

Prepared by:

isi-Xwiba Consulting CC
16 Milner Street, Queenstown
☎ 083 441 1189
☎ 086 618 4327
✉ isix@lcom.co.za

CHRIS HANI DISTRICT MUNICIPALITY
CLUSTER 9 PHASE 5 & CLUSTER 8 LINKAGE
BACKGROUND INFORMATION DOCUMENT (BID)

**NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT PROCESS AND SUBMISSION OF APPLICATIONS
FOR AN ENVIRONMENTAL AUTHORISATION 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:

- (i) Environmental Authorization in terms of the National Environmental Management Act, (Act 107 of 1998), as amended; and
- (ii) Application for a Water Use Licence in terms of the National Water Act, 1998 (Act 36 of 1998), as amended for construction of pipelines (potable water) through watercourses. The existing water supply is authorised under WUL No. 12/S50G/ACI/1873 dated 23/10/2012

PROJECT DESCRIPTION:

Construction of the 3.5 ML Nxamagele Command Reservoir and 6,8 km pipeline (315 mm Ø) linkage with a flow throughput of 88,5 litres/sec from the Nqamakwe Command Reservoir and which pipeline will traverse across watercourses. These works under CHDM Cluster 9 Phase 5, link the Nqamakhwe Command reservoir to the Cluster 8 (Engcobo Local Municipality) and Catshile existing supply area; see Locality Map on page 7.

LOCATION:

Intsika Yethu Local Municipality: Ward No. 9 and Engcobo Local Municipality: Ward 1

Coordinates of Nxamagele Command Reservoir: 32° 2' 8.07" S & 28° 0' 38.99" 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: 27th May 2022

NOTE: No public or community meeting will be held by the EAP, as this is being undertaken by an ISD appointed by CHDM.

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 12th 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 30 June 2022. To register and comment please complete the form provided in this document (page 8) 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 Ward Councillors' 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
GN 327 dated 7 th April 2017	1	12, 13, 19 & 67
GN 324 dated 7 th April 2017	3	2, 14, 16 & 26

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 LISTED ACTIVITIES THAT MAY BE CONSIDERED

GN No.	Listing Notice	Activity	Description of Activity
327 (2017)	1	12	The development of— (ii) infrastructure or structures with a physical footprint of 100 square metres or more where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse where the definition of a watercourse includes a wetland
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 ³ or more
327 (2017)	1	19	The infilling or depositing of any material of more than 10 m ³ into, or the excavation, removal or moving of soil, sand, pebbles or rock of more than 10 m ³ from a watercourse
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	2	The development of reservoirs, excluding dams, with a capacity of more than 250 m ³ in the Eastern Cape- ii. Outside urban areas, in: (aa) National Protected Area Expansion Strategy Focus areas;

			<p>(bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(cc) Sites or areas identified in terms of an international convention;</p> <p>(dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(ee) Core areas in biosphere reserves;</p> <p>(ff) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;</p>
324 (2017)	3	14	<p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 10 m² or more, where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse</p> <p>In the Eastern Cape-</p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas identified in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves;</p> <p>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve</p>
324 (2017)	3	16	<p>The expansion of reservoirs, excluding dams, where the capacity will be increased by more than 250 m³ in the Eastern Cape</p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p>

			(ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (gg) Core areas in biosphere reserves; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
324 (2017)	3	26	Phased activities for all activities— 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 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— 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

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

A WULA will be submitted to the Department Water & Sanitation for construction of potable water pipelines that traverse wetland areas.

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;
- Distributing notices to Municipal Managers' and Ward Councillors;
- 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 8) 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 30th JUNE 2022

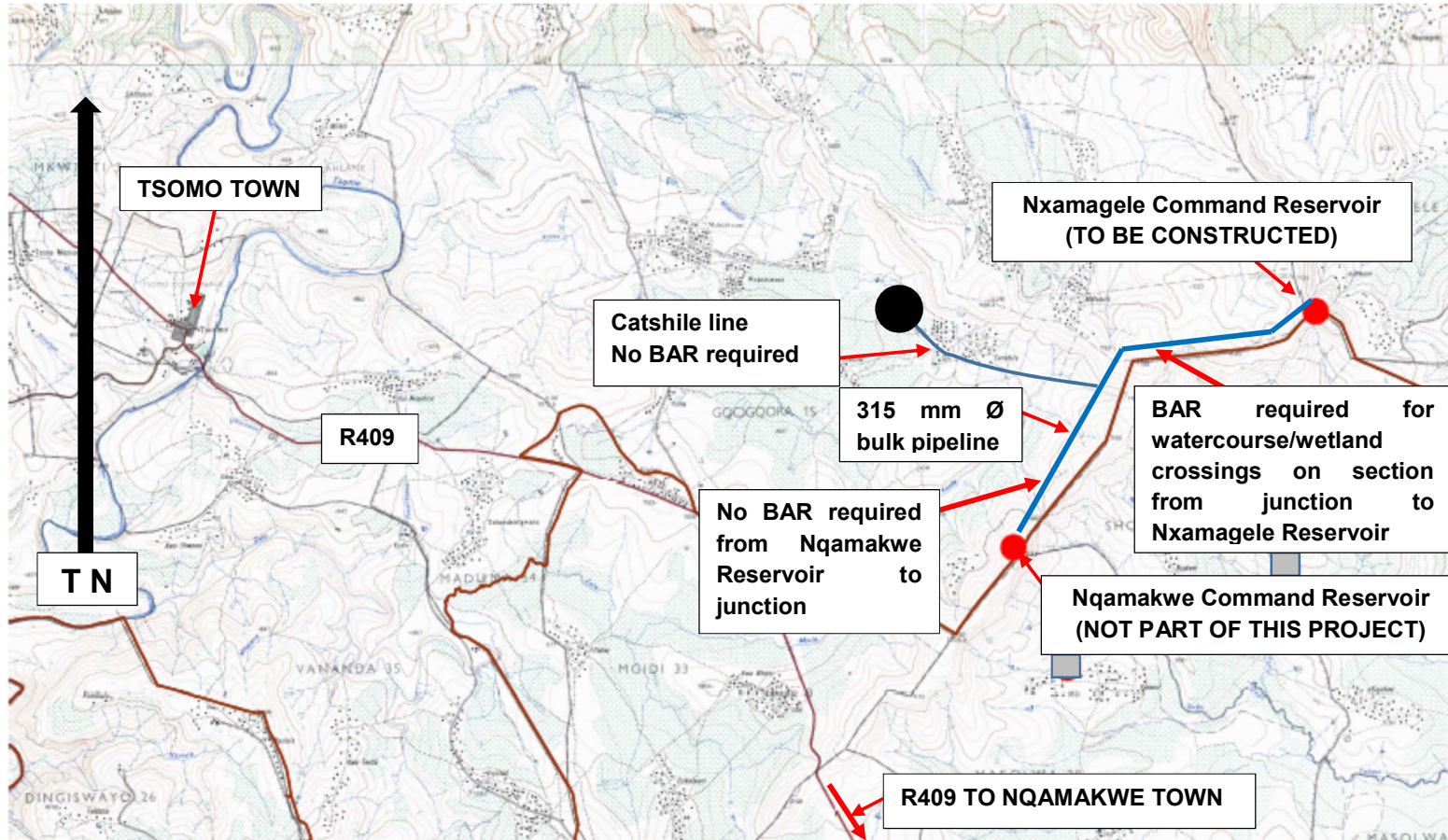
WAY FORWARD

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 8), for your convenience.

ONLY WRITTEN REGISTRATION WILL BE ACCEPTED.

LOCALITY MAP



Scale: 1:80 000

INTERESTED AND / OR AFFECTED PARTY REGISTRATION FORM

**ONLY WRITTEN REGISTRATION RECEIVED BY
17h00 ON 30th JUNE 2022 WILL BE RECOGNISED**

CHRIS HANI DISTRICT MUNICIPALITY – CLUSTER 9 PHASE 5 & CLUSTER 8 LINKAGE

NAME		DESIGNATION	
ORGANISATION		TEL	
FAX		E-MAIL	
POSTAL ADDRESS			
INTEREST IN DEVELOPMENT ¹ 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

NOTE – The preferred method of communication with the Environmental Assessment Practitioner (EAP) is via e-mail or facsimile as our Post Office has been closed and we will not be held responsible for correspondence not received within the legislated time frames.