

TECHNICAL MEMORANDUM



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TO: Kristin Kalleson **DATE:** 23 January 2014

FROM: Warren Kok **JOB NO:** 13050

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EMAIL: Kristin@peacefulscapes.co.za

RE: **REVIEW OF THE DRAFT BAR FOR THE PROPOSED CROWTHORNE BULK SEWER LINE**

Zitholele Consulting (Pty) Ltd. (Zitholele) was approached by the Greater Kyalami Conservancy (GEKCO) to undertake a review Draft Basic Assessment Report and supporting documentation for the proposed Crowthorne Bulk Outfall Sewer.

The review was conducted by Warren Kok. Warren holds a B.Hon (Geography and Environmental Management) from RAU (2000). He is certified Environmental Assessment Practitioner (EAP) registered with the Interim Certification Board. Warren has in excess of 12 years experience in environmental management consulting in South Africa. The majority of his work experience has been gained in the mining sector in South Africa, where he has been responsible for undertaking and managing Integrated Environmental Authorisation Processes. Warren has successfully undertaken countless integrated EIA processes that require integration of the MPRDA, NEM:WA, WULA and NEMA regulatory processes. Many of these projects are considered landmark projects in South Africa's environmental mining sector and included several hazardous waste facilities.

Public Participation:

It is not considered good practice to hold meetings during generally accepted holidays such as Easter, but it is certainly not prevented by legislation.

What is not clear from the documentation provided is the process forward after the public meeting. The presentation at the public meeting indicated that the Draft BAR would be available for review from the 26th of April 2013. The Draft Public Participation Report (PPR) indicates that the document will be made available for review during the month of August 2013. However the Draft PPR, Draft BAR, and Draft EMP are all dated November 2013. It thus appears that the documents were only put out for review during the December 2013 / January 2014 period. There are no copies of advertisements or letters indicating the availability of the report or date on which it was made

available for review. Leaving the reviewer somewhat confused about what happened after the public meeting, it appears that the Draft Report was compiled, and was then at some point made available for review. Should such changes in process take place the reviewer would expect that communication in the way of a newsletter be sent out to registered stakeholders. No evidence of such communication was found in the information provided. As indicated upfront though not all documentation was reviewed given the short timeframe allowed and such newsletters and communications may well have been distributed, in which case the Public Participation Report should be updated to reflect this, and such communications attached as Appendix to the report.

Material or Content Related Observations

The materiality of the issues raised do not seem to be wholly taken into account as discussed below.

A key element in a BAR process is the scoping of specialist studies, as this is strongly reliant on the judgement of the EAP as opposed to a S&EIR process where scoping is a separate phase of the assessment. Upfront and early notification and consultation with stakeholders is thus a fundamental step to inform the correct scope of specialist studies. It appears that there is a serious lack in the scoping and addressing of socio-economic issues raised regarding the proposed development.

The single biggest concern raised by stakeholders, and forms a repetitive theme through all engagement, is the desire for development in the area to be halted in favour of environmental protection, or to conserve a way of life prevalent in the area. This issue is glibly passed over citing strategic documents i.e. the Regional Spatial Development Framework as motivation for the project. However, it still remains the responsibility of the EAP to verify at a project level the suitability of a development. The reviewer is of the opinion that this is an oversight by the EAP not to tackle this issue more substantively through such studies as social-cost benefit analysis, resource economics study, or similar sustainability assessment mechanisms; or at the very least to address the issue in the assessment – either verifying or disputing it. The BAR in fact presents no social baseline information in Section B (9) of the report, and only provides a motivation for the project, and furthermore does not address one single socio-economic impact in the impact assessment.

A rapid review of the impact assessment section of the BAR found that the impact assessment focuses primarily on the construction phase of the proposed project, and doesn't meaningfully address the operational phase of the facility, citing that it will be maintained and managed in line with Joburg Water standards. This is not sufficient, and it remains the EAP's responsibility to obtain those standards, review them, and make necessary additional recommendations, or include additional management measures to ensure environmental protection. The EAP cites in the Draft Comments Response Report, pg. 12, point 7, "Lack of Trust" in the City of Joburg to maintain the sewer line, but then doesn't follow through in the impact assessment to identify the potential aspects, impacts and recommend appropriate control mechanisms. The mitigation measures cited simply state annual maintenance and inspections, and that a plan should be put in place that caters for the event of a large sewerage spill. This also leads the reviewer to conclude that one of primary concerns of the stakeholders in the area has not been addressed, as many of these comments focus on the operational issues, citing evidence of poor maintenance and large spills.

As already mentioned it is not possible to determine if all impacts have been considered because of how the information is presented, but safe to say no socio-economic impacts or wetland impacts appear to have been identified or addressed, which thus also affects the cumulative impact statements which too only focus on the biophysical environment.

With regards to the Draft EMP the only substantive issues the reviewer could identify are that the Draft EMP focus solely on the construction phase, and does not address operational phase concerns; and the EMP does not provide a monitoring plan for prior, during and post construction.

Please feel free to contact the author of this technical memorandum to discuss its contents should you have any enquiries.

ZITHOLELE CONSULTING



Warren Kok

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Sharon Meyer