



**Western Cape
Government**

Department of Environmental Affairs and
Development Planning

ADOPTION OF A MAINTENANCE MANAGEMENT PLAN

Request for the adoption of a Maintenance Management Plan in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014.

APRIL 2024

DEPARTMENTAL DETAILS	
CAPE TOWN OFFICE: DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 1) (City of Cape Town, West Coast District, Cape Winelands District & Overberg District)	GEORGE REGIONAL OFFICE: DIRECTORATE: DEVELOPMENT MANAGEMENT (REGION 3) (Central Karoo District & Garden Route District)
The completed Form must be sent via electronic mail to: DEADPEIAAdmin@westerncape.gov.za Queries should be directed to the Directorate: Development Management (Region 1) at: E-mail: DEADPEIAAdmin@westerncape.gov.za Tel: (021) 483-5829 Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 1) Private Bag X 9086 Cape Town, 8000	The completed Form must be sent via electronic mail to: DEADPEIAAdmin.George@westerncape.gov.za Queries should be directed to the Directorate: Development Management (Region 3) at: E-mail: DEADPEIAAdmin.George@westerncape.gov.za Tel: (044) 814-2006 Western Cape Government Department of Environmental Affairs and Development Planning Attention: Directorate: Development Management (Region 3) Private Bag X 6509 George, 6530

IMPORTANT INFORMATION TO BE READ PRIOR TO COMPLETING THE ATTACHED FORM:

1. Purpose

The purpose of this form is to provide baseline information for the adoption of a Maintenance Management Plan ("MMP") by the competent authority.

2. Administrative requirements

This form must be used to request the competent authority to adopt a Maintenance Management Plan in terms of the NEMA EIA Regulations, 2014.

3. Maintenance Management Plan information

- 3.1 This form is for the adoption of a MMP and only relates to the Listed Activities as contained in Listing Notice 1, 2 and 3 of the EIA Regulations, 2014 that make provision for the adoption of a MMP.
- 3.2 Please note that an MMP can only be considered for activities pertaining to maintenance related work. Construction work related to new or expanded structures or infrastructure beyond the existing footprint cannot be considered as part of the request for the adoption a MMP by the competent authority.
- 3.3 Construction work related to new or expanded structures or infrastructure beyond the existing footprint may trigger a listed activity in terms of the EIA Regulations, 2014 and environmental authorisation may be required. If this is the case an application for environmental authorisation must be submitted to the competent authority.
- 3.4 Notwithstanding the MMP possibly being defined or adopted by the Competent Authority, any other applicable statutory requirements must still be complied with (e.g. any obligations under the National Water Act, 1998 (Act 36 of 1998) or the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)).
- 3.5 The proponent must note that a MMP for a watercourse must be undertaken through consultation with the Department of Water and Sanitation and/or the relevant Catchment Management Agency (responsible water authority). This is to ensure compliance in terms of a Permissible Water Use as set out in the National Water Act, 1998 (Act No. 36 of 1998). It is recommended that this process for authorisation in terms of the National Water Act be clarified prior to the drafting and submission of the MMP.
- 3.6 The adoption of a MMP does not absolve the proponent from complying with any applicable legislation or the general "duty of care" set out in Section 28(1) of the NEMA that states, "*Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.*" (Note: When interpreting this "duty of care" responsibility, cognisance must be taken of the national environmental management principles contained in Section 2 of the NEMA.
- 3.7 Please note that the content of a MMP must include *inter alia*, the following:
 - A description of the objectives of the MMP;
 - A description of the relevant legislation and policies within which the MMP is prepared;
 - A description of the site and a locality map;
 - A description of the proposed maintenance activities;
 - A description of the tasks that will be performed (method statement);
 - A description of the potential impacts on the receiving environment and any management and/or mitigation measures to minimise the potential impacts associated with the maintenance activity;
 - Any specialist inputs that were obtained; and
 - The roles and the responsibilities of the role players who will be involved in the maintenance activity.
- 3.8 A public participation process must be undertaken as part of the request for the competent authority to adopt a MMP. As a minimum you will be required to:
 - inform the surrounding neighbours, your local authority and the relevant water authority of your intentions (these interested and affected parties will be regarded as registered interested and affected parties);
 - allow a minimum of 30 days as a commenting period for these interested and affected parties;
 - obtain written comment from all relevant Organs of State and the Local Authority; and
 - respond to comments received and the proof of the public participation including all comments received and responses provided thereto must be submitted to the competent authority.

4. General

4.1 Submission of documentation, reports and other correspondence:

The Department has adopted a digital format for corresponding with proponents/applicants or the general public. If there is a conflict between this approach and any provision in the legislation, then the provisions in the legislation prevail. If there is any uncertainty about the requirements or arrangements, the relevant competent authority must be consulted.

The Directorate: Development Management has created generic e-mail addresses for the respective Regions, to centralise their administration. Please make use of the relevant general administration e-mail address below when submitting documents:

DEADPEIAAdmin@westerncape.gov.za

Directorate: Development Management (Region 1):
City of Cape Town; West Coast District Municipal area;
Cape Winelands District Municipal area and Overberg District Municipal area.

DEADPEIAAdmin.George@westerncape.gov.za

Directorate: Development Management (Region 3):
Garden Route District Municipal area and Central Karoo District Municipal area

General queries must be submitted via the general administration e-mail for EIA related queries. Where a case-officer of DEA&DP has been assigned, correspondence may be directed to such official and copied to the relevant general administration e-mail for record purposes.

- 4.2 The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. The tables may be expanded where necessary. Please make use contrasting colours in the answer blocks to improve the visibility and highlight information.
- 4.3 The quality, correctness and detail of information submitted by you is extremely important and it remains your responsibility to interrogate the specifics of your proposed development in order to report on the potential listed activities in this form.
- 4.4 This form is a guide to the information that must be submitted. Any additional information, pictorial evidence or explanations prompted by the form must be submitted along with this form in order to ensure that the competent authority does not need to request additional information from you. Incomplete forms will result in a request for additional information.
- 4.5 Unless protected by law all information contained in, and attached to this form, will become public information on receipt by the Department. Upon request, the Applicant/EAP must provide any interested and affected party with the information contained in or submitted with this Form.

Protection of Personal Information Act, 2013 (Act No. 4 of 2013) ("POPIA"):

Your attention is drawn to POPIA which is a comprehensive data protection legislation enacted in South Africa and came into effect on 1 July 2020. POPIA aims to give effect to the constitutional right to privacy, whilst balancing this against competing rights and interests, particularly the right of access to information. Please note that your personal information will only be used as far as it relates to the EIA process. By including your personal details in the Form and any subsequent reports and documents it will be deemed as giving consent to use this information as far as it relates to the EIA process.

- 4.6 This form is current as of **April 2024**. It is the responsibility of the Proponent/EAP to ascertain whether subsequent versions of the form have been released by the Department. Visit the Department's website at <http://westerncape.gov.za/eadp> to check for the latest version of this Form.
- 4.7 This form must be **duly dated and signed** by the Proponent and/or EAP (wherever applicable) and must be submitted to the Department at the details provided below.
- 4.8 Please note that it is an offence for a person to provide incorrect or misleading information in any form, including any document submitted in terms of the EIA Regulations to a competent authority or omits information that may have an influence on the outcome of a decision of a competent authority.

5. Circulars, Guidelines and Tools

The Department's latest Circulars pertaining to the "One Environmental Management System" and the EIA Regulations, and guidelines must be taken into account when completing this Form.

ADOPTION OF A MAINTENANCE MANAGEMENT PLAN FORM

REQUEST FOR THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014.

APRIL 2024

GENERAL PROJECT DESCRIPTION

(This must include an overview of the project including the Farm name/Portion/Erf number/the extent of the maintenance activities)

GENERAL REQUIREMENTS

1.1. Locality Map

A locality map must be attached to the Form, as Appendix A. The scale of the locality map must be at least 1:50 000. For linear activities of more than 25 kilometres, a smaller scale e.g. 1:250 000 can be used. The scale must be indicated on the map. The map must include the following:

- an accurate indication of the project site position;
- road names or numbers of all the major roads as well as the roads that provide access to the site(s)
- a north arrow;
- a legend;
- the prevailing wind direction; and
- GPS co-ordinates (Indicate the position of the proposed maintenance activities on the site). The co-ordinates should be in degrees, minutes and seconds. The minutes and seconds should be to at least three decimal places. The projection that must be used in all cases is the Hartebeesthoek94 WGS84 co-ordinate system. **If maintenance activities will be undertaken along a stretch of a watercourse, the start, middle and end co-ordinates must be provided.**

PART 1: ADMINISTRATIVE DETAILS

SECTION A: DETAILS OF PROPONENT | EAP | LANDOWNER | MUNICIPALITY

Highlight the Departmental Region and District in which the intended application will fall		CAPE TOWN OFFICE (REGION 1)		GEORGE REGIONAL OFFICE (REGION 3)		
		City of Cape Town	Cape Winelands District	Central Karoo District		
		West Coast District	Overberg District	Garden Route District		
<i>Duplicate this section where there is more than one Proponent</i>						
1.	Name of Proponent:					
	Contact person name (if other):					
	Company/ Trading name					
	State Department/Organ of State:					
	Company Registration Number:					
	Postal address & Postal code:				Code	
	Contact numbers:	Tel.		Cell:		
E-mail:						
2.	Company of EAP/Specialists:					
	EAP / Candidate EAP / Specialist name:					
	EAP / Specialists registration no:					
	Postal address & Postal code:				Code	
	Contact numbers:	Tel.		Cell:		
	E-mail:					
	<i>Duplicate this section where there is more than one Landowner</i>					
3.	Name of landowner:					
	Name of contact person for landowner (if other):					
	Postal address & Postal code:				Code	
	Contact numbers:	Tel.		Cell:		
	E-mail:					
	<i>Duplicate this section where there is more than one person in control of the land</i>					
	4.	Name of Person in control of the land:				
Contact person for 'person in control of the land' (if other):						
Postal address & Postal code:					Code:	
Contact numbers:		Tel.		Cell:		
E-mail:						
<i>Duplicate this section where there is more than one Municipal Jurisdiction</i>						
5.		Municipality in whose area of jurisdiction the proposed activity will be undertaken:				
	Name of contact person:					
	Postal address & Postal code:				Code	
	Contact numbers:	Tel.		Cell:		
	E-mail:					

PART 2: ADOPTION OF A MAINTENANCE MANAGEMENT PLAN

SECTION B: DETAILS OF THE PROPOSED MAINTENANCE ACTIVITY(IES)

1.	Provide a detailed description of the proposed maintenance activity(ies). (Please ensure that a method statement is included for each maintenance activity.)	
2.	Clearly describe the current state of the area where the maintenance activities will take place. (This must be supported by recent colour photographs)	
3.	Property location	
4.	Erf/Farm name(s), number(s) and portion(s)	
5.	Property size(s) (m ²) of all proposed sites:	
6.	SG Digit code(s) of the all the proposed property(ies)	
	(description of cadastral unit)	
7.	Coordinates of the proposed site(s) where the maintenance activity/ies will be conducted:	
	Latitude (S)	° ' "
	Longitude (E)	° ' "

Note: If the maintenance activities will be undertaken along a linear stretch such as a watercourse, the start, middle and end co-ordinates must be provided.

SECTION C: POTENTIAL LISTED ACTIVITIES THAT YOU REGARD TO BE APPLICABLE TO THE PROPOSED MAINTENANCE ACTIVITY(IES)

All activities listed in terms of the EIA Regulations, 2014 that may be associated with the proposed maintenance activities must be provided below.

Activity No(s):	Provide the relevant Activities as set out in Listing Notice 1	Describe the portion of the <u>proposed development</u> to which the applicable listed activity relates.
Activity No(s):	Provide the relevant Activities as set out in Listing Notice 2	Describe the portion of the proposed development to which the applicable listed activity relates.
Activity No(s):	Provide the relevant Activities as set out in Listing Notice 2	Describe the portion of the proposed development to which the applicable listed activity relates.

PART 3 DECLARATIONS

SECTION A: DECLARATION OF THE PROPONENT

Note: Duplicate this section where there is more than one Proponent.

	ID Number:	
in my personal capacity or duly authorised thereto hereby declare/affirm that:		

- the information provided or to be provided as part of this form, is true and correct;
- I am fully aware of my responsibilities in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), the Environmental Impact Assessment ("EIA") Regulations, as defined in Chapter 5 of NEMA (as amended) and any relevant Specific Environmental Management Acts and that failure to comply with these requirements may constitute an offence in terms of relevant environmental legislation;
- I am aware that is an offence in terms of Section 24F of the NEMA should I commence with a listed activity prior to obtaining an Environmental Authorisation;
- I am aware of my general duty of care in terms of Section 28 of the NEMA;
- I will provide the EAP and specialist, where applicable, and the competent authority with access to all information at my disposal that is relevant to the application;
- I will be responsible for the costs incurred in complying with the EIA Regulations, 2014 and other environmental legislation including but not limited to –
 - costs incurred for the appointment of the EAP or any person contracted by the EAP; and
 - costs in respect of any specialists, if any.

Note: If acting in a representative capacity, a certified copy of the resolution or power of attorney must be attached.

Signature of the Proponent:

Date:

Name of company (if applicable):

SECTION B: DECLARATION OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")/SPECIALIST

I,	EAP / Specialist Registration Number:					/				
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as the appointed EAP / Specialist hereby declare/affirm that:

- my EAP / Specialist Registration is current and up to date, and will inform the proponent and Department if the registration should lapse;
- the information provided or to be provided as part of this form, is true and correct;
- I have disclosed/will disclose, to the Proponent, the specialist (if any), the competent authority and registered interested and affected parties, all material information that have or may have the potential to influence the decision of the competent authority or the objectivity of any report, plan or document prepared or to be prepared as part of the request for the adoption of a Maintenance Management Plan;
- I have ensured/will ensure that information containing all relevant facts in respect of the request for the adoption of a Maintenance Management Plan was/will be distributed or was/will be made available to registered interested and affected parties and that participation will be facilitated in such a manner that all interested and affected parties were/will be provided with a reasonable opportunity to participate and to provide comments;
- I have ensured/will ensure that the comments of all interested and affected parties were/will be considered, recorded and submitted to the competent authority;
- I have ensured/will ensure the inclusion of inputs and recommendations from any specialists in respect of the request for the adoption of a Maintenance Management Plan, where relevant;
- I have kept/will keep a register of all interested and affected parties that participated in the public participation process; and
- I am aware that a false declaration is an offence in terms of Regulation 48 of the EIA Regulations, 2014.

Signature of the EAP/Specialist:

Date:

Name of company (if applicable):