

# ENVIRONMENTAL AUTHORISATION AND ENVIRONMENTAL MANAGEMENT PROGRAMME AMENDMENT APPLICATION FOR CLANWILLIAM DAM RAISING PROJECT, CLANWILLIAM, WESTERN CAPE

## BACKGROUND INFORMATION DOCUMENT

### PURPOSE OF THIS DOCUMENT

This Background Information Document (BID) has been structured to provide all potential Interested and Affected Parties (I&APs) with a concise overview of the proposed project activities as well as the associated Environmental Authorisation Processes. Furthermore this BID also intend to provide I&APs with information relating to the manner in which I&APs can voice any issues concerning the proposed project. The compilation and distribution of this BID form part of the Public Participation Process for the project.

When you complete and return the registration form included with the BID, you will be included in the stakeholder database and receive further documents for review and comment. Your comment will ensure that all issues of concern are incorporated. To raise your concerns, please complete the enclosed registration sheet, write a letter, call or e-mail the public participation office. All documents will be available on the internet at [www.zitholele.co.za/environmental](http://www.zitholele.co.za/environmental), under heading "Clanwilliam Dam EA Amendment".

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### 1. BACKGROUND AND DESCRIPTION OF THE PROJECT

The Clanwilliam Dam was built in 1935. Past dam safety investigations, however, concluded that the Clanwilliam Dam requires remedial work in order to conform with the dam safety requirements stipulated in the National Water Act, No 36 of 1998, as amended. A conditional Record of Decision (RoD), as per the terminology under Environmental Conservation Act (ECA), for the proposed project was granted by the Western Cape Department of Environmental Affairs and Development Planning (WCDEADP) on 12 May 2009, allowing the proposed project to be implemented.

Since commencement of construction in 2014, a number of recurring non-compliances in terms of the existing RoD and site-specific EMPr were raised by the Environmental Control Officer (ECO) appointed to monitor the compliance of DWS and its contractors during the construction phase of the Clanwilliam Dam raising project. During this time, DWS reported challenges to comply with a number of the conditions, while other conditions were too onerous and went beyond the scope of the construction impacts. DWS initiated engagements with the WCDEADP to resolve these issues, and it was concluded that some of the conditions should be amended in order to make compliance with these conditions achievable



Figure 1: Location of the Clanwilliam Dam near Clanwilliam, Western Cape Province

## **2. DESCRIPTION OF THE STUDY AREA**

The Clanwilliam Dam is positioned within the Olifants River and lies just outside the town of Clanwilliam and is located east of the N7 and southwest of the town of Clanwilliam in the Western Cape province. At present, the Clanwilliam Dam wall stands at 43 meters encompassing a storage capacity of 124 million m<sup>3</sup>.

## **3. NEED AND DESIRABILITY OF THE PROJECT**

Since commencement of construction in 2014, a number of recurring non-compliances in terms of the existing RoD and site-specific EMP<sub>r</sub> were raised by the Environmental Control Officer (ECO) appointed to monitor the compliance of DWS and its contractors during the construction phase of the Clanwilliam Dam raising project. During this time, DWS has reported that it has found it difficult to comply with a number of the conditions, while it felt that some of the other conditions were too onerous and went beyond the scope of the construction impacts. DWS initiated engagements with the WCDEADP to resolve these issues and it was concluded that some of the conditions should be amended in order to make compliance with these conditions achievable.

Furthermore, due to the magnitude of the construction project and construction activities required to execute the project, concerns emerged whether some of the construction activities currently underway, as well as some planned activities, fall within the ambit of the existing RoD and EMP<sub>r</sub>, or would some construction activities require additional approval. This resulted in a need to undertake an EA Amendment application to authorise proposed changes to some conditions in the EA..

## **4. LEGAL REQUIREMENTS**

The existing RoD (E12/2/1-AC8-TRUNK ROAD 11/4, CLANWILIAM) for the strengthening and raising of the Clanwilliam Dam and associated re-alignment of certain secondary roads was issued on 12 May 2009. In terms of Chapter 8 Transitional Arrangements of NEMA EIA Regulations 2014, as amended, the validity of activities that has been authorised in terms of a previous EIA regime can be confirmed in terms of these transitional arrangements.

The proposed amendments will be applied for in terms of the National Environmental Management Act (NEMA), and the Environmental Impact Assessment Regulations 2014 (GN R982), as amended. The national Department of Forestry, Fisheries and the Environment (DFFE) is the Competent Authority (CA) in terms of the EIA Regulations of 2014. However, engagement with the DFFE and the WCDEADP during the course of the application process has confirmed that the proposed application has been reverted back to the WCDEADP who authorised the original RoD in terms of ECA.

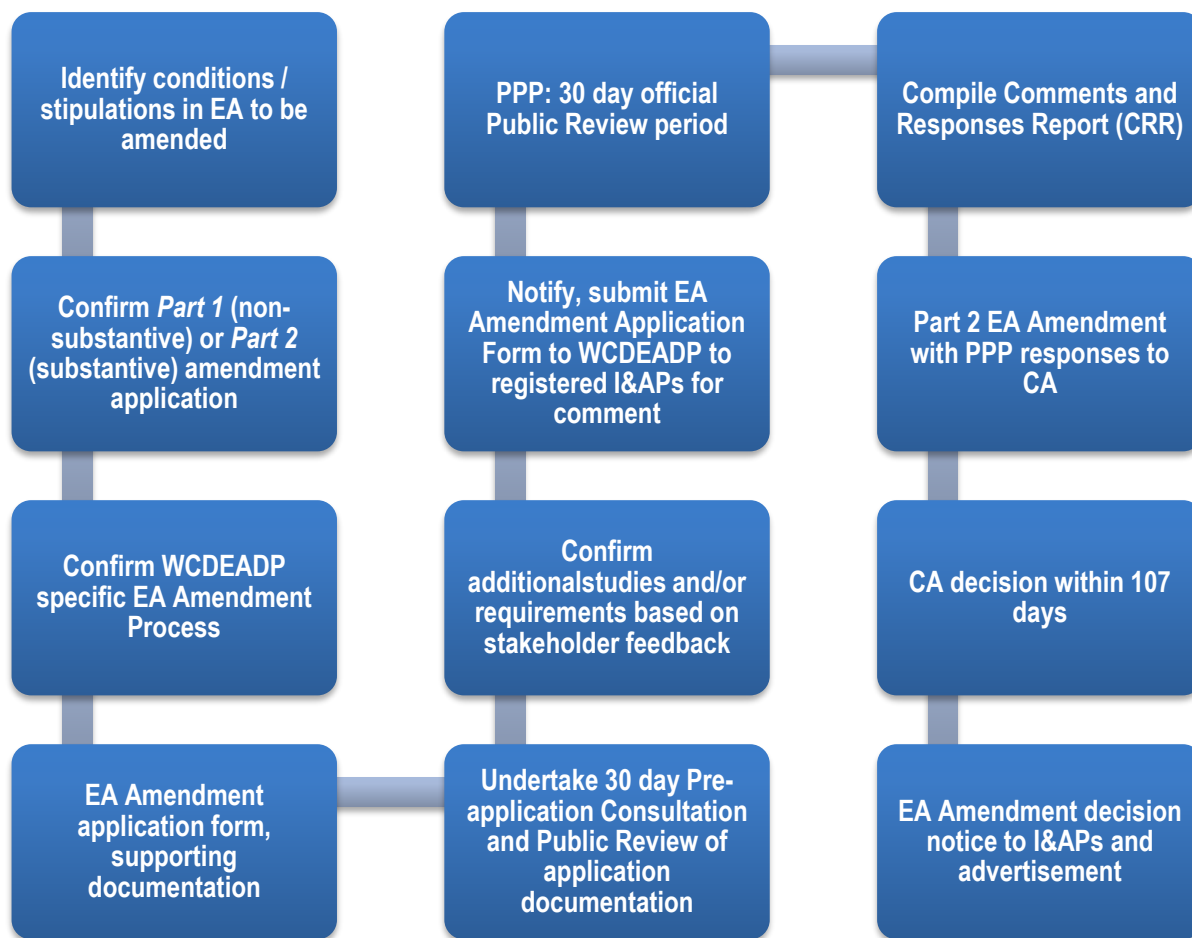
In terms of the EIA Regulations of 2014, the Competent Authority (CA) for the application is the Department of Forestry, Fisheries and the Environment (DFFE). However, after consultation with the DFFE, the Department assigned the application back to the Western Cape Department of Environmental Affairs and Development Planning (WCDEADP). The WCDEADP will assess the proposed EA Amendment Application.

## **5. PART 2 AMENDMENT PROCESS**

An EA may be amended if the proposed amendment will result in a change to the scope of a valid environmental authorisation where such change will result in an increased level or change in the nature of impact where such level or change in nature of impact was not:

- Assessed and included in the initial environmental authorisation; or
- Taken into consideration in the initial environmental authorisation and the change does not, on its own, constitute a listed or specified activity.

The Part 2 EA Amendment Process is summarised in Figure 2 and will be carried out by Zitholele for required amendment to existing EA.



**Figure 2: Process Flow Diagram for the steps required in an EA Amendment Process**

A decision on the application for EA Amendment is usually reached within 107 days of receipt of the final application documentation by the Competent Authority.

## 6. PUBLIC PARTICIPATION PROCESS

As an important element in undertaking the EA Amendment for the project, Zitholele Consulting will conduct the public participation process as set out in the NEMA EIA regulations, 2014 (as amended). Applicable guidelines and best practice procedures will furthermore be taken into consideration. The public participation process will enable stakeholders to contribute to the process through information sharing and to review the findings of the independent studies that are to be undertaken.

## 7. AVAILABILITY OF APPLICATION DOCUMENTATION

Interested and Affected Parties (I&APs) are invited to participate by registering as an I&AP and commenting on the project in the following way:

1. Information pertaining to the application can be viewed on Zitholele Consulting's website: [www.zitholele.co.za/environmental](http://www.zitholele.co.za/environmental), under heading "*Clanwilliam Dam EA Amendment*".
2. The WULA documentation is further available at the following alternate information portals:
  - Online Information Portal 1 (OneDrive): <https://tinyurl.com/ClanAmdt1>
  - Online Information Portal 2 (Dropbox): <https://tinyurl.com/ClanAmdt2>
3. Request more info from PPP desk at contact details specified in this site notice. Electronic copies will be

sent to stakeholders upon request.

4. Type the link: <https://tinyurl.com/Clan-reg> in your internet browser, complete and submit the online stakeholder registration form, or
5. Scan the QR code below to follow the link to the online stakeholder registration form on your mobile phone, complete and submit the online stakeholder registration form.



**I&APs may contact the PPP desk at the following detail below:**

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## **8. DECISION-MAKING (ENVIRONMENTAL AUTHORISATION)**

Based on the information provided in the final EA Amendment documentation, the Competent Authority will make a decision to grant or refuse EA amendment. The granting of environmental authorisation amendment will allow the Applicant to proceed with implementing the proposed project activities. Once the Competent Authority has reached a decision, with regards to granting the environmental authorisation amendment, all registered I&APs will be notified thereof within 14 days of the date of the decision. An appeal may be lodged against the decision made in terms of the National Environmental Management Act (107 of 1998) and National Appeal Regulations, 2014. I&APs will be notified of the decision made by the Competent Authority by means of the following methods:

- Via electronic mail;
- Facsimile (to I&APs who do not have access to electronic mail); and
- Registered mail (to those I&APs who do not have access to electronic mail nor facsimile facilities).

The EA Amendment Process will be concluded by the notification of I&APs of the decision made by the Competent Authority.

## **9. MAP OF PROJECT LOCATION**

A locality map and zoomed in view of the active construction area of the proposed project is included in Figure 3 and Figure 4, respectively, below.





Figure 3: Locality Map of the Proposed Project





**Figure 4: Zoomed view of the active Clanwilliam Dam construction area**