



**REFERENCE:** 16/3/3/6/7/1/B5/16/1368/17  
**ENQUIRIES:** Ms Lorretta Osborne  
**DATE OF ISSUE:** 2017 -11- 10

The Board of Directors  
Darlingbrug and Wagenboomsrivier Irrigation Boards  
PO Box 6  
**TULBAGH**  
6820

**Attention: Mr D van Niekerk**

Tel: (023) 230 1401  
Fax: (086) 698 8097

Dear Sir

**COMMENT ON NOTICE OF INTENT ("NOI") TO SUBMIT AN APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE 2014 ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED WATER DISTRIBUTION STRUCTURE AND PIPELINE ALONG THE SNEL RIVER, WOLSELEY**

1. The abovementioned document submitted to the Department on 27 October 2017 and the Departmental letter issued on 9 November 2017, refer.
2. Following a review of the information submitted to this Department, we note the following:
  - 2.1. The proposal entails the development of a water distribution structure and pipeline along the Snel River, Wolesley.
  - 2.2. The first option is to build an instream structure in the river bed to divide the water 20/80% to the rightful water users.
  - 2.3. The second option is to build a much smaller structure on the banks of the river to divide the water 20/80% to the rightful water users.
  - 2.4. A 4km pipeline will also be constructed for the distribution of the water to the rightful water users.
  - 2.5. The site is zoned Agriculture.
  - 2.6. The vegetation type located along the pipeline route is Breede Alluvium Fynbos, which is classified as endangered as per Section 52 of the National Environmental Management: Biodiversity Act (Act No. 10 of 2004).
  - 2.7. According to the Cape Farm Mapper of Department of Agriculture, the site does not fall within a Critically Biodiversity Area but within an Ecological Support Area2.

3. Please note that when the formal application form is submitted to the Department, the original applicant's declaration must be included.
4. Several pages of the NOI have the incorrect vegetation status. Please include the correct vegetation status upon the submission of the application form.

#### Process

5. After considering the information provided in the NOI, the Department concurs that the proposed development constitutes listed activities as defined in terms of the NEMA EIA Regulations, 2014 (amended).
6. A Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the applicant to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.
7. You are advised that when undertaking the Basic Assessment process, you must take into account the applicable guidelines including the guidelines developed by the Department. The Department's guidelines can be downloaded from the Department's website (<http://eadp-westerncape.kznshf.gov.za/your-resource-library>). In particular, the guidelines that may be applicable to the proposed development include, inter alia, the following:
  - Circular EADP 0028/2014: One Environmental Management System
  - Guideline for the Review of Specialist Input in the EIA process (June 2005).
  - Guideline for Environmental Management Plans (June 2005).
  - Guideline on Alternatives (March 2013).
  - Guideline on Need and Desirability (March 2013).
  - Guideline for involving a Visual and Aesthetic Specialist (June 2005).
8. Please ensure the Basic Assessment Report and Environmental Management Programme contain all information requirements outlined in Appendices 1 and 4 respectively of GN No. 326. Omission of any required information may result in the application for Environmental Authorisation being refused.

#### Public Participation

9. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken. You are advised that public participation may be undertaken prior to the submission of the application, although this is not mandatory. It is the Environmental Assessment Practitioner's discretion at what stage the requirements of Regulation 41 are met, whether during the proposed application (pre-application) process or formal application process. You are reminded that a period of at least 30 days must be provided to all potential or registered interested and affected parties to submit comment on the Basic Assessment Report.
10. Should a public participation process, which includes the circulation of the pre-application Basic Assessment Report for comment, be undertaken prior to submission of an Application Form to the Department, in terms of Regulation 40, the pre-application Basic Assessment Report may also be submitted to the Department for commenting

purposes. Please ensure a minimum of two printed copies of the pre-application Basic Assessment Report is submitted to the Department for commenting purposes.

11. In terms of Section 24O (2) and (3) of NEMA and Regulations 7(2) and 43(2) of the EIA Regulations, 2014 (as amended), any State Department that administers a law relating to a matter affecting the environment relevant to the application must be requested to comment within 30 days. **Please note that the Environmental Assessment Practitioner ("EAP") is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments in terms of Section 24O (2) and (3) of NEMA in the Basic Assessment Report, where appropriate.
12. Please note that it is an offence in terms of Section 49A(1)(a) of the NEMA for a person to commence with a listed activity unless the Competent Authority has granted an Environmental Authorisation for undertaking it. Failure to comply with the requirements of Section 24F of the NEMA shall result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
13. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and/or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested of the outcome of the application

14. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT  
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 2  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Ms I Erasmus (EnviroAfrica CC)  
(2) Ms H Truter (Witzenberg Municipality)

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