



**BREEDE-GOURITZ**  
CATCHMENT MANAGEMENT AGENCY

101 York Street 3rd Floor Rm 302 George 6530, P.O. Box 1205 George 6530

Enquiries: Z Mbunuka Tel: 023 346 8000 Fax: 044 8732199 E-mail: [zmbunuka@bgcma.co.za](mailto:zmbunuka@bgcma.co.za)

Reference: 4/10/2/J11J/Bufelsfontein 36/3,Ladismith

Date: 29 October 2021

Cape Environmental Assessment Practitioners (Pty)Ltd  
P.O BOX 2070  
George  
6530

Attention Ms Mellisa Mackay.

Dear Madam

**COMMENTS ON THE DRAFT 24G RECTIFICATION REPORT FOR CONSTRUCTION OF AN EARTH DAM ON PORTION 3 OF 36 BUFFELSFONTEIN AND PORTION 66 OF 42 VOORBAAT, NEAR LADISMITH.**

With reference to the application received by the Breede-Gouritz Catchment Management Agency on 20 August 2021 and after having had the opportunity to assess the application, herewith the following:

It is noted on Page 6 of the aquatic impact assessment report that construction of the dam commenced in May 2018 and took place within the watercourse bed, banks and adjacent areas. The enlargement of the existing dam commenced without the necessary water use approval from this office, while the commenced activity is in contravention of section 32 of the National Water Act, 1998 (Act 36 of 1998). Section 21 (b) and (c)&(i) of the aforementioned act is triggered. This office will escalate this matter to the Compliance Monitoring and Enforcement unit section, for further investigation.

The BGCMA reserves the right to revise initial comments and request further information based on any additional information that might be received.

Yours faithfully

JAN VAN STADEN

CHIEF EXECUTIVE OFFICER (ACTING)

**LANDSCAPE EAST – CONSERVATION  
INTELLIGENCE MANAGEMENT UNIT**

**postal** Private Bag X6546, George, 6530  
**physical** 4<sup>th</sup> Floor, York Park Building, York Street, George  
6530  
**website** [www.capenature.co.za](http://www.capenature.co.za)  
**enquiries** **Megan Simons**  
**telephone** +27 87 087 3060 fax +27 44 802 5313  
**email** [msimons@capenature.co.za](mailto:msimons@capenature.co.za)  
**reference** LE14/2/6/1/6/3/36-3&42-66\_S24 G\_ladismith  
**date** 07 October 2021

Cape EAPrac,  
P.O Box 2070,  
George,  
6530

Attention: Ms Melissa Mackay  
By email: ([mel@cape-eaprac.co.za](mailto:mel@cape-eaprac.co.za))

Dear Ms Melissa Mackay

**DRAFT 24G RECTIFICATION APPLICATION REPORT FOR CONSTRUCTION OF AN  
EARTH DAM ON PORTION 3 OF 36 BUFFELSFONTEIN AND PORTION 66 OF 42  
VOORBAAT, NEAR LADISMITH, KANNALAND LOCAL MUNICIPALITY, WESTERN  
CAPE.**

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

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CapeNature would like to thank you for the opportunity to review your application on portion 3 of farm Buffelsfontein Farm 36 and Portion 66 of farm Voorbaat 42, near Ladismith. The applicant is applying for 24 G Rectification of unlawful activities. The following commenced: *“The activity entails the unlawful construction of a dam of approximately 3.6ha on a non-perennial watercourse draining into the Groot River on Portion 3 of 36 Buffelsfontein and Portion 42 of 66 Voorbaat. The dam is a replacement of an existing dam that was previously located in the Groot River that was washed away.”*

Please note that our comments only pertain to the biodiversity related impacts and not the overall desirability of the application. CapeNature wishes to make the following comments:

According to the Western Cape Biodiversity Spatial Plan (WCBSP 2017)<sup>1</sup> Critical Biodiversity Areas (CBA 1: Aquatic and Wetlands) is to the south of the earth dam. The dam was constructed within Ecological Support Areas (ESA 1: Aquatic; 2: Restore) and Other Natural Areas are mapped around the boundary of the dam. The BSP mapped the following features present at the site:

- Cape Mountain Zebra
- Matjiesfontein Quartzite Fynbos (LT)
- Western Gwarrieveld (LT)

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<sup>1</sup> Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.

The Western Cape Nature Conservation Board trading as **CapeNature**

Board Members: Associate Prof Denver Hendricks (Chairperson), Prof Gavin Maneveldt (Vice Chairperson), Ms Marguerite Loubser, Mr Mervyn Burton, Dr Colin Johnson, Prof Aubrey Redlinghuis, Mr Paul Slack

- Watercourse protection- Southern Folded Mountains

The current dam has unnamed non-perennial rivers which flows into the Groot River, south of the dam. The natural vegetation unit on the site would have been Least Concerned Western Gwarrieveld and Matjiesfontein Quartzite Fynbos as listed in the updated ecosystem threat listing of the National Biodiversity Assessment (Skowno *et al.* 2018)<sup>2</sup>.

ESA regions are areas delineated that are in a natural condition that are required to meet biodiversity targets, for species, ecosystems or ecological processes and infrastructure (ESA 2 are degraded ESA). As stipulated in the Land Use Advice (LUA) Handbook (Pool-Stanvliet *et al.* 2017)<sup>3</sup>. It should be noted that it is the landowner's responsibility to ensure their property is suitably maintained at a level consistent with LUA guidelines. Will the loss of the ESA 1 and ESA 2 on the site therefore compromise any CBA and conservation targets and what control measures will be put in place to ensure this? Especially in terms of the reasons for WCBSP delineation on site. Please refer to Table 4.7 in the LUA Handbook in terms of what is defined as intensive agricultural practice.

The landowner should have considered or investigated other methods to protect the existing water resources, for example reducing evaporation through covering dams or using numerous different irrigation techniques to reduce water loss, considering the impact this construction had on the loss of natural vegetation and ESA.

Although, the vegetation types are Least Threatened (LT), it should not have been used as a reason to construct the dam within LT vegetation. Moreover, much of the habitat condition was classed as natural (i.e., 75% as natural and 20% as near natural) prior to the construction. The illegal dam has led to the complete transformation of the site. Kindly note that any loss to natural habitat should have been avoided.

There was no suitable habitat rehabilitation plan submitted, although there is mention that certain areas need to be rehabilitated, but without such a plan how can the landowner know what to rehabilitate, where to rehabilitate and how to rehabilitate? There should also be a monitoring regime associated with the plan and the entire plan appended to the EMP. A list of indigenous plants must be included in the rehabilitation plan. This include plants that will be used for stabilisation. The rehabilitation plan must consider including areas excluded from the construction area that have been damaged or disturbed must be rehabilitated, with guidance from a qualified aquatic specialist to a functional and usable condition. Recovery following rehabilitation in arid habitats can take more than a few decades, even from temporary disturbances, due to the on-going drought. CapeNature does not consider any habitat as rehabilitated until a comparable level of ecosystem functionality has been proven. Post construction monitoring of the impacts should be observed for more than one year.

CapeNature reminds the applicant that flooding events can change watercourses within a short period. Was long-term recovery and possible impacts in relation to climate change patterns (i.e., continued drought and flash flooding events) considered?

Dams reduce water sediment carrying capacity and often result in downstream erosion. All erosion mitigation measures towards curbing erosion should be implemented. Thus, any

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<sup>2</sup> Skowno, A. L., Poole, C. J., Raimondo, D. C., Sink, K. J., Van Deventer, H., Van Niekerk, L., Harris, L. R., Smith-Adao, L. B., Tolley, K. A., Zengeya, T. A., Foden, W. B., Midgley, G. F. and Driver, A. 2019. National Biodiversity Assessment 2018: The status of South Africa's ecosystems and biodiversity. Synthesis Report. Pretoria, South Africa. 214 pp.

<sup>3</sup> Pool-Stanvliet, R., Duffell-Canham, A., Pence, G. & Smart, R. 2017. The Western Cape Biodiversity Spatial Plan Handbook. Stellenbosch: CapeNature.

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further construction must be planned for the drier months to minimize the possibility of erosion and sedimentation.

CapeNature objects to the introduction of any alien fish species, without the necessary permits from CapeNature. These permits will require an Ichthyologist specialist report of the nearby aquatic ecosystems to determine if there are any of those fish species currently present within that habitat.

CapeNature would like to remind the landowner that in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) ("CARA"), landowners must prevent the spread of alien invasive plants on the property. The level of alien infestation is therefore not seen as reducing the sensitivity of a site, nor is the subsequent removal of alien vegetation from a property regarded as a mitigation measure due to this is being a legal requirement. Infestation by alien plants does not necessarily mean that an area is not important for biodiversity as some vegetation types are particularly prone to invasive alien infestation but may recover when cleared of alien vegetation.

In addition to CARA, in terms of the Alien and Invasive Species Regulations, NEM: BA, 2014, specific alien plant species are either prohibited or listed as requiring a permit; aside from restricted activities concerning, *inter alia*, their spread, and should be removed.

All alien vegetation present at the property should be removed as they are a propagule source for further spread of invasive alien plants. The existing alien infestation is a risk to surrounding properties and impacting on water availability. CapeNature recommend that an alien clearing programme be compiled to eradicate and monitor the spread of invasive alien plants. The alien control programme must include the following:

- a. A suitable map must be compiled to illustrate the current extent of alien vegetation and used to guide the rehabilitation;
- b. Areas cleared of alien species and eroded must be rehabilitated using suitable indigenous species recommended by the botanist, and the list must be included;
- c. Include a timeframe and methods (i.e. herbicides, pesticides or cutting) for the removal of alien plant species;
- d. A vegetation map illustrating the extent of existing vegetation on the current property should be compiled and included in the plan.

If any pesticide or herbicide will be used as a method of alien clearing, then mitigation measures to minimise spray drift and buffers to neighbouring indigenous vegetation must be compiled.

The Groot River is mapped as a National Freshwater Ecosystem Priority Areas (FEPAs)<sup>4</sup> river corridor and fish corridor, as stated in the Aquatic report thus the impact of constructing the dam within a non-perennial river which flows into the Groot River should have been considered.

We strongly recommend improving the riverbanks closer to natural with regards to the plants, especially regarding the stabilisation of banks. CapeNature agrees with the proposed mitigation measures and PES scores.

In conclusion, CapeNature objects to the introduction of any alien fish and alien plant species. Alien invasive species that germinate must be removed and rehabilitated using suitable

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<sup>4</sup> Nel, J.L., Murray, K.M., Maherry, A.M., Petersen, C.P., Roux, D.J., Driver, A., Hill, L., Van Deventer, H., Funke, N., Swartz, E.R., Smith-Adao, L.B., Mbona, N., Downsborough, L. & Nienaber, S. (2011). Technical Report for the National Freshwater Ecosystem Priority Areas project. WRC Report No. K5/1801.

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indigenous species. A botanical specialist should assess the area before the remaining vegetation will be removed.

CapeNature reserves the right to revise initial comments and request further information based on any additional information that may be received.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Megan Simons', with a stylized flourish extending to the right.

**Megan Simons**  
**For: Manager (Landscape Conservation Intelligence)**

## Melissa Mackay

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**From:** Brandon Farao <brandonhfarao@gmail.com>  
**Sent:** Sunday, 03 October 2021 08:10  
**To:** Melissa Mackay  
**Subject:** Re: Registering as an I&AP

Good day Melissa

I would like to provide my comments on the Byevanger Dam 24G project. I would like to state that I am in support of the project, providing that the proposed outcomes of the objectives are adhered to. As the objectives made mention of in the project, in my opinion, should have a positive effect on the racial and gender imbalances which are being faced and will be addressed. And secondly one of the objectives which stood out for me was the fact that there will be an increase in employment opportunities which aids in food security, while job creation is seen as a key intervention in alleviating poverty. On top of this, another objective I am in support of is the fact that a proposed transfer of skills and facilitating the growth of a Black farming enterprise.

Kind regards

On Tue, 28 Sept 2021 at 16:35, Melissa Mackay <[melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za)> wrote:

Good afternoon

Please follow the link below to access the documents:

<https://we.tl/t-1Phu47F9ud>

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](http://www.cape-eaprac.co.za) for more information ([www.cape-eaprac.co.za](http://www.cape-eaprac.co.za)).

Regards

Melissa Mackay | 084 584 7419

SENIOR CONSULTANT | ECO | GIS

BTech Nat. Con. (NMMU)



Cape *EAP*rac



T: 044 874 0365

F: 044 874 0432

17 Progress Street, George

PO Box 2070, George 6530

**From:** Brandon Farao <[brandonhfarao@gmail.com](mailto:brandonhfarao@gmail.com)>

**Sent:** Tuesday, 28 September 2021 16:19

**To:** Melissa Mackay <[melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za)>

**Subject:** Re: Registering as an I&AP

Hi Melissa

Could you kindly forward me the necessary documents for commenting, I am not able to access the Draft 24G Impact Report on the website

On Tue, 28 Sep 2021, 13:25 Melissa Mackay <[melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za)> wrote:

Thank you.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](#) for more information ([www.cape-eaprac.co.za](http://www.cape-eaprac.co.za)).

**Regards**

**Melissa Mackay | 084 584 7419**

SENIOR CONSULTANT | ECO | GIS

BTech Nat. Con. (NMMU)

T: 044 874 0365

F: 044 874 0432

17 Progress Street, George

PO Box 2070, George 6530

**From:** Brandon Farao <[brandonhfarao@gmail.com](mailto:brandonhfarao@gmail.com)>

**Sent:** Tuesday, 28 September 2021 13:21



**To:** Melissa Mackay <[melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za)>

**Subject:** Re: Registering as an I&AP

Good Afternoon Melissa

My cell number is 084 563 4639

And my postal address is: 2 Akkerdal Close, Buh-Rein Estate, Kraaifontein 7570

On Tue, 28 Sep 2021, 10:55 Melissa Mackay <[melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za)> wrote:

Good morning Brandon

Thank you for your email. I hereby confirm that I have registered you as an I&AP for this project. Please would you also provide me with a contact phone number and postal address.

Please Note: When registering as an Interested and Affected Party (I&AP) for any of our environmental projects, or submitting comment on the same, you automatically consent to the lawful processing, publishing and distribution of your personal information, as provided by yourself via submissions, for the purpose specific intent of participating in an environmental process, as described by the Protection of Personal Information Act, 2013 (Act no. 4 of 2013).

Kindly view our [Privacy Statement](#) for more information ([www.cape-eaprac.co.za](http://www.cape-eaprac.co.za)).

**Regards**

**Melissa Mackay | 084 584 7419**

SENIOR CONSULTANT | ECO | GIS

BTech Nat. Con. (NMMU)

T: 044 874 0365

F: 044 874 0432

17 Progress Street, George

PO Box 2070, George 6530

**From:** Brandon Farao <[brandonhfarao@gmail.com](mailto:brandonhfarao@gmail.com)>

**Sent:** Monday, 27 September 2021 13:18

**To:** Melissa Mackay <[melissa@cape-eaprac.co.za](mailto:melissa@cape-eaprac.co.za)>

**Subject:** Registering as an I&AP

Good day Melissa

My name is Brandon Farao and I would like to make a request to register as an I&AP for your 'Byevanger Dam 24G' project if possible. My email address is [brandonhfarao@gmail.com](mailto:brandonhfarao@gmail.com).

kind regards



## Melissa Mackay

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**From:** Melissa Mackay <mel@cape-eaprac.co.za>  
**Sent:** Thursday, 16 January 2020 08:14  
**To:** 'Jayne McElwee'  
**Cc:** 'Mike McElwee'  
**Subject:** RE: Dam Construction - Ref# 14/2/4/1/D5/15/0004/19

Good morning Jayne

Thank you for your email. I have registered you both as Interested & Affected Parties for the 24G Rectification process.

Please be advised that the Environmental process has to consider the site at which the unlawful dam expansion took place, in this case the two properties (Voorbaat 66/42; Buffelsfontein 3/36) as the listed activity that requires authorisation is related directly to the site of the activity. To advise this a freshwater specialist study was conducted that will be included in the documentation to be made public later this year.

The Water Use License Application (WULA) which forms part of this process will address the allocation of water to both the applicant and for base flow requirements of the Groot River. The Department of Water Affairs under the Breede Gouritz Catchment Management Agency will also provide input in terms of the existing water uses on the system, as well as the verified water allocations.

As a registered I&AP you will receive all the information and studies that have been undertaken. The reports are still be finalised and the public process will commence in the next few months.

Please take note that any dams in water courses must undergo an Environmental Impact Assessment prior to construction. In this case, this was not done and the applicant has to undergo a 24G Rectification process which will mean that the applicant is subject to a fine for undertaking the activity unlawfully. If the department deems that the dam will cause significant environmental damage then the applicant may be instructed to remove and rehabilitate the area.

These requirements are applicable to anyone constructing unlawful dams and I would advise that if you are planning to undertake a similar activity, please come and talk to us first. Please also take note that the BGCMA requires that all boreholes be registered and the water allocation from such boreholes be licensed.

I hope I have answered your questions, please feel free to contact me directly should you have any further queries.

Regards

**Melissa Mackay | 084 584 7419**  
SENIOR CONSULTANT | ECO | GIS  
BTech Nat. Con. (NMMU)

T: 044 874 0365  
F: 044 874 0432  
17 Progress Street, George  
PO Box 2070, George 6530



Cape EAPrac



**From:** Jayne McElwee <jaynemcelwee@gmail.com>  
**Sent:** Tuesday, 14 January 2020 12:01 PM  
**To:** mel@cape-eaprac.co.za  
**Cc:** Mike McElwee <mdmcelwee@gmail.com>  
**Subject:** Dam Construction - Ref# 14/2/4/1/D5/15/0004/19

Attention: Cape EAPrac - Melissa Mackay

We would like to be registered as an Interested and Affected Party relating to the construction of the farm dam at this location: [Click here for Google Map link.](#)

This map shows the dam construction site relative to the boundaries of our farm - Portion 31 of Farm 42 Voorbaat, currently in the name of The Slugger Trust.

**DE&AP reference number:** 14/2/4/1/D5/15/0004/19

**Location:** DR1710 between Km 3 and 4, Ladismith

Our interest in this matter pertains to the fact that the dam has been constructed on a non-perennial waterway that dissects a **number** of farms (Voorbaat 2/42; Voorbaat 31/42; Voorbaat 32/42; Buffelsfontein 2/36; Byenvangerskloof RE/40; Voorbaat 66/42; Buffelsfontein 3/36) and not just the two farms on which the dam is located (Voorbaat 66/42; Buffelsfontein 3/36) and the dam will affect any water flow into the Groot River, which could influence a number of other farms downstream. We were not consulted prior to this dam's construction and we do not believe that there is a clear understanding of who has the right to access and use water along and this waterway.

We would like to understand what rights all of the affected parties have to:

- to the water that may flow down this water way
- to construction of boreholes along the waterway for access to underground water supplies.
- to the construction of dams or water storage units along this water way

If there is an allocation of water, how is it allocated? If there is not an existing allocation of water, we would like to apply for one that considers all affected title deeds along and downstream from the waterway.

Regards

Michael and Linda McElwee  
Portion 31 Farm 42, Voorbaat Valley  
Tel: 083 411 0125 (Linda)  
Tel: 082 419 3504 (Michael)

## Melissa Mackay

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**From:** Louise\_Mari van Zyl <louise@cape-eaprac.co.za>  
**Sent:** Tuesday, 06 November 2018 16:21  
**To:** 'Amy Murray'  
**Subject:** RE: Registration as I&AP

Thank you for your prompt response.

I've entered your details into the Stakeholder Register and will be sure to keep you informed as soon as the formal application process commences.

Kind regards,

**Louise-Mari van Zyl | 071 603 4132**

**DIRECTOR**

MA Geography & Environmental  
Studies(Stellenbosch)

T: 044 874 0365  
F: 044 874 0432  
17 Progress Street, George  
PO Box 2070, George 6530



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**From:** Amy Murray [mailto:amymurray6@gmail.com]  
**Sent:** 06 November 2018 03:53 PM  
**To:** Louise\_Mari van Zyl  
**Subject:** Re: Registration as I&AP

Hello Louise-Marie

Yes, this is the dam I am referring to, please register me once registration is open.

Thank you and have a good week further.

Kind regards,

Amy

On 06 Nov 2018, at 11:01, Louise\_Mari van Zyl <louise@cape-eaprac.co.za> wrote:

Good Morning Mrs Murray,

Thank you for your mail.

I would gladly register you as an Interested & Affected Party (I&APs), but you'll have to please provide me with details as to which application you're referring to? Our office has not advertised any applications calling for the registration of I&APs in the Kannaland area – so it is unclear at this point what property and structure's you are referring to.

The only project we're involved with in the area is for Mr Fanie Nel (Buffelsfontein Farm), but that process will only commence in 2019 as the Dam Safety Regulations must be adhered to first.

The dam on the above-mentioned property does not yet have a license to store any water, so it is empty and therefore unlikely to have any impact on stream conditions so far.

If perhaps the Buffelsfontein is the one you have in mind, please let me know then I'll register you for it. Alternatively if you have another project in mind it would be to your benefit to make contact with the Department of Environmental Affairs (Diana Mouton: 044-805 8600 or [diana.mouton@westerncape.gov.za](mailto:diana.mouton@westerncape.gov.za)) as they will have record of all the activities in your area as well as who the consultants are that's responsible for the application.

**Louise-Mari van Zyl | 071 603 4132**

**DIRECTOR**

MA Geography & Environmental  
Studies(Stellenbosch)



**Cape EAPrac**



**T: 044 874 0365**

**F: 044 874 0432**

**17 Progress Street, George**

**PO Box 2070, George 6530**

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**From:** Amy Murray [<mailto:amymurray6@gmail.com>]

**Sent:** 05 November 2018 12:58 PM

**To:** [Louise@cape-eaprac.co.za](mailto:Louise@cape-eaprac.co.za)

**Subject:** Registration as I&AP

Dear Louise-Marie van Zyl

I would like to be registered as an interested and affected party to the construction of structures upstream of the Klein Swart River from my property in the Kannaland Municipal Area.

I am the owner of Portion 97 of the Farm Buffels Drift. Ever since the construction of structures which divert the Klein Swart river flow upstream from us there has been zero flow in the river despite both rain and snowfall. This is detrimental to the health and use of our land.

I request that further investigation be conducted into the structures and their effect on surrounding and downstream land. It is illegal and unfair for river flow to be diverted to the benefit of a single land-user.

Please let me know if you require any further information from my side in order for myself to be registered as an I&AP.

Kind regards,

Amy Murray  
0828521443



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**Melissa Mackay**

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**From:** Carl Nielsen <carln@dfs.co.za>  
**Sent:** Monday, 05 November 2018 07:43  
**To:** louise@cape-eaprac.co.za  
**Subject:** Registration as an Interested & Affected Party

Dear Louise-Marie

I have been given your name by Lisa Murray who, with her husband Neil, owns a farm portion of Buffeldrift 103 in the Ladismith area. My wife and I own and live at Portion 15 of Buffelsdrift. Our farm forms one of 18 properties included in the Buffelsdrift Farm Owners Association, also known as the Buffelsdrift Conservancy. I currently serve as the chairman of the FOA.

The rivers in our conservancy are dry despite there having been some rain and snowfall in the winter months. This is, of course, related to the drought, but we also believe that various farmers upriver of us have built various dams and other water handling facilities in contravention of the National Environmental Management Act and the National Water Act.

Lisa informs me that you/your company are assisting Fanie Nel of Van Zyls Damme with a NEMA process. Please can our conservancy be registered as an Interested & Affected Party.

You can communicate with me using [info@buffelsdrift.org.za](mailto:info@buffelsdrift.org.za) as our email address.

Kindly acknowledge receipt of this email.

Thank you,  
Carl Nielsen

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carln@dfs.co.za  
Skype: carl230373  
Mobile +27 (83) 275 6935  
Fax2email +27 (86) 630 3986

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## Melissa Mackay

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**From:** Louise\_Mari van Zyl <louise@cape-eaprac.co.za>  
**Sent:** Wednesday, 10 October 2018 13:11  
**To:** 'Lisa Murray'  
**Subject:** Illegal Dams in Ladismith area

Dear Lisa and Neil,

Thank you kindly for your email. The content which has been noted.

Our firm is only responsible for a Buffelsfontein property (owned by Mr Fanie Nel) where a dam was constructed unlawfully. I am not aware of any other unlawful similar activities in the area - or at the very least we are not involved should there be any other similar unlawful activities in your area.

If you are aware of any other unlawful dams in the catchment you are advised to inform the Department of Environmental Affairs & Development Planning (DEADP) as well as the Breede Gourits River Catchment Area (BGCMA) so that they can investigate and instigate processes against the land owners. They can be contacted at Johan.Oelofse@westerncape.gov.za (Mr Johan Oelofse at DEADP) and Mr Fabion Smith (fsmith@bgcma.co.za at BGCMA).

With respect to Mr Fanie Nel's dam, his dam will be subject to a Section 24G Rectification application as well as Water Use License application investigation. We are responsible for the first and GorraWater for the latter.

The S24G Rectification application process will include various specialist investigations (i.e. freshwater) to determine the level and significance of potential impacts on the receiving environment. The WULA process will investigate the impact on lawful downstream water users. For the latter process they will follow a validation and verification process to look at the lawful water users downstream that may be impacted negatively.

Currently GorraWater is in the process of complying with the Dam Safety Regulations and once that is done the S24G rectification process will commence. The starting date is estimated to be early 2019.

Until such time as the owner obtained all of the authorisations (if he is permitted to keep the dam), he may not store water in the dam. This is obviously to ensure that downstream users are not negatively affected until such time as the dam is authorised. So he is authorised to store registered water in any of his other lawful dams, but not in this particular dam.

When the S24G application process starts, we'll advertise and distribute formal notifications calling for I&APs to register. Since you will be registered now, you won't have to respond to that notification again, but I'll notify you closer to the time.

In order for me to complete your registration, please provide me with alternative contact details i.e. cell phone or postal address in the even that emails don't work or are changed without our knowledge.

Kind regards,

Louise-Mari van Zyl |071 603 4132  
DIRECTOR  
MA Geography & Environmental  
Studies(Stellenbosch)

T: 044 874 0365  
F: 044 874 0432  
17 Progress Street, George  
PO Box 2070, George 6530

-----Original Message-----

From: Lisa Murray [mailto:[lisajmurray59@me.com](mailto:lisajmurray59@me.com)]  
Sent: 10 October 2018 09:56 AM  
To: [louise@cape-eaprac.co.za](mailto:louise@cape-eaprac.co.za)  
Subject: Illegal Dams in Ladismith area

Good Day

We are farmers in the Buffelsdrift Valley outside Ladismith in the Western Cape - ptn 59, 60 of Buffelsdrift 103.

We are being severely effected by the unregistered dams that have been diverting the river waters , causing our river to stop flowing and now having to deal with the resultant fallout of these consequences.

Kindly add us to your list of Interested and Affected Parties to participate in the Public process to address this travesty.

Luleam Property Investment (pty) ltd  
Ptn 60 Buffelsdrift 103  
Neil and Lisa Murray - Directors

Lisa Joneen Murray  
Ptn 59 Buffelsdrift 103

Kindly acknowledge receipt of this mail to reassure us that we have been included and our objection is noted.

Many thanks

Yours Sincerely  
Lisa and Neil Murray

## Melissa Mackay

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**From:** Natalya Nisbet <orders@greenwagon.co.za>  
**Sent:** Tuesday, 09 October 2018 14:50  
**To:** louise  
**Cc:** Leon Claassen  
**Subject:** Registration as and I & A for Fanie Nel

Good day

We would like to register as an Interested and Affected party for Fanie Nel (van zylsdamme). The storing and illegal use of water has a direct negative impact on our farming practices, never mind the devastating ecological affect this man-made drought has caused to the eco-system and wild animals in the area.

Please confirm receipt of our objection.

Thank you  
Gavin Visser and Natalya Nisbet  
Farm Visser's Haven  
Buffelsdrift  
Ladismith, WC, 6655



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## Melissa Mackay

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**From:** Louise\_Mari van Zyl <louise@cape-eaprac.co.za>  
**Sent:** Monday, 08 October 2018 09:36  
**To:** 'Leon Claassen'  
**Subject:** L Claassen\_REGISTRASIE VAN I& A PARTY

Goeie More Mnr Claassen,

Baie dankie vir u epos.

Ek sal solank u besonderhede op die rolspeleerdatabasis aanbring, maar neem asseblief kennis dat die S24G rektifikasie aansoekproses voorlopig eers vroeg in 2019 sal begin sodra die damveiligheidsproses afgehandel is.

Ons sal dan 'n formele kennisgewing plaas wat belanghebbende partye uitnooi om te registreer en deel te neem aan die aansoekproses. U is egter nou reeds geregistreer as 'n belanghebbende party so u hoef nie dan weer te reageer op die kennisgewing nie.

Inligting omtrent die aansoek, insluitende spesialistudies en tegniese data, sal dan as deel vd formele aansoekproses gesirkuleer word.

Sou u in die interim enige bekommernisse het omtrent die aktiwiteit is u welkom om dit aan my deur te gee sodat ek dit op rekord kan plaas tot tyd en wyl die ondersoek begin.

Vriendelike Groete,

**Louise-Mari van Zyl | 071 603 4132**

**DIRECTOR**

MA Geography & Environmental  
Studies(Stellenbosch)

T: 044 874 0365

F: 044 874 0432

17 Progress Street, George

PO Box 2070, George 6530



Cape EAPrac



**From:** Leon Claassen [mailto:leon@wispernet.co.za]

**Sent:** 05 October 2018 04:28 PM

**To:** louise@cape-eaprac.co.za

**Subject:** REGISTRASIE VAN I& A PARTY

Goeiedag

REGISTRASIE AS "INTERESTED AND AFFECTED PARTY"

FANIE NEL  
JOHANNES GERHARDUS NEL FAMILIETRUST

Ek rig hierdie skrywe aan u na aanleiding van die Pre-Directives wat aan mnr FANIE NEL van J G NEL FAMILIETRUST uitgereik is en die S24G wat in die proses is.

Geliewe my belang hierby as 'n "interested and affected party" op u lêers aan te bring op u lêer se prosesse.

Ek verkry graag 'n afskrif van die "Application for Rectification" sodra dit beskikbaar is.

Geliewe ontvangs van hierdie e-pos te erken.

Groete  
Leon Claassen  
Sel 082 719 5553

## Melissa Mackay

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**From:** Jojoba Company <jojoba@icon.co.za>  
**Sent:** Tuesday, 02 October 2018 19:21  
**To:** 'Louise\_Mari van Zyl'  
**Subject:** RE: ILLEGAL DAMS AND STRUCTURES IN DWARSRIVIER

Good evening,  
Fanie Nel please.

Regards  
Stephen

**From:** Louise\_Mari van Zyl [mailto:louise@cape-eaprac.co.za]  
**Sent:** Tuesday, 02 October 2018 5:00 PM  
**To:** 'Jojoba Company' <jojoba@icon.co.za>  
**Subject:** RE: ILLEGAL DAMS AND STRUCTURES IN DWARSRIVIER

Good Afternoon,

Thank you for your email.

Kindly advise which project you would like to be registered for so that I can verify whether we are responsible for the application and register you for the correct process if necessary.

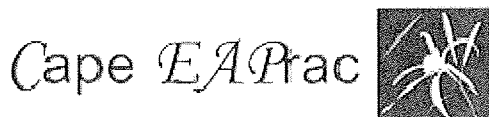
Kind regards,

**Louise-Mari van Zyl | 071 603 4132**

**DIRECTOR**

MA Geography & Environmental  
Studies(Stellenbosch)

T: 044 874 0365  
F: 044 874 0432  
17 Progress Street, George  
PO Box 2070, George 6530



**From:** Jojoba Company [mailto:jojoba@icon.co.za]  
**Sent:** 02 October 2018 04:03 PM  
**To:** louise@cape-eaprac.co.za  
**Subject:** ILLEGAL DAMS AND STRUCTURES IN DWARSRIVIER

Good day,

We own the farm Algerynskraal in the Ladismith area. We would like to register as an I&A Party and must be included in all processes going forward.



Yours sincerely  
Stephen & Malcolm Mc Gown

Investment Planning & Marketing (Pty) Ltd



Virus-free. [www.avast.com](http://www.avast.com)