



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA · 0001· Environment House · 473 Steve Biko Road, Arcadia· PRETORIA

**DEA Reference:** 14/12/16/3/3/2/973/AM1

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Mr Mernard Mugumo  
Department of Water and Sanitation  
Private Bag X313  
**PRETORIA**  
0001

Tel: 012 336 6838

E-Mail: [MugumoM@dws.gov.za](mailto:MugumoM@dws.gov.za)

### **PER EMAIL /MAIL**

Dear Mr Mugumo

### **AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 JUNE 2017: SURFACE WATER DEVELOPMENTS FOR AUGMENTATION OF THE WESTERN CAPE WATER SUPPLY SYSTEM, WESTERN CAPE PROVINCE**

The Environmental Authorisation (EA) issued for the abovementioned application by this Department on 20 June 2017 and the application for amendment received by the department on 27 November 2018 and acknowledged on 07 December 2018, refers.

Based on a review of the reason for requesting an amendment to the abovementioned Environmental Authorisation, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014 as amended, has decided to amend the environmental authorisation dated 20 June 2017 as follows:

#### **Amendment 1: Condition 13.1 is amended**

##### From:

A detailed Maintenance Management Plan (MMP) to ensure that the future maintenance activities associated with the development are assessed and taken into consideration.

##### To:

A description of the requirements for a Maintenance Management Plan (MMP) to ensure that the future maintenance activities associated with the development are assessed and taken into consideration. The detailed MMP must be submitted to the Department for approval prior to the commencement of the operation phase.

MS

**Reason for amendment:**

The Applicant indicated that a detailed site-specific MMP can only be prepared once the development footprint has been finalised, a detailed design has been approved and the impacts and mitigation measures determined. The pipeline will be underground and the rehabilitated construction servitudes will be returned to the landowner to use with the condition that no deep rooting plants and infrastructure will be permitted on the servitudes. Firebreaks and maintenance of the servitudes becomes the responsibility of the landowner, except for the pump station and weir where the Applicant/operators will be responsible for the firebreaks and maintenance. A detailed MMP is prepared prior to handover of the permanent infrastructure to the operators of the system. This will include environmental management actions. Any other conditions of the Environmental Authorisation that are related to operation and maintenance will be included.

Bulk raw water projects during the operation and maintenance phase will generally not have any adverse environmental impacts with regards to the permanent infrastructure, i.e. pump station and offices other than above. Similar to the construction phase, only conservancy tanks will be used. With regards to erosion, the permanent infrastructure will be constructed to manage storm water run-off through the use of concrete berms, side channels, culverts and energy dissipating outlet structures.

**Amendment 2: Condition 13.2 is amended****From:**

A Search, Rescue and Relocation Plan, developed in consultation with a terrestrial ecologist and CapeNature, which takes into consideration Red Data, protected and endangered fauna and flora species.

**To:**

A description of the requirements for a Search, Rescue and Relocation Plan, which takes into consideration Red Data, protected and endangered fauna and flora species. The detailed Search, Rescue and Relocation must be developed in consultation with a terrestrial ecologist and reviewed by Cape Nature once the construction footprint is acquired and access is available. A Search, Rescue and Relocation Plan including written confirmation by Cape Nature must be submitted to the Department for approval, prior to the commencement of construction activities.

**Reason for amendment:**

The Environmental Impact Assessment Report (EIAR) has indicated that the development is largely on transformed farming land and existing government waterworks in the area, no threatened fauna or flora species of conservation importance were noted. At this stage of the project it is therefore not known what red data, protected and endangered fauna and flora species if any are within the development footprint. As part of the pre-construction survey a suitably qualified specialist (terrestrial ecologist, who will be procured prior to, or early during the construction phase) will inspect the entire route in detail and will identify, document and provide specific management actions over and above the EMP for the respective species of interest. On a similar project, i.e. MMTS-2 Water Transfer System, also under NEMA, a baseline assessment report was prepared, which also indicated the pre-construction landscape. This report also served to provide rehabilitation requirements. The report was prepared during the construction phase, however, prior to any construction activities in that specific area.

### **Amendment 3: Condition 13.4 is not amended**

"An Access Control Plan for access to farmer's private land during construction" must be developed as per Condition 13.4 of the EA and must be included in the EMPr to be submitted for approval prior construction. The Access Control Plan must also comply with Condition 45 of the EA.

### **Amendment 4: Condition 13.5 which reads as:**

*"An Aquatic Monitoring Programme for implementation after construction activities have been completed"* is hereby removed from the EA and it has been added under specific conditions as per amendment 5 below.

### **Amendment 5: The following condition is hereby added under specific conditions**

An Aquatic Assessment to determine whether the fishway is required for the proposed project must be undertaken prior construction. Should the Aquatic Assessment recommend that the fishway is required for the proposed project, an Aquatic Monitoring Programme for implementation after construction activities must be submitted to the Department for approval prior to the commencement of the operation phase.

#### Reasons for amendment:

The EIAr has highlighted several concerns relating to the construction of a weir, i.e. hindering the movement of fish, especially the Berg-Breede River Whitefish, which will need to be addressed for it to be successful. The Specialist Report has indicated that there are already several structures in the Berg River that already provide an obstruction for the fishway to be completely effective. A detailed assessment will be undertaken to determine whether the fishway is indeed required, i.e. Aquatic Assessment. If the fishway is to be constructed, an Aquatic Monitoring Programme will be prepared and submitted to the Department for approval prior to the commencement of the operation phase.

### **Amendment 6: Condition 13.6 is amended**

#### From:

The mitigation measures of the Stormwater Management Plan dated March 2017.

#### To:

The mitigation measures of the Stormwater Management Plan dated March 2017. The detailed site-specific Stormwater Management Plan must be submitted to the Department for approval, prior to the commencement of construction activities, but after the construction footprint is acquired and access is available.

#### Reason for amendment:

This project will be a "Design and Build" project, i.e. the contractor when appointed will undertake the detailed designs for the project. A key requirement will be the preparation of a detailed Stormwater Management Plan (i.e. construction method statement) that is both site and design specific. The EMPr will contain general requirements that will enable the effective design of site specific mitigation and management measures.

This letter must be read in conjunction with the EA dated 20 June 2017 and the Appeal Decision dated 23 February 2018.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

By hand: Environment House  
473 Steve Biko,  
Arcadia,  
Pretoria,  
0083; or

By post: Private Bag X447,  
Pretoria,  
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, 1998, the lodging of an appeal will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at [https://www.environment.gov.za/documents/forms#legal\\_authorisations](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



**Ms Millicent Solomons**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

**Date:** 20/12/2018.

cc:	Samantha Gerber	Nemia Consulting	e-mail: <a href="mailto:SamanthaG@nemia.co.za">SamanthaG@nemia.co.za</a>
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Tel(+ 27 12 ) 399 9372

Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Mrs. Milicent Solomons  
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

### **APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 18 DECEMBER 2018 UNTIL 21 DECEMBER 2018**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 18 December 2018 until 21 December 2018 while Mr. Sabelo Malaza is on Annual Leave.

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely

Mr. Ishaam Abader

DDG: LACE

Date:

12/12/2018

#### **ACKNOWLEDGEMENT**

I ACCEPT / ~~DO NOT ACCEPT~~ appointment  
as Acting Chief Director: integrated  
environmental authorisations

Signed: M. Solomons

Date: 12/12/2018