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NEAS REF.: WCP/EIA/AMEND/0000747/2023
DATE OF ISSUE: 07 July 2023

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 28 AUGUST 2013 (DEA&DP REF NO. EG12/2/4/1-D6/27-0014/12) FOR THE FOR THE REGIONAL RESERVOIR AND ASSOCIATED INFRASTRUCTURE FOR THE MOSSEL BAY AREA ON THE FARM VAALE VALLEY 219, MOSSEL BAY

With reference to your application for the abovementioned, find below the decision with respect to the application (submitted 14 June 2023) for the amendment to the Environmental Authorisation issued on 28 August 2013 (hereinafter referred to as an "Environmental Authorisation").

A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 28 August 2013 (DEA&DP Ref. EG12/2/4/1/D6/27/0014/12) in terms of Part 1 of Chapter 5 of the EIA Regulations, 2014 (as amended) .

The Environmental Authorisation (herein after referred to as the "original EA (as amended)") is amended as set out below:

1. Section B of the original EA (as amended) pertaining to the description of the authorised alternative related to the listed activities, is substituted with the following:

"The proposal entails the construction of the following infrastructure:

- *A 125 m x 500 mm diameter PVC-O gravity pipeline from the 7ML reservoir to a T-piece supplying the Hartland and Outeniquasbosch pipelines separately.*
- *A 1 980 m x 450 mm diameter PVC-O gravity pipeline from the T-piece to the connection point next to District Road R102. The length of the pipeline next to the road is approximately 700 m.*
- *A 6,0 m wide servitude for the pipes and maintenance road*

2. Section E: Condition 5 of the original EA (as amended) is substituted with the following:

“5. This Environmental Authorisation is for the construction of infrastructure associated with the development of the proposed reservoirs on a portion of the Farm Vaale Valley No. 219, Mossel Bay and will include the following:

5.1 The infrastructure technical components include:

- A 125 m x 500 mm diameter PVC-O gravity pipeline from the 7ML reservoir to a T-piece supplying the Hartland and Outeniquasbosch pipelines separately.
- A 1 980 m x 450 mm diameter PVC-O gravity pipeline from the T-piece to the connection point next to District Road R102. The length of the pipeline next to the road is approximately 700 m.
- A 6,0 m wide servitude for the pipes and maintenance road.

5.2 The proposed infrastructure will be constructed in accordance with the layout plan compiled by Bigen (Drawing number 3658.00.00.GZA.05.G003 dated May 2023) Attached to this Environmental Authorisation as Annexure 2.”

Note: A copy of Annexure 2 is attached to this Addendum to the Environmental Authorisation.

3. Section E: Condition 7 of the original EA (as amended) is substituted with the following:

“7. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme (“EMPr”) relevant to the application.

The draft EMPr” submitted as part of the application for Environmental Authorisation must be amended to contain the information prescribed in Appendix 4 of the Environmental Impact Assessment Regulations 2014 and must be submitted to this Department for approval prior to commencement of any activities on the site:

7.1. The EMPr must incorporate the following —

7.1.1. All the conditions given in this Environmental Authorisation;

7.1.2. The ECO must conduct site inspections every two weeks during the construction phase (The frequency may be increased to weekly site inspections).

7.1.3. All ECO monitoring reports compiled monthly during the construction phase must be submitted to the competent authority quarterly (every three months), except when there is non-compliance observed, in which case the ECO must bring to the competent authority's immediate attention by means of a written report.

7.1.4. The ECO must conduct site inspections every two weeks during the rehabilitation phase and submit the ECO monitoring reports during this phase monthly.

7.1.5. Include the auditing schedule as set out by this Environmental Authorisation.

7.1.6. The rehabilitation of disturbed areas with appropriate local indigenous vegetation species, specifically where indigenous vegetation occurred.

Agricultural land that is disturbed due to the development activities should also be vegetated with indigenous vegetation species if such areas are not to be utilized for agricultural purposes. The EMPr must contain a list of local indigenous vegetation species that will be utilised.

Note: Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement."

4. Section E of the original EA (as amended) is amended by the insertion of Conditions number 17, 18, 19 and 20 pertaining to environmental auditing requirements:

"17. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.

18. During the non-operational phase of the development (construction activities), the frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:

18.1 During the period which the development activities have been commenced with on the site, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.

18.2 A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within **three (3) months** of completion of the construction phase.

Note: Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.

19. The Environmental Audit Report(s), must–

19.1 be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;

19.2 provide verifiable findings, in a structured and systematic manner, on–

19.2.1 the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

- 19.2.2 the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
- 19.3 identify and assess any new impacts and risks as a result of undertaking the activity;
- 19.4 evaluate the effectiveness of the EMPr;
- 19.5 identify shortcomings in the EMPr;
- 19.6 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
- 19.7 indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
- 19.8 indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
- 19.9 include a photographic record of the site(s) applicable to the audit; and
- 19.10 be informed by the ECO reports.
20. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable)."
5. All other conditions contained in the Environmental Authorisation issued on 28 August 2013 remain unchanged and in force.

B. REASONS FOR THE DECISION

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

1. The information contained in the application for amendment dated 12 June 2023 and received by this Department on 14 June 2023.
2. The application for amendment of the the original EA (as amended) in terms of Part 1 of Chapter 5 of the EIA Regulations, 2014 (as amended) is regarded to be for a non-substantive change to the Environmental Authorisation as it will not change the scope of the valid environmental authorisation, nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an environmental authorisation.
3. The amendment does not, on its own, constitute a listed activity. The listed activities authorised in the original EA (as amended) is similarly listed in terms of the EIA Regulations, 2014 (as amended).

4. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the original EA (as amended).
5. The Environmental Authorisation issued on 28 August 2013 (DEA&DP Ref. EG12/2/4/1/D6/27/0014/12 / NEAS ref. WCP/EIA/0000841/2012) and subsequent amendment thereof listed as follows:
 - 5.1. The Addendum to the original EA issued by this Department on 20 September 2018 (DEA&DP ref. 16/3/3/5/D6/29/0010/18 / NEAS ref. WCP/EIA/AMEND/0000307/2018).
6. The authorisation issued on 28 August 2013 originally included the following infrastructure technical components –
 - A 15ML reservoir;
 - A 125l/s @65 head booster pumpstation next to the District Road R102;
 - A 1250m x 400mm UPVC / GRP rising main between the booster pumpstation and the 15ML reservoir;
 - A 1675m x 600mm GRP gravity line for the reservoir to termination point next to District Road R102. The length of the pipe to road is approximately 600m;
 - 750m x 400mm UPVC / GPR gravity line between the 15ML reservoir to the existing 1ML reservoir located at Monte Christo estate;
 - A 6-metre-wide servitude for the pipes and maintenance road.

The amendment to the environmental authorisation has been informed by the following considerations:

- Changes in the environmental legislation and listed activities in 2017 and the new design parameters of the infrastructure has resulted in certain components of the proposed development no longer requiring environmental authorisation.
- The proposed development of the reservoir on the specific site no longer triggers a listed activity.
- It has been determined that the changes made to the design of the storage facility / size of the reservoir originally authorised in 2013 (namely, the development of two 7ML reservoirs within the same development footprint) does not require environmental authorisation. One of the 7ML reservoirs has already been constructed and completed in June 2022.
- The design and capacity of the rising main pipeline dimensions as well as the peak throughput of the head booster pumpstation have been reduced. This has resulted in the infrastructure (activity) no longer requiring environmental authorisation as it falls below the threshold of the relevant listed activity. This infrastructure has also been constructed and completed.
- The gravity line from the reservoir to the reservoir at the Monte Christo estate no longer triggers a listed activity and does not require environmental authorisation.
- The gravity line for the reservoirs to the termination point next to the District Road R102 (including gravity line to the T-piece) still trigger a listed activity which has been authorised. Similarly, the 6-metre-wide servitude for the pipes and maintenance road is included in this activity.

7. Due consideration has been given to the current legislative framework and the content requirements for and Environmental Authorisation and EMPr. In this regard conditions pertaining to the EMPr have been updated and additional conditions inserted to clarify the environmental auditing requirements applicable to the original EA (as amended).

C. CONDITIONS

1. The applicant must, in writing, within **14 (fourteen)** calendar days from the date of the Department's decision on this application–
 - 1.1 notify the landowner and all registered interested and affected parties registered in the previous EIA process of–
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
 - 1.2 draw the attention of all interested and affected parties registered in the previous EIA process, including the landowner, to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) in section D below;
 - 1.3 draw the attention of the landowner and all registered interested and affected parties registered in the previous EIA process to the manner in which they may access the decision.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with condition 1 above.

D. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority–
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs including any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Zahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAAdmin.George@westerncape.gov.za
Gavin.Benjamin@westerncape.gov.za

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision and any registered I&AP including any Organ of State with an interest in the matter; and
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

Zaahir.Toefy@westerncape.gov.za and copied to:
DEADPEIAadmin.George@westerncape.gov.za
Gavin.Benjamin@westerncape.gov.za

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs
and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Addendum to the Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
WESTERN CAPE GOVERNMENT**

DATE OF DECISION: 07 JULY 2023

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: EG12/2/4/1-D6/27-0014/12
NEAS REFERENCE NUMBER: WCP/EIA/0000841/2012
DATE OF ISSUE: 28 AUGUST 2013

EA ADDENDUM #1 REFERENCE NUMBER: 16/3/3/5/D6/29/0010/18
NEAS REF.: WCP/EIA/AMEND/0000307/2018
DATE OF ISSUE: 20 SEPTEMBER 2018

EA ADDENDUM #2 REFERENCE NUMBER: 16/3/3/5/D6/29/0005/23
NEAS REF.: WCP/EIA/AMEND/0000747/2023
DATE OF ISSUE: THIS DECISION

ANNEXURE 2: SITE DEVELOPMENT PLAN AND PIPELINE COORDINATES (2023)

