



APPLICATION FOR AMENDMENT OF AN ENVIRONMENTAL AUTHORISATION OR ENVIRONMENTAL MANAGEMENT PROGRAMME

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998)
ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS.**

NOVEMBER 2019

(For official use only)	
Pre-application Reference Number (if applicable):	
Amendment Reference Number:	
Environmental Authorisation Reference Number:	
NEAS Reference Number:	
Exemption Reference Number:	
Date received by Department:	
Date received by Directorate:	
Date received by Case officer:	

GENERAL PROJECT DESCRIPTION

(This must include an overview of the project including the Farm name/Portion/Erf number)

WAGENBOOMSRIVIER & DARLING BRUG IRRIGATION BOARDS: PROPOSED WATER DISTRIBUTION STRUCTURE AND PIPELINE STRUCTURE IN THE SNELRIVER/ WAABOOMSRIVIER

The project involves the investigation of the impact of a distribution structure according to and in line with a Supreme Court Ruling (dated 22 February 2017), to distribute listed water from the Snel river to Darling brug and Wagenboomsrivier Irrigation Boards. The supreme court ruling was made in response to illegal water abstractions occurring between the proposed new weir and water division structure and the existing weir, resulting in the irrigation boards receiving significantly less water than their lawful abstraction rights allow for. Because there is currently no regulation of the water flowing down the river, the water gets taken by other water users in the area. As such the court ordered in the ruling that water could be abstracted further upstream from the existing weir and piped down to the existing weir, before it get split between the two irrigation boards.

This application is for the proposed amendment to the water structure on Portion 2 and Portion 6 of Farm Vredehoek, Farm No. 602, Worcester, previously authorized by the DEA&DP as per the EA (Reference Number: 16/3/3/1/B5/16/1032/19) issued on the 08th November 2019.

Does the proposed amendment constitute a listed activity?	NO	YES
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If yes, the amendment application will not be considered, and you will be required to apply for Environmental Authorisation from the Competent Authority to undertake the listed activity.

Please indicate whether a Part 1, Part 2 or Part 4 amendment process is required (tick ✓ the relevant box):

Part 1 amendment process	✓	Part 2 amendment process		Part 4 amendment process	
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Note: A part 1 amendment will not change the scope of a valid Environmental Authorisation, nor increase the level or nature of the impact which was initially assess as part of the valid Environmental Authorisation or refers to a proposed change of ownership or transfer or rights and obligations.

Note: A part 2 amendment will result in a change to the scope of a valid Environmental Authorisation where such change will result in an increased level or change in the nature of impact where such level or change was not considered in the valid Environmental Authorisation.

Note: A part 4 amendment relates to an amendment to the impact management outcomes of an EMPri before an audit is required in terms of the Environmental Authorisation

IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THIS APPLICATION FORM.

1. Purpose

The purpose of this form is to provide baseline information for the submission of an application for the amendment of a valid Environmental Authorisation in terms of the National Environmental Management Act, 19998 (Act No. 107 of 1998) ("NEMA"), Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended). **PLEASE NOTE: THIS IS ONLY AN APPLICATION FORM AND NOT THE AMENDMENT REPORT THAT IS TO BE SUBMITTED IN TERMS OF A PART 2 AMENDMENT PROCESS.**

2. General

- 2.1 The Environmental Impact Assessment ("EIA") Regulations is defined in terms of Chapter 5 of the National Environmental Management Act, 19998 (Act No. 107 of 1998) ("NEMA") hereinafter referred to as the "NEMA EIA Regulations".
- 2.2 The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The tables may be expanded where necessary.
- 2.3 Note that an incomplete Application Form may result in this Department not acknowledging such Application Form.
- 2.4 Unless protected by law all information contained in, and attached to this application, will become public information on receipt by the Department. Upon request, the Applicant/EAP must provide any interested and affected party with the information contained in or submitted with this Application Form.
- 2.5 This form is current as of **November 2019**. It is the responsibility of the Applicant/EAP to ascertain whether subsequent versions of the form have been released by the Department. Visit the Department's website at <http://westerncape.gov.za/eadp> to check for the latest version of this Application Form.

3. Administrative requirements

- 3.1 This Application Form must always be used for applications that must be subjected to an Amendment of an Environmental Authorisation or Environmental Management Programme in terms of the NEMA EIA Regulations where this Department is the Competent Authority.
- 3.2 An **application fee may be applicable (refer to Section A)**. Where an application fee must be paid, the submission of this Application Form and proof thereof must be submitted together with this Application Form as Appendix C.
- 3.3 This Application Form must be **duly dated and originally signed** by the Applicant and EAP (if applicable) and submitted to the Department at the details provided below.
- 3.4 Note that should a new listed activity be triggered by the proposed amendment, a Basic Assessment or Scoping/EIR Reporting process must be followed and an application for Environmental Authorisation (Form No. AEA 10/2018) must be completed.
- 3.5 Failure to lodge this Application Form prior to the expiry of the validity period of the Environmental Authorisation may result in the lapsing of the Environmental Authorisation, due to the competent authority being unable to process the application for amendment within this period; An application for the amendment of an Environmental Authorisation must be submitted to the relevant competent authority on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application.

4. Circulars, Guidelines and Tools

- 4.1 The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations, any subsequent Circulars, and guidelines must be taken into account when completing this Application Form.
- 4.2 When applying for a Part 2 amendment, The Screening Tool developed by the National Department of Environmental Affairs must be used to generate a screening report. Please use the Screening Tool link <https://screening.environment.gov.za/screeningtool> to generate the Screening Tool Report. The Screening Tool Report must be attached to this Application form as Appendix D.

5. Lapsing of the Application

An application for the Amendment of the Environmental Authorisation or Environmental Management Programme lapses if the Applicant fails to meet any of the timeframes prescribed in terms of the NEMA EIA Regulations.

6. Public Participation Process (Part 2 Amendment)

For a **Part 2 amendment process**, the proposed amendment(s) **must** be brought to the attention of potential and registered interested and affected parties, including State Departments/Organs of State which have jurisdiction in respect of any aspect of the relevant activity who **must** be given a minimum period of **30 days** to comment on the Report.

DEPARTMENTAL DETAILS

<p align="center">CAPE TOWN OFFICE: REGION 1 and REGION 2</p> <p align="center">(City of Cape Town, West Coast District, Cape Winelands District & Overberg District)</p>	<p align="center">GEORGE OFFICE: REGION 3</p> <p align="center">(Central Karoo District & Garden Route District)</p>
<p>The Application must be sent to the following details:</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000</p> <p>Registry Office 1st Floor Utilitas Building 1 Dorp Street, Cape Town</p> <p>Queries should be directed to the Directorate: Development Management (Region 1 and 2) at: Tel: (021) 483-5829 Fax (021) 483-4372</p>	<p>The Application must be sent to the following details:</p> <p>Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530</p> <p>Registry Office 4th Floor, York Park Building 93 York Street George</p> <p>Queries should be directed to the Directorate: Development Management (Region 3) at: Tel: (044) 805-8600 Fax (044) 805 8650</p>

GENERAL REQUIREMENTS

1.1. Locality Map

A locality map must be attached to the Application Form, as Appendix F. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:

- an accurate indication of the project site position as well as the positions of the alternative sites, if any;
- road names or numbers of all the major roads as well as the roads that provide access to the site(s)
- a north arrow;
- a legend;
- the prevailing wind direction; and
- GPS co-ordinates (Indicate the position of the proposed activity with the latitude and longitude at the centre point for each alternative site. The co-ordinates should be in degrees and decimal minutes. The minutes should be to at least three decimal places. The projection that must be used in all cases is the WGS-84 spheroid in a national or local projection)

1.2. Project Plan

Note: A Project Plan is only required for instances where a Part 2 amendment will be required.

A project schedule must be submitted as Appendix E, and must include milestones for:

- public participation (dates for advertisements, workshops and other meetings, obtaining comment from organs of state including state departments);
- the commencement of parallel application processes required in terms of other statutes (WULA, Heritage and any other Department) and where relevant, the alignment of these application processes with the EIA process;
- the submission of the key documents (e.g. Amendment Report, EIA Reports and Environmental Management Programmes).

Note: All the above dates must take into account the statutory timeframes applicable to the Applicant and EAP, as well as the timeframes applicable in terms of authority responses as prescribed in the NEMA EIA Regulations. Possible appeals may impact on project timeframes/milestones.

APPENDICES

The following appendices must be attached to this Application Form:

APPENDIX		Confirm that Appendix is attached
Appendix A:	Specific fee reference number	Yes
Appendix B:	A copy of the original EA / ROD / EMPr	Yes
Appendix C:	Proof of payment of the application fee	Yes
Appendix D:	Screening Tool Report (if a Part 2 amendment is required)	N/A
Appendix E:	Project plan (if a part 2 amendment is required)	N/A
Appendix F:	Maps	Yes
Appendix G	Design Drawings and Freshwater Report	Yes
Appendix H	Declaration Forms	Yes

SECTION A: FEES

If the relevant application fee was already confirmed with the Department and a Specific Fee Reference Number obtained, then all that is still required is:

- the Specific Fee Reference Number to be provided: **B-Amend-EIA-G27**
- confirm the fee paid: **R 2 000. 00**
- for the proof of payment to be attached to this Application Form.
- Complete the request for a Specific Fee Reference Number and fax it to the relevant Directorate. The Specific Fee Reference Number Form is attached below.
- An Applicant/EAP must pay a fee for the processing of EIA applications as set out in the Fee Regulations¹ published in terms of sections 24(5) and 44(1) of the National Environmental Management Act, 1998 (Act No. 107 of 1998). A fee of **R2 000** is applicable to an application which must be subjected to an Amendment of an Environmental Authorisation or Environmental Management Programme.
- **An Applicant is excluded from having to pay the application fee if:**
 - The activity is a community based project funded by a government grant; or
 - The Applicant is an Organ of State.
- Where an Applicant is **not required** to pay a fee, the Applicant must inform the Department in writing by attaching proof thereof and a motivation to this Application Form.

Department of Environmental Affairs and Development Planning banking details:

Bank:	Nedbank
Branch Code:	145209
Account Number:	145 204 5003
Type of Account:	Current Account
Status:	Tax exempted

- **NB: Your Specific Fee Reference Number MUST be used as a deposit reference when making a payment.**
 - Where a fee is payable, once a Specific Fee Reference Number has been obtained from the Department, it must be inserted into the Application Form and proof of payment attached when the Application Form is submitted to the Department. An application may not be submitted without the specific fee reference number and proof of payment. The Department will respond to a request for a Specific Fee Reference Number in writing.
 - If there is uncertainty as to the application process that must be followed, the Department should be approached for guidance prior to the request for the Specific Fee Reference Number.
 - In the event that any **refunding of fees paid is required**, the "BAS Entity Maintenance" form must be completed, which can be obtained from the Department. The Department may be contacted regarding any refund queries in this regard.
 - Please refer to the national guideline *Guidance Document on the Fee Regulations* (April 2014), obtainable from <http://www.environment.gov.za/legislation/guidelines> for more information.
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SECTION B: ADMINISTRATIVE DETAILS

Highlight the Departmental Region in which the intended application will fall		CAPE TOWN OFFICE		GEORGE OFFICE		
		REGION 1 (City of Cape Town, West Coast District)	REGION 2 (Cape Winelands District & Overberg District)	REGION 3 (Central Karoo District & Garden Route District)		
1.	Duplicate this section where there is more than one Proponent Name of Proponent: Name of contact person for Proponent (if other): Company/ Trading name/State Department/Organ of State: Company Registration Number: Postal address: Telephone: E-mail:	Darlingbrug and Wagenboomsrivier Irrigation Boards				
		Mr Schalk Burger Albertyn				
		P.O. Box 3395 Matieland				
				Postal code: 7602		
		Telephone:		N/A	Cell: 084 626 8666	
		E-mail:		wagenboomsrivier@gmail.com ; darlingbrug@gmail.com	Fax: N/A	
		2.	Company of EAP: EAP name: Postal address: Telephone: E-mail: Qualifications: EAPASA registration no:	EnviroAfrica		
				Anthony Mader		
P.O. Box 5367 Helderberg						
				Postal code: 7135		
Telephone:				(021) 851 1616	Cell: 083 309 9211	
E-mail:				anthony@enviroafrica.co.za	Fax: (086) 512 0154	
Anthony – BSc (Hons) Ecology, Environment, and Conservation (currently completing PhD) Bernard - B. Sc. in Forestry and a B. A. (Hons) in Public Administration						
N/A						
3.	Duplicate this section where there is more than one landowner Name of landowner: Name of contact person for landowner (if other): Postal address: Telephone: E-mail:	Mr Angelo Poggiolini (Portion 2 of Farm Vredehoek, Farm No. 602, Worcester)				
		Mr Schalk Burger Albertyn				
		P.O. Box 3395 Matieland				
				Postal code: 7602		
		Telephone:		N/A	Cell: 084 626 8666	
		E-mail:		wagenboomsrivier@gmail.com ; darlingbrug@gmail.com	Fax: N/A	
		Name of landowner: Mr SG (Fanie) Griesel (Portion 6 of Farm Vredehoek, Farm No. 602, Worcester)				
		Name of contact person for landowner (if other): Mr Schalk Burger Albertyn				
		Postal address: P.O. Box 3395 Matieland				
				Postal code: 7602		
		Telephone:		N/A	Cell: 084 626 8666	
		E-mail:		wagenboomsrivier@gmail.com ; darlingbrug@gmail.com	Fax: N/A	
4.	Name of Person in control of the land: Name of contact person for person in control of the land: Postal address: Telephone: E-mail:	Mr Angelo Poggiolini and Mr SG (Fanie) Griesel				
		Mr Schalk Burger Albertyn				
		P.O. Box 3395 Matieland				
				Postal code: 7602		
		Telephone:		N/A	Cell: 084 626 8666	
		E-mail:		wagenboomsrivier@gmail.com ; darlingbrug@gmail.com	Fax: N/A	

5.	Duplicate this section where there is more than one Municipal Jurisdiction Municipality in whose area of jurisdiction the proposed activity will fall: Contact person: Postal address: Telephone: E-mail:	Witzenburg Municipality	
		Mrs. Heloise Truter	
		50 Voortrekker Street	
		Ceres	Postal code: 6835
		(028) 316 1854	Cell: N/A
		heloise.truter@witzenberg.gov.za	
		Fax: (028) 316 1877	

SECTION C: NATIONAL SECTOR CLASSIFICATION LIST

Indicate one main sector the proposed development falls under by ticking the relevant block in the sector list below. (Note: this will be the same sector indicated in the DEA screening tool).

Infrastructure/Transport Services/Roads – Public	Services/Waste Management Services/Disposal Facilities – General	
Infrastructure/Transport Services/Roads – Private	Services/Waste Management Services/Treatment Facilities – Hazardous	
Infrastructure/Transport Services/Rail-Public	Services/Waste Management Services/Treatment Facilities – General	
Infrastructure/Transport Services/Rail – Private	Services/Waste Management Services/Storage Facilities – General	
Infrastructure/Transport Services/Airport/Runways/Landing Strip/Helipad – Commercial	Services/Waste Management Services/Storage Facilities – Hazardous	
Infrastructure/Transport Services/Airport/Runways/Landing Strip/Helipad – Private	Services/Waste Management Services/Storage Facilities – Nuclear	
Infrastructure/Transport Services/Airport/Runways/Landing Strip/Helipad – Public Services	Services/Burial and cemeteries – Cemeteries	
Infrastructure/Transport Services – Ports	Services/Burial and cemeteries – Cremators	
Infrastructure/Transport Services – Inland waterways	Services/Water services/Storage – Dams	
Infrastructure/Transport Services – Marina	Services/Water services/Storage – Reservoirs	
Infrastructure/Transport Services – Canal	Services/Water services – Desalination	
Infrastructure/Localised infrastructure – Infrastructure in the sea/Estuary/Littoral active zone/Development setback/100m inland/ or coastal public property	Services/Water services – Treatment and Waste Water	
Infrastructure/Localised infrastructure -Zip lines and Foefie slides	Services - Hospitality	
Infrastructure/Localised infrastructure – Cableway and Funiculars	Mining – Prospecting rights	
Infrastructure/Localised infrastructure – Billboards	Mining – Mining permit	
Infrastructure/Localised infrastructure – Depot for dangerous goods	Mining – Mining right	
Infrastructure/Localised infrastructure – Filling station or Tanks for Dangerous goods	Mining/Exploration right – Gas or Oil marine	
Utilities Infrastructure/Pipelines – Fresh/Storm water urban	Mining/Exploration right – Gas or Oil terrestrial	
Utilities Infrastructure/Pipelines – Fresh/Storm water rural	Mining/Production right – Gas or Oil marine	
Utilities Infrastructure/Pipelines – Waste Water	Mining/Production right – Gas or Oil terrestrial	
Utilities Infrastructure/Pipelines – Dangerous goods urban	Mining underground gasification of coal - Oil	
Utilities Infrastructure/Pipelines – Dangerous goods rural	Mining Beneficiation – Hydrocarbon	
Utilities Infrastructure/Telecommunications/Radio Broadcasting – Tower	Mining Beneficiation –Mineral	
Utilities Infrastructure/Telecommunications/Radio Broadcasting – Mast	Agriculture/Forestry/Fisheries – Crop production	
Utilities Infrastructure/Telecommunications/Radio Broadcasting – Receivers	Agriculture/Forestry/Fisheries – Animal production	
Utilities Infrastructure – Marine cables	Agriculture/Forestry/Fisheries –Afforestation	
Utilities Infrastructure/Electricity/Generation/ Non- Renewable/Hydrocarbon – Petroleum	Agriculture/Forestry/Fisheries –Aquaculture	
Utilities Infrastructure/Electricity/Generation/ Non- Renewable/Hydrocarbon – Coal	Agriculture/Forestry/Fisheries –Agro-processing	
Utilities Infrastructure/Electricity/Generation/ Non- Renewable – Nuclear	Transformation of land – Indigenous vegetation	
Utilities Infrastructure/Electricity/Generation/Renewable – Hydro	Transformation of land – From open space or Conservation	
Utilities Infrastructure/Electricity/Generation/Renewable/Solar – PV	Transformation of land – From Agriculture or Afforestation	
Utilities Infrastructure/Electricity/Generation/Renewable/Solar – CSP	Transformation of land – From mining or heavy industrial areas	
Utilities Infrastructure/Electricity/Generation/Renewable - Wind	Any activities close to or within a watercourse	✓

Utilities Infrastructure/Electricity/Generation/Renewable – Biomass/Biofuels	Any activity in an estuary, on the seashore, in the littoral active zone, or in the sea	
Utilities Infrastructure/Electricity/Generation/Renewable - Wave	Activity requiring a permit or license in terms of National or Provincial legislation governing the release or generation of emissions – emissions	
Utilities Infrastructure/Electricity/Distribution and Transmission – Powerline	Activity requiring permit or license – Marine effluent/freshwater effluent	
Utilities Infrastructure/Electricity/Distribution and Transmission – substation	Activity requiring permit or license – Freshwater effluent	
Services/Waste Management Services/Disposal Facilities – Hazardous	Release genetically modified organisms	
Services/Waste Management Services/Disposal Facilities – Nuclear		

SECTION D: DETAILS OF THE ENVIRONMENTAL AUTHORISATION/ENVIRONMENTAL MANAGEMENT PROGRAMME (“EMPr”)

1.	Is the Environmental Authorisation/Environmental Management Programme still in force?	YES	NO
2.	Is the Environmental Authorisation/Environmental Management Programme still valid?	YES	NO
3.	If yes, until when is the Environmental Authorisation/EMPr valid?		
08-11-2024			
4.	Was the activity(ies) commenced with during the validity period of the environmental authorisation? If yes, describe the implementation of the environmental authorisation to date (please indicate the listed activities commenced with)	YES	NO
No activities have commenced.			
5.	Was the EA decision appealed by anyone?	YES	NO

Note: A copy of the Environmental Authorisation/ROD/EMPr **must** be attached to this form as Appendix B.

SECTION E: SIMILARLY, LISTED ACTIVITIES

Note: For an amendment of an Environmental Authorisation to be considered, the listed activity(ies) in the valid Environmental Authorisation must be similarly listed in terms of the latest NEMA EIA Regulations.

Provide a list of the **similarly listed activities** in terms of the latest NEMA EIA Regulations, 2014 (as amended) that are applicable to the project.

Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 1	Describe the portion of the proposed project to which the applicable listed activity relates.
12	The development of (v) dams and weirs, where the dam or weir including infrastructure and water surface area, exceeds 100m ² in size where such a development occurs – (a) within a watercourse.	The proposed construction of Water Structure will have a development footprint exceeding 100m ² and is proposed within a watercourse.
19	The infilling or depositing of any material of more than 10m ³ , or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m ³ from (i) a watercourse	The construction of the Water Structure will require the moving of more than 10 m ³ in of material in a watercourse.
Activity No(s):	Provide the relevant Basic Assessment Activity(ies) as set out in Listing Notice 3	Describe the portion of the proposed project to which the applicable listed activity relates.
12	The clearance of an area of 300m ² or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance	The proposed development will require the clearance of an area of more than 300m ² . The precautionary approach was taken should vegetation be present at

	purposes undertaken in accordance with a maintenance management plan (i) Within a critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;	the water structure site. Topsoil management as per the EMPr must be implemented.
Activity No(s):	Provide the relevant Scoping and EIR Activity(ies) as set out in Listing Notice 2	Describe the portion of the proposed project to which the applicable listed activity relates.
N/A	N/A	N/A

SECTION F: DESCRIPTION OF THE AMENDMENT(S) APPLIED FOR

1.	<p>Provide a concise description of the amendment(s) being applied for.</p> <p>This application is for the proposed amendment to the water structure located on Portion 2 and Portion 6 of Farm Vredehoek, Farm No. 602, Worcester. Below, please find amendments to the water structure (Figures 1-4):</p>  <p>Figure 1. Previously authorized water structure as per the EA. It must be noted that the permanent footprint for the water structure is $\pm 430\text{m}^2$ where the total area to be cleared for construction activities will be 558m^2 of which 128m^2 will be rehabilitated post-construction. Moreover, as part of construction activities, the areas surrounding the authorized structure would be disturbed and subsequently rehabilitated post-construction. Erosion mitigation measures associated with the structure, required to stabilize the banks, are not depicted in the figure above.</p>
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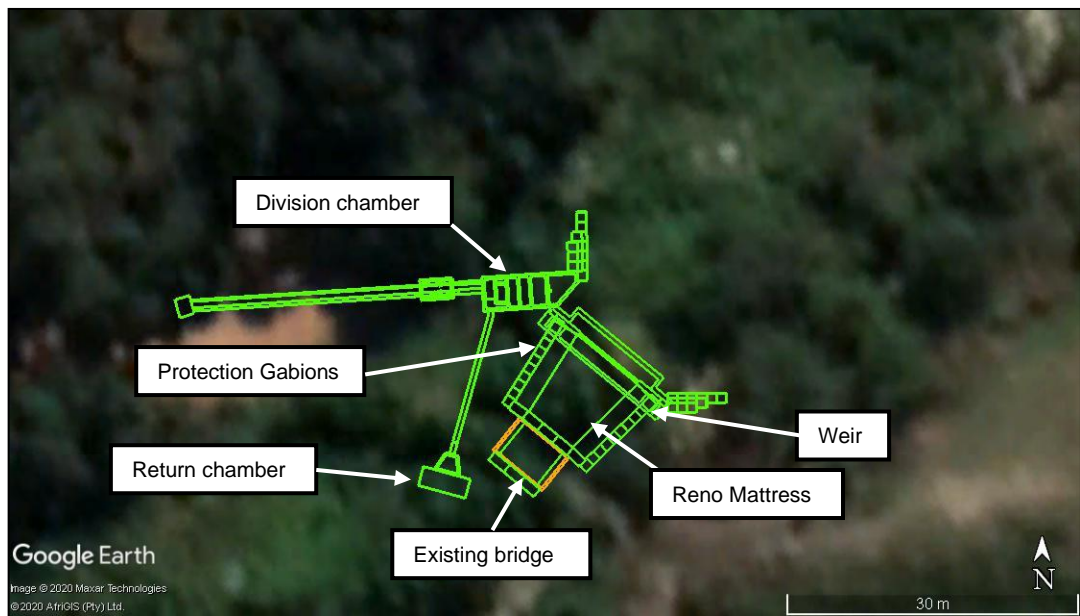


Figure 2. Proposed amendment to water structure. Please see Appendix G for Design Drawings.



Figure 3. Overlay of previously authorized water structure (outlined in red) and proposed amendment to water structure (outlined in green). Note, gabions are depicted on the proposed amendment whereas associated erosion-protection infrastructure is not depicted for the previously authorized water structure. The amended water structure footprint will also include the construction of temporary, low-flow diversion channel which will direct clean stormwater around the works by the furrow berm as well as a temporary berm and cut-off upstream of the proposed water structure during the construction phase (please refer to Appendix G). This will reduce erosion and sedimentation associated with construction activities. Hay Bale-Bidim-Shade cloth filter structures will also be placed downstream of the water structure to reduce downstream erosion / sedimentation. As per the overlay image above, the location of the area which will be disturbed by either water structure are similar.

Table 1. Proposed water structure amendment (outlined in green above) compared with previously authorized water structure (outlined in red).

Water structure	Previously Authorized	Proposed Amendment	Change in footprint
Whole structure	119m ²	281m ²	162m ²
Weir only (excluding gabions and division chamber)	58m ²	56m ²	- 2m ²

A High-Density Polyethylene (HDPE) liner will also be added to counter the subsoil seepage that resulted from the increased head of weir. The lining will be at a depth of ± 2m with a length of 25m (see Figure 4). A storm water diversion berm will be constructed uphill from the new construction on the bank of the river (See Appendix G.3).

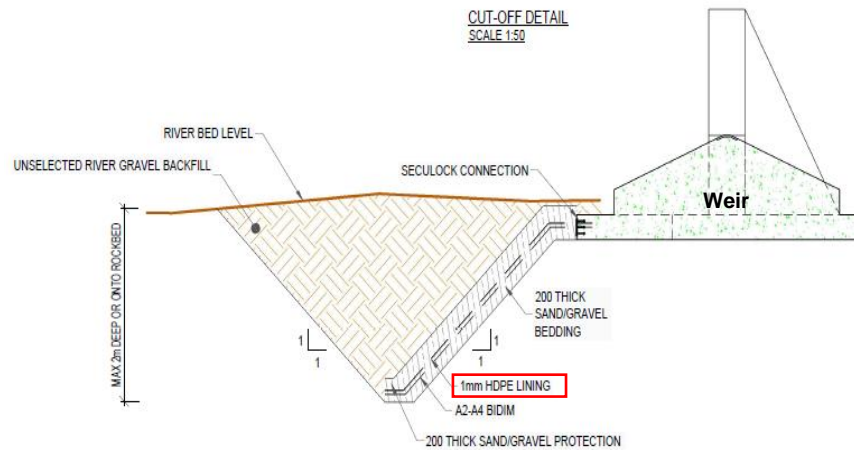


Figure 4. Longitudinal section of the proposed, amended water structure.

According to, and in line with, the Supreme Court Ruling dated 22 February 2017 to distribute listed water to Darlingbrug and Wagenboomsrivier Irrigation Boards, the previous water structure (Figure 1) and associated infrastructure was approved by the DEA&DP (EIA Reference No.: 16/3/3/1/B5/16/1032/19; issued on 08th November 2019). The water structure will be located on Portion 2 and Portion 6 of Farm Vredehoek, Farm No. 602, and is comprised of the weir and division chamber with associated pipeline. The weir will be constructed over the river and fall on the banks of Portion 2 and Portion 6 of Farm Vredehoek, Farm No. 602 whereas the division chamber and associated pipelines on the river bed will fall on Portion 2 of Farm Vredehoek 602. The Scope of the Environmental Authorisation, section E (page 6) stipulates;

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with, and restricted to, Water Structure Alternative 1, Route Alternative 1 and River Crossing Alternative 1 described in the BAR dated July 2019 at the site as described in Section C above.

- As per this condition, the proposed amendment to the water structure:

- (i) Is in line with these listed activities and will not trigger any additional activities.
- (ii) The proposed gabions (proposed erosion mitigation measures) will stabilize the banks of the river, reducing erosion and sedimentation of the watercourse. Gabion protection will also improve the durability and stability of the water structure by reducing erosion. The addition of the HDPE liner will counter subsoil seepage resulting from the increased head of the weir. The gabions will reduce erosion associated with the site and therefore constitutes an erosion mitigation measure.
- (iii) The location of the area which will be disturbed during the construction phase will be similar (please see Figure 3 above).
- (iv) As per the Freshwater Report;
 - a. the impact associated with the construction of the proposed, amended weir can be limited to the construction site and prevented from having an impact downstream. The proposed gabions will ensure stabilization and durability of the structure thereby constituting an erosion mitigation measure.
 - b. The proposed placement of Hay Bale-Bidim-Shade cloth filter structures downstream will reduce the quantity of silt and disturbed sediments washing down the watercourse during the construction phase.
 - c. The construction of the envisaged weir would formalize the current abstraction of water and allow for better control by the authorities.
- (v) As per the previously conducted Botanical Assessment, the vegetation in the vicinity of the previously authorized water structure location (and now in the vicinity of the site for the proposed amended water structure – Figure 3) was described as disturbed fynbos, presently almost replaced by dense strands of alien invasive plant species such as *Acacia cyclops* (Port Jackson), *Acacia mearnsii* (Black wattle), *Eucalyptus* species (Gum trees), *Pinus* species (Pine trees) and *Rubus* species (Bramble). The under layer was often dominated by *Pennisetum clandestinum* (Kikuyu grass) and even single *Opuntia* species (Prickly pear) individuals were observed. Almost the only remaining indigenous plants observed (apart from a few weedy species) were the hardy fern, *Pteridium aquilinum*, *Cannomois virgate* (Besemriet, next to the stream) and *Searsia angustifolia* (which was also common along most of the stream).

	<p>Thus, mitigation measures as per the EA, EMPr, and adopted Maintenance Management Plan should adequately mitigate the loss of vegetation associated with the proposed amended water structure.</p> <p>2. <i>The Environmental Authorisation is valid for a period of five years from the date of commencement if the listed activities;</i></p> <p>- As per this condition, the EA (issued 08 November 2019) is still valid.</p> <p>3. <i>The development must be concluded within ten years from the date of commencement of the listed activities;</i></p> <p>- This proposed water structure amendment is in-line with the Supreme Court Ruling dated 22 February 2017 to distribute listed water to the Darlingbrug and Wagenboombsrivier Irrigation Boards. Due to environmental conditions (e.g. precipitation), the construction is set to commence in January 2021, subject to approval of this amendment, before the end of the dry season. This is in line with a mitigation measure proposed by the Freshwater Specialist, namely <i>“If the actual construction of the weir is carried out with due consideration for the riparian and instream environment, the impact can be limited to the building site and prevented from having an impact further down the stream. The single most significant mitigation measure in this respect is the timing of the construction phase. It should be done during the dry season, February and March, when water levels in the Snel River are low”</i>.</p> <p>4. <i>The holder shall be responsible for ensuring compliance with the conditions by any person acting on hois/ her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder;</i></p> <p>- This amendment is in line with the scope of this condition as conditions stipulated in the EA, Maintenance Management Plan, and EMPr will be complied with through auditing by a suitably qualified ECO.</p> <p>5. <i>Any changes to, or deviations from the scope of the alternative described in Section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance / approval or not , the Competent Authority may request information, in order to evaluate the significance of the impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorization in terms of the applicable legislation.</i></p> <p>- This amendment is in line with the scope of this condition as this application is for the amendment to the water structure.</p>
2.	<p>Provide specific reasons for the amendment(s) being applied for.</p> <p>The motivation for the proposed amendment to the Water Structure include;</p> <ol style="list-style-type: none"> (1) The first initial design drawings were only conceptual with the structure design based on the outcome of the mentioned court case where the purpose was basically to divide the surface water 20/80; however, over the period of evaluating and approving the design by both parties, the interpretation of the court order was argued and refined to ensure the precise functioning of the structure until the final design was approved. (2) At the initial stages of surveying, the bank areas were densely vegetated with large trees, which prevented the ability to carry out a detailed survey at the time and could therefore only be conducted at a later stage. This influenced the bank structures. (3) Over the process of evaluating the design, new ideas regarding the optimization of the hydraulic functioning of the structure, in combination with the existing structures at site, were discussed and subsequently used to design the new design layout.

THE FOLLOWING SECTIONS PERTAINS TO A PART 2 AMENDMENT PROCESS

N/A – this application is for a Part 1 Amendment.

SECTION G: SPECIALIST INPUT

1.	Will you be conducting the specialist input as recommended in the screening tool report?	YES	NO
If no, indicate which specialist studies will not be conducted and provide a motivation.			
2.	Explain whether any protocols are applicable to your proposed development, if so provide a list of the applicable protocols.		

SECTION H: PUBLIC PARTICIPATION

1. Public participation to be followed

1.1.	Describe the proposed method of bringing the proposed amendment to the attention of the potential and registered interested and affected parties:

2. Public participation undertaken prior to the submission of the application

2.1.	Where public participation undertaken prior to submission of this application. Please provide a summary of the steps followed to date.

3. List of State Departments/ Organs of State to be consulted

3.1.	Provide a list of all the State departments that will be/have been consulted, including the name and contact details of the relevant official.

SECTION I: DECLARATIONS

1 DECLARATION OF THE APPLICANT

Note: Duplicate this section where there is more than one Applicant.

I....., ID Number: in my personal capacity or duly authorised thereto hereby declare/affirm all the information submitted or to be submitted as part of this application form is true and correct, and that I:

- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, and any relevant Specific Environmental Management Act and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I am aware that is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I appointed the Environmental Assessment Practitioner ("EAP") which (if applicable):
 - o meets all the requirements in terms of Regulation 13 of the NEMA EIA Regulations;
 - o meets all the requirements other than the requirement to be independent in terms of Regulation 13 of the NEMA EIA Regulations, but a review EAP has been appointed who does meet all the requirements of Regulation 13 of the NEMA EIA Regulations;
- I will provide the EAP and specialist, where applicable, and the Competent Authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the NEMA EIA Regulations and other environmental legislation including but not limited to –
 - o costs incurred for the appointment of the EAP or any person contracted by the EAP;
 - o costs in respect of any fee prescribed by the Minister or MEC in respect of the NEMA EIA Regulations;
 - o costs in respect of specialist reviews; and
 - o the provision of security to ensure compliance with applicable management and mitigation measures;
- I am responsible for complying with conditions that may be attached to any decision(s) issued by the Competent Authority; hereby indemnify, the government of the Republic, the Competent Authority and all its officers, agents and employees, from any liability arising out of the content of any report, any procedure or any action for which the Applicant or EAP is responsible in terms of the NEMA EIA Regulations and any Specific Environmental Management Act.

Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the Applicant: Date:

Name of company (if applicable):

2 DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (“EAP”)

I EAPASA Registration Number: as the appointed EAP hereby declare/affirm the correctness of the information provided or to be provided as part of this application, and that I:

- In terms of the general requirement to be independent:
 - other than fair remuneration for work performed/to be performed in terms of this application, have no business, financial, personal or other interest in the activity or application and that there are no circumstances that may compromise my objectivity; or
 - am not independent, but another EAP that meets the general requirements set out in Regulation 13 of NEMA EIA Regulations have been appointed to review my work (Note: a declaration by the review EAP must be submitted);
- In terms of the remainder of the general requirements for an EAP, am fully aware of and meet all of the requirements and that failure to comply with any the requirements may result in disqualification;
- I have disclosed/will disclose, to the Applicant, the specialist (if any), the Competent Authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the Competent Authority or the objectivity of any report, plan or document prepared or to be prepared as part of this application;
- I have ensured/will ensure that information containing all relevant facts in respect of the application was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the Competent Authority in respect of this application;
- I have ensured/will ensure the inclusion of inputs and recommendations from the specialist reports in respect of the application, where relevant;
- I have kept/will keep a register of all interested and affected parties that participated in the public participation process;
- I am aware that a false declaration is an offence in terms of Regulation 48 of the NEMA EIA Regulations;
- All specialist investigations must comment on how the potential impacts relate to climate change concerns

Signature of the EAP:

Date:

Name of company (if applicable):

APPENDIX A: REQUEST FOR A SPECIFIC FEE REFERENCE NUMBER

A: Applicant's details:

Name: _____ ID Number: _____
 Residential Address: _____
 Postal Address: _____
 Telephone no.: _____ Cellular no.: _____
 Facsimile no.: _____ Email address: _____

Note: Please duplicate where there is more than one Applicant:

B: EAP's details:

Name: _____ EAPASA Registration No: _____
 Company Name: _____
 Postal Address: _____
 Telephone no.: _____ Cellular no.: _____
 Facsimile no.: _____ Email address: _____

C: Provide a brief description of the proposed amendment:

D: Indicate the process to which the application must be subjected:

Please indicate whether a Part 1 or Part 2 amendment process is required (tick ✓ the relevant box):

Part 1 amendment process	<input type="checkbox"/>	Part 2 amendment process	<input type="checkbox"/>
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If a Part 1 amendment to the Environmental Authorisation is required, please tick the relevant amendment applicable:

	Yes	No
a) Whether or not a change in the scope of a valid Environmental Authorisation, will occur.	<input type="checkbox"/>	<input type="checkbox"/>
b) Whether or not an increase in the level or nature of the impact will occur.	<input type="checkbox"/>	<input type="checkbox"/>
c) Whether or not the proposed amendment relates to a change of ownership or transfer of rights and obligations.	<input type="checkbox"/>	<input type="checkbox"/>

If a Part 2 amendment to the environmental authorisation is required, will the amendment result in:

a) A change in Scope of a valid Environmental Authorisation. If yes, explain below:

b) An increase in the level or the nature of impacts. If yes, explain below:

E: EA / ROD Reference number which relates to the amendment:

Indicate the reference number of the EA / ROD to be amended:

Note: A fee of **R2 000** is applicable to an application which must be subjected to an application which must be subjected to an Amendment of an Environmental Authorisation or Environmental Management Programme.

F: Departmental region within which the application will be administered (tick ✓ the relevant box):

CAPE TOWN OFFICE: REGION 1 (City of Cape Town & West Coast District) Fax: (021) 483 4372		CAPE TOWN OFFICE: REGION 2 (Cape Winelands District & Overberg District) Fax: (021) 483 3633		GEORGE OFFICE: REGION 3 (Central Karoo District & Eden District) Fax: (044) 874 2423	
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I, _____ (Applicant's/EAP's full name), herewith request the Department to provide me with a Specific Fee Reference Number in order that I may make payment of the application fee. I am fully aware of my responsibility to ensure that the correct fee is paid and that proof of such payment must be attached to my Application Form. I further confirm that the information I have provided herein is true and correct.

 Applicant's/EAP's signature

 Date

(For official use only)		
Captured by: _____	Date received: _____	Date captured: _____
Amendment Process (tick) <input checked="" type="checkbox"/> Part 1 amendment _____ or Part 2 amendment _____		
Amount to be paid: _____ Specific Fee Reference Number: _____		
Process and amount approved by Control EO: _____		
Name	Signature	

**THIS FORM MUST BE FAXED TO THE RELEVANT REGION REFLECTED IN THE DEPARTMENTAL DETAILS ABOVE
 THE APPLICATION FEE MUST BE MADE INTO THE DEPARTMENTAL BANKING ACCOUNT USING THE SPECIFIC FEE REFERENCE NUMBER.**