

ENVIRONMENTAL AUTHORISATION AMENDMENT REPORT

Prepared for:



RAND WATER

**AMMENDMENT OF THE ENVIRONMENTAL
AUTHORISATION (EA) ISSUED ON 12 JUNE 2013 FOR
DUPLICATION OF VLAKFONTEIN (BENONI)-MAMELODI
WATER SUPPLY PIPELINE WITHIN EXISTING
SERVITUDE. PHASE 2: FROM SOUTHERN BOUNDARY
OF THE RIETVLEI NATURE RESERVE TO MAMELODI**

REF: 14/12/16/3/1/7/95AM3

SEPTEMBER 2019

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List of Abbreviations

DEA: Department of Environmental Affairs

DWA: Department of Water Affairs

EA: Environmental Authorisation

EAP: Environmental Assessment Practitioner

EMPr: Environmental Management Programme

GDARD: Gauteng Department of Agriculture and Rural Development

I&AP: Interested and affected party

NEMA: National Environmental Management Act

NEMBA: National Environmental Management Biodiversity Act

NWA: National Water Act

NWMS: National Waste Management Strategy

SWMP: Storm Water Management Plan

Glossary of Terms

Alien species: A plant or animal species introduced from elsewhere: neither endemic nor indigenous.

Biodiversity: The variability among living organisms from all sources including, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are apart.

Ecology: The study of the inter relationships between organisms and their environments.

Environment: All physical, chemical and biological factors and conditions that influence an object and/or organism. Also defined as the surroundings within which humans exist and are made up of the land, water, atmosphere, plant and animal life (micro and macro), interrelationship between the factors and the physical or chemical conditions that influence human health and well-being.

Environmental Management Programme: A legally binding working document, which stipulates environmental and socio-economic mitigation measures that must be implemented by several responsible parties throughout the duration of the proposed project.

Study Area: Refers to the entire study area encompassing the total area of the land parcels as indicated on the study area map.

1. INTRODUCTION AND BACKGROUND

1.1. General

The purpose of this Amendment Report is to apply for authorisation of the R5 pipeline phase two Environmental Authorization for pipeline route re-alignment of approximately 2KM at Woodhill Golf Estate in Tshwane Metropolitan Municipality. The study site falls in the jurisdiction of the City of Tshwane Metropolitan Municipality.

The **study area** is situated in the capital city of the country (Tshwane, Gauteng Province). The study area consists of pipelines that provide water to the residents of Mamelodi and other surrounding areas. The location of the **study area** is therefore very important from a social perspective. The Current land-use is residential golf estate.

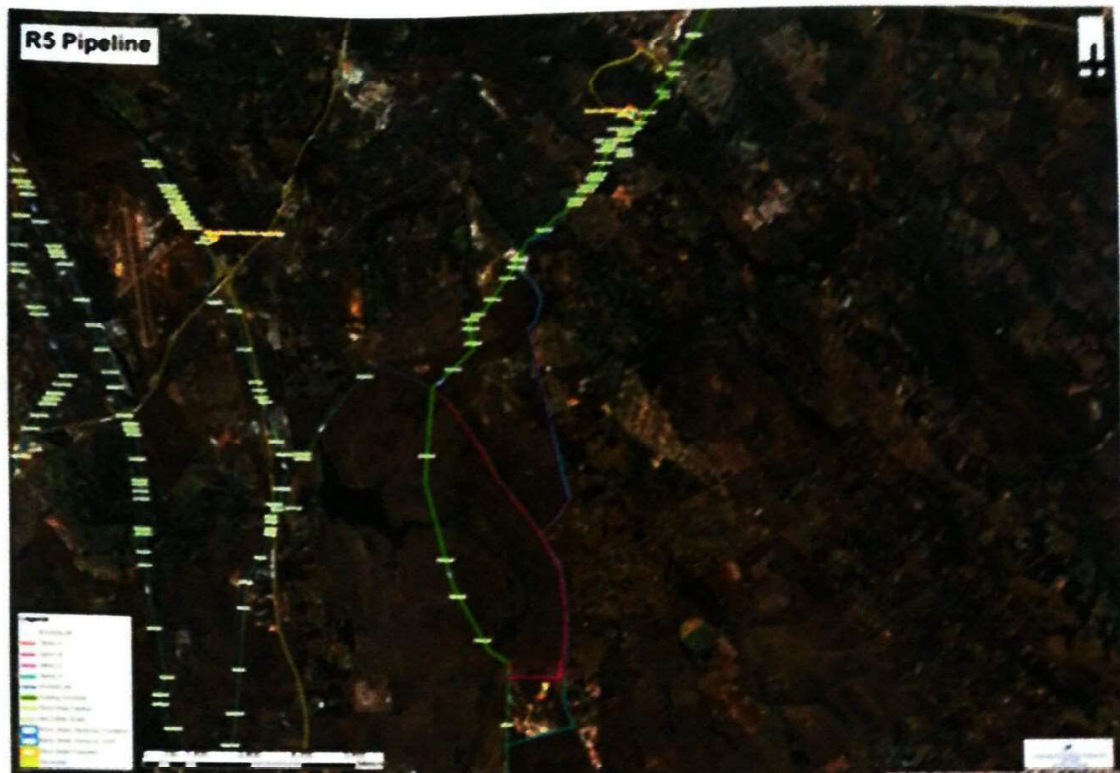


Figure 1: Rand water pipeline

Environmental Authorisation (EA) (Authorisation number 002/13-14/E0045) was successfully granted to Rand Water by the Gauteng Department of Agriculture and Rural Development (GDARD) on 12 June 2013 for the duplication of the Vlakfontein (Benoni)- Mamelodi water supply pipeline within the existing servitude. Phase 2: from the southern boundary off the Rietvlei nature reserve to Mamelodi.

(Refer to Annexure B for a copy of the Environmental Authorisation).

Rand Water has applied for an environmental amendment to amend the current environmental authorization, to permit Rand Water to lay the R5 pipeline phase two within the Rand Water servitude at Woodhill Estate. The realignment of the pipeline at Woodhill Estate from the Environmental Authorisation approved

deviation (0.62 km) to the preferred alignment within the Rand Water servitude (1.16 km)

1.2. Environmental Assessment Practitioner (EAP)

The 2014 NEMA Environmental Regulations require that the relevant details of the Environmental Assessment Practitioner be included as part of the report. In this regard, attached as **Annexure D**, is a copy of the CV of the EAP for this project, Ms. Takalani Muavha from Taktho Environmental Strategy CC. In summary details of the EAP are indicated below:

- ☐ **Name:** Takalani Muavha
- ☐ **Company:** Taktho Environmental Strategy CC
- ☐ **Qualifications:** BA Hons: Geography & Environmental Management, University of Johannesburg, in 2007
in the following fields:
 - o Environmental Planning and Management;
 - o Compilation of Environmental Impact Assessments;

Ms. Takalani Muavha is a registered member of the International Association of Impact Assessments (IAIA), and Member of the Society of South African Geographers (SSAG)

2 Status, Updated Information and Layout Plan Changes

Taktho Environmental Strategy was appointed by Rand Water to apply for an environmental amendment to the previously approved plan.

The Environmental specialist, Ms. Takalani Muavha conducted the public participation process to give all interested and affected parties a chance to voice their concerns on the project. Comments from I&AP in the public participation process are awaited.

3 MORE DETAILS REGARDING THE AMENDMENTS

Rand Water want to amend the current environmental authorization, to lay the R5 pipeline phase two within the Rand Water servitude at Woodhill Estate. The realignment of the pipeline at Woodhill Estate from the Environmental Authorisation approved deviation (0.62 km) to the preferred alignment within the Rand Water servitude (1.16 km).



Figure 2: Option C (Pink line) – approved deviation, red line indicates the proposed re-alignment within Rand Water servitude (blue area)

4 Amendment Application in terms of the 2017 NEMA EIA Regulations

The Minister of Environmental Affairs and Tourism passed (in April 2006) Environmental Impact Assessment Regulations (the Regulations) in terms of Chapter 5 of the National Environmental Management Act, 1998 (NEMA). The Regulations replaced the environmental impact assessment (EIA) regulations, which were promulgated in terms of the Environmental Conservation Act, 1989 in 1997. The new regulations came into place on 3 July 2006. In June 2010 the Minister of Environmental Affairs (DEA) passed the Amended Environmental Impact Assessment Regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (NEMA). The Amended Regulations came into effect on 4 December 2014 where the Regulations and associated Listing Notices were amended. In April 2017 the regulations were amended, and it is the latest amendment. These 2017 NEMA EIA Regulations came into

5 Details of the public participation process
((Refer to Annexure F for all public participation details))

The principles of the National Environmental Management Act, 1998 (Act No 107 of 1998) and the Environmental Impact Assessment Regulations, April 2017 govern many aspects of Environmental Impact Assessments, including Public Participation. These include provision of enough and transparent information on an ongoing basis to stakeholders to allow them to comment and to ensure the participation of previously disadvantaged people, women, and youth.

Effective public involvement is an essential component of many decision-making structures, and effective community involvement is the only way in which the power given to communities can be used efficiently. The Public Participation Process is designed to provide enough and accessible information to interested and affected parties I&AP's in an objective manner to assist them to:

- ☐ Raise issues of concern and suggestions for enhanced benefits;
- ☐ Verify that their issues have been captured;
- ☐ Verify that their issues have been considered by the technical investigations; and
- ☐ Comment on the findings of the Basic Assessment Report.

In terms of the Guideline Document for Environmental Impact Assessment (EIA) Regulations promulgated in NEMA, stakeholders I&AP's, were notified of the Environmental Evaluation Process through:

- 1) A site notice that was erected (at prominent points on and around the study area) on 21st of May 2019 (**Annexure F**);
- 2) A public notice was distributed in a 100m radius around the proposed site to all parties concerned (**Annexure F**);
- 3) Notices regarding the project were e-mailed to a list of interested and affected parties and the councillors in the area that registered for other projects in the area (**Annexure F**);
- 4) An advertisement was placed in the Pretoria Far East Rekord newspaper on 21th May 2019 (**Annexure F**);
- 5) A list of all persons, organisations and organs of state that were registered as interested and affected parties in relation to the application are attached (**Annexure F**).

The Draft Amended Report will be made available to all registered I&APs and Stakeholders for scrutiny.

5. IMPACT ASSESSMENT OF PROPOSED DEVELOPMENT

The assessment is completed with the same definitions as used in the EIA submission of 2008. The impacts that were identified in 2008 are indicated below and the associated and assessed impact of the proposed development is provided with each aspect.

6. Description and Assessment of Environmental Impacts

The most significant anticipated environmental impacts associated with the amendment, including the advantages and disadvantages relating to the proposed changes, are discussed in this section with reference to possible mitigation measures that will minimize negative impacts and enhance positive impacts.

Describe any negative environmental impacts that may occur if the application for amendment is granted, amongst others information on any increases in air emissions, waste generation, discharges to water and impacts of the natural or cultural environment must be included.

Construction activity within the existing Rand Water servitude at the Woodhill Golf Estate will have the social and economic impact on the Woodhill Golf Estate.

The following are potential environmental impacts that may result if the amendment application is granted:

- **Social Impact:** Some of the green playing section of the golf course area will have to be temporary closed during the pipeline laying. Some infrastructure that was constructed very close to the Servitude line might be affected and will have to be removed. There is financial investment that was incurred by the Woodhill Golf Estate during the green playing section, tar road, pavement, swimming pool, and building structures planning and construction. Woodhill Golf Estate will have lost the financial investment where they have built within the servitudes areas.
- **Loss of income by Woodhill Golf Estate** during the construction period as there will be some destruction in some areas of the green playing section.
- **Herpetofauna:** Transformation and disturbance of a very small area of natural habitat as well as the potential for any fauna found on site to be unintentionally killed by workers.
- **Mammals:** Impacts that may be experienced include the following: Reduction of suitable habitat through habitat destruction; Habitat fragmentation; Noise pollution and ground vibrations; Intentional killing or hunting of animals; Death of a proportion of small mammals by direct physical damage, through earth moving equipment. Increase in runoff and pollution which may adversely affect the down-slope drainage line. Illegal harvesting of plant or animal species.
- **Invertebrates:** Habitat disturbance of the small mammals
- **Flora:** The servitude will be cleared of all vegetation (95% of which is the Golf course greens). Impacts that may be experienced include the following: Disturbance of small area that is used for recreational activity.
- **Surrounding environment:** There is the potential for pollution of the surrounding environment with regards to the incorrect disposal of waste (domestic, construction and demolishing waste).
- **Traffic:** The realignment of the pipeline will result in an increased movement of heavy machinery and trucks
- **Soil contamination** may occur as a result of accidental spills, leakages from poorly sealed containers, spillages during the handling of hazardous material, poorly maintained equipment as well as the incorrect disposal of hazardous waste on site.
- **Loss of soil fertility:** This may be as a result of the clearance of vegetation from site, excavation and stockpiling of topsoil, compaction caused by machinery onsite and an increase in erosion.

- Air quality: The upgrade of the pipeline will result in the clearing of vegetation from the site as well as bulk earth moving activities. These activities may result in an increase in the volume of dust generated in the area.
- along the access road. The change in route alignment as per the requested amendment shall not change the impacts already identified in the BAR and mitigated in the approved EMP.
- Cultural and Heritage: No cultural or heritage significance were identified along the servitude.

Describe any negative environmental impacts that may occur if the application for amendment is not granted.

- Rand water pipeline are useful for transportation of water for domestic and commercial towards different areas over a long distance therefore if the application for amendment is not granted the supply of water to different areas will be affected due rejection of alternative servitude by Tshwane Metropolitan municipality.
- No upgrade of pipeline will be constructed
- Rand water will have challenges to supply enough water to the communities and new township
- Water supply crisis will increase due to high demand as a results of population growth
- It will be difficult to fix the pipeline and it will not function properly to serve its objective purpose
- Local economy will be highly affected due to lack of supply of water
- There will be lots of community protest due lack of water supply services
- If the proposed pipeline, follow the existing servitude there will be minimal environmental impact on Woodhill Golf Estate. The medium impact that will occur will be the social impacts as some parts of the golf course greens, swimming pool and parts of houses have been built within the servitudes.
- These migratory measures have been incorporated into a comprehensive Environmental Management Plan

Describe any positive environmental impacts that may occur if the application for amendment is granted, amongst others information on any reduction in the ecological footprint, air emissions, waste generation and discharges to water must be included.

If the proposed pipeline, follow the existing servitude there will be very minimal environmental impact on Woodhill Golf Estate. The medium impact that will occur will be the social impacts as there is a golf greens, swimming pool and houses that have been built within the servitudes identified for the alternative alignment will have a Medium to Low significance as all existing and predicted impacts can be reduced to within acceptable levels through the implementation

of specific mitigation measures which are in line with legislative and policy requirements and objectives.

These migratory measures have been incorporated into a comprehensive Environmental Management Plan.

The R5 steel pipeline will be underground next to the existing pipeline, within the existing servitude. The top cover will be rehabilitated concurrent with the backfilling of the trenches.

The site has been transformed from the natural state, the land cover of the site is the Golf course green, pavement, Tar road and concrete material and this will automatically reduce the natural ecological footprint that will be destroyed.

The ecological impact and footprint shall be limited to the Rand Water servitude for both constructions of the R5 pipeline and future maintenance works for both the R5 pipeline and R1 pipeline in comparison to separate footprints for the R1 pipeline (Rand Water servitude). Further the R5 pipeline will be laid in a previously disturbed footprint.

Should the approval be received for the Rand Water R5 pipeline to be routed within the existing Rand Water servitude, Rand Water shall install the R5 pipeline and undertake maintenance on the R1 at the same time to minimize the cumulative impact.

The following negative potential environmental impacts shall be avoided should the amendment application be granted:

Soil contamination:

Soil contamination may occur as a result of accidental spills, leakages from poorly sealed containers, spillages during the handling of hazardous material, poorly maintained equipment as well as the incorrect disposal of hazardous waste on site.

Mitigation: All storage tanks containing hazardous materials must be placed in bunded containment areas with sealed surfaces. The bund wall must be high enough to contain 110% of the total volume of the stored hazardous material with an additional allocation for potential stormwater events.

Any hazardous substances must be stored at least 20m from any of the water bodies on site.

Loss of soil fertility: This may be as a result of the clearance of vegetation from site, excavation and stockpiling of topsoil, compaction caused by machinery onsite and an increase in erosion.

Mitigation: All erosion control mechanisms need to be regularly maintained. Seeding of topsoil and subsoil stockpiles to prevent wind and water erosion of soil surfaces.

Retention of vegetation where possible to avoid soil erosion
Vegetation clearance should be phased to ensure that the minimum area of soil is exposed to potential erosion at any one time.

Re-vegetation of disturbed surfaces should occur immediately after the construction activities are completed.

No impediment to the natural water flow other than approved erosion control works is permitted.

Air quality: The upgrade of the pipeline will result in the clearing of vegetation from the site as well as bulk earth moving activities. These activities may result in an increase in the volume of dust generated in the area, during construction.

Mitigation: Dust suppression must be implemented always through spraying water in the area that has potential for dust during construction phase.

Retention of vegetation where possible will reduce dust travel.

Excavations and other clearing activities must only be done during agreed working times to avoid drifting of sand and dust into neighbouring areas.

The Contractor shall be responsible for dust control on site to ensure no nuisance is caused to the Landowner or neighbouring Communities.

A speed limit of 40km/h must not be exceeded on dirty roads.

Any complaints or claims emanating from the lack of dust control shall be attended to immediately by the Contractor.

Surface water quality: Removal of green playing section will lead to an increase in erosion. Any spilt hazardous materials will contribute to this form of pollution which may be transported within the site Boundary.

Mitigation: The site must be managed in order to prevent pollution of drains, downstream watercourses or groundwater, due to suspended solids, silt or chemical pollutants.

Temporary cut of drains and berms may be required to capture stormwater and promote infiltration.

Herpetofauna: Transformation and disturbance of natural habitat as well as the potential for any fauna found on site to be intentionally or unintentionally killed by workers during construction.

Mammals: Impacts that may be experienced include reduction of suitable habitat through habitat destruction; Habitat fragmentation;

Mitigation: During construction activities; wherever possible work should be restricted to one area at a time and the trench area. This will give smaller birds, mammals, reptiles and amphibians an opportunity to move into undisturbed areas close to their natural habitat. The Developer must ensure that no faunal species are disturbed, trapped, hunted or killed during the construction phase. Where practical, termite mounds, dead trees, branches, loose rocks, leaf and organic litter should be left undisturbed as these special niches provide essential foraging, roosting and nesting sites for numerous animal species.

Noise pollution and ground vibrations;

Noise and vibration due to construction activities and personnel working on site.

Mitigation: The personnel on site should behave in appropriate manner. The machinery and vehicles used on site should be kept in good condition. Limit construction activities as far as possible to working hours, i.e. 7am – 5pm weekdays, excluding public holidays. Should after hours work take place nearby residents should be notified. No loud music to be allowed on site.

Increase in runoff and pollution which may adversely affect the down-slope drainage line;

Flora: The servitude will be cleared of all vegetation

Mitigation: Activities should be restricted to the current servitude in order to minimise disturbances to the adjacent grassland areas. All alien invasive vegetation should be removed from the servitude.

It is recommended that pollutant and contaminants from the proposed pipeline upgrade should not result in habitat degradation of the associated drainage line.

Surrounding environment: There is the potential for pollution of the surrounding environment with regards to the incorrect disposal of waste (domestic, construction and hazardous) along the construction area.

Mitigation: Construction rubble shall be disposed of in pre – agreed, demarcated spoil dumps that have been approved by the relevant Municipality. Sufficient waste bins must be provided at the construction site for different types of waste disposal and for recycling purposes.

Refuse bins must be placed at strategic positions to ensure that litter does not accumulate within the construction site.

Traffic: The upgrade of the pipeline will result in an increased movement of heavy machinery and trucks along the access road.

Mitigation: Where roads have very high traffic volumes and can be classed as roads with a collection, distribution or mobility function, the pipeline is to be constructed by jacking it underneath the road. This will reduce the impacts on traffic flow.

It is recommended that where necessary alternative routes must be established for the traffic to use while the road is closed during construction.

Cultural and Heritage: none identified

Impact assessment for the R5 pipeline phase two within the Rand Water servitude at Woodhill Estate. The realignment of the pipeline at Woodhill Estate from the Environmental Authorisation approved deviation (0.62 km) to the preferred alignment within the Rand Water servitude (1.16 km).

Findings

No Red Data faunal species were observed directly or indirectly within the servitude area and the Golf course. The proposed amendment will be on the existing servitudes which cross through the built up residential stands, road and Golf course. The site has been completely modified and transformed. There is a Golf course that is crossing over the servitude area.

7. Conclusion and Recommendations

The environmental authorization of 12 June 2013, which Rand Water obtained from GDARD, to lay the proposed R5 pipeline is subject to some approved deviations outside of Rand Waters servitude, one being at Woodhill Golf Estate. Rand Water seeks to lay the full length of pipeline (except for the 9km section at Rietvlei Nature Reserve) within its servitude area without any deviations. Therefore, an application to the Department of Environment Affairs (Competent Authority for Rand Water) needs to be lodged for the approximate 2 km section at Woodhill Golf estate for the proposed re-alignment of the pipeline into Rand Water existing registered servitude.

Rand Water did not receive the approval from City of Tshwane when trying to register the new servitudes that was authorised by this Environmental Authorisation, thus has led into Rand Water having to go back to the existing Servitudes. Other factor is that the pipeline is being gravitated and the deviation outside the servitude will affect pressure and according to treasury, going outside the existing servitude is deemed as a wasteful expenditure for the procurement of a new servitude.

Annexure A
Map indicating the locality of the
study area.

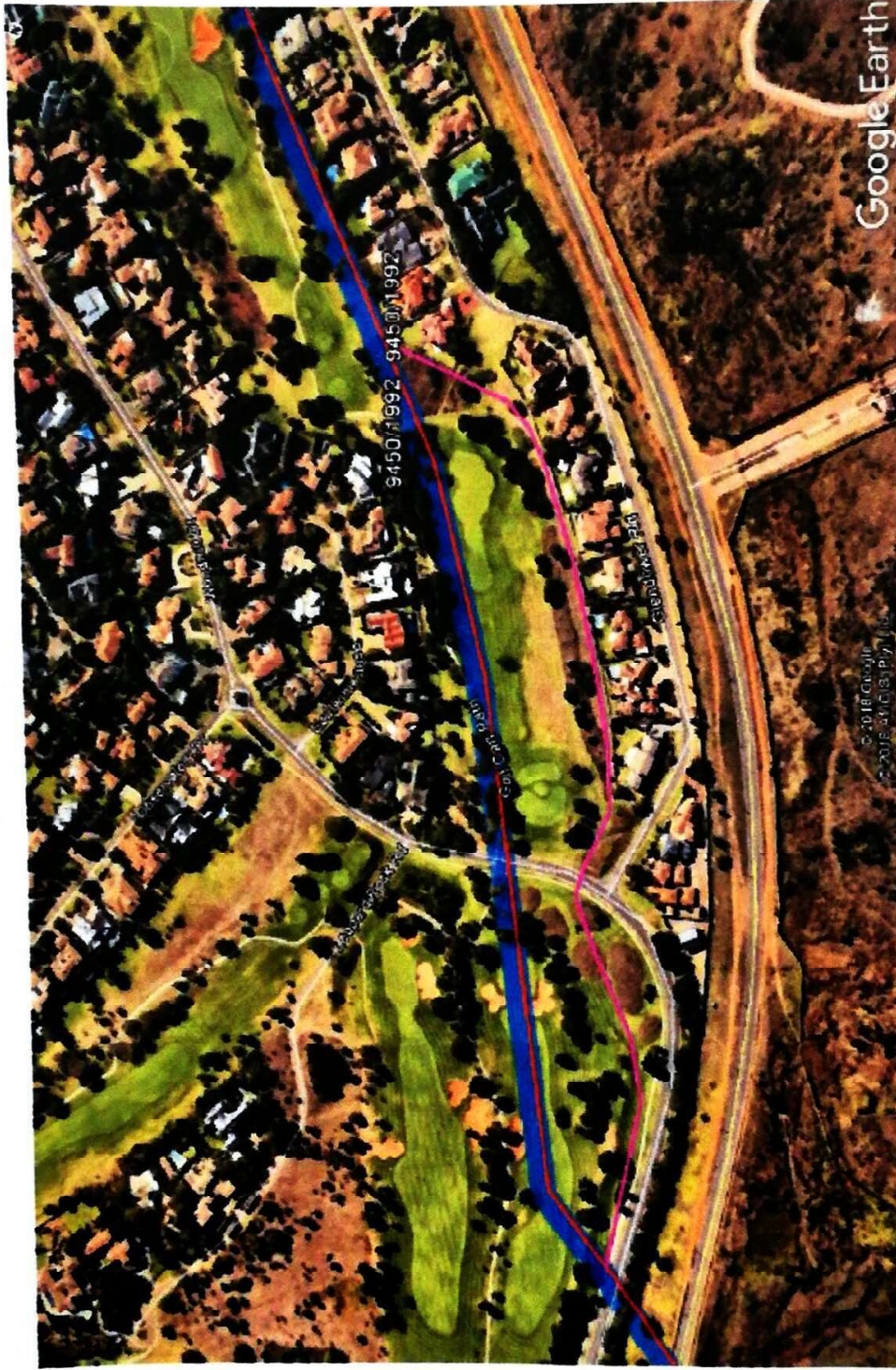


Figure 2: Option C (Pink line) – approved deviation, red line indicates the proposed re-alignment within Rand Water servitude (blue area)

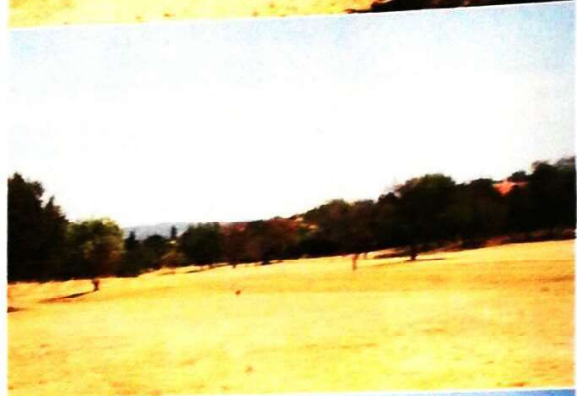
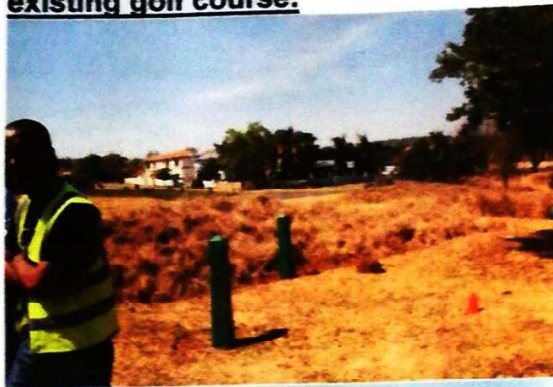
Annexure B

Site photographs

**THE PROPOSED AMENDMENT OF THE R5 PIPELINE ENVIRONMENTAL
AUTHORISATION FOR PIPELINE ROUTE RE-ALIGNMENT OF APPROXIMATELY
2KM AT WOODHILL GOLF ESTATE**

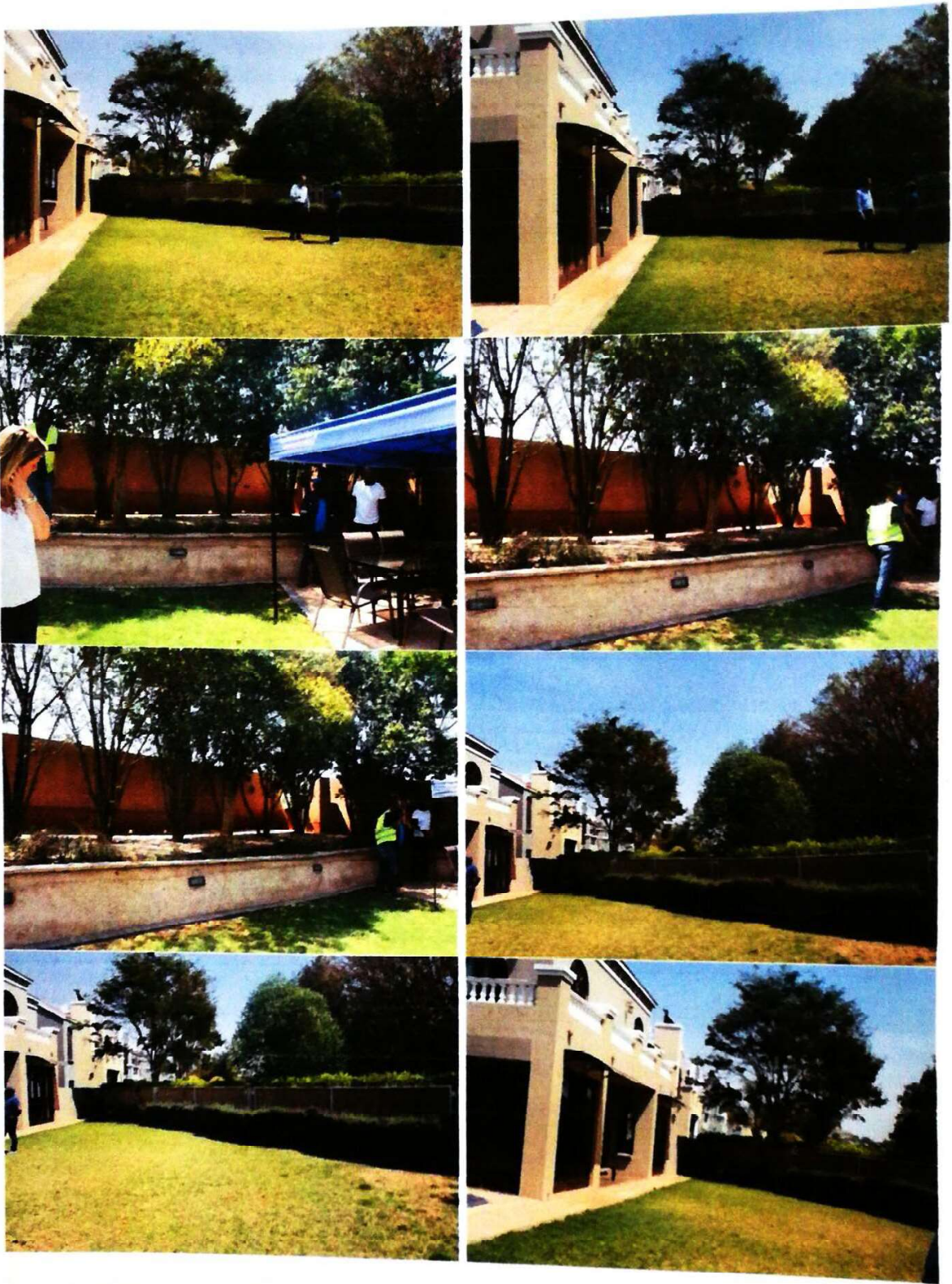
APPENDIX 2 SITE PHOTOGRAPHS

**1. Pictures showing existing pipeline and servitude within and adjacent the
existing golf course:**

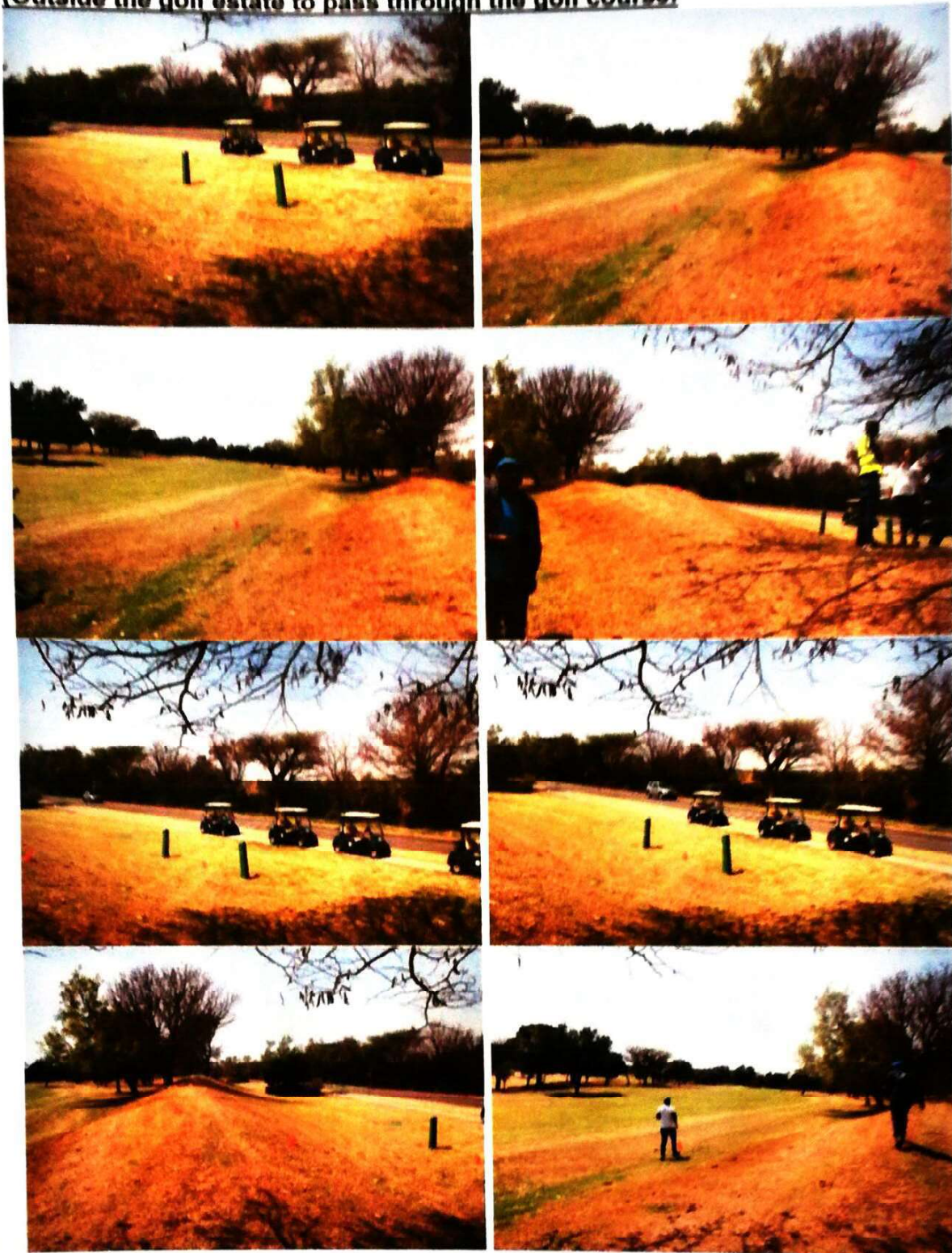




2. Pictures showing the yard that was build on the existing piperline and servitude within woodhill golf eastate:

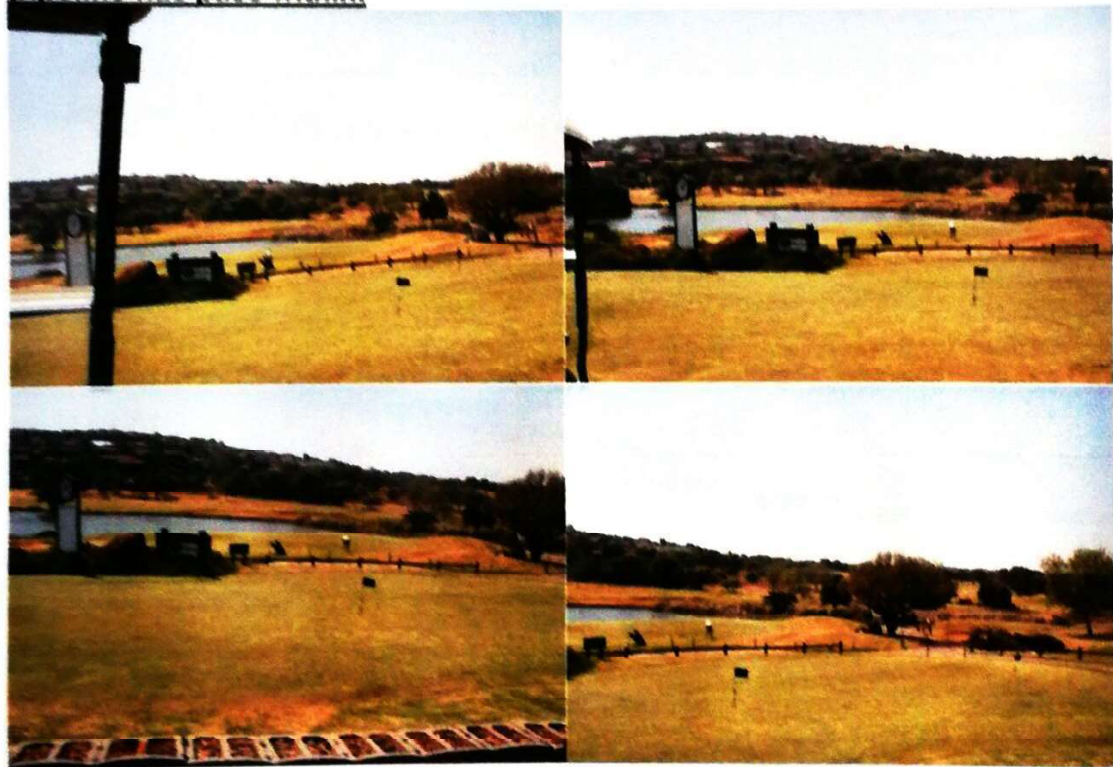


**3. Pictures showing existing pipeline and servitude from the southern side
(Outside the golf estate to pass through the golf course):**





4. Pictures with a view from Clubhouse showing the golf course that the pipeline has pass within:



Annexure C
Motivation of application



HEAD OFFICE

522 Impala Road Glenvista 2058
PO Box 1127 Johannesburg 2000 South Africa
Tel (011) 682 0911 Fax (011) 682 0444/0555

Reference : Woodhill DEA Legal framework

Enquiries : Mrs. Mmule Raditsela

Direct Line: 011 682-0291

14 March 2019

Per email

EMS AUTHORIZATIONS: GAIL ANDREWS AND THOKOZANI MASILELA

**RE: WOODHILL LEGAL FRAMEWORK COMMENTS IN SUPPORT
OF THE ROD AMENDMENTS**

1. BACKGROUND

1.1 Rand Water Board is an organ of state established originally in terms of the Rand Water Incorporation Ordinance 32 of 1903, Transvaal ("Ordinance 32 of 1903"), and which continue to exist, and is deemed to be established in terms of section 84(2) of the Water Services Act, 108 of 1997 ("the Act"). It has its principal place of business or head office at 522 Impala Road, Glenvista.

1.2 It has been established in terms of the Act, to perform, as its primary activity or function, a public function to provide "water services" to its clients, or water services institutions, or authorities.

- 1.3 In order to perform this function Rand Water negotiates, acquires and registers servitudes to convey water by means of pipelines. In cases where negotiations fail, Rand Water expropriates the required strip of land to secure the servitude rights in order to execute its statutory function. In this case the land was not expropriated parties agreed.

2. SERVITUDE RIGHTS

- 2.1 During December 1997, Rand Water acquired and registered the notarial deed of servitude remainder of portion 484 of the farm Garsfontein 374, measuring 2, 5887 hectares in extent negotiated with City of Tshwane. A copy of the notarial deed of servitude is attached herein as Annexure "A"
- 2.2 At the time of registration of the servitude, there were no residential property and the Woodhill Country Estate as now appears, even the golf fairways and greens which ultimately developed.
- 2.3 In terms of the conditions of the notarial deed of servitude, Rand Water was thereby, for itself, its successor-in-title or assigns, given and granted the rights in perpetuity to convey and transfer water as per the statutory defined primary activity and public function over the remainder of the described portion 484. Such conveyance of water is by means of pipelines already laid underground on the strip of land and further pipelines which may be laid in the future, depending on future need and demand.
- 2.4 The full length of the servitude within the Estate, is 1.6 kilometres long, which translates into 1.634.1 metres, its width is 16 metres, plus 2 metres on each side, which adds an extra four (4) metres in terms of clause 2 of the servitude. That comprises the entire range of the registered servitude.
- 2.5 As holder and possessor of the servitude, Rand Water is entitled to peaceful and undisturbed possession of the servitude. Is entitled to an unrestricted access to the servitude area, and to do all such acts for the proper exercise of its rights and powers as enshrined by the provisions of the Constitution of the Republic of South Africa, 108 of 1996 ("the Constitution") sections 27(1) and (2) that:

"27(1) Everyone has the right to have access to—

...

(b) sufficient food and water;

(c) ...

- (2) *The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights."*

- 2.6 Directly in line with the relevant provisions of the Constitution the, bill of rights, the Water Services Act or the Act, also provides in section 3, for the right of access to basic water supply and basic sanitation, *inter alia* that everyone has a right of access to basic water supply and basic sanitation, every water services institution must take reasonable measures to realise these rights, every water services authority must, in its water services development plan, provide for measures to realise these rights.
- 2.7 Together with the rights granted in perpetuity, Rand Water is granted a right to lay or carry through under, over, on or across the property, that is portion 484 of the farm Garsfontein, along the strip and from time to time to patrol, inspect, maintain, repair, remove and relay such pipelines, together with the necessary valves, corks, meters boxes, cables, and all other accessories in connection therewith. Any or all of which may be above and/or below the ground level, and to build, repair and renew all embankments on which may now or hereafter be laid or constructed, as may be necessary, together with all such rights of way, rights of ingress to and egress from the property, as may be required and necessary for any of the purposes described and for due and proper exercise of the rights granted to it.
- 2.8 In terms of clause 2 of the notarial deed, there shall be no structures erected, parking allowed, trees planted or material placed or deposited on or over the strip, or within 2 metres thereof, and the depth of cover over the pipeline shall not be materially altered, without written consent from Rand Water as the holder of the servitude.
- 2.9 Rand Water having laid its pipeline and registered the servitude over the strip of land, in the exercise of its statutory obligations and powers, has not thereafter, approved the development of or construction of structures within the servitude area. It did not, and has never given any other person or party its consent, for the development of the servitude area, or the placement or construction of structures of whatever nature.
- 2.10 Rand Water as the holder of the servitude thereby is granted limited real rights over the strip of land as defined. It is thus conferred with an entitlement to perform all such acts which are necessary for the proper exercise of its functions, obligations, entitlement and rights.

3. SPATIAL, POPULATION GROWTH AND INCREASE IN WATER DEMAND

- 3.1 The City of Tshwane, a water services authority or institution as described in the Act through a letter dated 12 April 2017," requested Rand Water to install the new pipeline, the R5 as a matter of urgency, see the attached letter marked Annexure "B.
- 3.2 Rand Water has attended to the request from the city in order to ensure an uninterrupted water supply and to also meet the increasing demand for water supply within the region.
- 3.4 Currently the contractor has been appointed to refurbish the new pipeline earmarked to be laid within the servitude, alongside the existing H28 pipeline. The H28 pipeline supplies water to Pretoria East and surrounding areas. It runs from Rietvlei to Bronberg, then continues to Mamelodi. Is 930mm in diameter, but between Bronberg to Mamelodi, its diameter is smaller, at 830mm. Having been laid in 1991, by virtue of its design capacity, including wear and tear, it can no longer meet the increasing demand in water supply, owing to spatial growth, development and population growth.

4. ACCESS DENIAL AND ENCROACHMENTS

- 4.1 Having laid its pipelines on the servitude in the exercise of its statutory duties and functions, section 80(1) of the Water Services Act provides that Rand Water may, at any reasonable time, without prior notice, enter any property, to inspect any water services work, in order to ascertain whether the Act or any regulation, or directive made under the Act, is being complied with.
- 4.2 The Estate clearly violated the Act as Rand Water has been denied access to the infrastructure since the construction of the Estate. Mr Mahlangu who assumed his duties for the region, as a District Superintendent during 2013, was unable to gain access to the entire length and width of the servitude. As a result, he was unable to patrol and inspect the entirety of the servitude area. Gaining access into the estate proved difficult for him and his colleagues, despite that they would provide the estate's representatives with their monthly schedule of visits for inspection, for example, of water leaks, meter readings, including general patrols. Such schedules were ignored by the Estate.
- 4.3 Ms. Mable Monethe also encountered similar difficulties at her initial attempts at gaining entry into the Estate in order to survey the servitude area of 1.6 kilometre in preparation of the new R5 (H42). She resorted to engage Rand Water's Legal Services Department to issue the letter of demand in order to access the servitude area.
- 4.4 Upon her physical inspection of the servitude, like Mr Mahlangu, she also encountered a number of encroachments over the servitude, in that a number of properties, either

through perimeter fences, swimming pools, including the actual buildings of some houses, were constructed in such a way that they encroached into the servitude area.

- 4.5 All such encroachments encountered are constructed and laid along the breadth and width of the servitude, within the Estate. Directly interferes with Rand Water's rights, entitlement, duties, powers, functions and obligations that it must exercise, in terms of the Act. Importantly, no person may in terms of section 82 unlawfully and intentionally or negligently, interfere with any water services work. The instant encroachment at the Estate has interfered with Rand Water's services work and significantly with its obligations.

5. CONSULTATION

- 5.1 On account of these encroachments, Rand Water had a number of engagements and discussions with the representatives of Woodhill Homeowners Association and the affected landowners. The purpose of the meetings was to address and resolve the general encroachment on the servitude area, principally over the urgent need and plan to lay a further pipeline on the servitude. The discussions over a range of infringements were covered as well, the general development on the servitude which is contrary to clause 2 of the servitude conditions.
- 5.2 It has also been noted that in some parts, beacons used to mark the exact location and measurements of the pipelines and servitude have been moved. At the meeting, Rand Water emphasised that the development of the estate encroached on the servitude. As the results of the encroachment Rand Water is unable to perform its statutory obligations, and to exercise its rights in terms of both the Act and the servitude rights. In terms of both the Act and servitude conditions, Rand Water is entitled to unrestricted access into the servitude at all times.
- 5.3 Instead of addressing the encroachment, the Attorneys representing the Estate wrote to Rand Water challenging the environmental approval or authorisation from the Department of Agriculture and Rural Development, where the R5 pipeline is to be laid in particular within the Estate. They informed Rand Water that according to the preferred alignment, Rand Water cannot utilise the servitude boundaries instead the adjacent area where Rand Water does not have the rights.

6. CONCLUSION

- 6.1 As was anticipated and provided for, Rand Water requires use of the servitude to lay a further pipeline within the servitude, to cater for the increasing demand of water supply, owing to increasing population growth and township developments or spatial developments and the general growth of the region.

- 6.2 Rand Water herein requests the amendment of the ROD so that pipeline can be constructed within the registered servitude area.
- 6.3 Furthermore, there is no lawful or reasonable justification for encroachments on the servitude or the interference with the Rand statutory rights, duties, functions or obligations.

Yours faithfully

Mmule Raditsela

Legal Advisor: Operations

8. CONCLUSION

- 8.1 As was anticipated and provided for, Rand Water requires use of the servitude to lay a further pipeline within the servitude to cater for the increasing demand of water supply owing to increasing population growth and housing developments or spatial developments and the general growth of the region.

RW32
RW23



Utility Services

Water and Sanitation

Room A7041, 7th Floor | Capitol Towers North | 225 Madiba Street | Pretoria | 0002
PO Box 1022 | Pretoria | 0001
Tel: 012 358 7763/7 | Fax: 012 358 4684
Email: Amatdala@tshwane.gov.za | www.tshwane.gov.za | www.facebook.com/CityOfTshwane

My ref: WM/8/1/5
Your ref: Proposed Bronberg/R5 Pipeline
Contact: Cecilia Mkhatshe
Person: Planning and Regulation Management
Section/Unit:

Tel: 012 358 3149
Fax: 012 358 1820
Email: cecf@tshwane.gov.za
Date: 12 April 2017

MEMORANDUM

TO: Mr Samuel Molekwa
Project Manager
Rand Water Head Office
522 Impala Road
GLENVISTA
2058

CITY OF TSHWANE METROPOLITAN MUNICIPALITY (CAPACITY PLANNING AND DEMAND MANAGEMENT): PROPOSED BRONBERG/R5 PIPELINE

Your email dated 11 April 2017 refers.

The proposed Rand Water Bronberg/R5 pipeline is supported by City of Tshwane: Water and Sanitation Division.

Based on the City of Tshwane's Spatial Development Framework, the population growth has increased in the past years and this has affected the water supply to Bronkhorstspuit, Gullinan and some part of Mamelodi areas. The current water demand for Bronkhorstspuit is 54.6 Mld while the total water available is 46.3 Mld. Due to this, there is a shortage in water supply to Region7 (Bronkhorstspuit areas,) as water supply capacity already running at minus (-8.3 Mld).

According to the Water Resources Master Plan, an additional Rand Water pipeline from the Rand Water Bronberg system is required to augment additional supply of water into the region and it all depends on the implementation of the proposed Rand Water pipeline for effective service delivery to the community.

Attached is the City of Tshwane's Master plan and the proposed cost estimates. It is recorded that implementation of this pipeline is extremely urgent.

Regards

S. Molekwa

ACTING GROUP HEAD: UTILITY SERVICES

On request, this document can be provided in another official language.

Utility Services & Maintenance • Leasing & Disposal • Underground Infrastructure • Regulate Urban Development • Maintenance of Water Infrastructure • Urban Planning & Development • Water Supply

LA
P3

51484

RN3

64

PA/160/15-



NOTARIAL DEED OF SERVITUDE

K7429/1997S

K1474 GARSTFONTEIN 374 JR 284 HERVE 89 & 9
PRETORIUSPARK X 1 (WOODHILL)

CITY COUNCIL OF PRETORIA

184.

and

RAND WATER BOARD

PROPERTY: REM of PTN 284, GARSTFONTEIN 374 ;



DYASON
PROKUREURS-ATTORNEYS

(012) 322-8600

TEL. (012) 322-8600

PO BOX 793 PRETORIA

0001

(Ref. : MR OLIVIER/AO)

LA
CP

NOTARY PUBLIC



Aklakantoor
Deeds Office
Pretoria

Asst. Registrar van Aktes
Asst. Registrar of Deeds

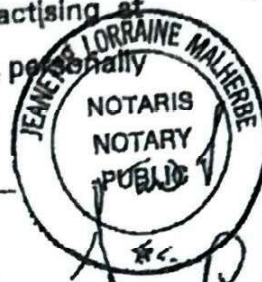
K 7429.97 S

PROTOCOL NO 184

BE IT HEREBY MADE KNOWN

JEANETTE LORRAINE MALHERBE

Notary Public, duly admitted and sworn, residing and practising at
PRETORIA, and in the presence of the undersigned Witnesses, personally
came and appeared :



VICTOR JACOBUS SWANEPOEL

In his capacity as the duly authorised Agent, by virtue of a Special Power of Attorney, granted to him by :

1. ANDRIES HENDRIK ROOS
In my capacity, as CHIEF LEGAL ADVISOR of CITY COUNCIL OF PRETORIA, duly authorised thereto by virtue of a Resolution passed by the Council at PRETORIA on the 30th day of JANUARY, 1985 (as amended)

(hereinafter referred to as the "OWNER")

which Power of Attorney was signed at PRETORIA on the 9th day of DECEMBER, 1997.

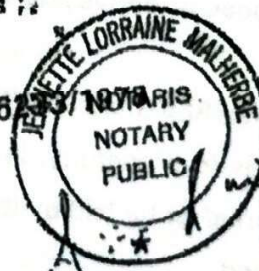
and which Power of Attorney has today been exhibited to me the Notary, and reside in my Protocol ;

being the Registered Owner of :

REMAINDER of PORTION 284 of the Farm GARSTFONTEIN
374, Registration Division J R, Province
Gauteng ;

MEASURING 379,5603 (THREE SEVEN NINE comma FIVE
SIX NOUGHT THREE) Hectares ;

HELD by virtue of Deed of Transfer T 26293



2. **AMBROSE NATHANIEL MANDLA LETLAPE**

in his capacity as GENERAL MANAGER - CORPORATE SERVICES of RAND WATER BOARD ("Rand Water"), a body incorporated under the provisions of the Rand Water Board Statutes (Private) Act, 1950 (17 of 1950, ("the Statutes"), he being duly authorised thereto in terms of a Resolution, passed by Rand Water on the 30th day of OCTOBER, 1997

(hereinafter referred to as "RAND WATER")

which Power of Attorney was signed at JOHANNESBURG on the 9th day of DECEMBER, 1997.

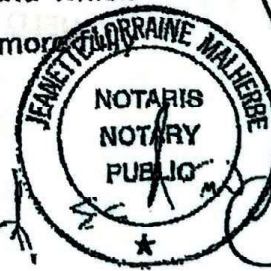
and which Power of Attorney has today been exhibited to me the Notary, and reside in my Protocol.

AND THE APPEARER DECLARED THAT :

WHEREAS the OWNER is the registered Owner of the hereinbefore-mentioned Property ;

AND WHEREAS, in pursuance of the powers conferred upon RAND WATER by the Statutes, RAND WATER has laid certain pipelines, and may lay further pipelines, across the hereinafter-mentioned Property, for the purpose of conveying water ;

AND WHEREAS the OWNER has agreed to grant RAND WATER a Servitude in perpetuity, in respect of pipelines already laid, and which may hereafter be laid by it, along a strip of ground, hereafter more described ;



**NOW THEREFORE THIS DEED WITNESSETH AND IT IS HEREBY AGREED
AS FOLLOWS :**

1. THE OWNER hereby gives and grants to RAND WATER for itself, its Successors-In-Title or Assigns, the rights in perpetuity, to convey and transmit water over :

REMAINDER of PORTION 284 of the Farm GARSTFONTEIN
374, Registration Division J.R, Province
Gauteng ;

MEASURING 379,5603 (THREE SEVEN NINE comma FIVE
SIX NOUGHT THREE) Hectares ;

HELD by virtue of Deed of Transfer T 26233/1978 ;

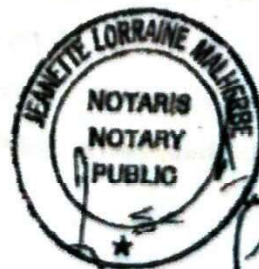
(hereinafter referred to as the "PROPERTY")

by means of pipelines already laid, and which may hereafter be laid, along a strip of Ground, 2,5887 Hectares in extent, as depicted by figure A B C D E F G H J K L M N P, on the annexed Diagram S.G. No 9450/1992 ("the STRIP"), together with the right in perpetuity, to lay or carry through, under, over, on or across the PROPERTY, along the STRIP and from time to time patrol, inspect, maintain, repair, remove and relay such pipelines, together with the necessary valves, cocks, metres, boxes, cables and all other accessories in connection therewith, any or all of which may be above and/or below the ground level ("the WORKS"), and to build, repaid and renew all embankments, on which the WORKS may now or hereafter be laid or constructed as may be necessary, together with all such rights of way



rights of ingress to and egress from the PROPERTY, as may be requisite and necessary, for any of the purposes aforesaid, and for the due and proper exercise of the rights hereby granted.

2. THERE shall be no structures erected, parking allowed, trees planted or material placed or deposited on or over the STRIP, or within 2 (TWO) Metres thereof, and the depth of cover over the pipeline shall not be materially altered, without written consent from RAND WATER, which consent shall not unreasonably be withheld.
3. NOTWITHSTANDING the terms of these presents, the OWNER shall have the right of cultivating the soil within the STRIP, for agricultural purposes, and be allowed to retain the existing structures, consisting of light metal frames, covered with shade netting, over the STRIP, provided that in so doing he shall not in any way damage the WORKS or interfere with the rights of RAND WATER as aforesaid, but except for such cultivation the OWNER shall not disturb the ground within the STRIP.
4. RAND WATER shall not be liable for any damage to crops, agricultural produce or other property, within the STRIP, as a result of the exercise by RAND WATER, its Contractors and its or their servants of the powers hereby conferred upon RAND WATER.
5. RAND WATER undertakes not to fence the STRIP, but if RAND WATER so desires, suitable gates, to be provided by RAND WATER, free of cost, shall be erected.



- (a) BY RAND WATER, at points where the STRIP is crossed by existing fences.
- (b) BY the OWNER, at points where the STRIP is crossed by fences, which may hereafter be erected. Such gates shall be maintained in good order and condition by the OWNER.

SUCH gates shall be kept locked by RAND WATER, but the OWNER shall, if he so desires, be provided with keys therefore.

6. THE OWNER shall not, save as hereinafter provided, be entitled to nor shall he permit others to carry on any mining or other underground operations, for the mining and getting of minerals under the STRIP, or within such distance thereof, as may in any way endanger, damage or injure the works, provided, however, if in the opinion of the Regional Director of the Department of Mineral and Energy Affairs, mining or other underground operations can be carried out, without endangering, damaging or injuring the WORKS, then mining or other underground operations may be carried on under or adjacent to the STRIP, in accordance with the provisions of the Minerals Act, 1991, and the Regulations framed thereunder, or any amendments or laws passed in substitution thereof.

7. IN the event of the Regional Director of Mineral and Energy Affairs, deciding that mining or other underground operations, as set out in the immediately preceding clause, may be carried on, subject to the OWNER leaving under and adjacent to the STRIP a safety pillar or pillars of such dimensions, as shall be determined by the Regional Director of the Department of Mineral and Energy Affairs, then the OWNER shall not be entitled to construct



haulage and/or ventilation roads or tunnels or other heading through any such safety pillar or pillars, except with the express consent of RAND WATER, in writing, and subject to such conditions as RAND WATER and the Regional Director of the Department of Mineral and Energy Affairs may require, but the consent of RAND WATER shall not, however, be unreasonably withheld.

8. THE terms of this Agreement shall not prejudice in any way the rights conferred upon RAND WATER by the Statutes and any other law, and the rights hereby granted shall be deemed to be in addition to RAND WATER'S statutory rights and not in substitution thereof.
9. RAND WATER agrees to pay the OWNER the sum of R90 604,00 (NINETY THOUSAND SIX HUNDRED AND FOUR RAND) in consideration of the rights hereby given, and in full and final satisfaction of any claim, which the OWNER may have against RAND WATER, in respect of the WORKS, which RAND WATER has already constructed, and which RAND WATER may construct in future, in terms of this Agreement, and the exercise from time to time by RAND WATER, within the STRIP, of rights conferred upon it by this Agreement and the Statutes, and any damage or loss, which the OWNER has suffered or may suffer hereby.
10. PAYMENT of the aforesaid sum shall be made to the OWNER, within 10 (TEN) working days, after this Servitude is registered in the office of the Registrar of Deeds, against the Title Deed of the PROPERTY.



11. THIS Servitude shall be registered against the Title Deed of the PROPERTY, and the Costs of and incidental to such registration and of and incidental to the preparation of the Deed, together with the Cost of any survey necessary, and the Cost of preparation of the necessary Diagrams and of obtaining the approval thereof, shall be payable by RAND WATER.

THUS DONE and EXECUTED at PRETORIA on the day, month and year first aforewritten, in the presence of the subscribing competent Witnesses, and of me, the Notary Public.

AS WITNESSES:

1.

.....

q.q.

OWNER

2.

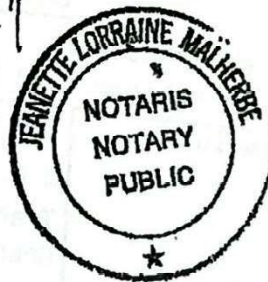
.....

q.q.

COUNCIL

QUOD ATTESTOR,

NOTARY PUBLIC



9

CP

SERVITUDE DIAGRAM

SIDES Metres		ANGLES OF DIRECTION		CO-ORDINATES System: LQ29° X	
		Constants:		Y	X
AB	331, 10	206 34 40	A	+ 68 561, 44	+ 57 080, 00
BC	315, 66	239 15 30	B	+ 68 513, 30	+ 56 078, 61
CD	131, 80	232 59 00	C	+ 68 241, 99	+ 56 782, 49
DE	476, 36	223 23 20	D	+ 68 136, 75	+ 56 621, 14
EF	152, 55	258 26 20	E	+ 67 809, 52	+ 56 541, 79
FG	210, 69	222 36 00	F	+ 67 660, 06	+ 56 195, 62
GH	16, 01	314 29 50	G	+ 67 517, 45	+ 56 165, 05
HJ	215, 33	42 36 00	H	+ 67 506, 03	+ 56 009, 96
JK	152, 67	78 26 20	J	+ 67 651, 79	+ 56 021, 18
KL	472, 65	43 23 20	K	+ 67 801, 36	+ 56 179, 69
LM	134, 02	52 59 00	L	+ 68 126, 05	+ 56 210, 28
MN	311, 84	59 15 30	M	+ 68 233, 06	+ 56 553, 76
NP	330, 98	26 34 40	N	+ 68 501, 09	+ 56 634, 45
PA	16, 64	132 29 40	P	+ 68 649, 17	+ 57 793, 85
		115	Δ	+ 69 597, 84	+ 61 089, 85
		205	Δ	+ 68 499, 20	+ 61 264, 84
					+ 55 600, 12

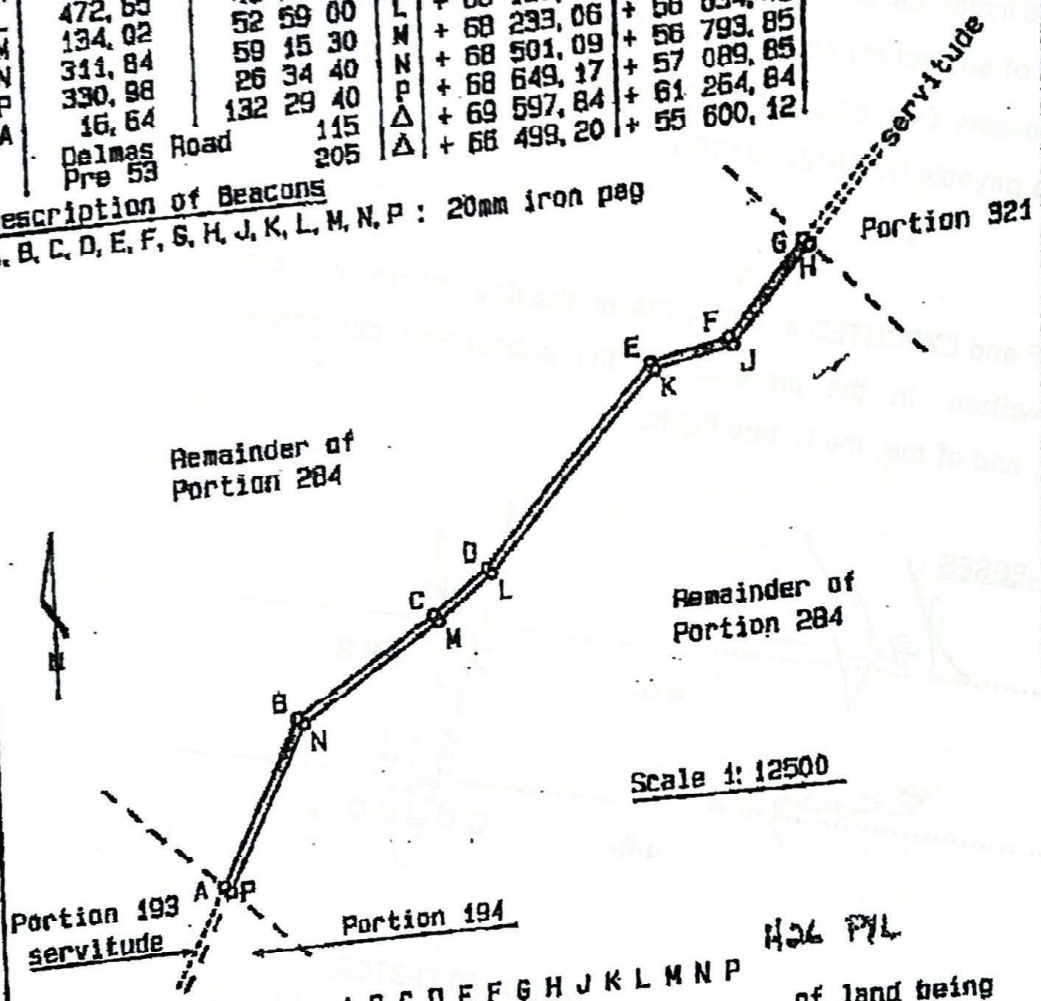
S.G. No. 4
9450/1992

Approved
J.B. Schumacher
for
SURVEYOR-
GENERAL

1992-12-09

Description of Beacons

A, B, C, D, E, F, G, H, J, K, L, M, N, P : 20mm iron pag



The figure
represents

2,5887 hectares
SERVITUDE AREA OVER THE REMAINDER OF
PORTION 284 of the farm
GARSTFONTEIN No 374-JR.

Province of Transvaal
Surveyed in October 1992 by me

J.B. Schumacher
Professional Land Surveyor

This diagram is
annexed to
No.
d.d.
i.f.o.
Registrar of Deeds

The original diagram is
S.G. No. A 5322/1970
Transfer T 9650/1972
Grant

File -/84
S.R. 3555/1992
G.P.
Comp. JASR-217, 218
JASR-215

J.B. 1-7-1992

Doc. 5165

CP

EXAMINATION (P. 100)
J.B. Schumacher
SURVEYOR-GENERAL

Annexure D
Environmental Authorisation
for Project with Reference
Number 002/13-14/E0045



RAND WATER

Environmental Management Services
PO Box 1127 Johannesburg 2000 South Africa
Tel (011) 724 9350 Fax (011) 900 2108

Reference: 15/9/1745
Enquiries: S. Sibanda
Direct Line: (011) 724-9370

17 May 2017

For Attention: Tebogo Leku

Gauteng Department of Agriculture and Rural Development
P.O. Box 8769
Johannesburg
2000

NOTIFICATION FOR THE APPOINTMENT OF ECO AND COMMENCEMENT OF THE PROPOSED CONSTRUCTION OF THE DUPLICATION OF THE VLAKFONTEIN BENON - MAMELODI WATER SUPPLY PIPELINE WITHIN THE EXISTING SERVITUDE (R5 PHASE 2): FROM SOUTHERN BOUNDARY OF RIETVLEI NATURE RESERVE TO MAMELODI (Gaut. 002/13-14/E0045)

Rand Water would like to inform Gauteng Department of Agriculture and Rural Development (GDARD) that the above mentioned project will be commencing on 1 June 2017 as per compliance with the above referenced Environmental Authorisation. Rand Water will be commencing with the search and rescue of vegetation and pegging of the pipeline route on the above mentioned date.

Clause 3.4(d)

"This activity must commence within a period of five (5) years from the date of issue. If the commencement does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken".

Mr Samuel Sibanda has been appointed as the Environmental Control Officer (ECO) for the project.

Rand Water's Environmental Management Services (EMS) will be responsible for the administration of environmental compliance onsite. All relevant correspondence must remain with Rand Water's Environmental Management Services. They will ensure distribution of notices and other related correspondences between the relevant parties. Please feel free to contact Mr Samuel Sibanda (Environmental Control Officer) for more information on the contacts below:

Tel: (011) 724 9370
Cell: 078 034 7547
Fax: (011) 900 2108
Email: ssibanda@randwater.co.za

Regards

Leslie Hoy
Manager
Environmental Management Services



RAND WATER

TYPE OF DOCUMENT: ACKNOWLEDGEMENT LETTER

FROM:	RANDWATER (EMS)
TO:	TEBOGO LEKU
COMPANY/ORGANISATION	GDARD
TYPE OF DOCUMENT(S)	NOFICATION LETTER FOR THE APPOINTMENT AND COMMENCEMENT OF THE R5 PHASE 2 PIPELINE (REF NO. Gaut. 002/13-14/E0045)
RECEIVED BY:	<i>m.lesela</i>
DATE	17/05/2017
PLACE RECEIVED	GDARD OFICES
DELIVERED BY:	
SIGNATURE	<i>NAB</i>

The applicant applied to amend the pipeline diameter for 9km section from the southern boundary to Rietvlei Nature Reserve to Delmas Road (R50) in order to meet the water demand in the sturdy area.

This letter must be read in conjunction with the EA dated 12 June 2013.

In accordance with Regulation 4(2) of the NEMA, EIA Regulations, 2014 (as amended) you are instructed to notify all registered Interested and Affected Parties, in writing and within 14 (fourteen) days of the date of this amendment to the EA, of the Department's decision and that an appeal may be lodged against the decision in terms of the NEMA, National Appeals Regulations, 2014 and the provisions regarding the submission of appeals as contained in these Regulations.

Should any person wish to lodge an appeal against this decision, he/she must submit the appeal to the appeal administrator and a copy of the appeal to the Applicant, any registered Interested and Affected Party, and any organ of state with interest in the matter within 20 (twenty) days from the date that the notification of the decision was sent to the registered Interested and Affected Parties by the Applicant or the date that the notification of the decision was sent to the Applicant by the Department, whichever is applicable.

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

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

By email: appealsdirector@environment.gov.za

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

By post: Private Bag X 447,
Pretoria,
0001

Please note that in terms of Section 43(7) of the NEMA, the lodging of an appeal will suspend the EA or any provision or condition attached thereto. In the instance where an appeal is lodged, the Applicant may not commence with the activity until such time that the appeal is finalised.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents by sending an e-mail to: appealsdirector@environment.gov.za.

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: 10/09/2018

CC:	Ms J Bubala	Envirolution Consulting(Pty) Ltd	Tel: (086) 444 4999	Email: jubilee@envirolution.co.za
	Mr D Motaung	GDARD	Tel: (011) 240 2574	Email: Dan.Motaung@gauteng.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko, Arcadia · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/1/7/95/AM1

Enquiries: Ms Dakalo Netshombo

Telephone: (012) 399 8877 E-mail: DNetshombo@environment.gov.za

Mr Leslie Hoy
Rand Water
522 Impala Road
GLENVISTA
2058

Telephone Number: (011) 724 9350
Email Address: lhoy@Rand.Water.co.za

PER EMAIL / MAIL

Dear Mr Hoy

AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (EA) ISSUED ON 12 JUNE 2013 FOR THE DUPLICATION OF THE VLAKFONTEIN (BENONI)-MAMELODI WATER SUPPLY PIPELINE WITHIN THE EXISTING SERVITUDE. PHASE 2: FROM THE SOUTHERN BOUNDARY OF THE RIETVLEI NATURE RESERVE TO MAMELODI

The Environmental Authorisation (EA) issued for the abovementioned application by the Department of Agriculture and Rural Development (GDARD) on 12 June 2013, your application for amendment of the EA and the draft Environmental Impact Assessment Report (DEIAR) received by the Department on 12 April 2018, the acknowledgement letter dated 22 April 2018 and the final report received on 06 June 2018, refer.

Based on a review of the reason for requesting an amendment to the above EA, this Department, in terms of Chapter 5 of the Environmental Impact Assessment Regulations, 2014, as amended has decided to amend the EA dated 12 June 2013 as follows:

Amendment to increase authorised pipeline diameter for 9km section from the southern boundary to Rietvlei Nature Reserve to Delmas Road (R50)

From:

800 mm to 1500 mm pipeline diameter

To:

1700 mm to 2000 mm pipeline diameter

MS

From:

To:00119002108

12/06/2013 16:36

#446 P.008/008

CC: Aurecon South Africa (pty) Ltd

Attn: Ryan Nawn

Fax: 086 766 1473

City of Tshwane Metropolitan Municipality

Attn: Rudzani Mukheli

Fax: (012) 358-8934

Compliance

Fax: (011) 355-1850

RUDZANI ALEX GUMI

EX-OFFICIO COMMISSIONER OF OATHS

PRACTISING ATTORNEY R.S.A.

SUITE 305 3RD FLOOR, CITYCENTRE

No.8 LUTTIG STR. ROODEPOORT, 1725

TEL.011760-9007 FAX.011760-8076

CM/Me 02/07/2019

GDARO
Office of the HOD

113 -06- 12

0 0 0 0 1 1

From:

To: 00119002108

12/06/2013 16:36

#446 P.007/008



GAUTENG PROVINCE
AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Reference: Gaut 002/13-14/E0045
Enquiries: Teboho Leku
Telephone: 011 355 1628
E-mail: Tebo.Leku@gauteng.gov.za

Rand water
522 Impala Street
Glenvista
2085

Attn: Mr. Leslie Hoy

Tel: (011) 724 9350
Fax: (011) 900 2108

PER FACSIMILE/REGISTERED MAIL

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: DUPLICATION OF THE VLAKFONTEIN (BENONI)-MAMELODI WATER SUPPLY PIPELINE WITHIN THE EXISTING SERVITUDE. PHASE 2: FROM THE SOUTHERN BOUNDARY OF THE RIETVLEI NATURE RESERVE TO MAMELODI.

With reference to the above-mentioned application, 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, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 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, within 20 calendar days of the date of this letter, by means of one of the following methods:

By facsimile: (011) 333 0620;
By post: P.O. Box 8769, Johannesburg 2000; or
By hand: 16th Floor, Diamond Corner Building, 68 Eloff Street, Johannesburg.

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

Ms. Priscilla Pietersen
Act. Head: Agriculture and Rural Development
Date: 12 June 2013

GDARD
Office of the HOD

SIGN & RETURN

13 -06- 12 000011

Department of Agriculture and Rural Development
Environmental Authorisation Reg. No. Gaut 002/13-14/E0045

Annexure 1: Reasons for Decision**1. Background**

The applicant, Rand Water applied for authorisation to undertake the following activities-

the proposed duplication of 27 km long water pipeline, routed adjacent to the existing Rand water servitudes, from southern boundary of Rietvlei Nature Reserve to Mamelodi indicated as "Preferred Alignment" listed activities 1(k) of Government Notice 386 of 2006 which falls under the jurisdiction of the City of Tshwane Metropolitan Municipality.

The applicant appointed Aurecon South Africa (Pty) Ltd to undertake a Basic Impact Assessment Process.

2. Information considered in making the decision

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

- The information contained in the Basic Assessment Report received by the Department on 19 April 2013;
- Relevant information contained in the Departmental information base including -
 - GIS;
 - C-Plan version 3.3; and
 - GAPA 3
- The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended).
- The findings of the site inspection undertaken by officials of this Department, Rand Water, Rietvlei Nature Reserve and Aurecon.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- The duplication of the Vlakkfontein (Benoni) - Mamelodi water supply pipeline: Phase 1 (25km) from Vlakkfontein in Ekurhuleni to the Southern boundary of Rietvlei Nature Reserve has already been authorised by this Department.
- The need to provide for the supply during peak water demands.

GDARD
Office of the HOD

Findings

13-06-12 000011

After consideration of the information and factors listed above, the Department made the following findings -

- Relevant stakeholders, interested and affected parties were adequately notified of the proposed activity. Objections were raised however they were adequately addressed.
- Phase 1 (25km) from Vlakkfontein in Ekurhuleni to the Southern boundary of Rietvlei Nature Reserve has already been authorised by this Department.
- Rand Water's obligation to meet water demands in Mamelodi.
- Relevant activities were applied for as per the Environmental Impact Assessment Regulations, 2006.

In view of the above, 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, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The authorisation for this application is accordingly granted.

RUZANI ALEX GUMI
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TEL. 011 760-9007 FAX. 011 760-8076

CHAKS
02/07/2013

From:

To: 00119002108

12/06/2013 16:35

#446 P.005/008

Department of Agriculture and Rural Development
Environmental Authorisation Reg. No. Gaut 002/13-14/E0045

4 Appeal of authorisation

- a) The holder of the authorisation must notify all registered interested and affected party, in writing and within 12 days of receiving notice of the Department's decision to authorise the activity.
- b) The notification referred to above must –
 - specify the date on which the authorization was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

Date of environmental authorisation: 12 June 2013



Ms Priscilla Pietersen
Acting Head: Agriculture and Rural Development

Date: 12 June 2013

Office of the HOD

SIGN & RET

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02/07/2019



Department of Agriculture and Rural Development
Environmental Authorisation Reg. No. Gaut 002/13-14/E0045

1. Decision

The Department is satisfied, on the basis of information available and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

2. Activities authorised

By virtue of the powers conferred by the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Environmental Impact Assessment Regulations, 2010, the Department hereby authorises-

Rand water
522 Impala Street
Glenvista
2085

GOARD
Office of the HOD

13 06 12 0 0 0 1 1

Attn: Mr. Leslie Hoy
Tel: (011) 724 9350
Fax: (011) 900 2108

to undertake the following activities (hereafter referred to as "the activities") -

the proposed duplication of 27 km long water pipeline, routed adjacent to the existing Rand water servitudes, from southern boundary of Rietvlei Nature Reserve to Mamelodi indicated as "Preferred Alignment" listed activities 1(k) of Government Notice 386 of 2006 which falls under the jurisdiction of the City of Tshwane Metropolitan Municipality.

The granting of this environmental authorisation is subject to the conditions set out below.

3. Conditions

3.1 Specific conditions

- a. Authorisation is granted for the proposed duplication of 27 km long water pipeline, routed adjacent to the existing Rand water servitudes, from southern boundary of Rietvlei Nature Reserve to Mamelodi. The pipeline will have internal diameter of 0.8 - 1.5 meters whilst maintaining the positive pressure and flow velocity of less than 2.5 m/s. The preferred alternative alignment will be divided into the following sections:
 - i. Section 1: Rietvlei Nature Reserve
 - ii. Section 2: Rietvlei Nature Reserve to Garsfontein Road
 - iii. Section 3: Garsfontein Road to Bronberg
 - iv. Section 4: Bronberg to Six fountains
 - v. Section 5: Six Fountains to Savannah Country Estate
 - vi. Section 6: Savannah Country Estate to Mamelodi
- b. Section 3 of the preferred alignment must traverse the Bronberg along the existing servitude.
- c. The preferred alignment will also deviate from the proposal in the Woodhill Golf Estate by being aligned around the golf fairways and greens since these have been developed on top of the existing servitude.
- d. Recommendations contained in the following studies must be adhered to
 - i. Biodiversity survey and wetland delineation within sensitive environments identified along Phase 2 of the proposed Vlakfontein to Mamelodi bulk water pipeline duplication project. With reference no: 103701
 - ii. Surface Watercourse Assessment by LER Grobler dated August 2010
 - iii. Site investigation reports: Rough-Haired Golden Mole (*Chrysospalax villosus*) & Juliana's Golden Mole (*Neamblysomus Julianae*)- Rietvlei Nature reserve & Bronberg

02/07/2014
C. M. M.

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#446 P.002/008



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number:

Gaut 002/13-14/E0045

Holder of authorisation:

Rand Water

Location of activity:

Southern boundary of Rietvlei Nature Reserve to
Mamelodi (Phase 2)

RUDZANI ALEX GUMI
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GDARD
Office of the HOD

13-06-12

000011

G. H. H. H. 02/07/2015

APPENDIX 2
CERTIFIED COPY/IES OF THE ENVIRONMENTAL AUTHORISATION AND ALL SUBSEQUENT AMENDMENTS
THERETO OR ORIGINAL COMMISSIONED AFFIDAVIT/AFFIRMATION UNDER OATH

Environmental Authorisation		Environmental Authorisation	
Authorisation Number	Authorisation Title	Authorisation Number	Authorisation Title
123456789	Example Authorisation Title	123456789	Example Authorisation Title
123456789	Example Authorisation Title	123456789	Example Authorisation Title
123456789	Example Authorisation Title	123456789	Example Authorisation Title
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Annexure E
Copy of Amendment
Application Form