

REFERENCE: 16/3/3/6/7/1/B2/32/1433/19
DATE: 31 March 2020

The Municipal Manager
Breede Valley Municipality
30 Baring Street
WORCESTER
6849

Attention: Mr. Jaco Steyn

Cell: 079 342 8123
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Dear Sir

COMMENT ON THE PRE- APPLICATION DRAFT BASIC ASSESSMENT REPORT (“BAR”) FOR THE NOTICE OF INTENT TO DEVELOP A NEW RESERVOIR ON THE REMAINDER OF ERF NO. 19909, WORCESTER

1. The abovementioned document dated 24 February 2020 received by this Department on 25 February 2020 and the Department's correspondence dated 2 March 2020, refer.
2. Following review of the information submitted to this Department, it is noted:
 - 2.1. The proposed development site is located north of the N1 highway within the town of Worcester.
 - 2.2. There is an existing Worcester Pre-Load Reservoir Reticulation system on site consisting of four 13.37 ML reservoir tanks which services the town of Worcester. However, due to the rapid growth in residential and commercial development, the Worcester Pre-Load Reservoir Reticulation system has insufficient capacity to supply the existing and future developments within the area.
 - 2.3. The proposal entails the development of a new 20.0 ML reservoir with associated pipeline infrastructure on the Remainder of Erf No.19909, Worcester.
 - 2.4. The proposed reservoir and associated pipeline will be connected to the operational system of the existing Worcester Pre-Load Reservoir Reticulation system.
 - 2.5. A large portion of the site is identified as a Critical Biodiversity Area. Available mapping information resources indicate that the site is covered in Robertson Karoo, which is an ecosystem categorised as *Least Threatened*, in terms of Section 52 of the National Environmental Management: Biodiversity Act (2008).
 - 2.6. The total area of land to be cleared for the development is approximately 4 129m².
3. This Department's comments are as follows:
 - 3.1. Having considered the information contained in the pre-application draft BAR, you are hereby advised that only those activities applied for will 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 Environmental Impact Assessment ("EIA") process. Omission of any activity may invalidate the application.

- 3.2. Please ensure the Construction and Operational Environmental Management Programme ("EMPr") contains recommendations and mitigation measures based on the feedback from the organs of state. For example, in the biodiversity survey dated January 2020 compiled by Mark Berry Environmental Consultants it states that it is expected that the disturbed areas will be rehabilitated with locally occurring species. It further indicates that the management of alien invasive species such as *port jackson* and *red sesbania* should be an ongoing management requirement during operational phase of the development. Details regarding the implementation of these recommendations must be addressed in the final BAR and the relevant sections of the EMPr must be amended to include these recommendations.
- 3.3. A comment from the Breede- Gouritz Catchment Management Agency ("BGCMA") or the relevant water management authority must be included in the BAR. Please be advised that in terms of the Standard Operating Procedure between this Department and the DWS, which came into effect on 1 July 2017, the Environmental Assessment Practitioner must submit a written water use application request to the DWS to determine whether or not a General Authorisation or WULA in terms of the National Water Act, 1998 (Act No. 36 of 1998) is required. In terms of the Agreement for the One Environmental System (section 50A of the NEMA and sections 41(5) and 163A of the NWA) the processes for a WULA and for an EIA must be aligned and integrated with respect to the fixed and synchronised timeframes, as prescribed in the EIA Regulations, 2014, as well as the 2017 WULA Regulations. If a WULA is required, proof of submission to BGCMA and all information related to the WULA application must be included in the BAR.
- 3.4. Comments from, but not limited to, the following relevant authorities must be obtained during the Public Participation Process and included in the BAR submitted for decision-making:
 - CapeNature; and
 - Department of Water and Sanitation or the relevant water management authority.
- 3.5. The Public Participation Process must comply with the requirements of Regulation 41 of the EIA Regulations 2014, and proof of compliance with all the steps undertaken must be included in the Final BAR.
- 3.6. Omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations 2014, with regards to the final submission of the BAR and EMPr, respectively to the Department, may result in the application for Environmental Authorisation being refused.
- 3.7. Be advised that an original signed and dated applicant declaration is required to be submitted with the final BAR to this Department for decision-making. It is important to note that by signing this declaration, the applicant is confirming that they are aware and have taken cognisance of the contents of the report submitted for decision-making. Furthermore, through signing this declaration, the applicant is making a commitment that they are both willing and able to implement the necessary mitigation, management and monitoring measures recommended within the report with respect to this application.
- 3.8. In addition to the above, please ensure that original signed and dated Environmental Assessment Practitioner ("EAP") declaration is also submitted with the final BAR for decision-making.

4. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
5. 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 the undertaking of the activity. Failure to comply with the requirements of Section 24F of the NEMA will 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.
6. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



HEAD OF COMPONENT

ENVIRONMENTAL IMPACT ASSESSMENT SERVICES: REGION 1

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

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(2) Ms. E. Rossouw (Breede- Gouritz Catchment Management Agency)

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