

REFERENCE: 16/3/3/6/7/1/D1/9/0093/22
DATE: 14 July 2022

THE MUNICIPAL MANAGER
BITOU MUNICIPALITY
Private Bag X1002
PLETTENBERG BAY
6600

Attention: Mr. M. Rhode

Tel: 044 501 3172
E-mail: mrhode@plett.gov.za

Dear Sir,

COMMENT ON THE NOTICE OF INTENT AND SITE SENSITIVITY VERIFICATION REPORT FOR THE PROPOSED UPGRADE TO THE BULK WATER INFRASTRUCTURE, KURLAND, BITOU LOCAL MUNICIPALITY

1. The abovementioned document received by this Department on 5 June 2022 refers.
2. The following advice or instructions of the nature and extent of any of the processes that may or must be followed or decision support tools that must be used, in order to comply with the Act and the Environmental Impact Assessment Regulations, 2014, is provided below.
3. From information available to this Department, the following development and associated infrastructure is proposed:
 - Construction of a new 35l/s water pump station at the existing Matjiesfontein Reservoir, within the existing servitude.
 - Construction of a new 200mm UPvC bulk water pipeline, outside of the N2 road reserve, 6m within the 60m building line, from Matjiesfontein Reservoir, situated on the South side of the N2.
 - Construction of a new 22l/s water pump station and a 0.6ML Reservoir, to be known as the Upper Matjiesfontein Reservoir.
 - Construction of a new 315mm UpvC bulk water pipeline, within the existing water servitude, from the Kurland Water Treatment Works to the N2, approximately 2kms in length.
 - Construction of a new 200mm UpvC bulk water pipeline, within the existing water servitude, from N2 (315mm reduced to 200mm) to the approximately 1.7km's in length.

- Upgrade at the existing Kurland Water Treatment Works, including the construction of a 1.5ML Reservoir, within the existing servitude
 - Establishment of new boreholes, adjacent to the Water Treatment Works site.
4. 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.

5. *Applicable Listed Activities*

This Directorate concurs with Listed Activities 12 and 19 of Listing Notice 1 (GN No. R.983 of 4 December 2014, as amended). However, Activity 12 and 14 of Listing Notice 3 (GN No. R.983 of 4 December 2014, as amended) are not applicable as the geographical area – *within Critical Biodiversity Areas as indicated in biodiversity plans* - have not been adopted by the competent authority.

Clarity is required why Activity number 2 of Listing Notice 3 (GN No. R.985 of 4 December 2014, as amended) is not applicable.

You are reminded that only those activities applied for will be considered for authorisation. The onus is on the applicant to ensure that the applicable listed activities are assessed as part of the Environmental Impact Assessment ("EIA") process.

6. *National Web Based Environmental Screening Tool Report*

In accordance with Regulation 16(1)(b)(v) the National Web Based Environmental Screening Tool Report must be attached to the application for environmental authorisation. The content of the screening tool report will inform the EIA process. It is noted that the screening tool report has been attached to the Notice of Intent.

7. *Site Sensitivity Verification Requirements*

The Minister of Environment, Forestry, Fisheries has published ^[1] general requirements for undertaking site sensitivity verification for environmental themes for activities requiring environmental authorisation. In terms of these requirements, prior to commencing with a specialist assessment, the current land use and environmental sensitivity of the site under consideration by the screening tool must be confirmed by undertaking a site sensitivity verification.

In light of the above this Directorate has reviewed the Site Sensitivity Verification Report ("SSVR") compiled by the EAP and provides comment in respect of the following:

(a) *Agriculture Theme (High Sensitivity)*

The SSVR and the National Screening Tool Report (STR) indicates that the Sensitivity of the site for this theme is *High*. In accordance with the findings of the SSVR and the Agricultural Protocol published in Government Notice No. 320 of 20 March 2020, an *Agricultural*

Compliance Statement must be undertaken in terms of Table one: Assessment and reporting of impacts on agricultural resources and specifically point 1.2. The findings of the *Agricultural Compliance Statement* must be incorporated into the Basic Assessment Report, including any mitigation and monitoring measures as identified, which are to be contained in the EMPr. The compliance statement must be prepared by a soil scientist or agricultural specialist registered with the SACNASP.

However, it is understood that an assessment has been undertaken and an Agricultural Compliance Statement has been prepared by a soil scientist. The EAP must consult the WCG: Department of Agriculture during the public participation process in this regard and obtain written comment from said organ of state on this Compliance Statement. A signed copy of the compliance statement must be appended to the Basic Assessment Report.

(b) Terrestrial Animal Species Theme (High Sensitivity)

The STR identified a *High Sensitivity* for the Animal Species Theme and lists birds, invertebrates and amphibia which are known to occur in the area, based on the habitat type identified by the applicable datasets. The STR also lists a "*Sensitive Species 7*" (i.e. a species which name has been withheld as the species may be prone to illegal harvesting and must be protected). It is noted however that the sensitivity has not been disputed and a Terrestrial Animals Species Specialist Assessment will be undertaken. The assessment must be undertaken by a specialist registered with the South African Council for Natural Scientific Professions (SACNASP) with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is being undertaken.

However, it is noted that an Animals Species Impact Assessment has been undertaken. Please ensure that proof is provided that the person is registered with SACNASP that the with a field of practice relevant to the taxonomic group ("taxa") for which the assessment is being undertaken; and that a signed copy of the assessment is appended to the Basic Assessment Report.

(c) Aquatic Biodiversity Theme (Low Sensitivity)

The STR states that the sensitivity in terms of aquatic biodiversity theme, the sensitivity is low and the EAP has not disputed this. Considering the requirement for a water use license, an Aquatic Biodiversity Specialist Assessment must be undertaken and a report submitted which complies with the minimum information requirements set out in the protocol.

It is noted that such an assessment has been undertaken. Please ensure that proof is provided that the person is registered with SACNASP and has expertise in the field of aquatic sciences; and that a signed copy of the assessment report is appended to the Basic Assessment Report.

(d) Terrestrial Biodiversity Sensitivity (Very High Sensitivity)

The STR states that the sensitivity in terms of terrestrial biodiversity is very high and the EAP does refute this. It is noted in the SSVR that a Terrestrial Biodiversity and Plant Species Assessment was undertaken.

Note: Combining the report/assessment for the Terrestrial Biodiversity and Plant Species Themes:

It is understood that one assessment will be undertaken / report compiled in terms of the Terrestrial Biodiversity and Plant Species Themes. However, it is noted that the EAP does not dispute the sensitivity ratings of the Screening Tool Report ("STR") for the various themes. As such, it must be ensured that the report to be compiled to address the relevant themes adheres to the information requirements as specified in the respective protocols. Furthermore, the specialist must provide the necessary proof that he/she is appropriately registered with SACNASP for the respective Protocols.

(e) Archaeological and Cultural Heritage Sensitivity (Low Sensitivity)

It is noted that this theme will be dealt with in consultation with Heritage Western Cape, as such a NID will be submitted to Heritage Western Cape. The NID and all supporting documents must be appended to the Draft Basic Assessment report. Please be advised that the Standard Operating Procedure between Heritage Western Cape and this Department must be followed.

(f) Civil Aviation Sensitivity

Considering that the sensitivity is given as *High*, this Department takes note the motivation the EAP has submitted in the SSVR and accepts the motivation provided in the SSVR regarding the sensitivity rating which is motivated to be "Low". therefore no further assessment and mitigation measures are required in terms of the applicable Protocol published in Government Notice No. 320 of 20 March 2020. It is accepted that the Civil Aviation Authority will be added as an I&AP and consulted in the public participation process. The EAP is advised to consult the South African Civil Aviation Authority (% Ms. Lizell Strohl) at E-mail: Strohl@caa.co.za and / or Tel: (011) 545 1232 regarding the process to obtain comment from the aviation authority.

(g) Defence Sensitivity

It is noted that the Screening Tool report has noted a low sensitivity for the Defence theme therefore no further assessment and mitigation measures are required in terms of the applicable Protocol published in Government Notice No. 320 of 20 March 2020.

(h) Palaeontology Sensitivity (Low Sensitivity)

It is noted that this theme will be dealt with in consultation with Heritage Western Cape, and that a NID will be submitted to Heritage Western Cape. The NID and all supporting documents must be appended to the Draft Basic Assessment report. Please be advised that the Standard Operating Procedure between Heritage Western Cape and this Department must be followed.

(i) *Plant Species Theme (Medium Sensitivity)*

The STR identified a Medium Sensitivity for the Plant Species Theme and numerous species which are known to occur in the area, based on the habitat type identified by the applicable datasets. The STR also lists a number of "Sensitive Species" (i.e. a species which name has been withheld as the species may be prone to illegal harvesting and must be protected). It is noted in the SSVR that a Terrestrial Biodiversity and Plant Species Assessment was undertaken.

Note: Combining the report/assessment for the Terrestrial Biodiversity and Plant Species Themes:

It is understood that one assessment will be undertaken / report compiled in terms of the Terrestrial Biodiversity and Plant Species Themes. However, it is noted that the EAP does not dispute the sensitivity ratings of the Screening Tool Report ("STR") for the various themes. As such, it must be ensured that the report to be compiled to address the relevant themes adheres to the information requirements as specified in the respective protocols. Furthermore, the specialist must provide the necessary proof that he/she is appropriately registered with SACNASP for the respective Protocols.

8. *Specialist Studies identified in the Screening Tool Report*

(a) *Landscape / Visual Impact Assessment*

The visual impacts of the proposed road must be dealt with in terms of Appendix 1 and 6 of the Environmental Impact Assessment Regulations, 2014 together with the Department's *Guideline for involving visual and aesthetic specialists in the EIA process, June 2005*.

(b) *Geotechnical Assessment*

The need for this specialist assessment was not described in the SSVR. The impacts of the proposed development must be dealt with in terms of Appendix 1 and 6 of the Environmental Impact Assessment Regulations, 2014.

(c) *Socio-Economic Assessment*

The socio-economic impacts of the proposed development must be dealt with in terms of Appendix 1 and 6 of the Environmental Impact Assessment Regulations, 2014.

9. *Synchronisation applications: WULA – EIA processes*

It is noted that the EAP has stated that the National Water Act, 1998 (Act No. 36 of 1998) ("NWA") is applicable to the proposal. However, no further detail has been provided. Kindly be reminded of the synchronisation of the applications that must take place. Pre-Application consultation with the Breede Gouritz Catchment Management Agency (BGCMA) is advised.

10. You are advised that when undertaking the Basic Assessment process, you must take into account applicable guidelines, including the circulars and guidelines developed by the

Department. These can be provided upon request. 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 for determining the scope of specialist involvement in EIA processes, June 2005.
- Guideline for the review of specialist input in the EIA process, June 2005.
- Guideline for involving biodiversity specialists in the EIA process, June 2005.
- DEA (2017), Guideline on Need and Desirability, Department of Environmental Affairs.

11. Kindly ensure the Basic Assessment Report ("BAR") and Environmental Management Programme ("EMPr") contain all information requirements outlined in Appendices 1 and 4 respectively of the Environmental Impact Assessment Regulations, 2014 (GN R. 982 of 4 December 2014, as amended).
12. With reference to this Department's Circular No. 0027/2021 of 15 December 2021, please note that from 1 February 2022 all general EIA queries, correspondence, applications, non-applications and reports must be e-mailed to this Directorate's dedicated e-mail address.

In this regard the following procedure for the submission of documents must be followed when submitting documents to the Directorate: Development Management (Region 3)-

- (a) submitted electronically per electronic mail to this Directorate's generic e-mail address and copied to the assigned case officer.

Note: The Directorate: Development Management (Region 3), has created a generic e-mail address to centralise its administration within the component (i.e. notifying clients of decisions and receiving EIA applications, Notice of Intent form; request for fee reference numbers, etc.):

DEADPEIAAdmin.George@westerncape.gov.za

OR

- (b) uploaded electronically to the designated folder on the Directorate's OneDrive system which has been assigned to the EAP.

Note: The document must be placed in an appropriately named folder and the reference number included (where applicable). The Department must be notified via e-mail once the document has been uploaded. Such notification must include a screenshot of the documents that have been uploaded within the folder.

13. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and /or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested
- of the outcome of the application

14. 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.
15. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
16. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

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HEAD OF COMPONENT

ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: EAP: Sharples Environmental Services

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