



# **BACKGROUND INFORMATION DOCUMENT (BID)**

## **SECTION 24G APPLICATION FOR *EX POST FACTO***

### **ENVIRONMENTAL AUTHORISATION**

#### **'KLEIN ZELPIE DAM'**

Portion 8 of Farm 81 Klippedrif, Zebra (Oudtshoorn, Western Cape)

28 September 2017

#### **Introduction**

**Cape Environmental Assessment Practitioners (Cape EAPrac)** has been appointed as the independent Environmental Assessment Practitioner (EAP) to facilitate the legally required Section 24G Application process in terms of the **National Environmental Management Act** (NEMA, Act No 107 of 1998 as amended), the 2014 Environmental Impact Assessment (EIA) Regulations (as amended) & the 2017 24G Regulations, for the '**Klein Zelpie Dam**' on behalf of the Applicant, **Martin Truter Trust**.

In contravention of Section 24F of NEMA, the Applicant commenced listed activities (expansion of an existing dam) without the necessary environmental authorization and is now applying for *ex post facto* approval via a Section 24G Application process.

The competent authority in this case is the Western Cape Department of Environmental Affairs & Development Planning (DEA&DP): Cape Town office, with the DEA&DP George office serving as a commenting authority.

In addition to the above NEMA legislation, this Section 24G process and retrospective Environmental Impact Assessment (EIA) will take cognisance of the following legislation, among others:

- The National Water Act (NWA, Act 36 of 1998);
- The National Heritage Resources Act (NHRA, Act 25 of 1999).

#### **Activity Undertaken Without Authorisation**

The Applicant expanded and extended the existing '**Klein Zelpie Dam**' on Portion 8 of Farm 81, Klippedrif, Zebra, Oudtshoorn. The parameters of this expansion are as follows:

- Dam storage expanded from approx. 50 000m<sup>3</sup> to approx. 154 300m<sup>3</sup>;
- Dam area expanded from approx. 53 353m<sup>2</sup> (5.3ha) to approx. 155 340m<sup>2</sup> (15.5ha);
- Dam wall height expanded from approx. 5m to approx. 15.9m. Dam wall length now approx. 468m.

Parallel to the Section 24G / EIA process, **Gorra Water** has been appointed to facilitate the required **Water Use Licence Authorisation (WULA)** process in terms of the National Water Act (NWA).

The following other technical / specialist studies may be undertaken to inform the environmental assessment and WULA processes:

- Freshwater Impact Assessment;
- Socio-Economic Impact Assessment;
- Heritage and/or Visual Study;
- Dam Safety Study.

#### **Location & Site Context**

See Location attached.

**Portion 8 of Farm 81 Klippedrif**, in located directly west of the N12 highway, directly south of the railway line and north of the Klippedrif Zebra road.

The coastal town of George is located approx. 22km to the south-east, south of the Outeniqua mountain range; while the Karoo town of Oudtshoorn is located approx. 23km to the north-west.

#### **Environmental Context**

The farm portion in question is approx. 44.39ha in size, split by the railway line and an escarpment extending to the north-west. The lands around the dam are actively ploughed agricultural fields. The broad vegetation type mapped for the area is '**Eastern Little Karoo**', within the 'Rainshadow Valley Karoo' vegetation group and Succulent Karoo biome. This vegetation type has an ecological status of '**Vulnerable**'. According to the Vlok vegmap, the property falls within the Arid Mosaic Asbosveld habitat, within the Blossoms Asbos Gwarrieveld. Due to the historic and on-going ploughing activities, the only remnant natural vegetation found on the property is isolated to a small hill / 'koppie' directly south-east of the dam site, beside the N12.

The property does not fall within any Critical Biodiversity Area (CBA) nor Ecological Support Area

(ESA). The entire area falls within the Gouritz Cluster Biosphere Reserve.

The **Klip River** is located approx. 1km to the south-west of the dam wall. The previous dam was mapped as an artificial wetland / dam in terms of the National Freshwater Ecosystem Priority Area (NFEPA) mapping.

### **What is the purpose of this document?**

The main purpose of this **Background Information Document (BID)** is to:

- Provide potential “Interested and Affected Parties” (I&APs) and Stakeholders with information regarding the dam development commenced without authorisation; and
- Explain the way forward for the Section 24G environmental process.

### **24G Environmental Impact Report**

The expansion of the ‘Klein Zelpie Dam’ triggered the following listed activities in terms of the National Environmental Management Act (NEMA, Act No.107 of 1998, as amended) and 2014 NEMA Regulations:

- Listing Notice 1: 19: The **infilling or depositing** of any material or more than 10 cubic metres into, **or the dredging, excavation, removal or moving of soil**, sand, shells, shell grit, pebbles or rock of **more than 10 cubic metres from a watercourse**.
- Listing Notice 1: 48: The **expansion of (i) infrastructure or structures** where the **physical footprint** is expanded by **100 square metres or more**; or (ii) **dams or weirs**, where the dam or weir, including infrastructure and water surface area, is **expanded by 100 metres or more** – where such expansion occurs – (a) **within a watercourse**.
- Listing Notice 1: 50: The **expansion of facilities or infrastructure** for the off-stream **storage of water, including dams** and reservoirs, where the combined capacity will be increased by 50 000 cubic metres or more.
- Listing Notice 1: 66: The **expansion of a dam** where – (i) the **highest part of the dam wall**, as measured from the outside toe of the wall to the highest part of the wall, was originally 5 metres or higher and where the height of the wall is **increased by 2.5 metres or more**; and (ii) where the **high-water mark of the dam will be increased with 10 hectares or more**.

The procedures as per the 2014 EIA Regulations (as amended) and 2017 Section 24G Regulations, will be undertaken to seek a retrospective Environmental Authorisation for the commenced activities.

### **Stakeholder Engagement**

A pre-application public participation process (PPP) will be followed allowing neighbouring property owners and key stakeholders the opportunity to register as ‘Interested & Affected Parties (I&APs)’ and consider / comment on the expansion of the dam.

Going forward, registered I&APs will be provided an opportunity to review & comment on the 24G Impact Assessment Report and Environmental Management Maintenance Programme (EMMP) when they become available. Input/comments received during process will be considered and responded to in the final report, to be submitted to the competent authority for review and decision-making.

The following steps, amongst others, will be undertaken as part of the Environmental Process:

- Identifying potential Interested and Affected Parties (“I&AP’s”);
- **Advertising** a ‘Call for Registration of Interested & Affected Parties (I&APs)’ in a local newspaper (*Oudtshoorn Courant*) with a registration period of 30-days, extending from 29 Sept. to 30 Oct. 2017;
- Placement of a **Site Notice** at the entrance to the property calling for Registration of I&APs;
- Make available the **Background Information Document (BID)** for distribution to potential I&APs and neighbouring land owners, briefly explaining the process and project (**this document**);
- Open and maintain a **Registered Stakeholder database**;
- Undertaking of specialist impact assessments and project team reports (if necessary);
- Compilation and public availability of the **24G Impact Assessment Report and Environmental Management Maintenance Programme (EMMP)**;
- **Submit** the final reports to DEA&DP for **decision-making** (authorisation with conditions, or refusal);
- Notification of registered I&APs and Stakeholders of **Environmental Decision**, and details of appeal process / period.

### **Issues & Concerns**

The following issues and concerns were raised in consultation with the project team, key authorities and/or specialists:

- **Proximity to the Klip River** & potential impact on downstream water users;
- **Potential siltation** of surface run-off due to earthmoving activities and/or erosion;
- Potential impact on ‘**sense-of-place**’ due to increased height of dam wall, as **visible from the N12** highway and neighbouring land portions;
- **Need & Desirability** of the expanded dam;

### **Why and how should you get involved?**

Names and details of members of the public who respond to the legal advert &/ notices (calling for Interested & Affected Parties (I&APs) to register) will be captured on the project **Stakeholder Register**. All written comments provided will also be recorded. According to the Guidelines on Public Participation, only those parties that submit their full contact details for registration purposes &/or who submit comment, will be registered. Documentation containing incomplete, or no contact details, may not be considered.

In the event that you (or any other party you may be aware of) have an **interest** in the Section 24G environmental process, or feel that you **may be affected** by the expanded dam development, you are invited to **register** as an I&AP for the environmental process, within the 30-day registration period, extending from 29 September to 30 October 2017.

**TO REGISTER AS AN I&AP, PLEASE  
SEND YOUR REGISTRATION REQUEST,  
NAME & FULL CONTACT DETAILS, AND  
ANY PRELIMINARY COMMENTS TO:**

*Cape-EAPrac*

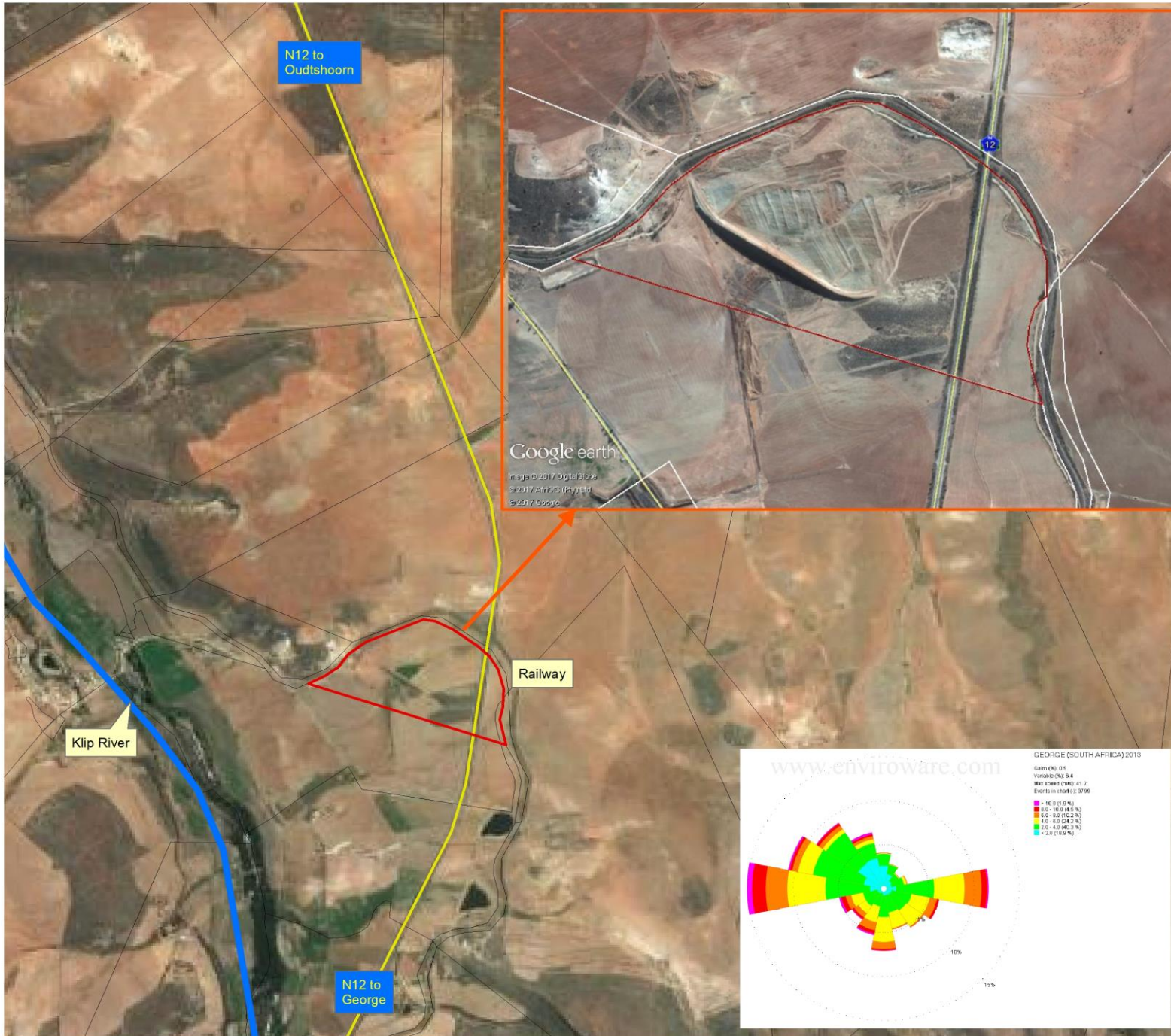
**ATT: Mrs Siân Holder**

PO Box 2070 George 6530

Telephone: 044 874 0365 Fax: 044 874 0432

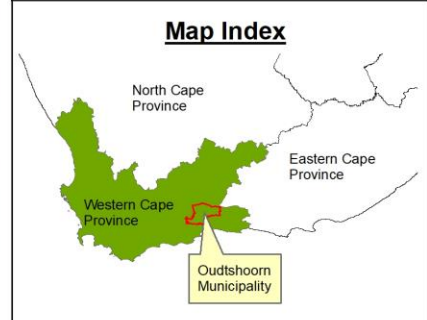
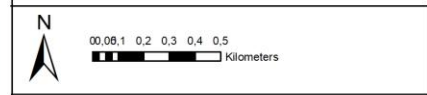
E-mail: [sian@cape-eaprac.co.za](mailto:sian@cape-eaprac.co.za)





**Notes**

- Map Scale is 1 : 20 000 when printed on A3.
- Aerial Image courtesy of Google Earth Pro.
- Imagery date: Dec. 2011 (Property Zoom Jul. 2017)
- Metar Windrose 2013 - George Station (nearest station).



**Location Plan**

Klein Zelpie Dam  
 Portion 8 of 81 Klippedrif

**Legend**

- Rivers
- Portion 8 of 81 Klippedrif

Drawn	Checked	Date	Reference
Date Holder	Melissa Mackay	September 2017	OU503



**SECTION 24G APPLICATION – 24G ENVIRONMENTAL IMPACT  
ASSESSMENT PROCESS**

‘KLEIN ZELPIE DAM’

***Portion 8 of Farm 81 Klippedrif, Zebra, Oudtshoorn, Western Cape***

**REGISTRATION / INITIAL COMMENT SHEET on BID**

Should you have any preliminary comments and would like to be registered as an Interested and Affected Party (“I&AP”), please complete this form and return it to *Cape EAPrac* at P.O. Box 2070, George, 6530. Tel: 044 874 0365, Fax: 044 874 0432, Email: [sian@cape-eaprac.co.za](mailto:sian@cape-eaprac.co.za). Registration may also be done online at [www.cape-eaprac.co.za](http://www.cape-eaprac.co.za) on the active project page.

<b>TITLE &amp; NAME</b>	
<b>REPRESENTING</b>	
<b>POSTAL ADDRESS</b>	
<b>TEL NO.</b>	
<b>FAX NO.</b>	
<b>CELL NO.</b>	
<b>E-MAIL</b>	

**NOTE: Submission of incomplete contact details may result in a person/entity not being registered. Please ensure that you complete the above table in full.**

**COMMENTS** (please feel free to submit more pages)

1. List any **key issues or concerns** relating to the expanded dam development / Section 24G process.

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2. Describe your **reason/motivation** for participating in this environmental process (disclose any interest) **NOTE** **ito the 2014 Environmental Regulations it is compulsory for I&APs to state their interest in a project/process, thus not providing reasons, may result in a person/entity not being registered.**

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3. List any potential (reasonable and/or feasible) **alternatives** for the dam that could / should have been considered and **state why** you are recommending the alternative(s):

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4. List **Interested & Affected Parties** (I&APs) or Stakeholders that you feel should be registered (provide their **full contact details** (name, telephone, fax, email and postal details) and who they represent in order that we may contact them):

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