

COMMENTS & RESPONSE REPORT

1. PUBLIC PARTICIPATION PROCESS

Two rounds of public participation will be conducted as part of this Basic Assessment Process. One round prior to submission of the application form, i.e. the Pre-Application Public Participation Process, and another round after the submission of the application form. The Public Participation Process (PPP) is described in detail below.

1.1. Pre-Application Public Participation Process (Completed)

- The pre-application Basic Assessment Report (BAR) was made available for a 30-day commenting period to potential I&APs, State Departments and Organs of State with jurisdiction in the area, from **3 October to 5 November 2025**.
- The intention was to notify all potential I&APs, neighbouring landowners, and occupiers of land adjacent to the site, by -
 - Sending notification letters to all immediate neighbours, relevant State Departments, CapeNature, Municipalities, ward councillor, water users associations and environmental groups in the area. The letter informed the public and State Departments of the availability of the report for comment, where the report could be accessed and the timeframes of the commenting period.
 - A direct link or a CD copy of the Pre-Application BAR was sent to relevant State Departments and Organs of State. Their comments were requested in terms of Section 24O of NEMA.
 - Landowners/farmers were asked to notify those living on their farms of the proposal, where they could find the report and how they could comment.
 - An Afrikaans advertisement was placed in the *Witzenberg Herald* on **3 October 2025**, informing the public of the proposal, where to find the report and how to comment.
 - An English site notice was placed along the access road to the farm, informing passers-by of the proposal, where to find the report and how to comment.
 - The pre-application BAR and an executive summary was made available on Earth Grace website (www.earthgrace.co.za). The executive summary, the main report and appendices were made available as separate links.
- All comments received during this commenting period have been responded to in the comments and response (C&R) report (THIS REPORT). Refer to **Table 1** for a summary of the comments and the project team's responses to the comments.

1.2. Statutory Public Participation Process

Below is a summary of the PPP that will be undertaken as part of the statutory process:

- The Draft BAR will be made available for a 30-day commenting period to all registered I&APs.
- The report will be uploaded on Earth Grace website. All appendices, the main report and executive summary will be separate links.

- Registered I&APs will be notified via email of the availability of the Draft BAR and the opportunity to comment.
- Comment from State Departments and Organs of State will be requested in terms of Section 240 of NEMA. A copy of the report will either be provided as an online link or as a CD copy sent via courier.
- All comments received during the 30-day comment period will be included in the final BAR and responded to in this report.

Table 1: Comments and Response Table – Pre-Application Phase (3 October to 5 November 2025)

DATE RECEIVED	COMMENT	I&AP GENERAL	RESPONSE TO COMMENT	RESPONSE BY
5 November 2025	Based on the site development plan and maps, Farm No. 329 is located within the farm boundaries and next to the dam. It appears that the expanded dam footprint extends onto this property, but the farm details are not included in the DBAR. Clarity must be provided in this regard. If applicable, it must be included in the relevant sections of the DBAR and the supporting documents.	DEA&DP: Development Management (Region 1) Ntanganedzeni Mabasa	Thank you for pointing this out. It is now included.	Lindsay Speirs du Toit
5 November 2025	It is indicated that “ <i>little to no natural vegetation will be lost</i> ”. Please provide confirmation that Activity 12 of Listing Notice 3 is not triggered by the proposed development.	DEA&DP: Development Management (Region 1) Ntanganedzeni Mabasa	Activity 12 of Listing Notice 3 is not triggered by the proposal. It is the EAP’s understanding that less than 300m² of vegetation will be cleared. The disturbance footprint of the larger dam will extend into old farmlands, existing crops and into disturbed land that has been fallow for several years.	Lindsay Speirs du Toit
5 November 2025	Comment from, but not limited to the following Organs of State must be obtained: 3.3.1 Department of Agriculture, 3.3.2 CapeNature, 3.3.3 BOCMA, 3.3.4 Heritage Western Cape, and 3.3.5 Witzenberg Municipality	DEA&DP: Development Management (Region 1) Ntanganedzeni Mabasa	<p>Comment was requested from the Department of Agriculture. A CD copy of the report was couriered to the Department on 3 October 2025. See Appendix F3 of the Draft BAR. A follow up email was sent on 6 November 2025 reminding the Department of Agriculture that their comment is required (Appendix F8). No comment has been received to date.</p> <p>CapeNature’s comment is included in this table.</p> <p>BOCMA has confirmed that this area does not fall within their jurisdiction. Comment was requested from DWS. Additional notifications were sent to DWS requesting their comment but no comment has been received. See Appendix F3 and F8 of the BAR for evidence.</p> <p>A confirmation email from Heritage Western Cape is included in Appendix F8 stating that there are no heritage triggers. For this reason, a Heritage NID is not required and HWC will not comment on the application.</p>	Lindsay Speirs du Toit

			Comment was requested from the Witzenberg Municipation. Additional notifications were sent to the Municipality requesting their comment but no comment has been received. See Appendix F3 and F8 of the BAR for evidence.	
5 November 2025	<p>A comprehensive Comments and Response Report that includes all the comments received and the responses thereto must be included in the BAR. In addition, please ensure that copies of all the comments received are attached to the BAR.</p> <p>Proof of compliance with all the public participation steps undertaken, as required in terms of Regulation 41 of the NEMA EIA Regulations, 2014 (as amended) must be included in the BAR.</p> <p>Omission of any required information in terms of Appendices 1 and 4 of EIA Regulations, 2014 (as amended) with respect to the final submission of the BAR and EMPr, respectively to this Directorate, may result in the application for Environmental Authorisation being refused.</p>	DEA&DP: Development Management (Region 1) Ntanganedzeni Mabasa	<p>Noted – this report is a comprehensive Comments and Response Report. All comments received will be included in the Draft BAR.</p> <p>Evidence of the PPP conducted will be included in the Draft and Final BAR.</p>	Lindsay Speirs du Toit
5 November 2025	<p>Please be advised that an original or electronically signed and dated applicant declaration is required to be submitted with the BAR to this Directorate. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.</p> <p>In addition to the above, please ensure that original or electronically signed and dated EAP and specialist declarations are also submitted with the BAR for decision-making.</p>	DEA&DP: Development Management (Region 1) Ntanganedzeni Mabasa	Noted. This is the intention.	Lindsay Speirs du Toit

6 November 2025	According to the South African Vegetation Map (2018), the proposed dam area and expansion area historically supported Breede Shale Fynbos, which is listed as an Endangered Vegetation Type. However, the area appears to be transformed by previous cultivation and other disturbances (clearing for the existing dam), and very little natural vegetation remains in small, scattered patches across the farm – especially along the dam and wetland areas.	CapeNature: Leandra Knoetze	Agreed.	Lindsay Speirs du Toit
6 November 2025	The proposed site is partially situated within a Terrestrial Critical Biodiversity Area (CBA 1 & CBA 2: Degraded) – the CBAs are mapped within the existing dam basin, on the embankment of the existing dam and a small fragment upstream of the dam, overlapping the dam basin. CBAs include areas that are usually, but not always in a natural condition that are required to meet biodiversity targets for species, ecosystems or ecological processes and ecological infrastructure. No further loss of natural habitat should occur in CBAs and degraded areas should ideally be rehabilitated. The Terrestrial CBA was determined due to the presence of the Endangered vegetation type and Threatened Ecosystem, for Water Resource Protection (Berg River), and the presence of the Southwest Shale Fynbos Channelled Valley Bottom Wetland and seep wetlands (upstream of the dam) and the area should be maintained in a natural or near-natural state. Furthermore, the property lies downslope of the Winterhoek Mountain Catchment Area (MCA), a formally protected area. The Welbedacht Nature Reserve is also located about 300 m to the east of the dam, and the site falls within a Strategic Water Source Area (SWSA) for Surface (Boland) and Groundwater (Northwestern Cape Ranges).	CapeNature: Leandra Knoetze	Agreed.	Lindsay Speirs du Toit
6 November 2025	The application involves the following components: a) Enlargement of Modderas Dam from 200,000 m ³ (13.8 m wall high) to a gross storage capacity of 310,000 m ³ (15.1 m wall high). The proposed total footprint area = 7.5 ha, which is only 2.2 ha of	CapeNature: Leandra Knoetze	This is correct.	Lindsay Speirs du Toit

	<p>additional footprint area. The existing pumpstation will be used.</p> <p>b) Extension of the existing Ø200 mm Class 6 uPVC outlet pipe on the upstream side.</p> <p>c) Proposed by-pass spillway to discharge into the existing channel.</p> <p>d) Decommissioning of Dam D2 (located north-east of the current dam)</p>			
6 November 2025	<p>Point (a) above states that the proposed dam enlargement area will only have an additional footprint area of 2.2 ha, however the Site Sensitivity Verification Report (SSVR) states on Page 5 that approximately 0.55 ha will be lost. Please can you clarify if this (0,55 ha) only refers to the amount of Agricultural land or area that would be lost and how much (total area or size of the footprint) would need to be cleared for the proposed dam enlargement.</p>	CapeNature: Leandra Knoetze	The enlarged dam will have a footprint 2.2ha larger than the existing dam. 0.55ha of existing planted crops will be lost. This will be made clearer in the SSVR.	Lindsay Speirs du Toit
6 November 2025	<p>Additionally, the Site Sensitivity Verification Report (SSVR) confirmed that the site was found to be in a degraded to transformed state with a mix of natural and transformed vegetation cover. The river still contains natural riparian vegetation within its upper reaches on the farm, but similarly to the terrestrial vegetation, comprises a mix of indigenous and alien vegetation within the lower reaches. The few indigenous species that were observed are mostly disturbance related and comprise secondary vegetation, therefore the threshold for triggering the botanical related NEMA activities is not exceeded, and no Terrestrial Biodiversity Impact Assessment/Study is needed.</p>	CapeNature: Leandra Knoetze	Noted and agreed.	Lindsay Speirs du Toit
6 November 2025	<p>According to the Aquatic Impact Assessment, the proposed site falls within quaternary catchment G10E which forms part of the Breede-Olifants Water Management area (WMA). The property lies on the wide valley floor of the Klein Berg River. The dam is instream on the Modderas River which drains into the Roodezand River, a tributary of the Klein Berg River, within the middle Berg River System. The Modderas River at the site comprises several small foothill streams with a defined riparian zone of indigenous and</p>	CapeNature: Leandra Knoetze	Agreed.	Lindsay Speirs du Toit

	<p>alien trees and shrubs that lie within the already significantly modified on the valley floor. The proposed area is located within a wider area considered of Very High Aquatic Biodiversity Sensitivity. This is due to the Aquatic Critical Biodiversity Areas (CBAs) and Freshwater Ecosystem Priority Area (FEPA) Wetlands, as well as a Strategic Water Source Area (SWSA) for surface water (Boland) occurring in the wider area. The Present Ecological State (PES) of the river (Klein Berg River) is Largely Modified; however, the river has a High Ecological Importance and a Very High Ecological Sensitivity. Therefore, every effort needs to be made to improve the PES and general health of the River System and ensure that the proposed enlargement does not negatively impact on the Freshwater ecosystems.</p> <p>Furthermore, the Aquatic Impact assessment states that “Removal of invasive vegetation and revegetation of the aquatic habitats could be informed by an adopted Maintenance Management Plan (MMP) for the property” and “Longer-term maintenance activities associated with the operation of the dam should follow an adopted MMP for the property.” We agree with these statements and supports the Freshwater Specialist recommendation to include a MMP as part of the application.</p> <p>The Assessment indicates on Page 40 that the dam enlargement would provide opportunity to “Facilitate implementation of the Environmental Flow Release (the existing dam has no release requirement)” – please can you clarify why an existing instream dam has no release requirements?</p>		<p>A Maintenance Management Plan is included as Annexure 6 of the EMPr (Appendix H of the BAR). It is recommended that this MMP be adopted.</p> <p>In terms of ELU- no flow releases in terms of historic storage dams were requested. In terms of the new application, Dam D2 (which is also a historic in-stream dam regarded as ELU) will be decommissioned, and the full stream will be available to accommodate the flow releases of the New Enlarged Modderas Dam. ELU is NOT subjected to EWR. EWR can only be enforced if the total catchment is evaluated in terms of compulsory licencing.</p>	<p>Lindsay Speirs du Toit</p> <p>Hester Lyons</p>
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	<p>Additionally on Page 44 it states “Given the above findings, there is no reason why the constructed dam and garden cannot be retained. The risk rating is considered to be Moderate.” Please can you clarify which constructed dam and garden are you referring to.</p>		<p>Taking of water is already authorised and the same water will be stored. EWR Can only be implemented if NEW/ADDISIONAL water is taken.</p> <p>The enlarged dam has the potential to impact on the downstream flow in the river. The mitigation recommendation is the most practical way to ensure that this potential impact is addressed.</p> <p>Sorry this was an error and has been corrected.</p>	<p>Toni Belcher</p> <p>Toni Belcher</p>
6 November 2025	<p>We recommend that water-saving measures should be implemented on the property, with respect to farming practices and to keep quarterly water balance and abstraction records. Furthermore, flow meters should be installed on all the abstraction and release points as well as pipelines to measure abstraction and any water loss. This should include the implementation of an appropriate irrigation plan (that is cognisant of the existing rainfall patterns) to ensure that there are no leakages in the water supply infrastructure and that all equipment is in good working condition, as well as implementing decreased abstraction during dry summer months.</p> <p>We also suggest that a qualified Environmental Control Officer (ECO) should be appointed to ensure that the mitigation measures set out by the EMPr and Aquatic Impact Assessment are adhered to and implemented.</p>	CapeNature: Leandra Knoetze	<p>Water saving measures are already part of the existing agriculture practises on the farm. Flow meters will be installed according to the water use license authorisation.</p> <p>Existing irrigation does take rainfall patterns into account.</p> <p>Leakage detection forms part of water saving measures already implemented on the farm.</p> <p>It will be a condition of approval, should the application be approved, that an ECO be appointed to oversee the construction activities and compliance with the EA and EMPr.</p> <p>These monitoring measures are included in the EMPr.</p>	<p>Hester Lyons</p> <p>Lindsay Speirs du Toit</p>
6 November 2025	<p>In general, CapeNature does not support new instream dams or enlargement of existing instream dams unless it can be shown that the condition of the catchment, particularly downstream of the dam, will not worsen</p>	CapeNature: Leandra Knoetze	<p>The most practical way to meet the EWR, requiring minimal management, is through the smaller tributary that joins the Modderas River just downstream of the dam. With a catchment of ~61 ha and runoff of</p>	Lindsay Speirs du Toit

