Hangklip Sand Fynbos (critically endangered) present on site.<br><br>Reference is made to the clearing of vegetation observed on site and historical aerial imagery and the associated lawfulness. We recommend that the Google Earth kmz files indicating the area determined by DEA&DP to have been lawfully cleared should be provided to the botanical specialist as was previously provided to CapeNature, to ensure accurate interpretation of the sequence of events.<br><br>The botanical sensitivity of the site is mapped and is based on the levels of disturbance experienced to date, with the low sensitivity areas having been subject to soil disturbance and occupying a large proportion of the site. A relatively large very high sensitivity area is located to the north east with a smaller patch in the south west. These areas are lightly to moderately invaded by alien invasive vegetation. Two small medium sensitivity patches are mapped in the southern and eastern sections which was disturbed many years back and have recovered relatively well. The sensitivity mapping for the very high sensitivity is similar to the 2010 and 2013 botanical reports, although there has been | Noted and agree on all points. The majority of the comments are noted in the Botanical Impact Assessment (Appendix G1). | Nick Helme – Botanist |

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| | loss of areas deemed to be high sensitivity.<br><br>A total of ten species of conservation concern were recorded on site, including two critically endangered species and four endangered species, which adds to the conservation value of the highly threatened ecosystems present which have not been subject to soil disturbance. The previous botanical reports can be referred to in order to supplement the list, although some of these species may have been lost e.g. critically endangered Erica rhodopis.<br><br>Two alternatives are presented, with the preferred alternative consisting of three cultivation areas in the south and east and the other alternative consisting of a smaller total area in the east. The two dam alternatives both occupy transformed footprints and are therefore not discussed further. Although the preferred alternative occupies a larger area it is fully encompassed within the low sensitivity area, while the other alternative encroaches on both the medium and very high sensitivity areas.<br><br>The impact ratings for the preferred alternative for the construction phase is low before and after mitigation, while for the other alternative it is high before and after mitigation. The impact significance for both alternatives for the operational phase is medium before mitigation and low after mitigation. CapeNature agrees with the impact ratings. Therefore, if the preferred alternative is implemented the residual impact will be low for both the construction and operational phases, and according to the National Biodiversity Offset Guidelines, a biodiversity offset is not required. The other alternative would however require an offset. In accordance with the mitigation hierarchy, we therefore agree with the selection of the preferred alternative. | | |

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| | Should the mitigation for the operational phase not be implemented, the impact will be medium significance which requires than an offset is implemented (albeit without the full mitigation hierarchy being followed). It is therefore essential that all of the mitigation measures outlined in Section 8 of the botanical impact assessment are implemented. This includes the recommendation that the very high sensitivity areas are formally managed as a conservation area in accordance with an environmental management plan (EMP). As discussed in the conclusions, the site can be secured as a conservation area within the CapeNature stewardship programme, which will address the operational conservation management as discussed in Section 8. We therefore recommend that the applicant should contact CapeNature before the next round of public participation to discuss the formal conservation options, including those outside of the CapeNature stewardship programme. | All the mitigation measures identified in the Botanical Impact Assessment are included in the BAR as conditions of approval should Environmental Authorisation (EA) be granted. The applicant is willing to entering into a stewardship agreement with Cape Nature for the proposed Conservation Area and will contact Cape Nature to take the process forward. The Stewardship Agreement can take place independently of the EIA process. The proposed conservation area will be made a condition of approval of the EA, should EA be granted. | Jenna Theron – PHS |
| **5.4** | <u>Aquatic and Freshwater Assessment</u><br>The aquatic and freshwater assessment confirms that there are no natural aquatic features present on site. The drainage line which was included in the botanical medium sensitivity to the east of the site was evaluated to be artificial as a result of the dam overflow, as the soils did not indicate a wetland. We wish to query if it could still not be considered as a natural ephemeral drainage line (but not necessarily a watercourse in terms of the National Water Act). We further wish to note that one of the endangered plant species referred to above only occurs at this location.<br><br>The dam alternatives are assessed for which the preferred alternative entails an expansion of the western dam and a small new dam adjacent to the eastern dam, while the other | Based on the construction of a cobble bed berm along the southern edge of the drainage line, that would collect and concentrate flows, to the Bot River and deforestation in recent years, including runoff from adjacent agricultural areas to the north that would increase sheet runoff, it is believed that this drainage line is artificial.<br>  <br> | Cole Grainger - FEN |

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| | alternative consists of an expansion of the eastern dam. Both of the existing dams are off stream dams with existing water supply from the weir in the Huiskloof River. The Bot River to the east is identified as a feature of high ecological importance and it should further be noted that the Bot River Estuary is a short distance downstream and is a Ramsar Wetland of International Importance. | The Freshwater Impact Assessment (Appendix G2) was updated to include acknowledgment of this on page 10 and 23 of the amended report. | Cole Grainger - FEN |
| | It is noted that the aquatic and freshwater assessment indicates that no NEMA listed activities are triggered and a risk assessment is compiled which rates all potential risks as low. The findings and recommendations of the aquatic and freshwater assessment should be used to inform the NEMA process regardless of the listed activities to ensure best practice. It is noted that the potential spill over from the eastern dam entering the Bot River is raised as a minor concern whereas the spill over from the western dam enters an alien infested area. Although not stipulated, it would appear that the western dam associated with the preferred alternative is preferred from an aquatic ecological perspective although impacts associated with both alternatives are within acceptable limits. | Noted and agreed. The findings and recommendations of the Freshwater Impact Assessment (Appendix G2) have been included in the BAR and the EMPr. | Jenna Theron – PHS |
| | The dam engineering report confirms that the water volumes required to fill the dams are within the existing approved limits of water abstraction, however a water use license application (WULA) is required for the storage of water in the dams. It is noted that a WULA is underway, and it must be ensured that the WULA is considered concurrently with the NEMA application in accordance with the provincial operational agreement. We wish to query the dam overflow as reported, as the only time when overflow should be experienced should be during heavy rainfall and not as a result of the inflow from the weir. | Noted and agreed. The proponent has initiated the water use authorisation application process regarding the proposed construction and enlargement of the off -stream dams. The application WU28950 is for section 21 (b), (c) and (i) water uses. The ELU confirmation for S21(a) 130 000m3/annum irrigation water and for Dam 2 (25 000m3) has been received. The WULA will be for the expansion of the dams (S21b) and the S21(c) and (i) water uses. The statutory PPP to be undertaken will include the WULA Application for public viewing. Please refer to the WULA (Appendix G6).<br><br>This is the intention of the overflow. The Applicant will keep the dam full via the weir pipeline. Overflow will only result from heavy rainfall as the pump will have an automated switch. | Jenna Theron – PHS<br><br>Jenna Theron – PHS |

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| **5.5** | <u>Terrestrial Faunal and Avifaunal Species Impact Assessment</u><br>A terrestrial faunal and avifaunal impact assessment was undertaken due to the high sensitivity for this theme, which flagged four bird species as high sensitivity. The methodology consisted of a desktop assessment and a three-day field survey which consisted of search meanders and acoustic surveys. Species were not only recorded through sightings of individuals but also by signs e.g tracks, faeces. Broad faunal habitats were identified, which are not the same as the NBA ecosystems, with more focus on structure than floristics, and hence appropriate for fauna. Mammals, birds, reptiles, amphibians, butterflies and grasshoppers were recorded. Five faunal species of concern were recorded consisting of two amphibian species, two bird species and one grasshopper species (only one of which was flagged in the screening tool). A total of 11 mammal, 5 reptile, 5 amphibian, 55 avifaunal, 6 butterfly and 4 grasshopper species were recorded.<br><br>The two amphibians recorded were the Cape Flats Frog (Microbatrachella capensis), more commonly known as the Micro Frog, listed as critically endangered, and the Montane Marsh Frog (Poyntonia paludicola), listed as near threatened. The frogs were both recorded at the eastern dam. It is not confirmed whether the species were recorded using the sound recordings, however this method was targeted towards the amphibians.<br><br>We wish to refer to Table 4 which describes the probability of occurrence of species of conservation concern, which is referenced against the habitat preferences of the species. In this regard the artificial dam habitat in an agricultural context present on site does not match well with the preferred habitats of the two species. The Montane Marsh Frog occurs in mountain seep wetlands and the Micro Frog occurs in natural acidic lowland | Thank you for your response on the faunal assessment.<br><br>The two amphibian SCC were recorded digitally through nocturnal sound recordings around the eastern dam. Both species were thereafter identified through referencing these recordings to the standard call signatures available from du Preez & Carruthers (2009) as well as recorded vocalisations on the iNaturalist database. These sound recordings were submitted to the iNaturalist database on the 9th of November 2022 but are still both listed as "Need ID", which is likely the reason the records do not currently reflect on the database.<br><br>This eastern artificial dam is fed by a pipeline which feeds water from a weir higher up in the catchment. To this end, water quality in this dam is similar to that of this mountainous area and does appear more acidic in nature. Notably, the applicant has opted to further keep this dam close to a natural profile through providing riparian vegetation and suitable rocky substrate (in contrast to what would be classified as a farm dam).<br><br>Given these characteristics, this eastern dam harbours a rich amphibian assemblage, supporting five confirmed species (possibly even more), some of which are highly abundant. This high amphibian diversity gives testament to the near-natural and near-pristine habitat conditions of this artificial dam, also pointing towards this habitat being highly sensitive from an aquatic perspective. It is not precisely known how these amphibians have colonized this dam, although it is highly likely that their eggs have been transported here via the pipeline from the weir.<br><br>Given these considerations, exclusion of this sensitive aquatic habitat from development planning is therefore warranted from a conservation perspective. Exclusion of this dam is further supported by the "Precautionary Principle", given that this habitat may harbour even more sensitive aquatic species. Furthermore, the recommended buffer distance around this habitat will be sufficient to significantly reduce any negative ecological impacts on this | Dr Jacobus H. Visser – Blue Skies Research |

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| | wetlands and is not found in anthropogenic habitats (such as farm dams) (du Preez & Carruthers 2009). Apart from the anthropogenic disturbance associated with the dam, it is located on a shale/ferricrete substrate which would generate a more alkaline run-off. It is however noted that the water which is used to fill the dam is sourced from a weir higher up in the catchment where the water would be more acidic.<br><br>Nonetheless, the species records seem unlikely and therefore we request further confirmation and evidence that these species are present, including verification from other specialists. If the presence of the Micro Frog can be confirmed this would be a significant record and increase the conservation value of the site, which will then also include the eastern dam. The report states that Micro Frog record was added to the iNaturalist database, however a search (on 24/11/2023) of all Micro Frog records on iNaturalist for the past two years did not reveal any records for this location or from the specialist. The locality is also a fair distance from the nearest recorded locality and only one individual was recorded calling.<br><br>The two bird species of conservation concern recorded are black harriers (Circus maurus), listed as endangered, and blue crane (Anthropoides paradiseus), listed as vulnerable. The two observations of the black harrier were within the medium-high shrubland, which correlates with the very high sensitivity area of the botanical assessment. Table 4 motivates that the species is unlikely to breed on site due to the lack of wetland habitat, however this species also breeds within shrubland (fynbos and renosterveld) habitat and therefore it is potentially possible that the species could breed within the medium-high shrubland (Curtis et al 2004). The blue cranes were observed at the western dam. Although this species occasionally breeds near wetlands or | dam over the short and long term. Taken together therefore, the recommendations by the Terrestrial Faunal and Avifaunal Impact Assessment Report align with the recommendations outlined in the Species Environmental Assessment Guideline (SANBI, 2020), and verification by other specialists will not be needed in the context of the current development.<br><br>Considering the breeding site preferences of the Black Harrier, this species prefers a dense habitat structure for nesting, such as is found in the Rooisand Nature Reserve to the south. Currently, the habitat profile of the site is characterised by an open-structured medium-high shrubland which is vastly different to the preferred nesting preferences of the Black Harrier. The presence of this species is likely linked to a suitable rodent prey base, making its presence highly ephemeral.<br><br>Considering the breeding pair of Blue Cranes on the site, this pair has been resident here for a number of years, nesting every year but with a low breeding success. Blue Cranes are highly resilient to daily disturbances (as are this pair), and it is highly likely that they will remain on the site when enlargement of the western dam is occurring. Should enlargement of this dam be performed out of the breeding season, it is also likely that this pair will remain and breed here in the subsequent breeding season (as is the case with nearly all breeding pairs which breed on cultivated land in the Western Cape). To this end, a buffer distance around the western dam is not realistically functionally significant in the context of the current development per se but was applied following the “Precautionary Principle” as recommended in the Species Environmental Assessment Guideline (SANBI, 2020).<br><br>For the impact assessment part of the report, the subsection heading of 11.3 was changed to “Mitigation measures and impact management actions” to reflect that this part deals with the proposed mitigation measures. Because mitigation measures in the context of the current development all include avoidance of potentially sensitive habitats along with the avoidance of development within certain proposed buffer distances (see subsection 11.3 | |

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| | dams, it is not dependent on aquatic habitat. The vulnerable grasshopper species was found within the shrubland habitat.<br><br>Figure 24 indicates that suitable habitat for the five faunal species of conservation concern, which includes the two dams and the shrubland habitats. The site ecological importance (SEI) calculations indicate that the dams have a very high resilience as they are easily recreated, however due to the abundance and continued increase in farm dams in the vicinity of these species distributions it should be queried how and why the two amphibians species colonised this dam only. The combined SEI for all three groups of species of conservation concern rates the shrubland as very high, the eastern dam as medium and the remainder as low. The constraints map incudes these habitats in addition to buffers around the blue crane and grasshopper localities. We wish to query the buffer provided for the blue crane but not the black harrier taking into account the discussion regarding the breeding above. In general, we wish to recommend that the shrubland and dams with buffers should be adequate for the faunal constraints.<br><br>The impact assessment rates the preferred alternative as very low significance for the construction phase and insignificant during the operational phase, while the other alternative is medium significance during the construction phase. However, we wish to note that the impact assessment does not include the significance prior to mitigation and after mitigation. Further to this, there is no section of required mitigation. The only mitigation recommended is the avoidance of the medium and very high SEI habitats. The proposed conservation area as discussed above should also be discussed in the faunal assessment. | and Table 16), all instances were clarified by including the phrase “avoidance mitigation” where appropriate.<br><br>The impact assessment methodology follows that used by SLR Consulting. This methodology does not include the significance of impacts pre- and post-mitigation but does include the significance of impacts from the proposed development layout. In the context of the current development, the development layout under Alternative 2 has been selected based on the site sensitivities identified in the faunal and botanical assessments. To this end, development nodes under Alternative 2 are all placed outside of highly sensitive habitats and associated buffers (with the exception of the buffer around the western dam, but see above), thereby rendering the significance of impacts on the receiving environments as “Low” and “Insignificant” during the construction and operational phases respectively.<br><br>Finally, to give comment on the proposed areas to be excluded, along with associated buffers, a novel subsection (Subsection 12.1) has been added to the discussion which follows the responses given above, and addresses the concerns and questions raised in the response by CapeNature here.<br><br>The updated Faunal Impact Assessment is included in Appendix G3. | |

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| **5.6** | Other Development on Site<br>We wish to note that in addition to the dams and cultivation which form part of this application, there are several other activities which have taken place on the property since the start of investigations around 15 years ago, with a number of buildings and associated infrastructure present. We wish to note in particular the buildings around the eastern dam. We wish to query the compliance of these other development components of the site with NEMA and other legislation e.g. municipal planning by-laws. | Please take note activities are taking place within the old quarry disturb footprint. Municipal approval was obtained for the Farmhouse on the 20 October 2021 (Appendix E21). The quarry was never rehabilitated by previous users, the current owner has conducted rehabilitation and indigenous landscape restoration to date. Furthermore, a number of pre-fab 'park homes' exist in close proximity, as shown on the SDP in Appendix E21 utilised for farm workers/ staff and as a office. | Jenna Theron – PHS |
| **5.7** | Conclusion<br>In conclusion, CapeNature in general does not object to the current preferred layout, however as stated in the botanical assessment, this is subject to the full implementation of all the recommended mitigation measures. We recommend that the applicant should consult with CapeNature regarding the options for formal conservation of the conservation-worthy sections of the site. The other queries and concerns as discussed above must also be addressed. This includes further verification of the threatened amphibians which were recorded on site and associated required mitigation measures. CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received. | All the mitigation measures identified in the Botanical Impact Assessment are included in the BAR as conditions of approval should Environmental Authorisation (EA) be granted. The applicant is willing to enter into a stewardship agreement with Cape Nature for the proposed Conservation Area and will contact Cape Nature to take the process forward. The Stewardship Agreement can take place independently of the EIA process. The proposed conservation area will be made a condition of approval of the EA, should EA be granted, and the EMPr will include the undertaking of a Stewardship Agreement.<br><br>The faunal concerns have been responded to above. | Jenna Theron – PHS |

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| | **I&AP: Samantha**<br>**Asia – Department of Agriculture, Land Reform & Rural Development**<br>**(21 November 2023)** | | |
| **6** | Department of Agriculture, Land Reform and Rural Development Directorate: Land and Soil Management administer and implement the Conservation of Agricultural Resources Act, (CARA) 43 of 1983. The Act is regarded as one of the principal Acts governing the protection of agricultural and other natural resources. The main aim of the Act is to control the utilization of natural agricultural resources to ensure the conservation of soil, water and vegetation, as well as the combating of alien and invasive plants. According to Section 1 of the Act, the conservation of natural agricultural resources includes the protection, restoration as well and reclamation thereof.<br><br>The objectives of CARA are to provide for the conservation of natural agricultural resources through maintaining the production potential of the land, combating and preventing erosion, preventing the weakening or destruction of the water resources, protecting the vegetation and combating weeds and invader plants.<br><br>The aforementioned proposed activities include the construction of a new dam situated directly downstream of the existing Dam One and the excavation of a new open channel spillway on the embankment left flack. Furthermore, this includes the expansion of Dam Two with a new core and cut-off trench and the cultivation of a new irrigated land of approximately 10ha. Hence, the proposed development will trigger activities regulated by the CARA and its regulations. The land owner is advised to observe and adhere to the following requirements and recommendations.<br><br>• The land owner must apply for a cultivation permit for the proposed cultivation of newly irrigated land from this office if the land is virgin soil and has not been cultivated in the last 10 years as per the definition in terms of the CARA.<br>• Regulation 2(1) of the Conservation of Agricultural Resources Act (Act 43 of 1983), "Except on authority of written permission by the executive officer, no land user shall cultivate any virgin soil: Provided that such authority shall not be required in respect of virgin land for which an approval has been granted in terms of section 4A of the Forest Act, 1972 (Act 68 of 1972). | Noted.<br><br>Noted. A separate application will be submitted to the Department of Agriculture, Land Reform and Rural Development in terms of CARA. | Jenna Theron – PHS<br><br>Jenna Theron – PHS |

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| | • The land owner must put measures in place to protect the newly proposed irrigated land effectively against waterlogging and salination. Measures applicable may include feeder channels, irrigation furrows and storage and catchment dams for irrigation water must be impermeable, the land should not be irrigated excessively or with water with too high a salt content, suitable soil conservation work must be constructed and thereafter be maintained to draw off excess surface and subterranean water and dispose thereof safely to prevent waterlogging and salination of lower lying land as per regulation 6.<br>• The land owner must ensure the constructed dams are impermeable and measures are put in place during the construction and operational phase, to prevent excessive soil erosion and sedimentation downstream the Bot River. According to regulations 4, 5 and 6 of the CARA, every land user shall by means of as many as necessary follow measures in his/her situation, protect the land on the farm unit effectively against excessive soil loss as a result of erosion through the action of water and wind: Measures applicable may include continuous monitoring for signs of soil erosion, repairing, rehabilitation, the establishment of indigenous vegetation on dam banks, to construct a suitable soil conservation work and thereafter maintaining it to divert run-off water from other land or to restrict the run-off speed of run-off water if necessary.<br>• Kindly note any rehabilitation and remedial action concerning soil erosion or restoration of eroded land needs to be per Regulations 13 and 14 of the CARA.<br>• According to Regulation 13 (1) "Every land user shall by means of as many of the measures set out in regulations 4, 5 and 9 as are necessary in his situation, effectively restore or reclaim the land on his farm unit on which excessive soil loss due to erosion occurs or has occurred."<br>• According to Regulation 14 (1) "If a land user disturbs or denudes any land on his farm unit for purposes other than prospecting or mining activities; (c) - such land user shall by means of as many of the following measures as are necessary in his situation, effectively restore and reclaim that disturbed or denuded land. (i) Topsoil shall be removed and kept separate with a view to replacing it later on the disturbed or denuded land. (ii) Topsoil shall be used to stabilize the sides of a hollow that has been caused by the exploitation or removal of material and, where possible, to reclaim part of the disturbed or denuded land. (iv) The flow pattern of run-off water, the topography and the slope shall, depending on the volume of material exploited or removed, be restored as closely as possible to the original condition. (v) Suitable vegetation shall be established on the land concerned in order to expedite the restoration and reclamation thereof. (vii) A suitable soil conservation work shall be constructed and thereafter be maintained in order to protect the land concerned against excessive soil loss through the action of water and wind or in order to collect sediment from run-off water." | Noted. These conditions have been included in the EMPr.<br><br>Noted. These conditions have been included in the EMPr. Note that the Freshwater Impact Assessment (Appendix G2) also addressed erosion control measures which have been included in the EMPr.<br><br>Noted.<br><br>Noted.<br><br>Noted. These conditions have been included in the EMPr. | |

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| | • Moreover, any activities or rehabilitation in any watercourse on the proposed land should be in a manner that will not constitute an obstruction during a flood that could cause excessive soil loss as a result of erosion through the action of water.<br>• Furthermore, according to Regulation 7 (1) "Subject to the provisions of the Water Act, 1956 (Act 54 of 1956), and sub-regulation (2) of this regulation, no land user shall utilise the vegetation in a vlei, marsh or water sponge or within the flood area of a watercourse or within 10 metres horizontally outside flood area in a manner that causes or may cause the deterioration of or damage to the natural agricultural resources." Hence, the land owner is advised to establish a buffer zone of 32m from the edge of the Bot River when establishing the proposed new irrigated cultivated areas.<br>• The draft BAR report indicates weeds and invasive plants are present on the property. According to Regulation 15 of the CARA, the weeds fall under category 1 in terms of the CARA. These plants are prohibited and thus not tolerated on any land or inland water surface. The invasive plants fall under category 2 which may not occur on any land or inland water surface other than in a demarcated area authorized by the executive officer.<br>• The weeds and invasive plants present on the farm need to be controlled and removed annually through continuous monitoring and maintenance programs as they can cause damage to the surrounding natural vegetation. According to the Conservation of Agricultural Resources Act, (Act 43 of 1983), Regulation 15E methods of controlling weeds and alien plants are as follows:<br>- Uprooting; felling; cutting or burning<br>- Treatment with a weed killer that is registered for use in connection with such plants per the directions for the use of such<br>- Biological control is carried out per the stipulations of the Agricultural Pests Act, (Act no 36 of 1983)<br>A combination of one or more methods mentioned above, and any action taken to control alien plants shall be executed with caution and in a manner that will cause the least possible damage to the environment.<br>• Kindly note, that clearing weeds and invasive plants in a water course needs to be done per clearing methods that will have the least environmental damage. | Noted.<br><br>Noted.<br><br>Noted. Alien Clearing has been extensively addressed in the EMPr. Annexure 6 includes "A PRACTICAL GUIDE TO MANAGING INVASIVE ALIEN PLANTS".<br><br>Noted. Alien Clearing has been extensively addressed in the EMPr. Annexure 6 includes "A PRACTICAL GUIDE TO MANAGING INVASIVE ALIEN PLANTS".<br><br>Noted. Alien Clearing has been extensively addressed in the EMPr. | |