

EIA REFERENCE NUMBER: 16/3/3/1/D6/29/0014/23
NEAS REFERENCE: WCP/EIA/0001303/2023
DATE OF ISSUE: 31 OCTOBER 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED UPGRADE OF THE EXISTING PINNACLE POINT WASTEWATER TREATMENT WORKS (WWTW) FROM 2.25 ML/DAY TO 7 ML/DAY TREATMENT CAPACITY ON THE REMAINDER OF ERF 15390, MOSSEL BAY REGISTRATION DIVISION, MOSSEL BAY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated August 2023 as prepared and submitted by *Cornerstone Environmental*, the appointed environmental assessment practitioner ("EAP").

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

THE MUNICIPAL MANAGER
MOSSEL BAY MUNICIPALITY
% Mr. D. Naidoo
Private Bag X29
MOSSEL BAY
6500

Tel: 082 773 4567

E-mail: dnaidoo@mosselbay.gov.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014, as amended.	
<p>Activity Number: 12 Activity Description:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister. 	<p>The clearance of an area of more than 300m², but less than 6000m², of indigenous vegetation mapped as an endangered ecosystem, Hartenbos Dune Thicket, and on land that is zoned open space for the upgrading of the Wastewater Treatment Works.</p>
<p>Activity Number: 12 Activity Description:</p> <p>The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Outside urban areas, or ii. Inside urban areas: <ul style="list-style-type: none"> (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010; (bb) A protected area identified in terms of NEMPAA, excluding conservancies; or (cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority. 	<p>Transformation of more than 1000m², but less than 6000m², of undeveloped land that is zoned open space to upgrade the Wastewater Treatment Works.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of indigenous vegetation and the transformation of land that is zoned as open space for the upgrading of the Wastewater Treatment Works (WWTW) at Pinnacle Point.

The specific details of the proposed upgrading of the WWTW to increase the capacity of the WWTW to 6,9 MI/day involves the following:

- construction of a new inlet works with mechanical screening, vortex-type grit chambers and washing of grit and screenings;
- construction of a new flow distribution structure between the old and new plants;
- upgrading of the existing office building to facilitate the new MCC, further to this the refurbishment of the existing chlorination building to have the required safety structures;
- construction of a new secondary treatment chain with a new biological reactor and secondary settling tank;
- supply and installation of a new mechanical dewatering facility including the construction of a new dewatered sludge hopper;
- rehabilitation of the existing access road;
- extension of the site area towards the north-west with a footprint of ± 6000 m²;
- extension of fencing around the total footprint.

The upgrading of the WWTW must be implemented in accordance with the layout developed by WEC Consult Consulting Engineers (dated December 2022) Drawing number 21-MOS-021/SUR101/00 (Annexure 2).

C. SITE DESCRIPTION AND LOCATION

The proposed expansion is located directly to the north-west of the existing Pinnacle Point WWTW, which is situated on a portion of the Remainder of Erf No. 15390, Mossel Bay.

Coordinates of the site:

Position:	Latitude (South)	Longitude (East)
Middle Point	34° 11' 35.67"	22° 04' 41.01"

SG digit code of Erf 4716: C05100070001539000000

Refer to Annexure 1: Locality Plan of this Environmental Authorisation; and Annexure 2 for the Site Development Plan ("SDP").

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Mr Pieter de Villiers

EAPASA Registration number: 2019/1372

% CORNERSTONE ENVIRONMENTAL CONSULTANTS (PTY) LTD.

P.O. Box 12606

STELLENBOSCH

7613

Tel: 021 887 9099

Cel: 083 243 0994

E-mail: pieter@cornerstoneenviro.co.za

Website: www.cornerstoneenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 October 2028** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities is started with and concluded at the site;
 - (b) construction monitoring and reporting requirements are undertaken at the site and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
 - (c) post construction rehabilitation and monitoring requirements is undertaken and completed at the site; and
 - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.
2. The construction phase of the Environmental Authorisation is subject to the following:
 - 2.1 The Holder must finalise the post construction rehabilitation and monitoring requirements within a period of 3-months from the date the development activity (construction phase) is concluded.
3. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 9 March 2023 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative which entails:

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of indigenous vegetation and the transformation of land that is zoned as open space for the upgrading of the Wastewater Treatment Works (WWTW) at Pinnacle Point.

The specific details of the proposed upgrading of the WWTW to increase the capacity of the WWTW to 6,9 Ml/day involves the following:

- construction of a new inlet works with mechanical screening, vortex-type grit chambers and washing of grit and screenings;
- construction of a new flow distribution structure between the old and new plants;
- upgrading of the existing office building to facilitate the new MCC, further to this the refurbishment of the existing chlorination building to have the required safety structures;
- construction of a new secondary treatment chain with a new biological reactor and secondary settling tank;
- supply and installation of a new mechanical dewatering facility including the construction of a new dewatered sludge hopper;
- rehabilitation of the existing access road;
- extension of the site area towards the north-west with a footprint of $\pm 6000 \text{ m}^2$;
- extension of fencing around the total footprint.

The upgrading of the WWTW must be implemented in accordance with the layout developed by WEC Consult Consulting Engineers (dated December 2022) Drawing number 21-MOS-021/SUR101/00 (Annexure 2).

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
5. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
6. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

7. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 7.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1. the decision reached on the application;
 - 7.1.2. the reasons for the decision as included in Annexure 3;
 - 7.1.3. the date of the decision; and
 - 7.1.4. the date when the decision was issued.
 - 7.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;

- 7.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4. provide the registered I&APs with the:
 - 7.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 7.4.2. name of the responsible person for this Environmental Authorisation,
 - 7.4.3. postal address of the Holder,
 - 7.4.4. telephonic and fax details of the Holder,
 - 7.4.5. e-mail address, if any, of the Holder,
 - 7.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
- 7.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 7.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided (i.e., the listed activities), including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 8.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 8.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions no.: 7 and 12.**
9. Seven calendar days' written notice must be given to the Competent Authority on completion of the construction activities.

Management of activity

10. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented:
 - 10.1. The EMPr must be read with, and implemented together with the following —
 - 10.1.1. All the conditions given in this Environmental Authorisation;
 - 10.1.2. All monthly ECO reports must be submitted to the competent authority; and
 - 10.1.3. Comply with the auditing schedule as set out by this Environmental Authorisation.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The Holder must appoint a suitably experienced Environmental Control Officer (“ECO”), for the duration of the construction and rehabilitation phases of implementation contained herein.
13. The ECO must–
 - 13.1. be appointed prior to commencement of any works (i.e. removal and movement of soil);
 - 13.2. ensure compliance with the EMPr and the conditions contained herein;
 - 13.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 13.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised; and
 - 13.5. the ECO must conduct site inspections at least every 2 (two) weeks and must submit ECO Monitoring Reports on a monthly basis to the competent authority.
14. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
15. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Environmental Auditing

16. 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.
17. 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:
 - 17.1. Auditing during the non-operational phase (construction activities):
 - 17.1.1. 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.
 - 17.1.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority during the validity period and within **three (3) months** of completion of the construction phase.

17.2. Auditing during the operational phase of the facility must comply with the relevant regulatory framework applicable at the time.

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

18.1. 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;

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

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

18.2.2. 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.

18.3. identify and assess any new impacts and risks as a result of undertaking the activity;

18.4. evaluate the effectiveness of the EMPr;

18.5. identify shortcomings in the EMPr;

18.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

18.7. 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;

18.8. indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;

18.9. include a photographic record of the site(s) applicable to the audit; and

18.10. be informed by the ECO reports.

19. 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).

Specific Conditions

20. The physical alteration of the portion of the Remainder of Erf No. 15390, Mossel Bay, must be restricted to “the site” as depicted on the SDP in Annexure 2.

20.1. No vegetation or land may be disturbed outside the perimeter of the site, unless such activities are authorised by the competent authority.

20.2. Prior to the commencement of the physical implementation of any activities, the site must be clearly demarcated, preferably fenced-off.

21. Should any heritage remains be exposed during excavations or any other actions on the site(s), these must immediately be reported to the Provincial Heritage Resources Authority

of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

D. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with the listed activity and conclude the activity within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period the listed activity must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (namely **7** and **12**). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.

10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

E. 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:

Zaahir.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>.

F. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this 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

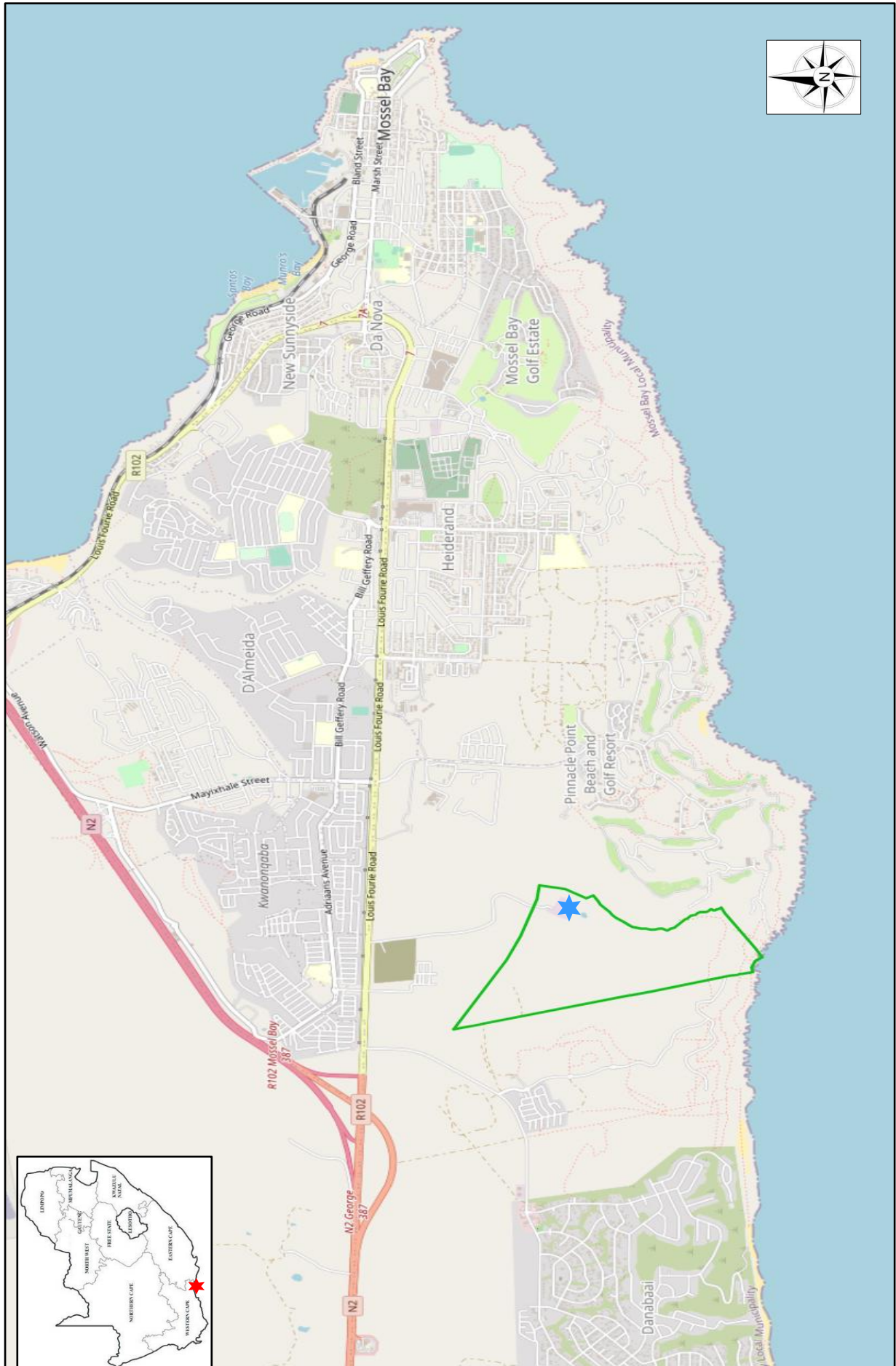
DIRECTOR: DEVELOPMENT MANAGEMENT
WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 31 OCTOBER 2023

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:	16/3/3/1/D6/29/0014/23
NEAS REFERENCE:	WCP/EIA/0001303/2023
CASE OFFICER:	Ms Jessica Christie Jessica.Christie@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



NOTES

LEGEND

- PHASE 1
- - - NEW FENCE LINE
- - - EXISTING FENCE LINE
- ▭ NEW PAVED ROADS

DRAWING APPROVAL

AMENDMENTS

NO	DATE	INITIALS	DESCRIPTION

REVISION	TENDER PHASE	00
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CLIENT



PROJECT

CAPACITY INCREASE OF PINNACLE POINT WWTW

DRAWING TITLE

PROPOSED SITE LAYOUT



UNIT 24 DEVERPARK ROSEWOOD ROAD DE BOORD STELLENBOSCH 7600	PO BOX 12861 DE BOORD 7619 TEL: 021 886 6995 EMAIL: STELLENBOSCH@WECCONSULT.CO.ZA
DESIGNED BY C-R	DRAWN BY FI
DESIGNED CHECKED C-R	DRAWING CHECKED CvR

APPROVED BY

F HARRIS - PYTECH ENG - 202130094E	DATE/ISSUE
CONTRACT NO. TDR383/2022/2023	
FILE NO. 21-MOS-021/DRW/TENDER	
SCALE 1:50	
DATE DECEMBER 2022	
DRAWING NO. 21-MOS-021/SUR101/00	

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, *inter alia*, the following:

- a) The information contained in the Application Form received on 22 June 2023, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 1 September 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) 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);
- d) The comments received from I&APs and responses to these, included in the FBAR dated August 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) A site inspection was done on 2 August 2022 by Ms Jessica Christie, Mr Francois Naudé and Mr. Steve Kleinhans.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site on 13 June 2023;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 16 September 2022 to comment on the Draft Basic Assessment Report;
- the placing of a newspaper advertisement in the "Mossel Bay Advertiser" on 23 June 2023; and
- making the Basic Assessment Report available to I&APs for public review from 23 June 2023 until 25 July 2023.

The following Organs of State provided comment on the proposal:

- *Heritage Western Cape*; and
- *CapeNature*

No other I&APs commented on the proposal.

Key issues identified by stakeholders:

- Alien Invasive Plant Species

CapeNature pointed out that alien invasive species must be removed from the area and must be ongoing. This has been included in the EMPr.

All the comments and issues raised by the respective *Organs of State and I&APs* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses from the EAP to the I&APs comments and concerns.

2. Alternatives

Preferred Layout Alternative (Herewith Approved):

The Holder is herein authorised to undertake the following activities that includes the listed activities as it relates to the clearance of indigenous vegetation and the transformation of land that is zoned as open space for the upgrading of the Wastewater Treatment Works (WWTW) at Pinnacle Point.

The specific details of the proposed upgrading of the WWTW to increase the capacity of the WWTW to 6,9 MI/day involves the following:

- construction of a new inlet works with mechanical screening, vortex-type grit chambers and washing of grit and screenings;
- construction of a new flow distribution structure between the old and new plants;
- upgrading of the existing office building to facilitate the new MCC, further to this the refurbishment of the existing chlorination building to have the required safety structures;
- construction of a new secondary treatment chain with a new biological reactor and secondary settling tank;
- supply and installation of a new mechanical dewatering facility including the construction of a new dewatered sludge hopper;
- rehabilitation of the existing access road;
- extension of the site area towards the north-west with a footprint of $\pm 6000 \text{ m}^2$;
- extension of fencing around the total footprint.

The upgrading of the WWTW must be implemented in accordance with the layout developed by WEC Consult Consulting Engineers (dated December 2022) Drawing number 21-MOS-021/SUR101/00 (Annexure 2).

No location alternatives were assessed as the proposed activity forms part of the expansion of an existing WWTW facility. The motivation for not considering the investigation of any location alternatives for the activity, is found to be acceptable.

“No-Go” Alternative

The no-go alternative is to have the site remain as is. The WWTW needs to be upgraded to provide additional service requirements to the greater Mossel Bay area.

3. Impact Assessment and Mitigation Measures

3.1 Activity Need and Desirability

The Mossel Bay Municipality needs to upgrade the existing WWTW to a capacity of 6.9 ML per day and an area of 6000m² is required to do so. This proposal is responding to an increasing need for bulk services as a result of economic growth in the municipal area and is required to address social impacts associated with health aspects, as well as environmental aspects associated with potential pollution.

3.2 Biophysical Impacts

According to the Botanical Assessment, the site is highly degraded by sand mining in the past as well as alien infestation. However, there is intact Hartenbos Dune Thicket vegetation in the vicinity that will be regarded as no-go areas during the construction phase. There will also be an insignificant impact on biodiversity due to the upgrading of the WWTW. The impact on botanical aspects are considered very low and a loss of the ecosystem is not anticipated. The probability of butterfly species of conservation concern (SCC) occurring on site is considered zero by the butterfly specialist.

3.3 Aquatic Biodiversity

The site sensitivity of the aquatic biodiversity aspects on the site are considered and confirmed as Low by the aquatic specialist. A Water Use Licence was obtained by the Department of Water and Sanitation in terms of Section 21 (f) and (g) as published in terms of the National Water Act (Act No. 36 of 1998).

3.4 Heritage / Archaeological Aspects

Heritage Western Cape issued comment on 22 August 2023 and required no studies. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

3.5 Socio-economic impacts

The proposed upgrade of the WWTW will have a positive social and economic impact. A WWTW plays a crucial role in protecting public health and the environment. The expansion and operation of the WWTW will allow for economic growth and socio-economic sustainability.

3.6 Other Impacts

No other impacts of significance are anticipated for the area that has been authorised in this Environmental Authorisation.

Considering the findings of the impact assessment and proposed mitigation measures to address the aforementioned impacts this Department is satisfied that the activity will not negatively impact on the receiving environment, subject to strict implementation of conditions of this EA and the mitigation measures proposed in the EMPr.

4. Scope and Validity Period of authorisation

This environmental authorisation does not define specific operational aspects, but it in effect expands the facility authorised in the EA issued on 29 October 2003 (DEA&DP EA Ref no. EG12/2/1-74-Erf 2001), and as such it must be read together with the EA of 29 October 2003 and the Operational Phase Environmental Management Plan for the facility.

The environmental authorisation's validity period has been granted for a period of five (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. Considering the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

5. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

6. Conclusion

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

- (a) The identification and assessment of impacts are detailed in the FBAR dated August 2023 and sufficient assessment of the key identified issues and impacts have been completed.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction phase.

Due consideration is also given to the person's duty of care described in Section 28 of NEMA:

“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”.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

----- **END** -----