

List of I&APs

Organisation	Official	Electronic mail address
Witzenberg Local Municipality	Nathan Jacobs	nathan@witzenberg.gov.za
Western Cape Department of Agriculture	Cor van der Walt	Brandon.layman@westerncape.gov.za
Cape Winelands District Municipality	Colin Petersen	Colin@capewinelands.gov.za
CapeNature	Alana Duffell-Canham	aduffell-canham@capenature.co.za
Breede-Gouritz Catchment Management Agency	Elkeline Rossouw	erossouw@bgcma.gov.za
Heritage Western Cape	Corne Nortje	Corne.nortje@westerncape.gov.za
Western Cape Department of Transport and Public Works	Jandre Bakker	Jandre.Bakker@westerncape.gov.za
Ward Councillor for Ward 2	Patric Daniels	patric@witzenberg.gov.za
Ward Councillor for Ward 3	Dirk Swart	dirk@witzenberg.gov.za
National Department of Public Works	Phucuka Penxa	Phucuka.Penxa@dpw.gov.za and dg.pa@dpw.gov.za

Proof of notifying I&APs of application

Maboee

From: Maboee <maboee@enviroafrica.co.za>
Sent: Friday, 21 July 2023 11:54
To: 'erossouw@bocma.co.za'; 'crautenbach@bgcma.co.za'; 'Nathan Jacobs'; 'Joseph Barnard'; 'brandon.layman@westerncape.gov.za'; 'Jandre.Bakker@westerncape.gov.za'; 'patric@witzenberg.gov.za'; 'dirk@witzenberg.gov.za'; 'Phucuka.Penxa@dpw.gov.za'; 'Alana Duffell-Canham'
Subject: FW: Erven 1886 and 1887, Wolseley water supply pipeline (16/3/3/1/B5/2/1038/23)

Tracking:

Read

Recipient	Read
'erossouw@bocma.co.za'	
'crautenbach@bgcma.co.za'	
'Nathan Jacobs'	
'Joseph Barnard'	
'brandon.layman@westerncape.gov.za'	
'Jandre.Bakker@westerncape.gov.za'	
'patric@witzenberg.gov.za'	
'dirk@witzenberg.gov.za'	
'Phucuka.Penxa@dpw.gov.za'	
'Alana Duffell-Canham'	
Patric Daniels	Read: 2023/07/21 12:15
Dirk Swart	Read: 2023/07/21 17:24

Dear Interested and Affected Party,

Please note that the closing date of 22 July 2023 for commenting on the Draft Basic Assessment Report for the above-mentioned application falls on a weekend and that in terms of the EIA Regulations of 2014 (as amended), the closing date automatically becomes 24 July 2023.

Kind regards,

Maboee Nthejane



EnviroAfrica cc

p: +27 21 851 1616 m: 084 037 2477

f: +27 86 512 0154

a: Unit 7, Pastorie Park, Reitz St, Somerset West 7130

P. O. Box 5367, Helderberg 7135

w: www.enviroafrica.co.za e: info@enviroafrica.co.za

From: Maboee <maboee@enviroafrica.co.za>

Sent: Friday, June 23, 2023 5:40 PM

To: 'Elkerine Rossouw' <erossouw@bocma.co.za>

Cc: 'crautenbach@bgcma.co.za' <crautenbach@bgcma.co.za>; 'DEADP EIA Admin' <DEADPEIAadmin@westerncape.gov.za>; 'Ndivhuho Mudau' <Ndivhuho.Mudau@westerncape.gov.za>; 'Bernard de witt' <bernard@enviroafrica.co.za>; 'Nathan Jacobs' <nathan@witzenberg.gov.za>; 'Joseph Bernard' <joseph@witzenberg.gov.za>; 'brandon.layman@westerncape.gov.za' <brandon.layman@westerncape.gov.za>; 'info@enviroafrica.co.za' <info@enviroafrica.co.za>; 'Jandre.Bakker@westerncape.gov.za' <Jandre.Bakker@westerncape.gov.za>; 'patric@witzenberg.gov.za' <patric@witzenberg.gov.za>; 'dirk@witzenberg.gov.za' <dirk@witzenberg.gov.za>; 'Phucuka.Penxa@dpw.gov.za' <Phucuka.Penxa@dpw.gov.za>; 'Alana Duffell-Canham' <aduffell-canham@capenature.co.za>

Subject: Erven 1886 and 1887, Wolseley water supply pipeline (16/3/3/1/B5/2/1038/23)

Dear Interested and Affected Party,

The trailing electronic mail correspondence below, refers.

Please be informed that the Draft Basic Assessment Report ("BAR") that was made available on 31 May 2023 to Interested and Affected Parties for a commenting period of at least 30 days could not be received by the Breede Gouritz Catchment Management Agency ("BOCMA") owing to a technicality and the BOCMA is the statutory body responsible for water issues in the area of the proposed site. In addition, it is legally required the the BOCMA be given at least 30 days to comment on the Draft BAR.

The Draft BAR and associated appendices are hereby being made available to the BOCMA and other Interested and Affected Parties can also access the documentation via the following internet link <https://we.tl/t-ZPTwa3nIHl> as well as by visiting the website of EnviroAfrica i.e., enviroafrica.co.za/projects/for-public-participation/ and clicking on the heading "Projects" and thereafter clicking on the sub-heading "Public Participation".

Should you decide to comment on the Draft Basic Assessment Report, please provide a copy of your letter of comment to EnviroAfrica via the electronic mail address maboee@enviroafrica.co.za or info@enviroafrica.co.za

Please note that the closing date for comments on the Draft BAR is now 22 July 2023 in order that the legal requirement of giving the BOCMA at least 30 days to comment can be met.

Please forward this notification to any other persons that you think may wish to comment on the Draft Basic Assessment Report.

Kind regards,

Maboee Nthejane



EnviroAfrica cc

p: +27 21 851 1616 m: 084 037 2477

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Comments-Responses Table

Initial pre-application phase			
I&AP	Comment received	Response to	Respondent
<p>Department of Environmental Affairs and Development Planning (09/12/2022)</p>	<p>4. It is noted that the duly dated and signed declaration of the applicant and the Environmental Assessment Practitioner have not been included in the NOI. This must be submitted as a matter of urgency.</p> <p>7.2 Should watercourses be located on or adjacent to the proposed site, the applicability of Activity 12 of Listing Notice 1 of the EIA Regulations, 2014 (as amended) must be confirmed.</p> <p>7.3 It is noted that Activity 12 of Listing Notice 3 of the EIA Regulations, 2014 (as amended) is being applied for. However, the vegetation occurring (North Hex Sanstone Fynbos) on the proposed site has not been classified as a critically endangered or endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, (Act 10 of 2004) ("NEM:BA"), List of Threatened Ecosystems in Need of Protection.</p> <p>9.4. The Department therefore awaits the submission of the SSV report prior to the commencement of any public participation process.</p> <p>11. Page 12 of NOI (point 2.3) indicates that the National Water Act, 1998 (Act No. 36 of 1998) may be applicable to the proposed</p>	<p>4. The Declarations page signed by the EAP has now been forwarded to the competent authority</p> <p>The Tierhokskloof Stream and Breede River are within proximity to the proposed site</p> <p>7.3 Item 12 of Listing Notice 3 is applicable, as Erf 1886 is located within the proclaimed Wittebrug Nature Reserve</p> <p>9.4 A Site Sensitivity Verification Report has been compiled and appended to the Draft BAR</p> <p>11. Comment was requested from the Breede Gouritz Catchment Management Agency but no comment has been received. A request for comment has been sent out</p>	<p>EnviroAfrica</p>

	<p>development. Confirmation must be obtained from the relevant water authority with respect to the process to be followed and the comment from the water authority must be included in the pre-application Basic Assessment Report.</p> <p>12. It is also noted that the proposal triggers Section 38(1) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (“NHRA”). A Notice of Intent to Develop (“NID”) will be submitted to Heritage Western cape (“HWC”). Comment from Heritage Western cape must be included in the pre-application Basic Assessment Report.</p> <p>13.1. A Public Participation Process (“PPP”) that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken.</p>	<p>again to the Breede Gouritz Catchment Management Agency concerning the Draft BAR</p> <p>12. Comment has been received from Heritage Western Cape and is appended to the Draft BAR</p> <p>Done.</p>	
<p>CapeNature (02/03/2023)</p>	<p>Dear Maboee Apologies for the delay in getting back to you. We have made the following decision: Even though the pipeline does not have a registered servitude, it has been mapped in the Hexriver Complex Protected Area Management Plan (PAMP) – please see attached. We therefore are of the opinion</p>	<p>Noted</p>	<p>EnviroAfrica</p>

	<p>that an amendment to the PAMP will not be required. However, it is still the responsibility of the applicant (in this case Witzenberg Municipality) to confirm whether they do need to register a servitude for the pipeline as part of a planning process.</p>		
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Comment received on application form

<p>DEA&DP (13/06/2023)</p>	<p>6.1. The SSVR indicates that a Geotechnical Assessment will be conducted. However, this is not included on page 14 of the application form.</p> <p>6.2. It is further noted that Heritage Western Cape has indicated in their comment (dated 25 January 2023) that no further action is required. However, page 14 of the application form indicates that an Archaeological, Paleontological and Heritage Impact Assessment will be conducted.</p> <p>6.3. The application form must be amended to stipulate which specialist studies will be conducted.</p> <p>7.1. It is noted that the National Department of Transport and Public Works has not been identified as a State Department to be consulted as part of the EIA process. Please ensure that a copy of the draft BAR is circulated to the department and proof of the notification must be included in the BAR.</p> <p>7.2. It is further noted that the list includes the Matzikama Municipality. However, the proposed development will be</p>	<p>6.1 An amended application form indicating that a geotechnical assessment will be done was submitted to the competent authority on 18/08/2023.</p> <p>6.2 an Archaeological, Paleontological and Heritage Impact Assessment will not be conducted. This is confirmed in the amended application form.</p> <p>6.3 Done</p> <p>7.1 The Draft BAR was made available for comment to the National Department of Public Works and the Western Cape Department of Transport and Public Work for at least 30 days.</p> <p>7.1 The amended application form indicates that the relevant municipality is the Witzenberg Local Municipality</p>	<p>EnviroAfrica</p>
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	<p>located within the Witzenberg Municipal area.</p> <p>7.3. An amended application form is required that includes the correct details.</p> <p>8.1. Section 5 (Biodiversity) on page 17 of the application form is incomplete. No details of the biodiversity found on the proposed site have been included in this section of the application form.</p> <p>8.2. Section I (Planning Context) numbers 7.1-7.3 refers to the development of a dam.</p> <p>8.3. An amended application form must be submitted that include the correct details of the proposed development.</p> <p>10.7.1. A public participation process (“PPP”) that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken.</p> <p>10.7.4. The following State Departments/Organs of State, <i>inter alia</i>, must be consulted during the EIA process as part of the PPP:</p> <ul style="list-style-type: none"> • CapeNature; • Heritage Western Cape; • DEA&DP; • Witzenberg Local Municipality; • Cape Winelands District Municipality; • National Department of Transport and Public Works; and • Western Cape Department of Agriculture. 	<p>7.3 Done</p> <p>8.1 - 8.3 Done</p> <p>10.7.1 Done</p> <p>10.7.4 Done</p>	
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	<p>11. It is further noted that the National Water Act, 1998 (Act No. 36 of 1998) is applicable to the proposed development. Confirmation must be obtained from the relevant water authority with respect to the process to be followed. In addition to the above, comment must be obtained from the water authority with respect to the development within a watercourse and must be included in the Basic Assessment Report.</p>	<p>11. Done</p>	
Comments received on Draft Basic Assessment Report			
<p>CapeNature (28/06/2023)</p>	<p>Potential Impacts on freshwater ecology: 2.</p> <ul style="list-style-type: none"> - On our site visit it was apparent that the floods of the week of 12th June overtopped the 1:100 year floodline. The site is highly prone to erosion in sections with even the lower, flatter areas where it is proposed to bury the pipe having been washed away. - The steeper areas are especially prone to erosion and removal of existing concrete pedestals and embankments is of high risk to the aquatic and terrestrial environment. - Cement is highly toxic to aquatic fauna and ideally should not be mixed on site, information on how the new pillars be secured into the ground needs to be provided. 	<p>Potential Impacts on freshwater ecology: 2.</p> <ul style="list-style-type: none"> - The contractor is required in the EMPr to compile method statements for various construction activities for approval before any implementation and it will be ensured that the method statements include adequate erosion prevention and control measures. Furthermore, the contractor will be required to rehabilitate the proposed site to the satisfaction of CapeNature when construction work has been completed so that the potential for erosion remains limited. - The development proposal does not include the removal of existing infrastructure. - The contractor to be appointed will be required to submit a method statement in which it is explained how concrete works will be dealt with on the site and it is only when the method statement has been approved 	<p>EnviroAfrica</p>

	<p>Use of existing pillars should be considered.</p> <ul style="list-style-type: none"> - The “staging yard” where equipment and materials will be stored must be kept outside of any flood lines of the Breede River (well beyond the currently indicated flood lines) on a previously disturbed area. - We strongly agree that the new pipeline must blend into the environment where it is above ground. The current section of blue HDPE pipeline placed along a section from the weir is not acceptable. - No abstraction upstream of the weir pool should be allowed. 	<p>by the Engineer and other relevant parties that the contractor will be allowed to implement the method statement. It will be required that the method statement be consistent with the EMPr and the conditions of environmental authorisation.</p> <ul style="list-style-type: none"> - The contractor will be required to select the location of the staging yard as per the advice of CapeNature. - The blue pipeline was part of the temporary measures put in place to ensure that Wolseley continues to be supplied with water after the recent floods caused mud to block the water intake infrastructure in the Tierhokskloof Stream. All of the temporary infrastructure was removed after the mud blocking the water intake infrastructure was removed. - The abstraction of water for the proposed pipeline will not be taking place upstream of the weir pool. The temporary on-site structures for abstracting water upstream of the weir pool were for the purpose of keeping Wolseley supplied with water while the water intake infrastructure was blocked by mud. The temporary abstraction infrastructure has been removed from the site. 	
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	<ul style="list-style-type: none"> - Despite the ELU, an Ecological Reserve assessment should be conducted for the Tierhokskloof River to determine how much water needs to remain in the tributary during the summer months. This should apply to all weirs which should make allowance for ecological flow releases (many weirs in the Breede and its tributaries will probably have to be repaired after the June 2023 floods and could be adjusted during this process). - It needs to be clarified if any flow diversions will be required. For example, for the upgrade to the pebble trap with a concrete floor. - The freshwater specialist study should have included a SASS survey of the Tierhokskloof River as well. SASS equipment can be carried by one person if needed and correctly packed. Information regarding fish species is also based on historical data and not a recent fish survey. - In his SASS graph, the specialist also doesn't indicate into which level 1 Ecoregion and zone their SASS site falls. This is not general practise and therefore does not give a 	<ul style="list-style-type: none"> - It is the National Department of Water and Sanitation ("DWS") and not the Witzenberg Local Municipality that must conduct research to determine how much water must remain in the Tierhokskloof Stream during the dry summer months. The Witzenberg Local Municipality will merely continue to abstract water from the stream in keeping with the existing water use licence granted to the municipality. Should the DWS amend the existing water use licence, the Witzenberg Local Municipality will comply with the amended water use licence. - It has been decided that the required upgrades to the water abstraction infrastructure in the Tierhokskloof Stream will be dealt with as part of a development proposal that is separate from the current EIA application. - The freshwater specialist has updated the freshwater specialist report to include the results of a SASS survey. A copy of the report is attached hereto for your convenience. - The freshwater specialist will have this information included in the amended version of freshwater specialist report. 	
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	<p>proper indication of the results obtained.</p> <ul style="list-style-type: none"> - We do not agree with the low significance ratings given to both the Tierhokskloof and Breede Rivers (page 34) not the low ecological importance scores. Statements such as “The rejuvenation of the Tierhokskloof water abstraction won’t have a marked deleterious impact on the Breede River, as there are numerous other similar streams feeding the Breede River higher up in the catchment” on page 26 of the report can not be made without a comprehensive hydrological assessment of the entire catchment (Upper Breede as well as Tierhokskloof). <p>Potential Impacts on vegetation:</p> <p>3.</p> <ul style="list-style-type: none"> - The report states that the new pipeline will be placed “within 10 metres” of the existing pipeline, this could mean a significance difference in assessed and habitat as the slopes are steep and to clear an additional servitude where a pipeline can be placed will require a lot of vegetation removal and cutting into the slope. This has extremely high erosion risk in addition to loss of indigenous vegetation. <ul style="list-style-type: none"> - Where the pipeline is on stilts, it should be replaced like for like and where it is buried under the current hiking trail it should be placed above or immediately 	<ul style="list-style-type: none"> - The low significance ratings and conclusion of the freshwater specialist are credible from a hydrological point of view, as the Witzenberg Local Municipality is not going to abstract more water from the Tierhokskloof Stream than the municipality is currently abstracting in terms of the existing water use licence granted to the municipality. In other words, the municipality is not going to introduce any new hydrological impacts, as the municipality is merely going to keep abstracting water quantities in line with the granted water use licence. <p>Potential Impacts on vegetation:</p> <p>3.</p> <ul style="list-style-type: none"> - The proposed pipeline will be placed as close to the existing pipeline without damaging the existing pipeline as is technically possible and it is only where service infrastructures or hard rock are encountered along the proposed pipeline route that the proposed pipeline will have to be placed close to 10m away from the existing pipeline. <ul style="list-style-type: none"> - The proposed development entails constructing a new pipeline as close as possible alongside the existing pipeline. The existing pipeline will no longer be used when the new pipeline becomes operational. 	
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	<p>adjacent to the old pipe, not more than a metre from the existing pipeline. Where the existing pipeline is buried, it should remain in place as removing it will create a high amount of disturbance.</p> <ul style="list-style-type: none"> - The new pipeline should not be placed closer to the river at any place than the current pipeline is located. - Due to nature of the environment in which construction of the pipeline will take place we do not agree that the impacts will be low even if they are relatively localised. It must be remembered that although the current pipeline has been in place for decades, the primary landuse of the surrounding area is conservation. - Vegetation clearing needs to kept to the absolute minimum required and no new access tracks or trails should be created. <p>5.</p> <p>In terms of fauna, it can also be confirmed that leopard do frequent the kloof – camera traps have taken photographs.</p>	<p>The existing pipeline is going to remain in place, as removing the existing asbestos pipeline from its stilts and digging up the buried sections of the pipeline and then removing the pipeline from the site will result in significant negative environmental impacts and health risks.</p> <ul style="list-style-type: none"> - The proposed pipeline is to be constructed upslope of the existing pipeline. - The strict implementation of the required impact avoidance measures and impact mitigation measures contained in the EMPr, adherence to the conditions of authorisation and the strict implementation of a rehabilitation plan that is satisfactory to CapeNature will ultimately keep the impacts of the proposed development low. - Vegetation clearing will be kept minimal. <p>5. Noted</p>	
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	<p>Environmental Management Programme:</p> <p>6. A clear method statement needs to be provided as to how the heavy materials will be transported. Access is only possible on foot but the logistics needs to be clearly outlined.</p> <p>7. A clear method statement detailing removal of old structures needs to be provided.</p> <p>8. These method statements will need to be reviewed and approved by CapeNature prior to any materials or equipment being placed on site.</p> <p>9. The appointed independent ECO will need to visit the site more than 4 times during the project, they should visit at least fortnightly and the environmental officer should be present daily. Both ECO and EO must be fit enough to patrol and inspect the entire route</p> <p>10. CapeNature reserves the right to inspect the section passing through Wittebrug Nature Reserve with no prior notice needed.</p> <p>11. Timing of works is important. Construction should be completed in the dry summer season but any welding works should not be permitted on high fire risk day (orange or red level). This information can be obtained from the local Fire Protection Agency (FPA).</p> <p>12. Any damages to the natural environment within Wittebrug</p>	<p>Environmental Management Programme:</p> <p>6. The contractor will be required to submit a method statement that the relevant parties approve of before construction materials can be transported onto the proposed site.</p> <p>7. The proposed development does not include the removal of any old structures from the proposed site.</p> <p>8. Agreed</p> <p>9. Agreed</p> <p>10. Noted</p> <p>11. Agreed</p> <p>12. Agreed</p>	
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	<p>Nature Reserve will also need to be restored to CapeNature's satisfaction.</p> <p>13. Alien clearing should only be done within the site disturbed during construction and done carefully to prevent erosion. The site should be rehabilitated and stabilised using locally indigenous vegetation.</p> <p>14. Broken structures, pipelines (plastic and asbestos/cement) and other equipment must be completely removed.</p>	<p>13. Agreed</p> <p>14. Agreed</p>	
<p>DEA&DP (30/06/2023)</p>	<p>2. You are reminded that an amended application form is required to address all the issues raised in this Directorate's correspondence dated 13 June 2023.</p> <p>3. Environmental Management Programme ("EMPr")</p> <p>3.1. It is noted that all the mitigation measures as stipulated in various specialist reports have not been included in the EMPr. The EMPr must be updated to include all the mitigation measures as stipulated in the specialist Reports that will be implemented.</p> <p>3.2. Appendix 4(1)(1)(c) states that the following must be included in the EMPr, <i>"a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers."</i> However, the above</p>	<p>2. Submitted on 18/08/2023</p> <p>3.1 Done</p> <p>3.2 The sensitivity map is included as Figure 2 of the EMPr that is appended to the BAR</p>	<p>EnviroAfrica</p>

	<p>has not been included in the EMPr.</p> <p>3.3. The EMPr must be updated to include the above.</p> <p>4. Clarity must be provided whether future maintenance of the proposed structures and infrastructure that will be located within a watercourse will be required. If so, a Maintenance Management Plan must be included in the final BAR for adoption by the competent authority.</p> <p>5. The SSVR indicated that a Geotechnical Assessment will be conducted. However, no Geotechnical Assessment has been included in the draft BAR. If this study will be conducted, a draft BAR that includes this specialist study must be circulated for another 30day commenting period.</p> <p>6. As indicated in this Directorate's correspondence dated 13 June 2023, the National Department of Public Works must be consulted as this Department is a landowner. Proof of the consultation and comment from the Department must be included in the final BAR.</p> <p>7. The following must be included in the final BAR:</p> <p>7.1. Comment from the water authority with respect to the</p>	<p>3.3 Done</p> <p>4. This application now deals only with construction of the proposed pipeline up to the existing water intake infrastructure in the Tierhokskloof Stream. A separate process will be followed to request the adoption of a Maintenance Management Programme for the required maintenance of the water intake infrastructure and pipeline inside the stream.</p> <p>5. A geotechnical report for establishing the proposed pipeline was made available to the competent authority and to I&APs on 23/06/2023 for a commenting period of at least 30 days</p> <p>6. Done</p> <p>7. Done</p>	
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	<p>development within and within 32m of a watercourse;</p> <p>7.2. Comment from the Department of Agriculture; and</p> <p>7.3. Proof of public participation conducted including all the comments received during the process captured and responded to in a comment and response report.</p>		
Western Cape Department of Agriculture (06/07/2023)	The Western Cape Department of Agriculture has no objection to the new pipeline as this would ensure effective service delivery to the town of Wolseley	Noted	EnviroAfrica
Breede Olifants Catchment Management Agency (25/07/2023)	<ol style="list-style-type: none"> 1. BOCMA noted that the application was submitted with a freshwater report, dated May 2023 (Version 2.1) which supported the preferred methodology of constructing the pipeline aboveground. This report indicated that the impact to the aquatic environment can be considered an activity with a low impact with a slightly higher impact on the terrestrial environment, should the mitigation measures be implemented. 2. The municipality must apply for a General Authorisation in terms of Section 21 (c) and (i) of the National Water Act, 1998 	<ol style="list-style-type: none"> 1. The proposed pipeline will be above the ground for approximately 1800m from the water intake works and up on the steep mountainside. The last 700m of the proposed pipeline in the flatter areas closer to the Wittebrug Water Purification Plant will be under the ground. 2. The Witzenberg Local municipality has appointed a freshwater specialist to lodge the application for a General Authorisation. 	EnviroAfrica

	<p>through the e-WULAAS platform on the Department of Water and Sanitation website.</p> <p>3. The water use must be measured and the water volumes must be forwarded to the BOCMA to confirm the volumes are still within the registered water volumes of the town of Wolseley.</p> <p>4. No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998).</p> <p>5. No waste or water containing waste may be disposed without authorisation from the National Water Act, 1998 (Act 36 of 1998) and National Environmental Management: Waste Act, 2008 (Act 59 of 2008).</p> <p>6. All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.</p> <p>7. No pollution of surface water or groundwater resources may occur.</p> <p>8. Stormwater management must be addressed both in</p>	<p>3. A record indicating the amount of water that the Witzenberg Local Municipality has been abstracting is attached hereto for your perusal.</p> <p>4. Noted</p> <p>5. All waste will be dealt with in keeping with the law and EMPr and the conditions of environmental authorisation.</p> <p>6. Agreed</p> <p>7. Agreed</p> <p>8. The above-ground parts of the proposed pipeline are</p>	
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	<p>terms of flooding, erosion and pollution potential. The underground part of the proposed pipeline will be safe from floods as a result of being under the ground just as the underground part of the existing pipeline has survived floods since 1958.</p> <p>9. No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities may be discharged into a water resource. Polluted stormwater must be contained.</p>	<p>designed to withstand floods and rockfalls and fires and other adverse conditions. Please refer to the Technical Report that is appended to the Draft BAR. A stormwater management plan has been compiled to deal with stormwater in a manner that is compliant with the law.</p> <p>9. A stormwater management plan has been compiled to deal with stormwater in a manner that is compliant with the law.</p>	
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Proof of comments received

Maboee

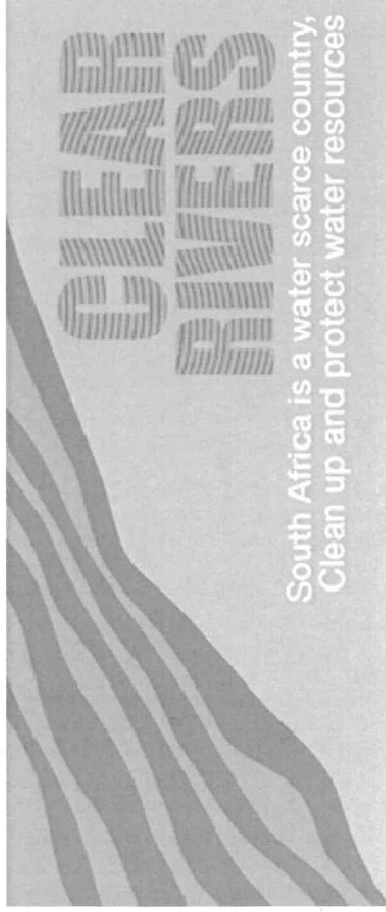
From: Elkerine Rossouw <erossouw@bocma.co.za>
Sent: Tuesday, 25 July 2023 12:19
To: Maboee
Cc: Coreen Rautenbach; 'Ndivhuho Mudau'; 'Bernard de witt'; Vatiswa Myeza; Mashudu Mimbadi
Subject: RE: Erven 1886 and 1887, Wolseley water supply pipeline (16/3/3/1/B5/2/1038/23)
Attachments: 4 10 2 H10D Erven 1886 1887 Ceres.pdf

Hi there,
Sorry for the delay, I needed to confirm that the application was not commented on by another CMA official as the file did not reach my table.
Please find attached the comment for the application.
Kind regards

Elkerine Rossouw
erossouw@bocma.co.za
Water Use Specialist
023 3468000



BREED-OLIFANTS
CATCHMENT MANAGEMENT AGENCY



From: Maboeë <maboeë@enviroafrica.co.za>

Sent: Tuesday, July 25, 2023 11:17 AM

To: Elkerine Rossouw <erossouw@bocma.co.za>

Cc: Coreen Rautenbach <crautenbach@bocma.co.za>; 'Ndivhuho Mudau' <Ndivhuho.Mudau@westerncape.gov.za>; 'Bernard de witt' <bernard@enviroafrica.co.za>

Subject: FW: Erven 1886 and 1887, Wolseley water supply pipeline (16/3/3/1/B5/2/1038/23)

Dear E. Rossouw,

Please note that the commenting period on the Draft Basic Assessment Report for the above-mentioned development proposal closed on 24 July 2023 without any comment received from the Breede Gouritz Catchment Management Agency ("BOCMA").

Can you please confirm if no comment has been received from the Breede Gouritz Catchment Management Agency ("BOCMA") as a result of the BOCMA having no comment on the EIA application.

Kind regards,

Maboeë Nthejane



EnviroAfrica cc

p: +27 21 851 1616 m: 084 037 2477

f: +27 86 512 0154

a: Unit 7, Pastorie Park, Reitz St, Somerset West 7130

P. O. Box 5367, Helderberg 7135

w: www.enviroafrica.co.za e: info@enviroafrica.co.za

From: Maboeë <maboeë@enviroafrica.co.za>

Sent: Friday, June 23, 2023 5:40 PM

To: 'Elkerine Rossouw' <erossouw@bocma.co.za>

Cc: 'crautenbach@bgcma.co.za' <crautenbach@bgcma.co.za>; 'DEADPEIAadmin@westerncape.gov.za'; 'Ndivhuho Mudau'

<Ndivhuho.Mudau@westerncape.gov.za>; 'Bernard de witt' <bernard@enviroafrica.co.za>; 'Nathan Jacobs' <nathan@witzenberg.gov.za>; 'Joseph Barnard'

<joseph@witzenberg.gov.za>; 'brandon.layman@westerncape.gov.za'; 'info@enviroafrica.co.za' <info@enviroafrica.co.za>;

'Jandre.Bakker@westerncape.gov.za' <jandre.bakker@westerncape.gov.za>; 'patric@witzenberg.gov.za' <patric@witzenberg.gov.za>; 'dirk@witzenberg.gov.za'

<dirk@witzenberg.gov.za>; 'Phucuka.Penxa@dpw.gov.za'; 'Alana Duffell-Canham' <aduffell-canham@capenature.co.za>

Subject: Erven 1886 and 1887, Wolseley water supply pipeline (16/3/3/1/B5/2/1038/23)

Dear Interested and Affected Party,

The trailing electronic mail correspondence below, refers.

Please be informed that the Draft Basic Assessment Report ("BAR") that was made available on 31 May 2023 to Interested and Affected Parties for a commenting period of at least 30 days could not be received by the Breede Gouritz Catchment Management Agency ("BOCMA") owing to a technicality and the BOCMA is the statutory body responsible for water issues in the area of the proposed site. In addition, it is legally required the the BOCMA be given at least 30 days to comment on the Draft BAR.

The Draft BAR and associated appendices are hereby being made available to the BOCMA and other Interested and Affected Parties can also access the documentation via the following internet link <https://we.tl/t-ZPTwa3ntHl> as well as by visiting the website of EnviroAfrica i.e., enviroafrica.co.za/projects/for-public-participation/ and clicking on the heading "Projects" and thereafter clicking on the sub-heading "Public Participation".

Should you decide to comment on the Draft Basic Assessment Report, please provide a copy of your letter of comment to EnviroAfrica via the electronic mail address maboee@enviroafrica.co.za or info@enviroafrica.co.za

Please note that the closing date for comments on the Draft BAR is now 22 July 2023 in order that the legal requirement of giving the BOCMA at least 30 days to comment can be met.

Please forward this notification to any other persons that you think may wish to comment on the Draft Basic Assessment Report.

Kind regards,

Maboee Nthejane



EnviroAfrica cc

p: +27 21 851 1616 m: 084 037 2477

f: +27 86 512 0154

a: Unit 7, Pastorie Park, Reitz St, Somerset West 7130

P. O. Box 5367, Helderberg 7135



BREED-OLIFANTS
CATCHMENT MANAGEMENT AGENCY

Cnr Mountain Mill & East Lake Roads, Worcester 6850, Private Bag X 3055, Worcester, 6850

Enquiries: E.Rossouw Tel•. 023-3468000 Fax: 023-3472012 E-mail: erossouw@bocma.co.za
Your Ref: 16/3/3/6/7/1/B5/2/1524/22 Our Ref: 4/10/2/H10D/Erven 1886 1887 Ceres Date: 25/07/2023

Western Cape Government
DEA&DP Region 1 & 2
Private Bag x 9086
8000

To whom it may concern

COMMENTS: PROPOSED ESTABLISHMENT OF AN APPROXIMATELY 2.5KM LONG BULK WATER SUPPLY PIPELINE ON ERVEN 1886 AND 1887, WOLSELEY
DEA&DP ref: 16/3/3/6/7/1/B5/2/1524/22

The Breede-Olifants Catchment Management Agency (BOCMA) has received the application for the proposed establishment of an approximately 2.5 km long bulk water supply pipeline on erven 1886 and 1887, Wolseley for comment.

BOCMA noted that the application was submitted with a freshwater report, dated May 2023 (Version 2.1) which supported the preferred methodology of constructing the pipeline aboveground. This report indicated that the impact to the aquatic environment can be considered an activity with a low impact with a slightly higher impact on the terrestrial environment, should the mitigation measures be implemented.

The municipality must apply for a General Authorisation in terms of Section 21 (c) and (i) of the National Water Act, 1998 through the e-WULAAS platform on the Department of Water and Sanitation website.

The water use must be measured and the water volumes must be forwarded to the BOCMA to confirm the volumes are still within the registered water volumes of the town of Wolseley.

General

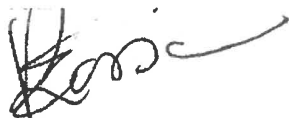
- No water must be taken from a water resource for any purpose without authorisation from the National Water Act, 1998 (Act 36 of 1998).
- No waste or water containing waste may be disposed without authorisation from the National Water Act, 1998 (Act 36 of 1998) and National Environmental Management: Waste Act, 2008 (Act 59 of 2008).

- All relevant sections and regulations of the National Water Act, 1998 (Act 36 of 1998) regarding water use must be adhered to.
- No pollution of surface water or groundwater resources may occur.
- Stormwater management must be addressed both in terms of flooding, erosion and pollution potential.
- No stormwater runoff from any premises containing waste, or water containing waste emanating from industrial activities may be discharged into a water resource. Polluted stormwater must be contained.

Please be advised that no activities may commence without the appropriate approvals/authorizations where needed from the responsible authority. The onus remains with the registered property owner to confirm adherence to any relevant legislation that such activities might trigger and/or need authorisation for.

This office reserves the right to amend and revise its comments as well as to request any further information.

Please do not hesitate to contact this office if you have any further queries. Please ensure to quote the above reference in doing so.



JAN VAN STADEN
CHIEF EXECUTIVE OFFICER (ACTING)

Maboee

From: Alana Duffell-Canham <aduffell-canham@capenature.co.za>
Sent: Thursday, 29 June 2023 07:38
To: 'Maboee'
Cc: Ndivhuho.Mudau@westerncape.gov.za; Elkerine Rossouw
Subject: RE: Proposed construction of a 2.5km pipeline on Erven 1886 & 1887, including a section through Wittebrug Nature Reserve – Draft Basic Assessment Report.
Attachments: 1886&1887_erven_Pipeline_Wittebrug_Wolseley_20230628.pdf

Dear Maboee

There was a typo on the version sent yesterday, please replace with this version.

Kind regards,
Alana

Alana Duffell-Canham
Landscape Conservation Intelligence Manager | Landscape Central
Conservation Operations
t: 021 866 8029



From: Alana Duffell-Canham
Sent: Wednesday, June 28, 2023 3:58 PM
To: 'Maboee' <maboee@enviroafrica.co.za>
Cc: Ndivhuho.Mudau@westerncape.gov.za; Elkerine Rossouw <erossouw@bgcma.co.za>
Subject: RE: Proposed construction of a 2.5km pipeline on Erven 1886 & 1887, including a section through Wittebrug Nature Reserve – Draft Basic Assessment Report.

Dear Maboe

Please find comment from CapeNature attached.

**Kind regards,
Alana**

Disclaimer: This electronic message and any attachments is intended for the addressee only and is confidential and privileged. If you have received this message in error please delete it and notify the sender. If the reader of this message is not the intended recipient, you are hereby notified that any unauthorised use, copying or dissemination, is prohibited. CapeNature shall not be liable for the message if altered changed or falsified. Any unauthorised disclosure may be unlawful. CapeNature does not warrant that this message or any attachment is free of viruses. CapeNature accepts no liability or legal responsibility for any damages resulting directly or indirectly from accessing this electronic message or the attachment

CONSERVATION INTELLIGENCE: LANDSCAPE CENTRAL

physical Assegaaibosch Nature Reserve Jonkershoek
website www.capenature.co.za
enquiries Alana Duffell-Canham
telephone +27 21 866 8000/29
email aduffell-canham@capenature.co.za
reference SSD14/2/6/1/9/6/1886&1887_erven_Pipeline_Wittebrug_Wolseley
date 28 June 2023

Maboee Nthejane
EnviroAfrica
PO Box 5367
Helderberg
7135

By email: maboee@enviroafrica.co.za

Dear Mr Nthejane

RE: Proposed construction of a 2.5km pipeline on Erven 1886 & 1887, including a section through Wittebrug Nature Reserve – Draft Basic Assessment Report.
DEA&DP Ref: 16/3/3/6/7/1/1/B5/2/1524/22

CapeNature would like to thank you for the opportunity to comment on the Draft Basic Assessment Report for construction of a bulk water supply pipeline and wish to make the following comments:

1. A site visit was conducted on 26 June 2023 by CapeNature staff which included myself, Jeanne Gouws (freshwater ecologist), Antoinette Veldtman (Landscape Ecologist) and field rangers from the Hexriver Complex World Heritage Site which Wittebrug Nature Reserve forms a part of. Our comments are thus informed by the site visit as well as the documents which you have provided.

Potential Impacts on freshwater ecology:

2. Overall the freshwater report is lacking in some detail and based on our site visit there are a few factors that may need to be reconsidered:
 - On our site visit it was apparent that the floods of the week of 12th June overtopped the 1:100 year floodline.
 - The site is highly prone to erosion in sections with even the lower, flatter areas where it is proposed to bury the pipe having been washed away. The steeper areas are especially prone to erosion and removal of existing concrete pedestals and embankments is of high risk to the aquatic and terrestrial environment.
 - Cement is highly toxic to aquatic fauna and ideally should not be mixed on site, information on how the new pillars be secured into the ground needs to be provided. Use of existing pillars should be considered.

- The “staging yard” where equipment and materials will be stored must be kept outside of any flood lines of the Breede River (well beyond the currently indicated flood lines) on a previously disturbed area.
- We strongly agree that the new pipeline must blend into the environment where it is above ground. The current section of blue HDPE pipeline placed along a section from the weir is not acceptable.
- No abstraction upstream of the weir pool should be allowed.
- Despite the ELU, an Ecological Reserve assessment should be conducted for the Tierhokskloof River to determine how much water needs to remain in the tributary during the summer months. This should apply to all weirs which should make allowance for ecological flow releases (many weirs in the Breede and its tributaries will probably have to be repaired after the June 2023 floods and could be adjusted during this process).
- It needs to be clarified if any flow diversions will be required. For example, for the upgrade to the pebble trap with a concrete floor.
- The freshwater specialist study should have included a SASS survey of the Tierhokskloof River as well. SASS equipment can be carried by one person if needed and correctly packed. Information regarding fish species is also based on historical data and not a recent fish survey.
- In his SASS graph, the specialist also doesn't indicate into which level I Ecoregion and zone their SASS site falls. This is not general practise and therefore does not give a proper indication of the results obtained.
- We do not agree with the low significance ratings given to both the Tierhokskloof and Breede Rivers (page 34) not the low ecological importance scores. Statements such as “*The rejuvenation of the Tierhokkloof water abstraction won't have a marked deleterious impact on the Breede River, as there are numerous other similar streams feeding the Breede River higher up in the catchment*” on page 26 of the report can not be made without a comprehensive hydrological assessment of the entire catchment (Upper Breede as well as Tierhokskloof),

Potential Impacts on vegetation:

3. The report states that the new pipeline will be placed “within 10 metres” of the existing pipeline, this could mean a significance difference in assessed and habitat as the slopes are steep and to clear an additional servitude where a pipeline can be placed will require a lot of vegetation removal and cutting into the slope. This has extremely high erosion risk in addition to loss of indigenous vegetation. Where the pipeline is on stilts, it should be replaced like for like and where it is buried under the current hiking trail it should be placed above or immediately adjacent to the old pipe, not more than a metre from the existing pipeline. Where the exiting pipeline is buried, it should remain in place as removing it will create a high amount of disturbance. The new pipeline should not be placed closer to the river at any place than the current pipeline is located.
4. Due to nature of the environment in which construction of the pipeline will take place we do not agree that the impacts will be low even if they are relatively localised. It must be remembered that although the current pipeline has been in place for decades, the primary landuse of the surrounding area is conservation. Vegetation clearing needs to be kept to the absolute minimum required and no new access tracks or trails should be created.
5. In terms of fauna, it can also be confirmed that leopard do frequent the kloof – camera traps have taken photographs.

Environmental Management Programme:

6. A clear method statement needs to be provided as to how the heavy materials will be transported. Access is only possible on foot but the logistics needs to be clearly outlined.
7. A clear method statement detailing removal of old structures needs to be provided.

The Western Cape Nature Conservation Board trading as CapeNature

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

8. These method statements will need to be reviewed and approved by CapeNature prior to any materials or equipment being placed on site.
9. The appointed independent ECO will need to visit the site more than 4 times during the project, they should visit at least fortnightly and the environmental officer should be present daily. Both ECO and EO must be fit enough to patrol and inspect the entire route.
10. CapeNature reserves the right to inspect the section passing through Wittebrug Nature Reserve with no prior notice needed.
11. Timing of works is important. Construction should be completed in the dry summer season but any welding works should not be permitted on high fire risk day (orange or red level). This information can be obtained from the local Fire Protection Agency (FPA).
12. Any damages to the natural environment within Wittebrug Nature Reserve will also need to be restored to CapeNature's satisfaction.
13. Alien clearing should only be done within the site disturbed during construction and done carefully to prevent erosion. The site should be rehabilitated and stabilised using locally indigenous vegetation.
14. Broken structures, pipelines (plastic and asbestos/cement) and other equipment must be completely removed.

Please also refer to Annexure A below for site observations.

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

Yours sincerely



Alana Duffell-Canham

Cc: Ndivhuho Mudau, DEA&DP

By email: Ndivhuho.Mudau@westerncape.gov.za

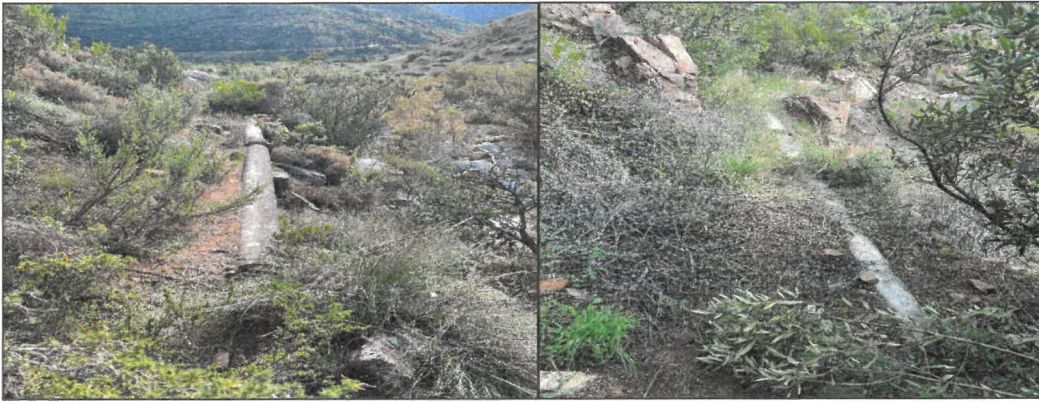
Annexure A: Photographs from site visit



Plates 1a, 1b and 1c: Photographs near weir of blue plastic pipe which is precariously placed and needs to be replaced with a pipeline that blends into the environment. It is not clear when this blue pipeline was installed.

The Western Cape Nature Conservation Board trading as CapeNature

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



Plates 2a and 2b: Where the existing pipeline is buried or partly buried such as in these sites it should be left in place to prevent erosion.



Plate 3: The existing support structures are quite substantial and should be reused if possible to minimise disturbance and reduce rubble that has to be removed from site. No additional structure should be built on the river side of the existing structures.



Plate 4: Discarded pipes and "braai" observed near the weir. Broken pieces of cement/asbestos pipe were also observed along the trail.



OUR REFERENCE : 20/9/2/5/1/207
YOUR REFERENCE : -
ENQUIRIES : Cor van der Walt/Fadwa Mohammed

Enviro Africa
PO Box 5367
HELDERBERG
7135

Att: Maboe Nthejane

DRAFT BASIC ASSESSMENT REPORT
PROPOSED APPROXIMATELY 2.5KM LONG BULK WATER SUPPLY PIPELINE: DIVISION CERES
ERVEN NO 1886
ERVEN NO 1887

Your application of 02 May 2023 has reference.

The Western Cape Department of Agriculture has no objection to the new pipeline as this would ensure effective service delivery to the town of Wolseley.

Please note:

- Kindly quote the above-mentioned reference number in any future correspondence in respect of the application.
- The Department reserves the right to revise initial comments and request further information based on the information received.

Yours sincerely

Mr. CJ van der Walt

LANDUSE MANAGER: LANDUSE MANAGEMENT

2023-07-06

Copies:

Department of Environmental Affairs & Development Planning
1 Dorp Street
Cape Town
8000

Witzenberg Municipality
PO Box 44
CERES
6835



REFERENCE: 16/3/3/1/B5/2/1038/23
DATE OF ISSUE: 13 June 2023

The Municipal Manager
Witzenberg Local Municipality
50 Voortrekker Street
CERES
6385

Attention: Mr. David Nasson

Tel.: (023) 316 8196
E-mail: david@witzenberg.gov.za

Dear Sir

ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATION FORM AND DRAFT BASIC ASSESSMENT REPORT (“BAR”) FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) (“NEMA”) AND THE ENVIRONMENTAL IMPACT ASSESSMENT (“EIA”) REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED DEVELOPMENT WATER SUPPLY PIPELINE ON ERVEN 1886 AND 1887, WOLSELEY.

1. The Application Form, draft BAR and Site Sensitivity Verification Report (“SSVR”) received by this Department via electronic mail correspondence on 31 May 2023, refers.
2. This serves as an acknowledgement of receipt of the abovementioned documents by this Department.
3. This Directorate will provide comment on the draft BAR within the 30-day commenting period which concludes on 1 July 2023.
4. Based on the information provided by you, the proposed development will entail the construction of a pipeline with a diameter of 350mm, 2.5km in length with a development footprint of approximately 28 875m² on Erven 1886 and 1887, Wolseley.
5. SSVR
 - 5.1. This Directorate notes that the Screening Tool Report has identified a number of specialist studies to be conducted. A motivation as to why certain specialist studies highlighted in the Screening Report will/will not be conducted has been provided. The motivation as to why only certain specialist studies will be conducted is noted.
 - 5.2. Please note that should any authority that have jurisdiction in respect of any aspect of the proposed development request that further specialist studies be conducted, and where the request is supported by this Directorate, this must take precedence.

6. Specialist studies to be conducted.

- 6.1. The SSVR indicates that a Geotechnical Assessment will be conducted. However, this is not included on page 14 of the application form.
- 6.2. It is further noted that Heritage Western Cape has indicated in their comment (dated 25 January 2023) that no further action is required. However, page 14 of the application form indicates that an Archaeological, Paleontological and Heritage Impact Assessment will be conducted.
- 6.3. The application form must be amended to stipulate which specialist studies will be conducted.

7. List of State Departments

- 7.1. It is noted that the National Department of Transport and Public Works has not been identified as a State Department to be consulted as part of the EIA process. Please ensure that a copy of the draft BAR is circulated to the department and proof of the notification must be included in the BAR.
- 7.2. It is further noted that the list includes the Matzikama Municipality. However, the proposed development will be located within the Witzenberg Municipal area.
- 7.3. An amended application form is required that includes the correct details.

8. Incomplete application form

- 8.1. Section 5 (Biodiversity) on page 17 of the application form is incomplete. No details of the biodiversity found on the proposed site have been included in this section of the application form.
- 8.2. Section I (Planning Context) numbers 7.1-7.3 refers to the development of a dam.
- 8.3. An amended application form must be submitted that include the correct details of the proposed development.

9. Process

- 9.1. 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.
- 9.2. 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:
 - 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).

10. The following requirements must be complied with in respect to all applications for Environmental Authorisation in terms of the NEMA and the EIA, 2014 (as amended):

10.1. BAR Requirements

10.1.1. The BAR must contain all the information outlined in Appendix 1 of the EIA Regulations, 2014 (as amended) and must include the information requested in this letter. Failure to submit any information prescribed in Appendix 1 of the EIA Regulations, 2014 (as amended) may result in Environmental Authorisation being refused.

10.1.2. If, however, significant changes have been made or significant new information has been added to the BAR, the applicant/ Environmental Assessment Practitioner ("EAP") must notify this Department that an additional 50 days will be required for the submission of the BAR for decision-making. The additional 50 days must include a minimum commenting period of 30 days to allow registered I&APs to comment on the revised report/additional information.

10.1.3. If the BAR for decision-making is not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of the EIA Regulations, 2014 (as amended) and your case file will be closed for administrative purposes. Should you wish to pursue the application again, a new EIA application process would have to be initiated. A new Application Form for Environmental Authorisation would have to be submitted to the Competent Authority with proof of having again paid the prescribed application fee.

10.2. Exemption

10.2.1. This Department notes that you do not intend to apply for exemption in terms of the National Exemption Regulations, 2014 promulgated on 08 December 2014 from any of the requirements of the Public Participation Plan ("PPP") as stipulated in Regulation 41 of the EIA Regulations, 2014 (as amended) and that you do not intend to apply for exemption from any other provisions contained in the EIA Regulations, 2014 (as amended), the NEMA or any notice issued under the NEMA.

10.2.2. Please note that should you fail to meet a requirement of the EIA Regulations, 2014 (as amended) or the NEMA and if no exemption from that provision was applied for and granted, your EIA application may be refused by this Department.

10.3. Alternatives

10.3.1. Please be advised that in terms of the NEMA and the EIA Regulations, 2014 (as amended), the investigation of alternatives is mandatory. All alternatives identified must be determined to be feasible and reasonable. In this regard it must be noted that this Department may grant Environmental Authorisation for an alternative as if the alternative had been applied for or may grant Environmental Authorisation for the proposed project in respect of all or part of the activities applied for in the application as specified in Regulation 20 of the EIA Regulations, 2014 (as amended). Alternatives are not limited to activity alternatives, but include layout alternatives, design, operational and technology alternatives.

10.3.2. You are hereby reminded that it is mandatory to investigate and assess the option of not proceeding with the proposed activity (i.e., the "No-Go" option) in addition to other alternatives identified. Every EIA process must therefore identify and investigate alternatives, www.westerncape.gov.za Department of Environmental Affairs and Development Planning 4 with feasible and reasonable alternatives to be comparatively assessed. If, however, after identified alternatives have been investigated, no feasible and reasonable alternatives were found, no comparative assessment of alternatives, beyond the comparative assessment of the preferred alternative and the option of not proceeding, is required during the assessment. What would, however, be required in this

instance is proof of the investigations undertaken, and motivation for there being no reasonable or feasible alternatives other than the preferred option and the "No-Go" option. Refer to this Department's Guideline on Alternatives available on this Department's website.

10.4. Environmental Management Programme ("EMPr")

10.4.1. In accordance with Section 24N of the NEMA and Regulation 19 of the EIA Regulations, 2014 (as amended), this Department hereby requires the submission of an Environmental Management Programme ("EMPr"). The contents of such an EMPr must meet the requirements outlined in Section 24N (2) and (3) of the NEMA (as amended) and Appendix 4 of the EIA Regulations, 2014 (as amended).

10.4.2. The EMPr must address the potential environmental impacts of the proposed expansion throughout the project life cycle, including an assessment of the effectiveness of monitoring and management arrangements after implementation (auditing). The EMPr must be submitted together with the BAR. When compiling the EMPr, this Department's Guideline for Environmental Management Plans (June 2005), available on the Department's website: <http://www.westerncape.gov.za/eadp>, must be taken into account as well as Appendix 4 of the EIA Regulations, 2014 (as amended).

10.5. Need & Desirability

In terms of the NEMA and the EIA Regulations, 2014 (as amended), when considering an application, this Department must consider several specific considerations including, *inter alia*, the need for and desirability of any proposed project. As such, the need for and desirability of the proposed activity must be considered and reported on in the BAR. The BAR must reflect how the strategic context of the site in relation to the broader surrounding area, has been considered in addressing need and desirability. Refer to this Department's Guideline on Need and Desirability (March 2013).

10.6. NEMA Principles

In addition to the above, you must clearly show how the proposed development complies with the principles contained in Section 2 of the NEMA and must also show how the proposed development meets the requirements of sustainable development.

10.7. Public Participation Process

10.7.1. A public participation process ("PPP") that meets the requirements of Regulation 41 of the EIA Regulations, 2014 (as amended) must be undertaken.

10.7.2. The BAR must be made available to the Interested and Affected Parties ("I&APs"), including all the relevant State Departments that administer laws relating to a matter affecting the environment, for comment for a minimum period of 30 days.

10.7.3. In terms of good environmental practice, you are encouraged to engage with State Departments and other Organs of State early in the pre-application and formal EIA process to solicit their inputs on any of their requirements to be addressed in the pre-application and formal EIA process. Please note that this does not replace the requirement of making the pre-application and formal BAR available to State Departments/Organs of State as stipulated above.

10.7.4. The following State Departments/Organs of State, *inter alia*, must be consulted during the EIA process as part of the PPP:

- CapeNature;
- Heritage Western Cape;
- DEA&DP;

- Witzenberg Local Municipality;
- Cape Winelands District Municipality;
- National Department of Transport and Public Works; and
- Western Cape Department of Agriculture.

11. It is further noted that the National Water Act, 1998 (Act No. 36 of 1998) is applicable to the proposed development. **Confirmation must be obtained from the relevant water authority with respect to the process to be followed. In addition to the above, comment must be obtained from the water authority with respect to the development within a watercourse and must be included in the Basic Assessment Report.**

12. General

12.1. You are reminded that the social context of the proposed development must always be considered. This includes the impact that the development proposal may have on the prevalence of HIV/AIDS, Sexually Transmitted Infections ("STI") and Tuberculosis ("TB"), as well as equity and gender related concerns.

12.2. 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. Kindly quote the abovementioned reference number in any future correspondence in respect 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.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Melanese Schippers
 Digitally signed by
 Melanese Schippers
 Date: 2023.06.13
 15:17:32 +02'00'

HEAD OF COMPONENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

- CC: (1). Mr. B. de Witt (EnviroAfrica CC)
 (2). Mr. J. Barnard (Witzenberg Municipality)
 (3). Mr. P. Phenxa (Landowner)
 (4). Mr. A. Duffel-Canham (Landowner/CapeNature)

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REFERENCE: 16/3/3/1/B5/2/1038/23
DATE OF ISSUE: 30 June 2023

The Municipal Manager
Witzenberg Local Municipality
50 Voortrekker Street
CERES
6385

Attention: Mr. David Nasson

Tel.: (023) 316 8196
E-mail: david@witzenberg.gov.za

Dear Sir

COMMENT ON THE DRAFT BASIC ASSESSMENT REPORT ("BAR") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) WITH RESPECT TO THE PROPOSED DEVELOPMENT WATER SUPPLY PIPELINE ON ERVEN 1886 AND 1887, WOLSELEY.

1. The draft BAR received by this Department via electronic mail correspondence on 31 May 2023 and this Department's acknowledgement thereof dated 13 June 2023, refer.
2. You are reminded that an amended application form is required to address all the issues raised in this Directorate's correspondence dated 13 June 2023.
3. Environmental Management Programme ("EMPr")
 - 3.1. It is noted that all the mitigation measures as stipulated in various specialist reports have not been included in the EMPr. The EMPr must be updated to include all the mitigation measures as stipulated in the specialist Reports that will be implemented.
 - 3.2. Appendix 4(1)(1)(c) states that the following must be included in the EMPr, "*a map at an appropriate scale which superimposes the proposed activity, its associated structures, and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffers.*" However, the above has not been included in the EMPr.
 - 3.3. The EMPr must be updated to include the above.
4. Clarity must be provided whether future maintenance of the proposed structures and infrastructure that will be located within a watercourse will be required. If so, a Maintenance Management Plan must be included in the final BAR for adoption by the competent authority.

5. The SSVR indicated that a Geotechnical Assessment will be conducted. However, no Geotechnical Assessment has been included in the draft BAR. If this study will be conducted, a draft BAR that includes this specialist study must be circulated for another 30day commenting period.
6. As indicated in this Directorate's correspondence dated 13 June 2023, the National Department of Public Works must be consulted as this Department is a landowner. Proof of the consultation and comment from the Department must be included in the final BAR.
7. The following must be included in the final BAR:
 - 7.1. Comment from the water authority with respect to the development within and within 32m of a watercourse;
 - 7.2. Comment from the Department of Agriculture; and
 - 7.3. Proof of public participation conducted including all the comments received during the process captured and responded to in a comment and response report.
8. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
9. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

Melanese Schippers Digitally signed by
Melanese Schippers
Date: 2023.06.30
07:37:47 +02'00'

HEAD OF COMPONENT

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1). Mr. B. de Witt (EnviroAfrica CC)
(2). Mr. J. Barnard (Witzenberg Municipality)
(3). Mr. P. Phenxa (Landowner)
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