

**REFERENCE:** 16/3/3/6/7/1/E4/5/1088/20  
**DATE:** 18 August 2020

The Municipal Manager  
Theewaterskloof Municipality  
P.O. Box 24  
**CALEDON**  
7230

**Attention: Mr L Parnell**

Tel: (028) 214 3300  
E-mail: [LesterPa@twk.org.za](mailto:LesterPa@twk.org.za)

Dear Sir

**COMMENT ON THE PRE-APPLICATION 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) FOR THE PROPOSED 160MM UPVC BULK WATER CONVEYANCE PIPELINE FROM TESSELAARSDAL TO BETHOESKLOOF, WESTERN CAPE**

1. The electronic version of the pre-application BAR and the letter dated 26 June 2020 and the Departmental letter issued on 1 July 2020, refer.
2. The following is the Department's provisional comment and must be addressed in the in-process BAR:
  - 2.1 The Department notes that a Screening Tool Report and a letter indicating how the relevant studies will be incorporated into the Basic Assessment Process were included in the appendices of the draft BAR. However, as per the Procedures For The Assessment And Minimum Criteria For Reporting On Identified Environmental Themes In Terms Of Sections 24(5)(A) And (H) And 44 Of The National Environmental Management Act, 1998, when Applying For Environmental Authorisation (“the Protocols”) dated 20 March 2020, a Site Verification Report that fulfils the requirements set out in it, i.e. photos of the site etc. must be submitted together with the relevant assessment report (in this case the Basic Assessment Report) prepared in accordance with the requirements of the EIA Regulations, 2014 (as amended).

Note that the letter indicating how the relevant studies will be incorporated into the Basic Assessment Process does not fulfil the requirements as set out in the aforementioned Protocols and therefore this Department cannot agree to the required studies not being undertaken. You are therefore required to compile the appropriate Site Verification Report and to submit it with the application form for approval.

When compiling the site verification report, note that this Department is satisfied with the comment from Heritage Western Cape, as well as the reasoning as to why the associated studies will not be required. You are however, urged to pay careful attention to the

themes also identified in the Screening Report as not all themes necessarily lead to a Specialist Study that must be undertaken. As such your attention is drawn to the Agricultural Theme which was classified as "medium" sensitive in the Screening Tool Report. Since the classification is medium sensitive in this case an Agricultural Compliance Statement by an Agricultural specialist is required. The Agricultural Compliance Statement must form part of the Site Verification Report to be submitted for approval.

- 2.2 Since Activity 19 of Listing Notice 1 is triggered and will be applied for, the Department recommends that a Maintenance Management Plan ("MMP") forms a component of the Operational Environmental Management Programme ("EMPr") due to the proposed development of the pipelines within the banks of the four water crossings and the future maintenance thereof.
- 2.2 The EMPr must also address all impacts with regards to the planning phase, construction phase as well as the operational phase.
3. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
4. 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.
5. 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 MANAGEMENT SERVICES: REGION 1  
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: (1) Mr D Opperman (Guillaume Nel Environmental Consultants (Pty) Ltd)  
(2) Mr N Kayser (Theewaterskloof Municipality)  
(3) Mr I Olivier (Element Consulting Engineers)

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