

REFERENCE: 16/3/3/6/7/1/E2/33/1031/20
ENQUIRIES: Ntanganedzeni Mabasa
DATE: 06/08/2020

The Municipal Manager
Overstrand Municipality
P. O. Box 20
HERMANUS
7200

Attention: Mr Hanre Blignaut

Tel: (028) 316 3726
Email: hblignaut@overstrand.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 2014 ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS FOR THE PROPOSED CONSTRUCTION OF A SUB-SURFACED WATER SUPPLY PIPELINE BETWEEN ROOI ELS AND PRINGLE BAY, WESTERN CAPE.

1. The electronic copy of Draft BAR and letter dated 25 June 2020, received by this Department on the 26 June 2020 and the Department's acknowledgement thereof issued on 02 July 2020, refer.
2. Following a review of the information submitted to this Department, the following is noted:
 - 2.1 The proposal entails the installation of a 200mm diameter sub-surfaced water supply pipeline from Rooi-Els to Pringle Bay, Western Cape.
 - 2.2 The proposed sub-surfaced water supply pipeline will be installed at a depth of 1 – 1.5m, will be approximately 4.8km in length and will be installed within the road reserve.
 - 2.3 The least sensitive route for the pipeline has been identified on site together with both the botanical and freshwater specialist.
 - 2.4 The proposed sub-surfaced water supply pipeline extends within the existing service roads from the water reservoir in Rooi-Els in a westerly direction for approximately 105m where it will then be aligned along Porter Drive (Public Road and Private Road) and eventually connects to the existing water supply pipeline within the road reserve of the R44 that extends towards Pringle Bay.
3. This Department's comments are as follows:
 - 3.1 The Department notes that one of the recommendations in the Botanical Impact Assessment dated June 2020, compiled by Bergwind Botanical Surveys & Tours CC requires that the first section of the pipeline along Porter Drive should be positioned along the eastern side of the road to avoid the intact indigenous vegetation and Species of

Conservation Concern. Although this will be complied with, the site development plan ("SDP") provided does not clearly reflect the incorporation of this aspect. As stipulated in terms of the BAR content requirements outlined in Appendix 1 of the EIA Regulations, 2014 (as amended), a map of appropriate scale, which superimposes the proposed development and its associated structures and infrastructure on the environmental sensitivities of the preferred site, indicating any areas that should be avoided, including buffer areas must be included with the BAR. A number of maps have been included but not one that satisfies the above-mentioned requirements. A SDP of the preferred alternative that meets the above requirements must be included in the BAR.

- 3.2 The SDP must also be included in the Environmental Management Programme ("EMPr"), as per regulatory requirements.
 - 3.3 Further to the above, reference is incorrectly made to an Environmental Management Plan, as opposed to an EMPr. This must be rectified throughout the relevant documents.
 - 3.4 It is noted that a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") is underway. 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 amended), as well as the 2017 WULA Regulations. Proof of submission of the application to the Breede-Gouritz Catchment Management Agency ("BGCMA") / Department of Water and Sanitation ("DWS") and a copy of the WULA Information must be included in the BAR.
 - 3.5 The frequency of alien clearing, as recommended by the botanical specialist (every six months for five years post construction) and included in the EMPr and Rehabilitation Plan (every three months for a year) differs significantly. Is this supported by the botanical specialist?
 - 3.6 The Maintenance Management Plan must be updated to include a detailed method statement for the potential future maintenance activities on the water supply pipeline that will be traversing the three episodic drainage lines.
 - 3.7 The Public Participation Process must comply with the requirements of Regulation 41 of the EIA Regulations 2014 and the approved PPP Plan, and proof of compliance with all the steps undertaken must be included in the Final BAR.
 - 3.8 In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended). Please advise what the estimated duration of the construction phase will be. In addition, you are required to recommend and motivate the frequency at which the environmental audits must be conducted by an independent person.
4. Please 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.

5. 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.
6. Please note that omission of any required information in terms of Appendices 1 and 4 of the EIA Regulations, 2014 (as amended) 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.
7. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
8. 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.
9. The Department reserves the right to revise its comments and request further information from you based on any new or revised information received.

Yours faithfully



HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 1
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Guillaume Nel (Guillaume Nel Environmental Consultants)
(2) Ms Penelope Aplon (Overstrand Municipality)

Email: guillaume@gnec.co.za
Email: paplon@overstrand.gov.za