

## COMMENTS AND RESPONSES REPORT &amp; PUBLIC PARTICIPATION DOCUMENTATION

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## Table of Contents

1	COMMENTS AND RESPONSES REPORT .....	1
2	PRE-APPLICATION: COPIES OF PPP DOCUMENTATION .....	6
2.1	NOTICE.....	7
2.2	PROJECT SITE NOTICE BOARD.....	8
2.3	COPY OF BID SENT TO AUTHORITIES .....	9
2.4	CONSULTATION MEETING WITH WARD COUNCILOR AND DELIVERY OF NOTICE & BID 16	
2.4.1	CORRESPONDENCE WITH WARD COUNCILOR.....	18
2.5	DELIVERY OF BID.....	19
2.5.1	AUTHORITIES (DEDEAT, DWS & ECPHRA).....	20
2.5.2	CHDM AND IYLM.....	22
2.5.3	READ RECEIPTS .....	24
3	REGISTRATION OR CORRESPONDENCE FROM I&APs.....	26
3.1	ZAMANI MAWETHU AGRICULTURAL COOPERATIVE LTD – DOCUMENTATION RECEIVED.....	27
3.1.1	LETTER OF OBJECTION.....	27
3.1.2	APPROVAL BY IYLM.....	28
3.1.3	LETTER FROM NPM PLANNING TO IYLM.....	29
3.1.4	SURVEY OF LAND .....	30
3.1.5	PLAN OF STRUCTURE.....	31
3.1.6	LEASE AGREEMENT.....	32
3.1.7	ENVIRONMENTAL AUTHORISATION .....	39
3.1.8	WATER USE LICENCE .....	44
3.2	RESPONSE FROM EAP TO I&APs .....	46
3.2.1	CORRESPONDENCE WITH MR NTLAHLA .....	47
3.2.2	READ RECEIPTS .....	50
3.3	LETTER FROM MR MANONA (FACILITATING CONSULTANT) TO EAP .....	51
3.4	CORRESPONDENCE FROM Mr MANONA.....	56
4	SITE MEETING ATTENDANCE REGISTER .....	57
4.1	REPORT BACK ON OUTCOME OF SITE MEETING .....	58
5	SUBMISSION OF PRE-APPLICATION DBAR TO I&APs FOR REVIEW .....	59
5.1	PROOF OF SUBMISSION .....	60

**COMMENTS AND RESPONSES REPORT & PUBLIC PARTICIPATION DOCUMENTATION**

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5.2	READ RECEIPTS .....	63
5.3	COMMENTS RECEIVED FROM I&APs & RESPONSE BY EAP .....	65
5.3.1	DWS (WATER QUALITY MANAGEMENT UNIT).....	66
5.3.2	RESPONSE FROM EAP.....	68

## 1 COMMENTS AND RESPONSES REPORT

Date Received	Name	Interest & Comment Received	Response from EAP
<b>PRE-APPLICATION - REGISTRATION OF I&amp;APs</b>			
01/03/2022	Mr M Ntlahla Zamani Mawethu Agricultural Cooperative Ltd	<p>Mr Ntlahla submitted a letter of objection to the use of the proposed site and indicated that his organisation had a formal lease agreement with the IYLM dated 1<sup>st</sup> January 2015 and that this area of land was part of the site identified for the CHDM Tsomo WTW Upgrade.</p> <p>Mr Ntlahla presented copies (see <b>Appendix E Section 3.1</b>) of:</p> <ul style="list-style-type: none"> <li>• Letter of approval from IYLM</li> <li>• Memorandum of Agreement of Lease;</li> <li>• Environmental authorisation NREC 135-010-2009; Letter dated 14/06/2010 from IYLM indicating approval of the infrastructure plans;</li> <li>• Water use Certificate No. 28077456 with start date of 1<sup>st</sup> June 2009, for the abstracting of 80 m<sup>3</sup>/annum from the Tsomo River.</li> </ul>	<p>The applicant (CHDM) and the Intsika Yethu Local Municipality have been advised of this objection.</p> <p>Mr S Manona of Phuhlisani an independent consultant has been appointed to deal with the land issue; see letter in <b>Appendix E Section 3.3</b></p> <p>Mr Ntlahla and two representatives of the Zamani Mawethu Agricultural Cooperative Ltd attended the site meeting on 15<sup>th</sup> March 2022. During the site meeting Mr Ntlahla raised the issues around the allocation of the site and that his organisation had a lease agreement etc. but indicated that he was prepared to negotiate with the IYLM for an alternative section of land. Copies of correspondence from the EAP to Mr Ntlahla are included in <b>Appendix E 3 Section 3.2</b></p> <p>The outcome of further consultation as led by Mr Manona is included <b>Appendix E 3 Sections 3.3 &amp; 3.4</b></p>
21/04/2022	Ward Councillor	Mr Ngwane advised verbally that two community agricultural	<ul style="list-style-type: none"> <li>• Water will be released from Ncora Dam to cover</li> </ul>

COMMENTS AND RESPONSES REPORT & PUBLIC PARTICIPATION DOCUMENTATION

	<p>Mr M Ngwane</p>	<p>cooperatives had raised concerns that the abstraction of additional water for areas outside of Intsika Yethu Municipality might result in there being insufficient water for their agricultural projects</p>	<p>the additional abstraction.</p> <ul style="list-style-type: none"> <li>• The fish-way releases a continuous minimum flow of 100l/s (360 000 litres per hour). A minimum flow will therefore always be flowing downstream of the weir under all abstraction conditions.</li> <li>• The combination of the two points listed above is that there will always be flow in the river while the abstraction works are in operation and the periods of zero flow in the river will not be experienced while the abstraction is in operation.</li> <li>• If the agricultural cooperatives do not have Water Use Licences, it is suggested that they contact the Department Water &amp; Sanitation and submit the relevant application for a WUL</li> </ul>
<p>24/05/2022</p>	<p>DWS (Water Quality Management Unit) Ms R Rambani</p>	<p>The Water Quality Management Unit of the Department has assessed the report and has no objection to the project subject to the listed conditions being complied with.</p> <p>See DWS letter in <b>Section 5.3.1</b> - conditions to be complied with:</p> <ul style="list-style-type: none"> <li>(i) Construction activities must be confined to the proposed development footprint. Activities related to the construction phase such as cement mixing must be done at designated areas and must not culminate in offsite pollution of the environmental or water resources</li> </ul>	<p>Comments are noted and sent to the consulting engineer as representative of the applicant. Comments are addressed in the EMPr as applicable</p> <ul style="list-style-type: none"> <li>(i) See EMPr Sections 4, 7.9 and 7.19</li> </ul>



COMMENTS AND RESPONSES REPORT & PUBLIC PARTICIPATION DOCUMENTATION

		<ul style="list-style-type: none"> <li>(ii) The applicant must notify the Department within 24 hours of any incident that may pollute or has the potential to pollute / likely to have a detrimental effect on the water resource</li> <li>(iii) The use of chemical toilets during the construction phase for the proposed project as noted on page 13 of the Draft EMPr must not cause any pollution to any water resource or pose a health hazard. In addition, these toilets must be situated out of the 1:100-year flood line of any watercourse</li> <li>(iv) It is noted on page 10 of the DBAR that solid waste will be disposed of at the local Municipal Waste Site. Solid waste must be placed in skips and stored in a designated store/collection area prior to being disposed of and must not cause and groundwater and/or surface water pollution or pose any health hazard</li> <li>(v) Contaminated and hazardous waste must be disposed of at a permitted landfill site that is authorised to accept such waste. The collection of hazardous solid waste should be carried out in a manner that will prevent spills or leaks that may pose a threat to the environment including surface and ground water. Proof of collection and disposal by an external source provider during the operational phase must be documented and made available upon request to the Department</li> <li>(vi) There must be adequate management of storm water on-site both during and after the construction of the proposed project</li> <li>(vii) Soil erosion on site must always be prevented i.e. during and</li> </ul>	<ul style="list-style-type: none"> <li>(ii) See EMPr Section 7.11</li> <li>(iii) See EMPr Section 5.2</li> <li>(iv) See EMPr Section 5.3</li> <li>(v) See EMPr Sections 5.4. and 6.2</li> <li>(vi) See EMPr Section 8</li> <li>(vii) See EMPr Section 7.25 and 8</li> </ul>
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COMMENTS AND RESPONSES REPORT & PUBLIC PARTICIPATION DOCUMENTATION

		<p>after construction activities</p> <p>(viii) Stockpiling of soil or any other materials used during the construction and/or operation phase must not be allowed on or near steep slopes, near a watercourse or water body. This is to prevent pollution or the impediment of surface runoff.</p> <p>(ix) The Applicant must adhere to the requirements made in the Draft EMPr and further comments if required will be submitted once the final assessment is received</p> <p>(x) The Applicant must ensure that all objections received for the proposed project including the legality of the ownership of the land which is earmarked for the expansion are fully addressed in the Final BAR and/or prior to the commencement of construction activities</p> <p>(xi) It is noted that the Applicant has undertaken the process of WULA with the Department. It is the responsibility of the Applicant to identify and apply for all relevant water uses in terms of Section 21 of the NWA (Act No. 36 of 1998)</p> <p>(xii) Other applicable legislation relevant to the proposed project must be complied with, including the existing WML and the respective</p>	<p>(viii) See EMPr Section 7.16</p> <p>(ix) EMPr is to read in conjunction with the EA and WML</p> <p>(x) The land is owned by the Intsika Yethu Local Municipality and the project site will be subdivided and leased by the CHDM. Queries raised by Mr Ntlahe re: ownership of the land is addressed in <b>Appendix E-Sections 3.3 and 3.4</b>. Land ownership is being addressed by Mr S Manona (Phuhlisani). The DBAR was made available to Mr Ntlahe and he did not submit any comment.</p> <p>(xi) WULA is in progress and being dealt with by Mr Mbikwana (Londi WULA Consulting &amp; Associates) and the Consulting Engineer (Maluti GSM). The issuance of an EA will be subject to the approval of the WULA</p> <p>(xii) The application for a variation to the Waste Management Licence (WML) is part of the Integrated Application for EA and a WML,</p>
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**CHDM TSOMO WTW UPGRADE**

**APPENDIX E**

**COMMENTS AND RESPONSES REPORT & PUBLIC PARTICIPATION DOCUMENTATION**

		amendment application to be made for the additional volume of dried sludge to be generated and disposed of	supported by this BAR/EMPr
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## **2 PRE-APPLICATION: COPIES OF PPP DOCUMENTATION**

## 2.1 NOTICE THE REPRESENTATIVE (QUEENSTOWN)

### **NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT PROCESS AND SUBMISSION OF APPLICATIONS FOR AN ENVIRONMENTAL AUTHORISATION, WASTE LICENCE AND WATER USE LICENCE**

Notice is hereby given in terms of Regulation 41(2) published in Government Notice No. R.326 under Chapter 6 of the Environmental Impact Assessment Regulations dated 7th April 2017 of the National Environmental Management Act, (Act 107 of 1998), as amended, of the intent to compile a Basic Assessment Report and Environmental Management Programme in support of an application by the Chris Hani District Municipality for an Environmental Authorization in terms of the National Environmental Management Act, (Act 107 of 1998), as amended; and applications for:

- (i) Waste Management Licence in terms of the NEM: Waste Act (Act 59 of 2008) as amended;
- (ii) Water Use Licence for an additional water allocation in terms of the National Water Act, 1996 (Act 36 of 1996), as amended
- (iii) Sub-division and rezoning of the project footprint

#### **PROJECT DESCRIPTION:**

Due to the drought induced water crisis in Butterworth and other parts of Amathole District Municipality (ADM), the existing Tsomo River Abstraction Works and Water Treatment Works at Tsomo will be upgraded from the current capacity of 25 MI/day to its full capacity of 42 MI/day. This requires the construction of additional WTW infrastructure. An additional water allocation is also required. An area of 6.9112 ha will be subdivided from Erf 79, Tsomo and rezoned.

The Application includes the following listed NEMA and NEM: WA activities:

Number and date of the relevant Government Notice	Listing Notice	Activity Number(s) in terms of the relevant Government Notice
GN 327 dated 7th April 2017	1	13, 19, 27, 28
GN 324 dated 7th April 2017	3	12
GN 921 dated 29th November 2013	Category A	13

#### **LOCATION:**

Tsomo Commonage, Erf 79, Tsomo, Eastern Cape Intsika Yethu Local Municipality: Ward No. 8.

**Coordinates:** 31° 1' 56.56" S & 27° 49' 29.49" E

#### **AUTHORITY:**

Department Economic Development, Environmental Affairs and Tourism (Chris Hani Region) Private Box 9636, Queenstown 5320 Tel: [045] 808 4000 & Fax: [045] 838 3981

**Date of notification in the Queenstown Representative: 11 February 2022**

#### **OPPORTUNITY TO PARTICIPATE:**

Interested and Affected Parties (I&APs) who wish to participate in the process must register in writing and provide their written comments and an indication of any direct business, financial, personal or other interest which they have in the approval or refusal of the application together with their name, contact details and preferred method of notification e.g. e-mail address or fax number to the Environmental Assessment Practitioner, Mr Chris Bradfield (isi-Xwiba Consulting CC) within 30 days from the date of this notice. Closing date for written registration is 14 March 2022.

Only written registration to Mr Chris Bradfield (isi-Xwiba Consulting CC), will be accepted and I&APs are requested to submit their registration via E-mail or facsimile or deliver these to the offices of Maluti GSM Consulting Engineers at 78 Ebdon Street, Queenstown.

Registered interested and affected parties (I&APs) are invited to attend a public meeting at the project site on 15 March 2022 commencing at 11h00.

Registered I&APs will be afforded an opportunity to comment on all phases of the environmental reports and will be advised of the availability of the Draft and Final Reports at the appropriate stages of the EIA process and will be provided with copies of reports via electronic file transfer mechanism (WeTransfer), for purposes of review and comment (30-days). A hard copy will be provided to the Ward Councillor only.

Environmental Assessment Practitioner	Applicant
isi-Xwiba Consulting CC (Mr C J Bradfield) Mobile: 083 441 1189 Fax/E-mail: 086 618 4327 E-mail: isix@tcom.co.za	Chris Hani District Municipality Cathcart Road, Queenstown Contact: Thulethu Ncoqazi (PMU Project Manager) Tel: 045 808 4742





## 2.3 COPY OF BID SENT TO AUTHORITIES

<p>Prepared by: isi-Xwiba Consulting CC 16 Miner Street, Queenstown ☎ 083 441 1189 ☎ 085 618 4327 ✉ <a href="mailto:isi@icom.co.za">isi@icom.co.za</a></p>	<p><b>CHRIS HANI DISTRICT MUNICIPALITY</b> <b>CLUSTER 9 TSOMO WATER TREATMENT</b> <b>WORKS UPGRADE</b> <b>BACKGROUND INFORMATION DOCUMENT (BID)</b></p>
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### **NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT PROCESS AND SUBMISSION OF APPLICATIONS FOR AN ENVIRONMENTAL AUTHORISATION, WASTE LICENCE AND WATER USE LICENCE**

Notice is hereby given in terms of Regulation 41(2) published in Government Notice No. R.326 under Chapter 6 of the Environmental Impact Assessment Regulations dated 7<sup>th</sup> April 2017 of the National Environmental Management Act, (Act 107 of 1998), as amended, of the intent to compile a Basic Assessment Report and Environmental Management Programme in support of an application by the Chris Hani District Municipality for an Environmental Authorization in terms of the National Environmental Management Act, (Act 107 of 1998), as amended; and applications for:

- Waste Management Licence in terms of the NEM: Waste Act (Act 59 of 2008) as amended;
- Water Use Licence for an additional water allocation in terms of the National Water Act, 1998 (Act 36 of 1998), as amended
- Sub-division and rezoning of the project footprint

#### **PROJECT DESCRIPTION:**

The Cluster 9 Backlog Water Project is a regional cross boundary project to provide bulk water to settlements in the Chris Hani and Amathole District Municipalities. Bulk supply infrastructure has been funded under the Regional Bulk Infrastructure Grant (RBIG) and reticulation under the Municipal Infrastructure Grant (MIG). Due to the drought induced water crisis in Butterworth and other parts of Amathole District Municipality (ADM), the Tsomo River Abstraction Works and Water Treatment Works will be upgraded from the current capacity of 25Ml/day to its full capacity of 42Ml/day. The WTW will be based on a conceptual modular design consisting of 4 treatment train modules, each comprising a flocculator and settler or clarifier. The 4 modules share a common filter gallery of filters and combined chlorination and clear water storage. The modules will be supplied by existing abstraction pumps (to be upgraded) located in the Tsomo River abstraction works. The project is located with the urban edge. An area of 6.9112 ha will be subdivided from Erf 79, Tsomo and rezoned for the new plant. Sludge from the lagoons will be deposited at the Intsika Yethu Local Municipality waste site at Cofimvaba as per the current Waste Management Licence.

#### **LOCATION:**

Tsomo Commonage, Erf 79, Tsomo, Eastern Cape Intsika Yethu Local Municipality: Ward No. 8  
Coordinates: 31° 1' 56.56" S & 27° 49' 29.49" E

#### **AUTHORITY:**

Department Economic Development, Environmental Affairs and Tourism (Chris Hani Region)  
Private Box 9636, Queenstown 5320 Tel: [045] 808 4000 & Fax: [045] 838 3981

**Date of notification in the Queenstown Representative: 11 February 2022**

**NOTE:** Registered interested and affected parties (I&APs) are invited to attend a project briefing session at the project site on 15 March 2022 commencing at 11h00.

## PURPOSE OF THIS BID & REGISTRATION AS AN I&AP

The purpose of this Background Information Document (BID) is to inform and provide stakeholders with the opportunity to register as interested and affected parties (I&APs) in the Environmental Impact Assessment (EIA) process and to obtain their initial comments on the proposed project. The Public Participation Process (PPP) is in accordance with GN R. 807 dated 12<sup>th</sup> October 2012 and current Covid-19 Regulations.

Please review this BID and submit your written registration and comments on the proposed project by 17h00 on 14<sup>th</sup> March 2022. To register and comment please complete the form provided in this document (page 7) and return it per fax or e-mail to Chris Bradfield whose contact details are reflected on the form. Should you not register in writing within the given period, it is assumed that you are not interested in commenting on the Basic Assessment Report and Environmental Management Programme or participating in the EIA process.

Registered Interested & Affected Parties and Authorities will be provided with copies of reports in electronic format via electronic file transfer mechanism for purposes of review and comment (30-day review and comment period). A hard copy will be provided to the Intsika Yethu Local Municipality Ward Councillor only.

## LEGAL REQUIREMENTS

### 1. NATIONAL ENVIRONMENTAL MANAGEMENT ACT (NEMA)

Environmental Impact Assessment (EIA) Regulations GN R. 324, GN R. 325 and GN R. 327 promulgated in terms of the National Environmental Management Act (NEMA), Act No. 107 of 1998, as amended, identify certain activities, which "could have a substantial detrimental effect on the environment". These listed activities require environmental authorisation from the competent authority, the Department Economic Development, Environmental Affairs & Tourism (DEDEAT), prior to commencing any development. The list of possible activities to be evaluated are as follows:

Number and date of the relevant Government Notice	Listing Notice	Activity Number(s) In terms of the relevant Government Notice
127 dated 7 <sup>th</sup> April 2017	1	13, 19, 27, 28 & 67
124 dated 7 <sup>th</sup> April 2017	3	12 & 26
121 dated 29 <sup>th</sup> November 2013	Category A	13

Accordingly, the proposed project will require the submission of a Basic Assessment Report (BAR) and Environmental Management Programme (EMPr) as outlined as outlined in GN R. 326 being the Amendments to the Environmental Impact Assessment Regulations, 2014 as amended. The objectives of the BAR process and EMPr are set out hereunder.

**Basic Assessment Report (BAR)** - The objective of the BAR is to through a consultative process—

- (a) Determine the policy and legislative context within which the proposed activity is located and how the activity complies with and responds to the policy and legislative context;
- (b) Identify the alternatives considered, including the activity, location, and technology alternatives;
- (c) Describe the need and desirability of the proposed alternatives;
- (d) Through the undertaking of an impact and risk assessment process, inclusive of cumulative impacts which focus on determining the geographical, physical, biological, social, economic, heritage, and cultural sensitivity of the sites and locations within sites and the risk of impact of the proposed activity and technology alternatives on these aspects to determine—
  - (i) The nature, significance, consequence, extent, duration, and probability of the impacts occurring to; and



- (ii) The degree to which these impacts—
  - (aa) can be reversed;
  - (bb) may cause irreplaceable loss of resources; and
  - (cc) can be avoided, managed or mitigated; and
- (e) Through a ranking of the site sensitivities and possible impacts the activity and technology alternatives will impose on the sites and location identified through the life of the activity to—
  - (i) Identify and motivate a preferred site, activity and technology alternative;
  - (ii) Identify suitable measures to avoid, manage or mitigate identified impacts; and
  - (iii) Identify residual risks that need to be managed and monitored.

**Environmental Management Programme (EMPr)** – The EMPr sets out the description of the impact management outcomes, including management statements, identifying the impacts and risks that need to be avoided, managed and mitigated as identified through the environmental impact assessment process for all phases of the development including—

- (i) Planning and design;
- (ii) Pre-construction activities;
- (iii) Construction activities;
- (iv) Rehabilitation of the environment after construction and where applicable post closure; and
- (v) where relevant, operation activities

**DESCRIPTION OF NEMA & NEM: WA LISTED ACTIVITIES THAT MAY BE CONSIDERED**

GN No.	Listing Notice	Activity	Description of Activity
327 (2017)	1	13	The development of facilities or infrastructure for the off-stream storage of water, including reservoirs, with a combined capacity of 50 000 m <sup>3</sup> or more
327 (2017)	1	19	The infilling or depositing of any material of more than 10 m <sup>3</sup> into, or the excavation, removal or moving of soil, sand, pebbles or rock of more than 10 m <sup>3</sup> from a watercourse
327 (2017)	1	27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation
327 (2017)	1	28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares
327 (2017)	1	67	Phased activities for all activities- (i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices
324 (2017)	3	12	The clearance of an area of 300 m <sup>2</sup> or more of indigenous vegetation
324 (2017)	3	26	Phased activities for all activities—

		<p>i. listed in this Notice and as it applies to a specific geographical area, which commenced on or after the effective date of this Notice; or</p> <p>ii. similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA Notices—</p> <p>where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold</p>
921 (2013)	Category A	The expansion of a waste management activity, which does not trigger an additional waste management activity in terms of this schedule

## 2. NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (Act 10 of 2004), AS AMENDED

The National Environmental Management: Biodiversity Act (Act 36 of 1998), as amended, may require that an application be submitted for an authorisation in terms of the Act. The Department Economic Development, Environment and Tourism will provide guidance in this regard.

## 3. NATIONAL WATER ACT, 1998 (Act 36 of 1998), AS AMENDED

The Department Water & Sanitation will provide guidance with regard to compliance with the National Water Act.

## 4. NATIONAL HERITAGE RESOURCES ACT, 1999 (Act 25 of 1999), AS AMENDED

The National Heritage Resources Act, 1999 (Act 25 of 1999), as amended, may require that an application be submitted for an authorisation in terms of the Act. The Eastern Cape Heritage Resources Agency (EC PHRA) will provide guidance in this regard.

## HOW YOU CAN GET INVOLVED

You have been identified as a potential Interested and / or Affected Party (I&AP) for this project, either because you represent an affected organisation or because of your proximity/location to the proposed project. Public participation is a key component of this environmental process and will take place at various stages throughout the project. This process will include the following steps:

- Advertising the project in the Queenstown Representative;
- Erecting site notice;
- Distributing notices to adjoining land owners/users;
- Distributing this BID to all identified stakeholders (Authorities);
- Informing registered I&APs regarding the availability of Draft and Final Reports for a 30 day comment period - Registered Interested & Affected Parties and Authorities will be provided with copies of reports in electronic format via electronic file transfer mechanism (WeTransfer) for purposes of review and comment (30-day review and comment period).
- Submitting the Final Reports to Department Economic Development, Environmental Affairs & Tourism (DEDEAT); and
- Inform registered I&APs in respect of the granting or rejection of the Environmental Authorisation and the appeal procedure.

## **YOUR RESPONSIBILITIES AS AN INTERESTED & AFFECTED PARTY (I&AP)**

- a) Interested and Affected Parties (I&APs) must register as such in writing, with the Environmental Assessment practitioner (EAP), being Mr C J Bradfield representing isi-Xwiba Consulting CC. A registration form is included in this document (page 7) for your convenience;
- b) Registration and comments must be submitted within the timeframes as stipulated in the NEMA Regulations and in this BID; and
- c) Any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application must be disclosed.

**Written registration and comments must be submitted by 17h00 on 14<sup>th</sup> March 2022.**

## **WAY FORWARD**

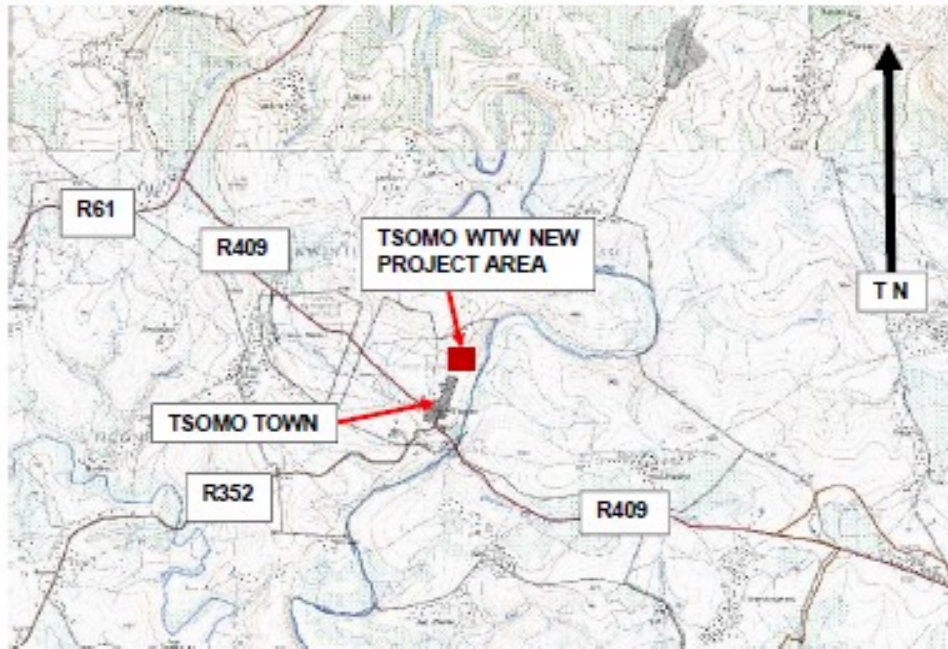
Should you wish to register as an Interested and Affected Party (I&AP) and raise any initial issues or concerns regarding the proposed project, please communicate in writing (using the registration form on page 7 of this BID) with the Environmental Assessment Practitioner (EAP) whose contact details are listed on the registration form. An I&AP must disclose any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application in terms of Chapter 6 of GN R. 326.

A registration form is included in this document (page 7), for your convenience.

**ONLY WRITTEN REGISTRATION WILL BE ACCEPTED.**



**LOCALITY MAPS**



**Scale: 1:60 000**



## INTERESTED AND / OR AFFECTED PARTY REGISTRATION FORM

**ONLY WRITTEN REGISTRATION RECEIVED BY  
17h00 ON 14<sup>th</sup> MARCH 2022 WILL BE RECOGNISED**

### CHRIS HANI DISTRICT MUNICIPALITY – CLUSTER 9 TSOMO WTW EXPANSION

NAME		DESIGNATION	
ORGANISATION		TEL	
FAX		E-MAIL	
POSTAL ADDRESS			
INTEREST IN DEVELOPMENT <sup>1</sup> NOTE: An I&AP must disclose any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application in terms of GN R326, Section 43(i)			
COMMENTS			

Please indicate how you would prefer to be contacted:  FAX  E-MAIL

**NOTE** - Registered I&APs & Authorities will be provided with draft reports in electronic format via electronic file transfer mechanism (WeTransfer), for purposes of review and comment.

#### **CONTACT DETAILS OF EAP**

Chris Bradfield

Tel: 083 441 1189 Fax: 086 618 4327 Email: [isix@lcom.co.za](mailto:isix@lcom.co.za)

**NOTE** – The preferred method of communication with the Environmental Assessment Practitioner (EAP) is via e-mail or facsimile as the postal service is not reliable and we will not be held responsible for correspondence not received within the legislated time frames.

**2.4 CONSULTATION MEETING WITH WARD COUNCILOR AND  
DELIVERY OF NOTICE & BID**

isi-Xwiba Consulting CC

Mobile: 083 441 1189 E-mail: [isix@lcom.co.za](mailto:isix@lcom.co.za)

ATTENDANCE REGISTER

PROJECT: CHDM CLUSTER 9 TSOMO WATER TREATMENT WORKS UPGRADE

PURPOSE: MEETING WITH WARD COUNCILLOR (Ward 8)

Date: 10/02/2022

Page 1 of 1

Name	Organisation	Tel or Mobile No.	E-mail or Fax No.	Do you have Covid Symptoms? (Y/N)	Signature
NOLWANE MNCEDISI WISEMAN	TYM OS	078310 2233	mncedisi.wise@gmail.com	NO	
C S BRADFORD	(EAP) isi-Xwiba	0834411189	isix@lcom.co.za	NO	

## 2.4.1 CORRESPONDENCE WITH WARD COUNCILOR

**From:** Chris Bradfield [mailto:isix@lcom.co.za]

**Sent:** Thursday, 10 February 2022 4:08 PM

**To:** 'mncedisi.wisemann@gmail.com' <mncedisi.wisemann@gmail.com>

**Cc:** 'Phillip Ravenscroft' <phillip@malutiwater.co.za>; 'tobie@malutiwater.co.za' <tobie@malutiwater.co.za>; 'tholang' <tholang@malutiwater.co.za>; 'mcebisi@malutiwater.co.za' <mcebisi@malutiwater.co.za>

**Subject:** CHDM Tsomo WTW Upgrade-Meeting with Ward Councillor

Dear Mr Ngwane

Thank you very much for making time to see me today, despite your busy schedule.

Attached, for your records please find:

- confirmation register of our meeting; and
- photograph of the signage erected on site

I have discussed the matter of the proposed hydroponics project with the Consulting Engineer (Maluti GSM) and they are aware of it. To our knowledge it will be located on one of the two erven directly below the Municipal livestock "pound" so there will be no impact between the projects.

Thank you for placing the Water Treatment works project on the agenda for your next meeting with the community and informing the community of the briefing session on site on 15<sup>th</sup> March 2022.

I will keep you updated throughout the EIA public participation process

**Mr Pala** – As discussed, kindly keep an eye on the signage. If livestock interfere with the sign I will provide you with Y-type iron standards to place for additional support

Thank you

**Kind regards**

**Chris Bradfield**  
**isi-Xwiba Consulting**



## **2.5 DELIVERY OF BID**

## 2.5.1 AUTHORITIES (DEDEAT, DWS & ECPHRA)

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Thursday, 10 February 2022 5:12 PM

To: 'Nondwe Mdekazi' <Nondwe.Mdekazi@dedea.gov.za>

Cc: 'Bhelinda Mtamo' <Bhelinda.Mtamo@dedea.gov.za>

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good day Nondwe

Attached please find the background information document (BID) for the EIA process for the proposed Chris Hani District Municipality Cluster 9 Tsomo Water Treatment Works Upgrade, for your information and records.

In terms of the PPP we confirm as follows:

- (i) We have distributed the BID to:
  - DWS
  - CHDM (MM, Technical Director, Environmental Director and Project Manager)
  - IYLM (MM, Technical Director and Ward Councillor)
  - EC Provincial Heritage Resources Agency
- (ii) The advertisement will be placed in the Queenstown Representative tomorrow (11<sup>th</sup> February 2022)
- (iii) Signage has been erected at the project site
- (iv) We have held a meeting with the Ward Councillor who confirmed that he is aware of the project and will include it on the agenda for an upcoming community meeting

Please note that there will be a public briefing session at the project site on 15<sup>th</sup> March 2022 commencing at 11h00.

Please do not hesitate to contact us should you have any queries.

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Thursday, 10 February 2022 5:03 PM

To: 'FourieL4@dws.gov.za' <FourieL4@dws.gov.za>; 'VanRooyenE2@dws.gov.za' <VanRooyenE2@dws.gov.za>

Cc: 'Mlondolozzi Mbikwana' <mlondolozzi@icloud.com>

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good day Lizna and Esmerelda

Attached please find the background information document (BID) for the EIA process for the proposed Chris Hani District Municipality Cluster 9 Tsomo Water Treatment Works Upgrade, for your information and records.

You will be on our distribution list as an interested and affected party (I&AP) throughout the EIA public participation process so there is no need for you to register as an I&AP

Please note that there will be a public briefing session at the project site on 15<sup>th</sup> March 2022 commencing at 11h00.

Mr Londi Mbikwana will be handling the WULA process required for abstraction of additional water from the Tsomo River and any other authorisations that may be required in terms of the NWA, 1998.

Kindly distribute this e-mail to other relevant officials and please copy me in so that we can include these officials in future correspondence

Please do not hesitate to contact us should you have any queries.

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

**Sent:** Thursday, 10 February 2022 4:55 PM

To: 'markm@ecphra.org.za' <markm@ecphra.org.za>; 'info@ecphra.org.za' <info@ecphra.org.za>

Cc: 'karenvanryneveld@gmail.com' <karenvanryneveld@gmail.com>; 'Elize Butler' <elizebutler002@gmail.com>

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good day Mr Madita

Attached please find the background information document (BID) for the EIA process for the proposed Chris Hani District Municipality Cluster 9 Tsomo Water Treatment Works Upgrade, for your information and records.

You will be on our distribution list as an interested and affected party (I&AP) throughout the EIA public participation process so there is no need for you to register as an I&AP

Please note that there will be a public briefing session at the project site on 15<sup>th</sup> March 2022 commencing at 11h00.

The archaeology and cultural heritage impact assessment will be conducted by Ms Karen van Ryneveld of ArchaeoMaps and the Palaeontology Impact Assessment conducted by Mrs Elize Butler of Banzai Environmental and these reports will be submitted to your office

Please do not hesitate to contact us should you have any queries.

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

## 2.5.2 CHDM AND IYLM

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Thursday, 10 February 2022 4:50 PM

To: 'qmpotulo@chrishanidm.gov.za' <qmpotulo@chrishanidm.gov.za>; 'gmashiyi@chrishanidm.gov.za' <gmashiyi@chrishanidm.gov.za>; 'luzukog03@gmail.com' <luzukog03@gmail.com>; 'tncokazi@chrishanidm.gov.za' <tncokazi@chrishanidm.gov.za>; 'tncokazi@chrishanidm.gov.za' <tncokazi@chrishanidm.gov.za>

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good day Chris Hani District Municipality Officials

**Attention:**

Mr Mashiyi – Acting Municipal Manager

Mr Govu - Technical Director

Mr Mpotulo –Environmental Director

Ms Ncokazi – Project Manager

Attached please find the background information document (BID) for the EIA process for the proposed Chris Hani District Municipality Cluster 9 Tsomo Water Treatment Works Upgrade, for your information and records.

You will be on our distribution list as an interested and affected party (I&AP) throughout the EIA public participation process so there is no need for you to register as an I&AP

Please note that there will be a public briefing session at the project site on 15<sup>th</sup> March 2022 commencing at 11h00.

Please do not hesitate to contact us should you have any queries.

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Thursday, 10 February 2022 4:58 PM

To: 'tncokazi@chrishanidm.gov.za' <tncokazi@chrishanidm.gov.za>

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good afternoon Ms Ncokazi

My apologies, I had your e-mail incorrect went I sent the original e-mail to CHDM.

Please see e-mail below

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Thursday, 10 February 2022 4:37 PM

To: 'khulileclock@gmail.com' <khulileclock@gmail.com>; 'mncedisi.wisemann@gmail.com' <mncedisi.wisemann@gmail.com>

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good day Intsika Yethu Municipality Officials

**Attention:**

Mr Clock – Acting Municipal Manager

Mr Clock - Technical Director

Mr Ngwane - Ward Councillor: Ward 8

Attached please find the background information document (BID) for the EIA process for the proposed Chris Hani District Municipality Cluster 9 Tsomo Water Treatment Works Upgrade, for your information and records.

You will be on our distribution list as an interested and affected party (I&AP) throughout the EIA public participation process so there is no need for you to register as an I&AP

Please note that there will be a public briefing session at the project site on 15<sup>th</sup> March 2022 commencing at 11h00.

Please do not hesitate to contact us should you have any queries.

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Friday, 11 February 2022 10:14 AM

To: 'kulileclock@gmail.com' <kulileclock@gmail.com>

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good day Mr Clock

Please see e-mail hereunder, which bounced back. My apologies, I had misspelt your name in the e-mail address.

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

## 2.5.3 READ RECEIPTS

**From: Boitumelo Koloi [mailto:bkoloi@chrishanidm.gov.za]**

Sent: Thursday, 10 February 2022 5:03 PM

To: Chris Bradfield <isix@lcom.co.za>

Subject: Read: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

**From: Mncedisi Wiseman Ngwane [mailto:mncedisiwisemann@gmail.com]**

Sent: Thursday, 10 February 2022 8:13 PM

To: Chris Bradfield <isix@lcom.co.za>

Cc: khulileclock@gmail.com

Subject: Re: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Received, thank you.

**From: Bhelinda Mtamo [mailto:Bhelinda.Mtamo@dedia.gov.za]**

Sent: Friday, 11 February 2022 7:32 AM

To: Chris Bradfield <isix@lcom.co.za>

Subject: Read: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

**From: Van Rooyen Esmeralda [mailto:VanRooyenE2@dws.gov.za]**

Sent: Friday, 11 February 2022 9:08 AM

To: Chris Bradfield <isix@lcom.co.za>

Subject: Read: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Your message

To: Van Rooyen Esmeralda

Subject: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Sent: Thursday, 10 February 2022 17:03:00 (UTC+02:00) Harare, Pretoria

was read on Friday, 11 February 2022 09:08:25 (UTC+02:00) Harare, Pretoria.

**From: Mark M [mailto:markm@ecphra.org.za]**

Sent: Friday, 11 February 2022 6:51 AM

To: 'Elize Butler' <elizebutler002@gmail.com>; 'Chris Bradfield' <isix@lcom.co.za>

Cc: info@ecphra.org.za; 'Karen Van Ryneveld' <karenvanryneveld@gmail.com>

Subject: RE: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Noted with thanks Elize.

Regards.

Mark

**From: Nondwe Mdekazi [mailto:Nondwe.Mdekazi@dedea.gov.za]**

Sent: Friday, 11 February 2022 9:07 AM

To: Chris Bradfield <isix@lcom.co.za>

Subject: RE: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Good Day Chris

Email received and noted.

Yours in service delivery

Nondwe Mdekazi-Nkqubezelo

Environmental Quality Management

Chris Hani District Office

**From: Qaphela Mpotulo [mailto:qmpotulo@chrishanidm.gov.za]**

Sent: Friday, 11 February 2022 1:36 PM

To: Chris Bradfield <isix@lcom.co.za>

Subject: RE: Chris Hani DM-Cluster 9 Tsomo Water Treatment Works Upgrade-EIA Process-Background Information Document

Noted and thank you Chris!

### **3 REGISTRATION OR CORRESPONDENCE FROM I&APs**



### 3.1 ZAMANI MAWETHU AGRICULTURAL COOPERATIVE LTD – DOCUMENTATION RECEIVED

#### 3.1.1 LETTER OF OBJECTION

**From:** Ayandiswa Maqanda [mailto:[ayandiswamaqanda@gmail.com](mailto:ayandiswamaqanda@gmail.com)]

**Sent:** Tuesday, 01 March 2022 3:25 PM

**To:** [isix@lcom.co.za](mailto:isix@lcom.co.za)

**Subject:**

[n.ntlahlamonde@gmail.com](mailto:n.ntlahlamonde@gmail.com)

ERF 17 HARTLEY STREET

TSOMO

5400

2022-02-28

ATT. MR C.J. BREDFIELD  
ISIXWIBA CONSULTING CC

SIR

RE: OBJECTION TO PROPOSED EXCLUSION ON SURVEYED PORTION OF ERF 79 (PORTION 1=2 HA)

WE WISH TO LODGE OUR OBJECTION TO THE PLANNED EXCLUSION BY CHRIS HANI DISTRICT MUNICIPALITY ON A PORTION OF ERF 79 IN TSOMO-WHICH WAS SURVEYED AND LEASED TO ZAMANI MAWETHU CO.OP. THE ABOVE CO-OPERATION COMPLETE WITH PACK HOUSE FOR THE PRODUCTION OF TOMATOES, GREEN PAPPERS ETC.

DUE TO THE INTRANSIGENCE OF MUNICIPAL OFFICIALS VS L.ED.DEPT. IN PARTICULAR OUR REQUESTS FOR FINANCIAL ASSISTANCE FELL ON DEAF EARS-SEDA AND ECONOMIC AFFAIR WERE WILLING.

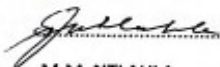
AN AMOUNT OF R100 000 WAS PLACED IN THE CARE OF INTSIKA YETHU MUNICIPALITY BY ECONOMIC AFFAIRS, AND WE NEVER SAW THE END THEREOF.

SEDA ASSISTED WITH THE E.I.A. WE ARE STILL MIRED IN INACTIVITY.WE ARE IN POSSESSION OF VALID LEASE AGREEMENT WHICH EXPIRES ON 31<sup>ST</sup> DECEMBER 2035. A WATER USERS LICENCE HAS BEEN OBTAINED FROM THE DEPT. OF WATER AND SANITATION.

PLAN OF THE PORTION IS AVILABLE ON REQUEST. IT WAS SURVEYED ON JUNE 2010 BY "NPM PLANNING" QUEENSTOWN.

AUTHORISATION FROM EASTERN CAPE DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS REF.NREC 135-010-2009.

REGARDS



M.M. NTLAHLA

ZAMANI MAWETHU CO-OPARATION

EMAIL : [n.ntlahlamonde@gmail.com](mailto:n.ntlahlamonde@gmail.com)

### 3.1.2 APPROVAL BY IYLM

**INTSIKA YETHU MUNICIPALITY  
OFFICE OF THE MUNICIPAL MANAGER**

**PHYSICAL ADDRESS**

**201 MAIN STREET**

**COFIMVABA**



Tel: 047-874 8703

P/Bag X 1251

Fax: 047-874 0575

COFIMVABA

[njilon@intsikayethu.gov.za](mailto:njilon@intsikayethu.gov.za)

5380

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Enq: N. Njilo

Date: 14/06/2010

Department of Loc Gov & Traditional Affairs

P/Bag X 0035

Bisho

5605

Dear Senior Manager

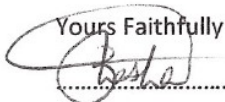
**Application For Authorisation: Tsomo Hydroponics Tunnels Your Ref: NREC 135-010-2009**

The above matter has reference.

The attached plans having been inspected, our institution approves them without reservations.

It is hoped that the project will proceed accordingly.

Yours Faithfully



**Z. SHASHA**

**MUNICIPAL MANAGER**

### 3.1.3 LETTER FROM NPM PLANNING TO IYLM

15-06-2010 16:11

FROM-Nzelezele.Preston & Medcaif QTN

+0458382016

T-442 P.001/002 F-663



**NPM PLANNING**

TOWN & REGIONAL PLANNERS

Our Ref:01/1383.31

Your Ref:

15 June 2010

**INTSIKA YETHU LOCAL MUNICIPALITY**  
Private Bag X 1251  
**COFIMVABA**  
5380

Fax 047 488 0239

Attention: Mr M. Ntshahla

Dear Sir

**APPLICATION FOR THE SUBDIVISION AND REZONING OF ERF 79, TSOMO (HYDROPINICS SITE)**

As per our telephonical conversation. Please find the attached pro-forma of the letter received at our offices yesterday afternoon which is to be typed on a municipal letterhead.

Should you require any further information, please contact the undersigned.

Yours faithfully

**NPM PLANNING**

**SAKUMZI MGUGUDO**  
TRPT (SA)

*(Please return all correspondence to the Queenstown Office)*

**NPM PLANNING OFFICES:**

[www.npmplanning.co.za](http://www.npmplanning.co.za)

**QUEENSTOWN**

Office: 49 Ebben Road, Queenstown

Address: P.O. Box 1699, Queenstown, 5320

Phone: 045 838 2029

Fax: 045 838 2016

Email: [qtn@npmplanning.co.za](mailto:qtn@npmplanning.co.za)

**EAST LONDON**

Office: 7 King Street, Southernwood, EL

Address: P.O. Box 19345, Tecoma, 5214

Phone: 049 722 2935

Fax: 086 509 3487

Email: [el@npmplanning.co.za](mailto:el@npmplanning.co.za)

**PORT ELIZABETH**

Office: 195 Cape Road, Maj Park, P.E

Address: P.O. Box 10322, Linton Grange

Phone: 041 374 4610

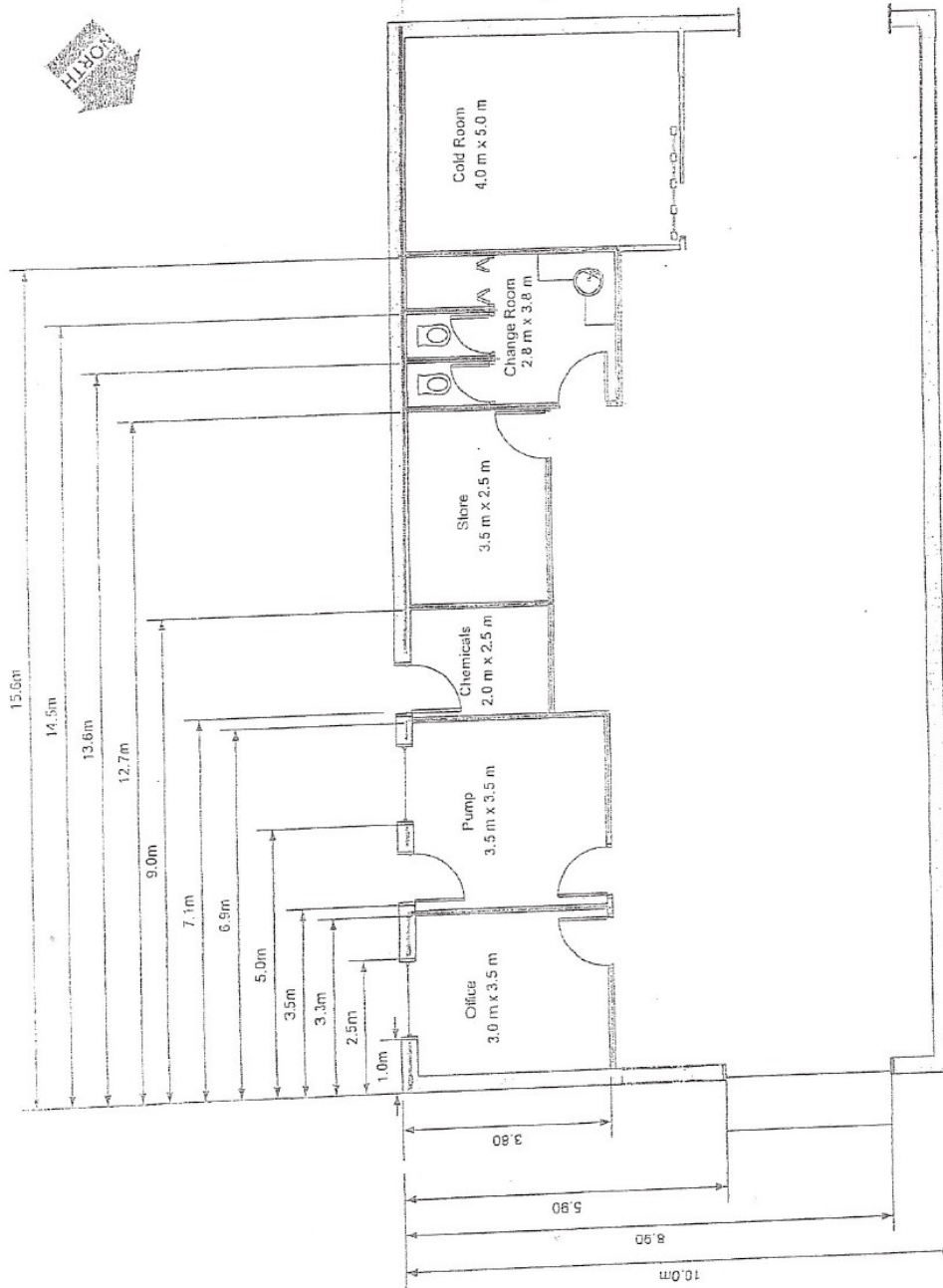
Fax: 041 374 1008

Email: [pe@npmplanning.co.za](mailto:pe@npmplanning.co.za)

PROFESSIONAL TOWN & REGIONAL PLANNERS, GIS CONSULTANTS, DEVELOPMENT PLANNERS AND LAND REFORM PRACTITIONERS  
DIRECTORS: DB Poortman TRP(SA), B.TRP(UP), M.U.R.P.(UFS); SD Mgugudo TRPT(SA), N.DIP(TRP), S.TECH(TRP); MJ Medcaif PRU(SA), B.SdSurvey), B.Sc(Civil Eng)  
NPM PLANNING CC Registration Number: 2008/134189/23



### 3.1.5 PLAN OF STRUCTURE



New Packshed		SIZE	FSCM NO	DWG NO	REV
DRAWN	PHILIP FENNELL	A4	Floor Plan	2010-09-01R0	0
ISSUED	09/09/2010	SCALE	1:100	SHEET	1 OF 1



### 3.1.6 LEASE AGREEMENT

1

## INTSIKA YETHU MUNICIPALITY

### *MEMORANDUM OF AGREEMENT OF LEASE*

---

BE IT HEREBY MADE KNOWN:

That on this 1<sup>st</sup> day of **January** in the **Year of Our Lord Two Thousand and Fifteen (2015)**, known as the effective date, this agreement is hereby made and entered into by and between

**INTSIKA YETHU MUNICIPALITY** established in terms of section 12 of Local Government: Municipal Systems Act 1998 [Act No. 117 of 1998],

herein represented by **ZAMUXOLO SHASHA** in his capacity as Municipal Manager appointed as such in terms of section 82 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], hereafter referred to as **"The Landlord"**;

----- AND -----

**ZAMANI MAWETHU AGRICULTURAL COOPERATIVE LTD** herein represented by **MONDE NTLAHLA**, hereafter referred to as **"The Tenant"**;

**AND THE PARTIES HEREBY DECLARE THAT WHEREAS:**

The Landlord is the registered owner of the piece of land fully described as portion of ERF 79 Tsomo, Intsika Yethu Municipality, District of Tsomo, Province of the Eastern Cape, measuring Twenty Thousand Square Metres (20 000m<sup>2</sup>) hereafter referred to as "The Property" as will more fully appear on Diagram enclosed hereto and clearly marked "Z.S."

Z.S.      M.M.W.

**1. LEASE, COMMENCEMENT AND DURATION:**

- 1.1 The Landlord hereby lets to the Tenant which hereby hires and occupies the Property in whole for the purpose of hydroponics activities.
- 1.2 The lease shall commence on the 1<sup>st</sup> January 2015, shall endure for a period of 20 (twenty) years and shall terminate on the 31<sup>st</sup> December 2035, subject to the Landlord's rights contained in Clause 12.
- 1.3 The Landlord shall have an option to renew the lease for a further period to be agreed upon.
- 1.4 The Landlord and the Tenant hereby agree that the Tenant hires the Property from the Landlord on the following terms and conditions, namely;

**2. RENTALS:**

- 2.1 Rentals for the lease shall be **determined subject to business financial viability at which stage it shall be** payable by the Tenant to the Landlord. At that stage, and when determined, rentals shall be proscribed and furnished by notice to the Tenant which shall be used as addendum.
- 2.2 Rentals shall escalate by 10% each financial year.
- 2.3 Monthly rentals shall be payable by the seventh day of each and every month.
- 2.4 Rentals will be paid either at the municipal offices in Cofimvaba, Finance Department, or by deposit into the following bank details;

Bank	:	First National Bank
Branch	:	Cofimvaba
Branch Code	:	211221
Account no.	:	62022331003

- 2.5.1 Proof of payment must be produced to the municipality on a monthly basis.

**3. RATES AND SERVICES**

- 3.1 Rates for the property under lease shall be the responsibility of the Tenant.
- 3.2 Rating of property shall be commercial.
- 3.3 Rates and services will be paid by the Tenant to the Landlord on a monthly basis at the above bank details and proof of payment thereof must be produced to the Landlord.

*Z.S. MMR*

3.3.1 Reference will be the Tenant's (representative) names.

3.4 Electricity will be paid directly to Eskom by the Tenant at present pre-paid.

#### **4. DEVELOPMENT OF THE PROPERTY**

4.1 The principal objective of this lease is the development by the Tenant of the property under this agreement by developing of hydroponics and related facilities reasonably necessary or connected therewith.

4.2 The Tenant undertakes to develop the property in accordance with the aforesaid objective subject to the Transkei Standard Town Planning Scheme of 1984 made in terms of Ordinance 33 of 1934, the National Building Regulations and Building Standards Act 103 of 1977 as amended and in terms of the applicable Municipal By-Laws, in particular, the Building Control By-Law.

4.3 The cost of the development including the provision of services such as water, sewerage, storm water drainage and electricity shall be borne by the Tenant.

4.4 The Tenant shall use its best endeavours to complete the construction of the buildings within a period of 12 months from date of commencement of construction in order to obtain an Occupation Certificate from the municipality.

#### **5. LIMITATIONS, SUB-LETTING AND CESSION**

5.1 The Tenant shall have no right to sub-let in whole or any portion(s) of the land and buildings to be erected on the property without obtaining written consent of the Landlord.

5.2 The Tenant shall not be entitled to cede its right, title and interest in and to this lease agreement to a third party without written consent of the Landlord.

5.3 The Tenant warrants that it is not acting as an agent for an undisclosed principal.

5.4 The property shall be used only in accordance with development and use for hydroponics otherwise which agreement shall automatically terminate.

#### **6. MAINTENANCE**

6.1 Notwithstanding that the improvements to the property shall become the property of the Landlord upon termination of the lease, the Tenant undertakes to maintain and protect the improvements on the property in the duration of this agreement.

#### **7. COMPLIANCE WITH MUNICIPAL BY-LAWS**

7.1 The Tenant undertakes to comply with any statutes or by-laws affecting the property.

#### **8. SERVICE BY LOCAL OR OTHER COMPETENT AUTHORITY**

*Am m n*  
Z.S.



- 8.1 The Tenant shall at its own cost arrange with the Local Authority or other competent authority for the supply of water and electricity and for disposal services of sanitary waste, sewerage and garbage.
- 8.2 The Tenant shall arrange at its own cost with the Local Authority or other competent authority for the rendering of all other services which may be required for the activities to be carried out on the property.

#### **9. INSURANCE**

- 9.1 The Tenant shall, at its own expense, insure under a separate insurance policy, the improvements erected on the property, with a company registered in the Republic of South Africa, against all normal insurable risks for loss or damage to the improvements for the full duration of the lease.
- 9.2 The extent of insurance coverage shall be the full replacement value of the buildings escalated monthly and shall provide for extra costs of reinstatement, removal of debris and demolition, rental payable to the Landlord and professional costs incurred in supervising restoration.

#### **10. STORING OF EXPLOSIVES AND INFLAMMABLE GOODS**

- 10.1 Except with the written consent of the Landlord, no explosives or highly inflammable goods, substances or liquids shall be stored or placed upon the property.
- 10.1.1 this requirement shall however not interfere with the normal and reasonable business requirements of the Tenant.

#### **11. DISPOSAL OF IMPROVEMENTS ON TERMINATION**

- 1.1.1 Upon termination of this lease by effluxion of time or for any other reason, the improvements shall vest in the Landlord without any compensation to the Tenant who shall, however, be permitted to remove prior to termination of this lease, any machinery, plant and items of a movable nature.

#### **12. PRE-EMPTIVE RIGHT TO PURCHASE PROPERTY**

- 12.1 Should the Landlord at any time during the currency of this lease decide to dispose of the property, it shall deliver to the Tenant a letter giving notice of the Landlord's intention.
- 12.2 The Tenant will have a period of 30 (thirty) days from date of delivery of the letter within which to notify the Landlord in writing if the Tenant wishes to purchase the property. In that event, the sale will be upon the following terms and provisions:
- (a) The purchase price of the property will be the fair market value of the land component of the property (excluding improvements erected thereon by the Tenant);
- (b) The Tenant will within 60 (sixty) days of the date on which the purchase price is agreed upon, furnish the Landlord with acceptable Bank Guarantee for the full

*2.5 m m n*

purchase price expressed to be payable to the Landlord free of commission on the date of registration of transfer of the property;

- (c) The sale shall be voetstoots;
  - (d) The tenant shall pay the transfer costs including transfer duty;
- 12.3 Delivery of the letter referred to in **sub-clause 12.1** shall be deemed to have been received by the Tenant on the date of physical delivery of the letter to the Tenant's chosen domicilium.
- 12.4 Should the Tenant elect not to purchase the property or should the Tenant fail to respond to the letter from the Landlord, then the Landlord may sell the property to any third party subject to the terms of this lease and subject to Tenant's rights in law, provided that the terms and conditions of such sale shall not be more favourable to such third party than those offered to the Tenant.
- 12.5 Should the Tenant decline to purchase the property and should the Landlord thereafter intend to offer the property to a third party upon more favourable terms, the Landlord shall be obliged once more to give the Tenant written notice of such terms and provisions as provided for in **sub-clause 12.2** above and the Tenant shall have a further right to purchase the property upon such terms.

### 13. INDEMNITY

- 13.1 The Tenant shall and hereby does indemnify the Landlord and hold it harmless against:
- (a) Liability in respect of any loss of or damage to property;
  - (b) Liability in respect of death of or injury to any person in the premises;
  - (c) Any legal costs or expenses reasonably incurred in connection with claims or actions arising out of any of the foregoing;
  - (d) Any liability contemplated above unless it arises out of willful misconduct of the Landlord.

### 14. FIRE PROTECTION MEASURES

- 14.1 The Tenant shall ensure that the improvements to the property, at all times during the currency of this lease, comply with the protective measures against fire as required by the local or competent authority.

### 15. BREACH OF LEASE

- 15.1 Should, after determination has been made by Landlord as to the amount to be paid as rental and time or period to commence making such payment, the Tenant fail to make payment of any monthly rental fee on the due date thereof and remain in default after having received 7 (seven) days written notice to remedy the default, or alternatively fail to remedy any other material breach of the lease within a period of 30 days after the date upon which the Tenant is deemed, in terms of **clause 17.3** hereof, to have received the notice calling upon the Tenant to

*Z.C. Munn*

remedy such breach, then and in such event, the Landlord shall be entitled either to cancel this lease or to enforce it by legal action without prejudice in either event to any other claim of whatever nature or kind which it may have against the Tenant.

- 15.2 In the event of an attorney being instructed to collect any overdue amounts owing by the Tenant or to take legal action for the recovery of any amount due or to become due hereunder (or for any breach), the Tenant shall pay collection commission thereon plus all Attorney and Client charges arising therefrom.
- 15.3 The parties hereby consent to the jurisdiction of the Magistrate Court in the event of any action having to be instituted for any recovery of any amount hereto or for the Tenant's eviction from the premises.

**16. CANCELLATION**

- 16.1 Each party shall give the other three calendar months notice of its intention to cancel the agreement preceding the date of termination of this lease and forthwith furnish in writing reasons for cancellation thereof.

**17. NOTICES AND DOMICILLI**

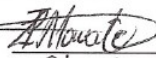
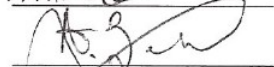
- 17.1 The Landlord elects as its domicilium citandi et executandi: **Office of the Municipal Manager: Intsika Yethu Municipality, Cofimvaba district, Eastern Cape Province, ERF 201, Main Street**, provided that the Landlord shall be entitled to alter this domicilium by written notice to the Tenant.
- 17.2 The Tenant chooses its domicilium et executandi at: **"The Property"** Tsomo district, Eastern Cape Province, provided that the Tenant shall be entitled to alter this domicilium by written notice to the Landlord.
- 17.3 Notices shall be delivered by hand at the chosen domicilium.

**18. AMMENDMENT OR VARIATION OF LEASE**

- 18.1 This lease incorporates the entire agreement between the Landlord and the Tenant and no addition, amendment, cancellation or variation hereof shall be of any force or effect unless in writing and signed by both parties hereto, who hereby acknowledge that no representations or warranties have been made by either the Landlord or the Tenant nor are there any understandings or terms of lease other than those set herein.

**THUS DONE AND SIGNED** at COFIMVABA aforesaid on the day, month and year first hereinbefore written in the presence of the subscribing witnesses.

**AS WITNESSES**

- 1. 
- 2. 

  
 \_\_\_\_\_  
**THE MUNICIPAL MANAGER**

**WITNESSES**

- 1. S. Ndlebe

*mm*

2.                     

*Monde Ntla*  
\_\_\_\_\_  
MONDE NTLAHLA  
THE TENANT

Z.S.



### 3.1.7 ENVIRONMENTAL AUTHORISATION



Province of the  
**EASTERN CAPE**  
DEPARTMENT OF ECONOMIC DEVELOPMENT  
AND ENVIRONMENTAL AFFAIRS

PO Box 9636, Queenstown  
South Africa, 5320  
Phone: +27 (45) 808 4000  
Fax: +27 (45) 888 8981  
Web: [www.deaet.ecprov.gov.za](http://www.deaet.ecprov.gov.za)  
E-mail: [thando.booi@deaet.ecaps.gov.za](mailto:thando.booi@deaet.ecaps.gov.za)

Reference: NREC 135-010-2009  
Enquiries: T. Booi

Attention: Mr. M.M. Ntshala  
Zamani Mawethu Agricultural Co-operative Ltd  
P.O. Box 263  
Tsomo  
5400  
Fax no:0478740010

Dear Sir

**APPLICATION FOR AUTHORISATION: THE CONSTRUCTION OF HYDROPONICS TUNNELS AND A PROCESSING FACILITY IN TSOMO GN 386 ACTIVITY NO .16b AND IS REF. NUMBER NREC135-010-2009.**

With reference to the abovementioned application (Reference number NREC135-010-2009), please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within ten calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, inter alia, lodge a notice of intention to appeal with the MEC as per section 1.11 of the attached authorisation, within 10 days of receiving this letter. Appeals may be lodged by fax, post or hand.

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully

Mr. M. Makosonke  
Regional Manager: Environmental Affairs (Chris Han)

Cc: Frank Merryweather 043 7385150



**Environmental Authorisation**

<b>AUTHORISATION NOTICE REGISTER NUMBER</b>	NREC135-010-2009
<b>LAST AMENDED</b>	N/A
<b>HOLDER OF AUTHORISATION</b>	Zamani Mawethu Agricultural Co-operative Limited.
<b>LOCATION OF ACTIVITY</b>	Tsomo



**DEFINITIONS:**

The following definitions are applicable to this Environmental Authorisation:

"EIA regulations" - these are the Environmental Impact Assessment Regulations published in Government Notice R. 385 of 21 April 2006 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998.

"The Department" - refers to the Department of Economic Development and Environmental Affairs, Eastern Cape Province.

"Commencement" - Any physical activity on site that can be viewed as associated with the development inclusive of initial site preparation.

"Public Participation Process" - a process in which potential and interested and affected parties are given opportunity to comment on, or raise issues relevant to specific matters.

"Registered interested and affected party" - an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 57.

"Interested and affected party" means an interested and affected party contemplated in section 24(4) (d) of the Act, and which in terms of that section includes -

- (a) any person, group of persons or organisation interested in or affected by an activity; and
- (b) any organ of state that may have jurisdiction over any aspect of the activity;

"Activity" means an activity identified-

- (a) in Government Notice No. R. 386 and No. R 387 of 2006 as a listed activity; or
- (b) in any other notice published by the Minister or MEC in terms of section 24 of the Act as a listed activity or specified activity;

"Alternatives Activity" - means different means of meeting the general purpose and requirements of the activity, which may include alternative to-

- (a) the property on which or location where it is proposed to undertake the activity;
- (b) the type of activity to be undertaken;
- (c) the design or layout of the activity; and
- (d) the operational aspects of the activity;

"Basic Assessment Report" - means a process contemplated in regulation 22

"Environmental Management Plan" - means an environmental management plan in relation to identified or specified activities envisaged in Chapter 5 of the Act.

"Applicant" - means a person who has submitted or intends to submit an application.

"EAP" - an individual responsible for planning, management and coordination of environmental impact assessments, strategic impact assessments, environmental management plans or any other appropriate environmental instruments introduced through regulations.





## Annexure 1: Reasons for Decision

### 1. Background

The applicant, Zamani Mawethu Agricultural Co-operative, applied for authorisation to carry out the following activity:

The construction of Hydroponics tunnels and processing facility in Tsomo will provide employment for members of the community and will supply the market with high quality produce. This project will provide adequate supply of fresh vegetable for the community of Tsomo and will improve the skills of the members of the community that will be employed in the project.

The Zamani Mawethu Agricultural Co-operative appointed Merryweather Environmental to undertake a basic assessment process and compile the necessary reports. This process included public participation as prescribed by regulations.

### 2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration:

- 2.1. The information contained in the following documentation:
  - > Completed application form dated 18 March 2009; and
  - > Completed Basic Assessment Report compiled by Merryweather Environmental titled 'Zamani Mawethu Hydroponics Project' in Tsomo dated 18 March 2009.
- 2.2. Issues raised during a site visit conducted on 23 April 2009 by Ms. A Yaphi, Mr. T Bool, Mrs. N Gcilitshana and Miss V Silo from this office (DEDEA) together with Mr. F. Merryweather from Merryweather Environmental. The commercial farmer that is to manage the operations of the project has not been appointed yet instead the expertise and services of Extension Officer from the local office of the Department of Agriculture will be utilised. The *Aloe ferax* in the site will be replanted in a suitable part of the site as soon as construction is completed.
- 2.3. The EIA regulations of 2006 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

### 3. Key factors considered in making the decision

- 3.1. The construction of hydroponics tunnels and processing facility is necessary to provide employment for members of the community and with high quality produce. The project will supply fresh vegetables to schools and health facilities. It will enable the community to access high quality produce by setting up vegetable stalls in the town of Tsomo.
- 3.2. In general the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the





proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

**Findings**

- (a) The potential environmental impacts can be mitigated with implementation of approved EMP and compliance to conditions of authorisation.
- (b) The proposed activity will improve the social conditions of the community as members of the community will be employed and will benefit from the produce particularly schools and hospitals in the region.
- (c) The proposed activity is accepted by interested and affected parties.
- (d) Exemption from assessing alternative was considered as this site is the only one that the municipality has given the Zamani Mawethu Co-operative Limited.



### 3.1.8 WATER USE LICENCE



Department: Water Affairs and Forestry

#### National Register of Water Use Certificate 28077456

Taking water from a water resource in terms of Section 21(a) of the National Water Act

**Water Use Identification**

Register Number: 28077456  
 Water Use Number: 1  
 Water Use Start Date: 2009/06/01  
 Water Use Status: REGISTERED

**Lawfulness Authentication**

Finding: LAWFULNESS STILL TO BE DETERMINED  
 Finding Date: 2008/08/12  
 Finding Reason:  
 Finding Confirmed: YES

**Water Use Details**

Water Use Sector (i.e. Purpose of Water Use): INDUSTRY (NON-URBAN)  
 Source Type: RIVER/STREAM  
 Water Resource Name: TSOMO RIVER

Point of Abstraction: Latitude 32° 1' 52.9" south Longitude 27° 49' 26.9" east  
 Datum Type: WGS-84  
 Quaternary Drainage Region: S50G

**Registered Volumes**

Start Date	Registered Volume (m <sup>3</sup> )	Time Interval
2009/06/01	80	PER YEAR

**Comment**

**DISCLAIMER:**

This certificate is:

1. not an acknowledgement of an entitlement to the registered water use;
2. issued without alterations or erasures and is invalid if it contains alterations not in conformity with the Department's official copy; and
3. in substitution of any National Register of Water Use Certificate the Department may have previously issued and the information is valid as at the date of issue. However, in the case of any water use having been identified as a licensed water use, this certificate is not to be regarded as a replacement of the applicable licence certificate. The license conditions that are applicable to the water use are not currently incorporated in this National Register of Water Use certificate.



## **3.2 RESPONSE FROM EAP TO I&APs**

### 3.2.1 CORRESPONDENCE WITH MR NTLAHLA

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Tuesday, 01 March 2022 3:40 PM

To: 'Ayandiswa Maqanda' <ayandiswamaqanda@gmail.com>

Cc: 'n.ntlahlamonde@gmail.com' <n.ntlahlamonde@gmail.com>; 'phillip@malutiwater.co.za' <phillip@malutiwater.co.za>; 'tobie@malutiwater.co.za' <tobie@malutiwater.co.za>; 'tholang' <tholang@malutiwater.co.za>

Subject: RE: Proposed CHDM Tsomo WTW Upgrade

Dear Mr Ntlahtla

Receipt of your letter is acknowledged and your objection noted, which will be recorded in the EIA report and a copy of your letter included in the public participation report.

We have included your organisation as an interested and affected party on the database as required for the public participation process in terms of the NEMA Regulations, so that you are included in the process going forward.

We suggest that you also attend the site meeting scheduled for 15<sup>th</sup> March 2020 at 11h00 at the proposed site.

We will forward your letter to the implementing agent for the proposed CHDM Tsomo WTW Upgrade project, for their attention

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Tuesday, 01 March 2022 4:09 PM

To: 'Ayandiswa Maqanda' <ayandiswamaqanda@gmail.com>

Subject: RE: Hey RE: Proposed CHDM Tsomo WTW Upgrade

Good day Ayandiswa

Please note that the earlier e-mail sent to you and copied to [n.ntlahlamonde@gmail.com](mailto:n.ntlahlamonde@gmail.com) was returned as undeliverable with the following message-

A message that you sent could not be delivered to one or more of its recipients. This is a permanent error. The following address(es) failed:  
[n.ntlahlamonde@gmail.com](mailto:n.ntlahlamonde@gmail.com)

Will you kindly ensure that Mr Ntlahtla is given a copy of the correspondence included in the earlier e-mail to both your addresses.

Thank you

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Wednesday, 02 March 2022 8:22 AM

To: 'ntlahlamonde@gmail.com' <ntlahlamonde@gmail.com>

Cc: 'tobie@malutiwater.co.za' <tobie@malutiwater.co.za>; 'phillip@malutiwater.co.za' <phillip@malutiwater.co.za>; 'tholang@malutiwater.co.za' <tholang@malutiwater.co.za>

Subject: FW: Proposed CHDM Tsomo WTW Upgrade

Good morning Mr Ntlahla

As discussed, I have re-sent this e-mail to your corrected address - see e-mail below.

Kindly bring copies of the survey plan and any other authorisations you might have to the meeting on 15<sup>th</sup> March 2022

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Tuesday, 01 March 2022 3:40 PM

To: 'Ayandiswa Maqanda' <ayandiswamaqanda@gmail.com>

Cc: 'n.ntlahlamonde@gmail.com' <n.ntlahlamonde@gmail.com>; 'phillip@malutiwater.co.za' <phillip@malutiwater.co.za>; 'tobie@malutiwater.co.za' <tobie@malutiwater.co.za>; 'tholang' <tholang@malutiwater.co.za>

Subject: RE: Proposed CHDM Tsomo WTW Upgrade

Dear Mr Ntlahla

Receipt of your letter is acknowledged and your objection noted, which will be recorded in the EIA report and a copy of your letter included in the public participation report.

We have included your organisation as an interested and affected party on the database as required for the public participation process in terms of the NEMA Regulations, so that you are included in the process going forward.

We suggest that you also attend the site meeting scheduled for 15<sup>th</sup> March 2020 at 11h00 at the proposed site.

We will forward your letter to the implementing agent for the proposed CHDM Tsomo WTW Upgrade project, for their attention

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Thursday, 07 April 2022 1:33 PM

To: 'ntlahlamonde@gmail.com' <ntlahlamonde@gmail.com>; 'n.ntlahlamonde@gmail.com' <n.ntlahlamonde@gmail.com>

Cc: 'Siyabu Manona' <siyabu@phuhlisani.org.za>; 'phillip@malutiwater.co.za'

<phillip@malutiwater.co.za>; 'tholang@malutiwater.co.za' <tholang@malutiwater.co.za>

Subject: CHDM Tsomo WTW Upgrade - Land issue

Dear Mr Ntlahla

Our telephonic conversation today refers.

This is just an update on our receipt of your letter of objection and documentation and your discussions with Mr Lebusa at the site meeting on 15<sup>th</sup> March 2022.

To confirm our discussion, Mr Siyabu Manona of Phuhlisani an independent consultant has been appointed to deal with the matters around the land and Mr Manona will contact you in this regard.

It is pleasing to note your positive approach to the water treatment works being for the greater good of the communities and that you are open to discussion and negotiation around an alternative site.

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**SMS to Mr Ntlahla (7<sup>th</sup> April 2022)**

**From:** Chris Bradfield [mailto:bradfield429@gmail.com]

Sent: Thursday, 07 April 2022 2:15 PM

To: CJB <isix@lcom.co.za>

Subject: SMS to Mr Ntlahla

Good afternoon Mr Ntlahla as discussed I have sent you an e-mail confirming our telephonic conversation of this morning

Kind regards  
Chris Bradfield

**WhatsApp to Mr Ntlahla (7<sup>th</sup> April 2022)**

**From:** Chris Bradfield [mailto:bradfield429@gmail.com]

Sent: Thursday, 07 April 2022 2:16 PM

To: CJB <isix@lcom.co.za>

Subject: W/A to Mr Ntlahla

Good afternoon Mr Ntlahla as discussed I have sent you an e-mail confirming our telephonic conversation of this morning

Kind regards  
Chris Bradfield



### 3.2.2 READ RECEIPTS

**From:** Ayandiswa Maqanda [mailto:ayandiswamaqanda@gmail.com]  
**Sent:** Tuesday, 01 March 2022 3:40 PM  
**To:** isix@lcom.co.za  
**Subject:** Hey RE: Proposed CHDM Tsomo WTW Upgrade

Hi



### 3.3 LETTER FROM MR MANONA (FACILITATING CONSULTANT) TO EAP



85 Durban Road Unit 8 Olympia Court  
Mowbray 7700  
PO Box 12915, Mowbray, Cape Town, 7705  
www.phuhlisani.com  
Tel: 021 685 1118 Fax: 021 685 1115

06 April 2022

Attention: Chris Bradfield  
isi-Xwiba Consulting  
16 Milner St  
Queenstown

**Re: Process to resolve the matter of the lease agreement between Intsika Yethu and Zamani Mawethu Agricultural Cooperative Ltd**

Firstly, I wish to confirm that Phuhlisani NPC (Siyabulela Manona) has been engaged by Maluti GSM to attend to some of the outstanding land-legal matter pertaining to the Tsomo Water Treatment Works Expansion. Secondly, I wish to appraise you on my approach to the matter. Thirdly, I wish to update you on some of my preliminary findings and proposed way forward on the matter. Without getting into detail, lapsed Erf 329 was intended to be a subdivision of Rem.

I have gathered most of the information that is possibly available on the matter and written it all up as a 'situation analysis'. Forming an solid opinion land governance policy matters that are contentious often entails disagreements, incompatibility of facts, foregrounding and or foreclosure of facts, which results in actors going past each other.<sup>1</sup> Under those circumstances, there is a need to shift 'backwards' in focus and ask problem setting questions -- 'what is the problem?' -- which has now been concluded. These were followed up with problem setting questions asked, the question, 'what is to be done or what is the solution design?'.<sup>2</sup> To provide perspective to this it had to be located into some theoretical framework.

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<sup>1</sup> (Rein & Schön, 1986)

<sup>2</sup> Bacchi, C. (2009a). Analysing policy: What's the problem represented to be? Frenchs Forest, Australia: Pearson Education.; Bacchi, C. (2009b). The issue of intentionality in frame theory. In E. Lombardo, P. Meier, & M. Verloo (Eds.), The discursive politics of gender equality (pp. 19-35). London, England: Routledge; See also Koppenjan, J., & Klijn, E. H. (2004). Managing uncertainties in networks. London, England: Routledge.

The one lens I use in this situation is the framing analytical framework, which put in simple terms should be understood as a set of tools for "definition of the situation", by providing a lens through which situational actors, understand or perceive their own reality or that of others.<sup>3</sup> The framing analytical framework has utility in seeking possible solutions to what are often characterised as 'stubborn' or 'intractable' policy challenges. These are policy challenges which were considered to be resistant to resolution through evidence, research, and reasoned argument.<sup>4</sup> While frames may be created consciously, in the particular matter frame emerges and were internalised by actors in the process of communication. Drawing from the history of the land and the lease agreement, come the baggage. Central to this history is the situational consequence, of a lease that has been breached by both parties, which in turn eroded the legal standing of the lease agreement.

Erf 79, that was approved by the SG in 2011, but was never registered. The lease agreement was entered into on 1 January 2015 between IYLM (landlord) and Zamani (tenant) for the purposes of initiation of a hydroponics project.

- Isolation of core from peripheral issues. The core issue is the decision by CHDM to expand Tsomo Water Treatment Works, which amounts to administrative, in terms of the Promotion of Administrative Action Justice Act #3 of 2000 (PAJA) (See para 4.5). The immediate consequence or knock-on of this decision is that the land that is earmarked for expansion is a portion of Erf 79, Tsomo, a portion of the municipal commonage. More specifically the specific portion that is earmarked is subject of a lease agreement between Intsika Yethu Local Municipality (IYLM) and Zamani

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<sup>3</sup> van Hulst, M. J., & Yanow, D. (2016). From Policy "Frames" to "Framing": Theorizing a More Dynamic, Political Approach. *The American Review of Public Administration*, 46(1), 92–112. Also see Goffman, E. (1974). *Frame analysis*. New York, NY: Harper & Row (p 10).

<sup>4</sup> Rein, M., & Schön, D. A. (1996). Frame-critical policy analysis and frame-reflective policy practice. *Knowledge and Policy*, 9, 85-104.; Rein, M., & Schön, D. A. (1993). Reframing policy discourse. In F. Fischer & J. Forester (Eds.), *The argumentative turn in policy analysis and planning* (pp. 145-166). Durham, NC: Duke University Press.; Rein, M. & Schön, D. A. (1991). Frame-reflective policy discourse. In P. Wagner, C. H. Weiss, B. Wittrock, B. & H. Wollman (Eds.), *Social sciences, modern states, national experiences and theoretical cross-roads* (pp. 262-289). Cambridge, MA: Cambridge University Press.; Rein, M., & Schön, D. A. (1986). Frame-reflective policy discourse. *Beleidsanalyse*, 4, 4-18.



Mawethu Agricultural Cooperative Ltd (henceforth "Zamani"). The two parties are encumbered by the administrative action by CHDM.

- We have considered the legality of the lease agreement and concluded that it will not withstand legal scrutiny in a court of law.<sup>5</sup> Notwithstanding that, and based on the information at our disposal, we concluded that the lease agreement was entered into in good faith. The need to terminate the lease does not arise from the two parties that originally entered into an agreement but is a consequence of administrative action (decision) to expand the Tsomo WTW.
- Made succinct proposals on the way forward with two options for consideration. Option 1 is to be legalistic by either extinguishing the lease outright -- declaring it invalid, on the basis of breach by one or both parties.
- Option 2 would entail recognition of the lease – in spite of breach -- and get the parties to negotiate an exit route. Given that the tenant would suffer no material loss as a result of the termination, of the lease agreement, both parties could agree to terminate the lease immediately or on a reduced notice period. For this route to be viable, the municipality may consider supporting the tenant in finding suitable alternative land, not necessarily over the municipal commonage, but on private quitrent allotment or over the commonage of Mkhwinti Location No. 3. At the EIA public meeting, Zamani indicated openness to a discussion alternative site. Finding an alternative land parcel should not have financial implications that are any worse than the current lease.
- It is imperative that the process is handled within parameters of the law with PAJA guiding the process. In line with the prescript of PAJA the land lessee and lessor have a right to administrative action that is lawful, reasonable, and procedurally fair,<sup>6</sup> a critical aspect of which entails reasons behind.
- The consequences of the failure of the negotiations between the parties is explained in the situation analysis in sufficient detail.

---

<sup>5</sup> I am open to have a second opinion on this matter.

<sup>6</sup> (Hoexter, C. 2012)

The environmental regulatory thrust is just one among other regulatory thrusts, even though in practice it typically receives the most attention from Water Services Authorities (WSAs) within the context of water infrastructure build, which results in the unintended consequence of foreclosing other regulatory thrusts. For example the land-use regulatory thrust is the competence of municipalities, some land-use regulatory functions -- e.g. minerals, development of water resources, national and provincial heritage resources -- straddle across line-function departments. Land governance jurisdictions sort the where (territories), who (authorities), what (object/s of governance), how (governance rationalities and capabilities) through a kind of chain reaction, whereby if one question is decided, then the answers to the other questions seem to follow automatically.<sup>7</sup> What we want to draw your attention to is that the different legal instruments and jurisdictional authorities appear to coexist without overt underlying contradictions.<sup>8</sup>

The logic of how the system works is such that the multiple jurisdictional authorities are – in practice -- not necessarily legible to each other. This makes up the process that inter-legality of [land] governance.<sup>9</sup> The natural clashes of land governance that arise from the contradictory logics between rival jurisdictions are typically kept apart by assigning them to different authorities.<sup>10</sup> This fragmentation does not make life any easy for municipalities to comprehend, from an administration point of view. Without taking anything from any of the regulatory thrust, the rights and interests of the two parties (lessee and lessor) can never outweigh the public interest that drives the Tsomo WTW Expansion. Without any prejudice, it is also my view that in these sort of contexts may have their own perspectives, which does not by any means give any opinion superiority over other opinions.

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<sup>7</sup> Valverde, Marina 2009. Jurisdiction and Scale: Legal 'Technicalities' as Resources for Theory. *Social and Legal Studies* Vol. 18, No 2 (139-157).

<sup>8</sup> Manona, S. 2022. Letter to Chris Hani District Municipality SPLUMA Applications: Erven 381 & 382, Mkhwinti Location No. 3, Tsomo, 26 March 2022.

<sup>9</sup> de Sousa Santos, Boaventura 1987. 'Law: A Map of Misreading. Toward a Postmodern Conception of Law', *Journal of Law and Society* 14(3): 279–3.

<sup>10</sup> Valverde (2009)



In all of this long-winded analysis I want to assure you and that the land issue will be resolved through a process that will include both parties.

Regards

A handwritten signature in black ink, appearing to read 'Siyabulela Manona', enclosed within a light blue rectangular border.

**Siyabulela Manona**

### 3.4 CORRESPONDENCE FROM Mr MANONA

**From: Siyabu Manona [mailto:siyabu@phuhlisani.org.za]**

Sent: Tuesday, 17 May 2022 5:09 AM

To: Chris Bradfield <isix@lcom.co.za>; 'Siyabulela Manona' <siyabulela@umhlabagroup.co.za>

Cc: phillip@malutiwater.co.za; tholang@malutiwater.co.za; ntlahlamonde@gmail.com; n.ntlahlamonde@gmail.com

Subject: RE: CHDM Tsomo WTW Upgrade - Land issue - Mr Ntlahla

Chris

Yesterday I have spent some time with Mr Ntlahla over the telephone. Firstly the meeting was intended to introduce myself to him. Secondly the meeting was intended to explain my role as well as where the process currently stands.

Mr Ntlahla understands that I have gone through his letter of response to the EIA process. He understands that I have formed my own opinion in support of the approval of the BAR to Isixwiba Consulting. I made it very clear that some of his battles with Intsika Yethu fall outside the scope of my work, and that those matters will be clarified and isolated.

I have explained to Mr Ntlahla that I will preside over a negotiation meeting between him and Intsika Yethu, and made it clear that our meeting shall only be limited to redressing costs incurred as a direct result of changing from the old site to the new site. For example, I explained to him that, given that alternative land triggers a new EIA, he has no legitimate claim against CHDM for the EIA because his EIA on the original site had already lapsed. Similarly, all other legal authorisations and specialist studies that were outstanding remain due from him, and not CHDM. Mr Ntlahla understood and accepted this.

I have brought to Mr Ntlahla's attention that I have considered two options of alternative land which I will table to both him and IYLM. He seems happy that some alternatives will be tabled. I explained to him that I will initiate the negotiation process only after the BAR approval. Mr Ntlahla fully appreciates that his issues (legal battles) with Intsika Yethu do not surpass the overarching public interest that underpins the project. I have clarified that legal matters that have already been tabled to the Public Protector cannot be resolved through the current intervention.

Regards

*Siyabu Manona (PhD)*


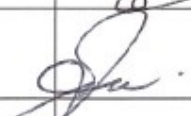

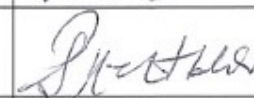
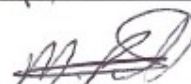


ph: 021 685 1118

cell: +27(0)82 659 8583



4 SITE MEETING ATTENDANCE REGISTER

isi-Xwiba Consulting CC		ATTENDANCE REGISTER			
Mobile: 083 441 1189		PROJECT: CHDM TSOMO WATER TREATMENT WORKS UPGRADE			
Fax/E-mail: 0866 184 327		PURPOSE: EIA CONSULTATIVE MEETING			
E-mail: <a href="mailto:isix@lcom.co.za">isix@lcom.co.za</a>		Date: .....			
Name	Organisation	Tel or Mobile No.	E-mail or Fax No.	Do you have Covid Symptoms? (Y/N)	Signature
J.T. GEBUSA	Maluti GSM	022 333 836	thobany@malutiwater.co.za	No	
M.M. Ntshala	Zamani	083 556 4359	ntshala@malutiwater.co.za	N	
N.G. Mhango	Zamani	083 669 5799	—	No	
Pholiso Ntshala	Zamani Maluti	079 799 6083	pholiso@malutiwater.co.za	No	
Mcebisi Peta	Maluti GSM	045 838 2114	mcebisi@malutiwater.co.za	No	

## 4.1 REPORT BACK ON OUTCOME OF SITE MEETING

**From:** tholang@malutiwater.co.za [mailto:tholang@malutiwater.co.za]

Sent: Wednesday, 16 March 2022 11:04 AM

To: 'Chris Bradfield' <isix@lcom.co.za>; 'Mcebisi Pala' <mcebisi@malutiwater.co.za>; Siyabu Manona <siyabu@phuhlisani.org.za>; Siyabulela Manona <siyabulela@umhlabagroup.co.za>

Cc: phillip@malutiwater.co.za

Subject: RE: Tsomo WTW Upgrade - EIA process - public meeting

Hi Chris

The meeting went well, there were three people representing the hydroponic site.

Their comments were as follows:

- The WTW site is situated on their site and how will they be accommodated.
- They want their project to continue. They have a great idea for the project which includes fishing but they let down by the Municipality.

We said we acknowledge that and that will be investigated.

We asked if they would be happy if they were to be moved elsewhere. They say yes they are open to negotiations.

We asked if they have documents for the site, they said yes and they gave us to make copies and documents attached including the lease agreement.

From there they started marketing themselves:

- They had a R100k funding which disappeared from the Municipality till today. They are reporting this to the public protector.
- Can we include them in our funding from DWS
- If they can be compensated R100k and moved else to a registered site they will be happy
- They beg for our assistance in whatever way.

We listened and did not promise anything.

Regards,

Tholang Lebusa



78 Ebdon Street/P.O. Box 2156  
Queenstown/Komani  
5320/5319

**5 SUBMISSION OF PRE-APPLICATION DBAR TO I&APs FOR REVIEW**

## 5.1 PROOF OF SUBMISSION

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Wednesday, 20 April 2022 9:56 AM

To: 'gmashiyi@chrishanidm.gov.za' <gmashiyi@chrishanidm.gov.za>; 'luzukog03@gmail.com' <luzukog03@gmail.com>; 'qmpotulo@chrishanidm.gov.za' <qmpotulo@chrishanidm.gov.za>; 'tncokazi@chrishanidm.gov.za' <tncokazi@chrishanidm.gov.za>; 'kulileclock@gmail.com' <kulileclock@gmail.com>; 'mncedisi.wiseman@gmail.com' <mncedisi.wiseman@gmail.com>; 'info@intsikayethu.gov.za' <info@intsikayethu.gov.za>

Cc: 'phillip@malutiwater.co.za' <phillip@malutiwater.co.za>; 'mcebisi@malutiwater.co.za' <mcebisi@malutiwater.co.za>; 'tholang@malutiwater.co.za' <tholang@malutiwater.co.za>; 'Tobie Marnewick' <tobie@malutiwater.co.za>

Subject: CHDM Tsomo WTW Upgrade - Draft BAR for review

Good day CHDM and IYLM Officials

This is an advisory note to advise that the Draft BAR will be sent to you via electronic file transfer mechanism "We Transfer" tomorrow (21<sup>st</sup> April 2022) in accordance with the notice, for 30-day review and comment period.

Note- The files must be downloaded within five (5) days of delivery after which they are removed from the system. Please contact me should you miss the 5-day deadline and I will re-forward

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Wednesday, 20 April 2022 9:46 AM

To: 'Nondwe Mdekazi' <Nondwe.Mdekazi@dedea.gov.za>; 'FourieL4@dws.gov.za' <FourieL4@dws.gov.za>; 'Van Rooyen Esmeralda' <VanRooyenE2@dws.gov.za>; 'info@ecphra.org.za' <info@ecphra.org.za>; 'markm@ecphra.org.za' <markm@ecphra.org.za>

Cc: 'phillip@malutiwater.co.za' <phillip@malutiwater.co.za>; 'Tobie Marnewick' <tobie@malutiwater.co.za>; 'tholang@malutiwater.co.za' <tholang@malutiwater.co.za>; 'Mlondolozzi Mbikwana' <mlondolozzi@icloud.com>; 'ArchaeoMaps' <k.archaeomaps@gmail.com>

Subject: CHDM Tsomo WTW Upgrade - Draft BAR for review

Good day DEDEAT, DWS and ECPHRA Officials

This is an advisory note to advise that the Draft BAR will be sent to you via electronic file transfer mechanism "We Transfer" tomorrow (21<sup>st</sup> April 2022) in accordance with the BID, for 30-day review and comment period.

Note- The files must be downloaded within five (5) days of delivery after which they are removed from the system. Please contact me should you miss the 5-day deadline and I will re-forward

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

**From: WeTransfer [mailto:noreply@wetransfer.com]**

Sent: Thursday, 21 April 2022 7:16 AM

To: isix@lcom.co.za

Subject: 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf sent successfully to gmashiyi@chrishanidm.gov.za and 9 others

Recipients

gmashiyi@chrishanidm.gov.za luzukog03@gmail.com qmpotulo@chrishanidm.gov.za tncokazi@chrishanidm.gov.za kulileclock@gmail.com mncedisi.wisemann@gmail.com phillip@malutiwater.co.za tholang@malutiwater.co.za tobie@malutiwater.co.za mcebisi@malutiwater.co.za

**From: WeTransfer [mailto:noreply@wetransfer.com]**

Sent: Thursday, 21 April 2022 7:10 AM

To: isix@lcom.co.za

Subject: 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf sent successfully to nondwe.mdekazi@dedea.gov.za and 7 others

Recipients

nondwe.mdekazi@dedea.gov.za mncedisi.makosonke@dedea.gov.za fouriel4@dws.gov.za vanrooyene2@dws.gov.za markm@ecphra.org.za info@ecphra.org.za mlondolozzi@icloud.com k.archaeomaps@gmail.com

**From: WeTransfer [mailto:noreply@wetransfer.com]**

Sent: Monday, 25 April 2022 1:36 PM

To: isix@lcom.co.za

Subject: 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf sent successfully to moodleyd@dws.gov.za

Recipients

moodleyd@dws.gov.za

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Monday, 25 April 2022 8:57 AM

To: 'gmashiyi@chrishanidm.gov.za' <gmashiyi@chrishanidm.gov.za>; 'luzukog03@gmail.com' <luzukog03@gmail.com>; 'qmpotulo@chrishanidm.gov.za' <qmpotulo@chrishanidm.gov.za>; 'tncokazi@chrishanidm.gov.za' <tncokazi@chrishanidm.gov.za>; 'kulileclock@gmail.com' <kulileclock@gmail.com>

Cc: 'Phillip Ravenscroft' <phillip@malutiwater.co.za>; 'tholang@malutiwater.co.za' <tholang@malutiwater.co.za>

Subject: FW: 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf sent successfully to gmashiyi@chrishanidm.gov.za and 9 others

Good day CHDM and IYLM Officials

Reminder -

The Draft Basic Assessment Report was submitted to you on 21<sup>st</sup> April 2022 – the expiry date for downloading the files is 28<sup>th</sup> April 2022, after which they will be removed from the electronic file transfer system

The IYLM Ward Councillor, has been provided with a copy of the Draft BAR

Kind regards

Chris Bradfield  
isi-Xwiba Consulting

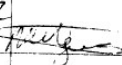

ENVIRONMENTAL IMPACT ASSESSMENT PROCESS

PROJECT: CHDM TSOMO WTW UPGRADE

ACKNOWLEDGEMENT OF RECEIPT OF DRAFT BASIC ASSESSMENT REPORT

30-DAY REVIEW OF DRAFT BASIC ASSESSMENT REPORT

CLOSING DATE FOR SUBMISSION OF COMMENTS - 25<sup>th</sup> MAY 2022

Name of Interested & Affected Party	DRAFT BAR FOR REVIEW AND COMMENT			
	Name	Tel / Cell No.	Date	Signature
M. NGWANE Ward Councillor (8) Zamani Mawethu Agricultural Coop	M. Ngwane	073 117 5308	21/4/22	
	M. Ntlahla	083 586 4357	21/4/22	

## 5.2 READ RECEIPTS

**From: Thuletu Ncokazi [mailto:tncokazi@chrishanidm.gov.za]**

Sent: Wednesday, 20 April 2022 11:30 AM

To: Chris Bradfield <isix@lcom.co.za>

Subject: Read: CHDM Tsomo WTW Upgrade - Draft BAR for review

[<https://www.chrishanidm.gov.za/wp-content/uploads/2022/02/CHDM-Animation.gif>]

Thuletu Ncokazi - PROJECT MANAGER

Tel: 045 808 4716

Fax: Email: [tncokazi@chrishanidm.gov.za](mailto:tncokazi@chrishanidm.gov.za)<mailto:>

Customer Care Line: 0800 100 100 | Customer Care Email:

[customercare@chrishanidm.gov.za](mailto:customercare@chrishanidm.gov.za)<mailto:%20customercare@chrishanidm.gov.za>

[CHDM Website]<<https://www.chrishanidm.gov.za>> [CHDM Facebook]

<<https://www.facebook.com/chrishanidm?fref=ts>> [[https://www.chrishanidm.gov.za/wp-content/uploads/2021/08/twitter\\_chdm.png](https://www.chrishanidm.gov.za/wp-content/uploads/2021/08/twitter_chdm.png)] <<https://twitter.com/chrishanidm>>

**From: WeTransfer [mailto:noreply@wetransfer.com]**

Sent: Thursday, 21 April 2022 7:11 AM

To: isix@lcom.co.za

Subject: fouriel4@dws.gov.za downloaded 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf

**From: WeTransfer [mailto:noreply@wetransfer.com]**

Sent: Thursday, 21 April 2022 7:24 AM

To: isix@lcom.co.za

Subject: k.archaeomaps@gmail.com downloaded 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf

**From: WeTransfer [mailto:noreply@wetransfer.com]**

Sent: Thursday, 21 April 2022 11:23 AM

To: isix@lcom.co.za

Subject: nondwe.mdekazi@dedea.gov.za downloaded 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf

**From: WeTransfer [mailto:noreply@wetransfer.com]**

Sent: Thursday, 21 April 2022 7:11 AM

To: isix@lcom.co.za

Subject: vanrooyene2@dws.gov.za downloaded 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf

**From: Boitumelo Koloji [mailto:bkoloji@chrishanidm.gov.za]**

Sent: Monday, 25 April 2022 3:37 PM

To: Chris Bradfield <isix@lcom.co.za>

Subject: Read: 1. Draft BAR-CHDM Tsomo WTW Upgrade.pdf sent successfully to gmashiyi@chrishanidm.gov.za and 9 others

[<https://www.chrishanidm.gov.za/wp-content/uploads/2022/02/CHDM-Animation.gif>]

Boitumelo Koloji - PA MMO

Tel: 045 808 4610

Fax: Email: [bkoloji@chrishanidm.gov.za](mailto:bkoloji@chrishanidm.gov.za)<mailto:>

Customer Care Line: 0800 100 100 | Customer Care Email:

[customercare@chrishanidm.gov.za](mailto:customercare@chrishanidm.gov.za)<mailto:%20customercare@chrishanidm.gov.za>

[CHDM Website]<<https://www.chrishanidm.gov.za>> [CHDM Facebook]

<<https://www.facebook.com/chrishanidm?fref=ts>> [[https://www.chrishanidm.gov.za/wp-content/uploads/2021/08/twitter\\_chdm.png](https://www.chrishanidm.gov.za/wp-content/uploads/2021/08/twitter_chdm.png)] <<https://twitter.com/chrishanidm>>



**From: Moodley Dheegan (ELS) [mailto:MoodleyD@dws.gov.za]**  
Sent: Monday, 25 April 2022 1:38 PM  
To: Chris Bradfield <isix@lcom.co.za>  
Subject: RE: DBAR Tsomo WTW upgrade

Hi Mr. Bradfield,

Thanks, I have managed to download the zipped file.

Regards  
Dheegan

**From: Boitumelo Koloï [mailto:bkoloi@chrishanidm.gov.za]**  
Sent: Wednesday, 04 May 2022 10:15 AM  
To: Chris Bradfield <isix@lcom.co.za>  
Subject: Read: CHDM Tsomo WTW Upgrade - Draft BAR for review

[<https://www.chrishanidm.gov.za/wp-content/uploads/2022/02/CHDM-Animation.gif>]  
Boitumelo Koloï - PA MMO  
Tel: 045 808 4610  
Fax:      Email: [bkoloi@chrishanidm.gov.za](mailto:bkoloi@chrishanidm.gov.za)<mailto:>

Customer Care Line: 0800 100 100 | Customer Care Email:  
[customercare@chrishanidm.gov.za](mailto:customercare@chrishanidm.gov.za)<mailto:%20customercare@chrishanidm.gov.za>

[CHDM Website]<<https://www.chrishanidm.gov.za>> [CHDM Facebook]  
<<https://www.facebook.com/chrishanidm?fref=ts>> [[https://www.chrishanidm.gov.za/wp-content/uploads/2021/08/twitter\\_chdm.png](https://www.chrishanidm.gov.za/wp-content/uploads/2021/08/twitter_chdm.png)]  
<<https://twitter.com/chrishanidm>>

### **5.3 COMMENTS RECEIVED FROM I&APs & RESPONSE BY EAP**

### 5.3.1 DWS (WATER QUALITY MANAGEMENT UNIT)



#### water & sanitation

Department:  
Water and Sanitation  
REPUBLIC OF SOUTH AFRICA

P.O.BOX 7019, EAST LONDON, 5200

☎ 043 701 2207

Enquiries: Ms R. Rambani

E-mail: [rambani@dwes.gov.za](mailto:rambani@dwes.gov.za)

Reference: CHDM Tsomo WTW Upgrade

Chris Hani District Municipality  
Private Bag X7121  
Komani  
5320

Dear Sir/Madam

#### **RE: DRAFT BASIC ASSESSMENT REPORT: CHRIS HANI DISTRICT MUNICIPALITY-TSOMO WATER TREATMENT WORKS UPGRADE**

Reference is made to the above-mentioned document received on 25 April 2022. The Water Quality Management Unit of the Department has assessed the report and has no objection to the above-mentioned project subject to the following comments:

- Construction activities must be confined to the proposed development footprint. Activities related to the construction phase such as cement mixing must be done at designated areas and must not culminate in offsite pollution of the environment or water resources.
- The applicant must notify the Department within 24 hours of any incident that may pollute or has the potential to pollute/ likely to have a detrimental effect on the water resource.
- The use of chemical toilet facilities during the construction phase for the proposed project as noted on page 13 of the Draft Environmental Management Programme (EMPr), must not cause any pollution to any water resource, or pose a health hazard. In addition, these toilets must be situated out of the 1:100-year flood line of any watercourse.
- It is noted on page 10 of the above-mentioned report that solid waste will be disposed of at the local Municipal waste site. Solid waste must be placed in skips and stored in a designated stored/ collection area prior to being disposed of and must not cause any groundwater and/or surface water pollution or pose any health hazard.
- Contaminated and hazardous waste must be disposed of at a permitted landfill site that is authorised to accept such waste. The collection of hazardous solid waste should be carried

out in a manner that will prevent spills or leaks that may pose a threat to the environment, including surface and groundwater. Proof of collection and disposal by an external source provider during the operational phase must be documented and made available upon request by the Department.

- There must be adequate management of stormwater on-site both during and after the construction of the proposed project.
- Soil erosion on site must be always prevented i.e., during and after construction activities.
- Stockpiling of soil or any other materials used during the construction and/or operation phase must not be allowed on or near steep slopes, near a watercourse or a water body. This is to prevent pollution or the impediment of surface runoff.
- The Applicant must adhere to the requirements made in the Draft Environmental Management Programme (EMPr), further comments if required will be submitted once the final assessment is received.
- The Applicant must ensure that all objections received for the proposed project including the legality of the ownership of the land which is earmarked for the expansion are fully addressed in the final Basic Assessment Report and/ or prior to the commencement of construction activities.
- It is noted that the Applicant has undertaken the process of applying for a water use license application with the Department. It is the responsibility of the Applicant to identify and apply for all relevant water uses in terms of section 21 of the National Water Act (Act No. 36 of 1998).
- Other applicable legislation relevant to the proposed project must be complied with, including the existing Waste Management License and the respective amendment application to be made for the additional volume of dried sludge to be generated and disposed of by the Tsomo Water Treatment Works.

Should you have concerns and queries in relation to these comments, please do contact this office.

Yours faithfully,



ASSISTANT DIRECTOR: WATER USE AUTHORISATIONS

DATE: 24 May 2022

DRAFT BASIC ASSESSMENT REPORT: CHRIS HANI DISTRICT MUNICIPALITY- TSOMO WATER TREATMENT WORKS UPGRADE

### **5.3.2 RESPONSE FROM EAP**

**From: Chris Bradfield [mailto:isix@lcom.co.za]**

Sent: Tuesday, 24 May 2022 3:37 PM

To: 'Rambani Rachel (ELS)' <RambaniR@dws.gov.za>

Cc: 'Bera Moosa (ELS)' <BeraM@dws.gov.za>; 'Vongwe Olwetu(ELS)' <VongweO@dws.gov.za>

Subject: RE: comments for CHDM Tsomo WTW Upgrade

Good day Ms Rambani

Thank you and receipt of comments is hereby acknowledged.

Your comments will be sent to the consulting engineer as representative of the applicant and will be included and dealt with in the next phase of the BAR

Your inputs are appreciated

Kind regards

Chris Bradfield  
isi-Xwiba Consulting