



**REFERENCE:** 16/3/3/1/B4/23/1055/21  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE OF ISSUE:** 12 MAY 2022

Mr Esias de Jager  
Stellenbosch Municipality  
PO Box 17  
**STELLENBOSCH**  
7599

Tel: (021) 808 8111  
E-mail: Esias.DeJager@stellenbosch.gov.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE SKW B1b WATER PIPELINE ON ERF NO. 342, THE REMAINDER OF FARM KLAPMUTSRIVIER NO. 741 AND THE REMAINDER OF FARM NO. 739, KLAPMUTS.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and **adopt** the Maintenance Management Plan, together with the reasons for the decision.
2. In terms of Regulation 4 of the EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) Ms Hetlie Liebenberg (Guillaume Nel Environmental Consultants)  
(2) Ms Carina Becker (Guillaume Nel Environmental Consultants)  
(3) Mr Schalk van der Merwe (Stellenbosch Municipality)

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**REFERENCE:** 16/3/3/1/B4/23/1055/21  
**NEAS REFERENCE:** WCP/EIA/0000987/2021  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 12 MAY 2022

## 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: THE SKW B1b WATER PIPELINE ON ERF NO. 342, THE REMAINDER OF FARM KLAPMUTSRIVIER NO. 741 AND THE REMAINDER OF FARM KLAPMUTSRIVIER NO. 739, KLAPMUTS.**

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 Site Alternative described in the Basic Assessment Report ("BAR"), dated 28 January 2022.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the SKW B1b water pipeline on Erf No. 342, the Remainder of Farm Klapmutsrivier No. 741 and the Remainder of Farm Klapmutsrivier No. 739, Klapmuts.

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

Stellenbosch Municipality  
c/o Mr Esias de Jager  
PO Box 17  
**STELLENBOSCH**  
7599

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

**B. ACTIVITIES AUTHORISED**

Listed Activity	Project Description
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 12</b>  <i>The development of—</i>            (i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i>  <b>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</b>   <i>where such development occurs—</i>  <b>(a) within a watercourse;</b>            (b) <i>in front of a development setback; or</i>  <b>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</b>   <i>excluding—</i>            (aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i>            (bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i>            (cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i>            (dd) <i>where such development occurs within an urban area;</i>            (ee) <i>where such development occurs within existing roads, road reserves or railway lines; or</i>            (ff) <i>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i></p>	<p>The development will result in the construction of infrastructure exceeding 100 square metres within 32m of a watercourse.</p>
<p><b>Listing Notice 1 –</b>  <b>Activity Number: 19</b></p>	<p>The development will result in more than 10 cubic metres of material</p>

<p><b>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock or more than 10 cubic metres from a watercourse;</b></p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <ul style="list-style-type: none"> <li>(a) Will occur behind a development setback;</li> <li>(b) Is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>(c) Falls within the ambit of activity 21 in this Notice, in which case that activity applies.</li> <li>(d) Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> <li>(e) Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</li> </ul>	<p>being infilled into and excavated from a watercourse.</p>
<p><b>Listing Notice 3 –</b>  <b>Activity Number: 12</b>  <b>The clearance of an area of 300 square metres or more of indigenous vegetation</b> except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p><b>(i) Western Cape:</b></p> <ul style="list-style-type: none"> <li>i. <b>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;</b></li> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>iii. Within the littoral active zone or 100 metres inland from the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the</li> </ul>	<p>More than 300m<sup>2</sup> of the critically endangered vegetation present on the site will be cleared.</p>

<p>development setback line on even in urban areas;</p> <p>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</p> <p>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>	
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The abovementioned activities are hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities:

- The construction of the SKW B1b water pipeline with a diameter of 450mm and a length of approximately 350m.
- The SKW B1b water pipeline will be constructed via open trenching parallel to the existing 200mm diameter water pipeline.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Erf No. 342, Remainder of Farm Klappmutsrivier No. 741 and the Remainder of Farm Klappmutsrivier No. 739, Klappmuts and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates of starting point:	33° 48' 23.27" South	18° 51' 35.80" East
Co-ordinates of middle point:	33° 48' 27.29" South	18° 51' 35.28" East
Co-ordinates of end point:	33° 48' 31.54" South	18° 51' 35.24" East

The SG digit codes are:           C055 0004 00000342 00000  
   C055 0000 00000741 00000  
   C055 0000 00000739 00000

Refer to Annexure 1: Locality Map and Annexure 2: Site Plan.

The above is hereinafter referred to as “**the site**”.

## D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants  
c/o Ms Hetlie Liebenberg / Ms Carina Becker  
PO Box 2632

### PAARL

7620

Cell: (072) 157 1321

Email: gn@gnec.co.za / carina@gnec.co.za

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Site Alternative described in the BAR dated 28 January 2022 on the site as described in Section C above.
2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
3. The development must be concluded within **ten years** from the date of commencement of the listed activities.
4. 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.
5. 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.

### Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
  - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 12

### **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 outcome of 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 Appeals Regulations, 2014 detailed in Section F 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:
    - 7.4.1 the 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 the 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.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. 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.

### **Management of activity**

9. The draft or Environmental Management Programme (“EMPr”) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Maintenance Management Plan (“MMP”) accepted as part of the EMPr must be implemented.

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"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
13. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports which must be submitted quarterly to the Competent Authority during the construction phase must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
14. Access to the site referred to in Section C above 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.

### **Auditing**

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and the MMP. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit Environmental Audit Reports to the Competent Authority once a year during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after all the activities have been completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports 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**

16. Should any heritage remains be exposed during excavations or any other actions on the site, 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 include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

## **F. 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.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

## G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

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 to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
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 to the Appeal Administrator; and
  - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
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 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:                 Attention: Mr Marius Venter (Tel: 021 483 2659)  
Room 809  
8<sup>th</sup> 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](mailto:DEADP.Appeals@westerncape.gov.za).

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

## H. 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

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**MR. ZAAHIR TOEFY**

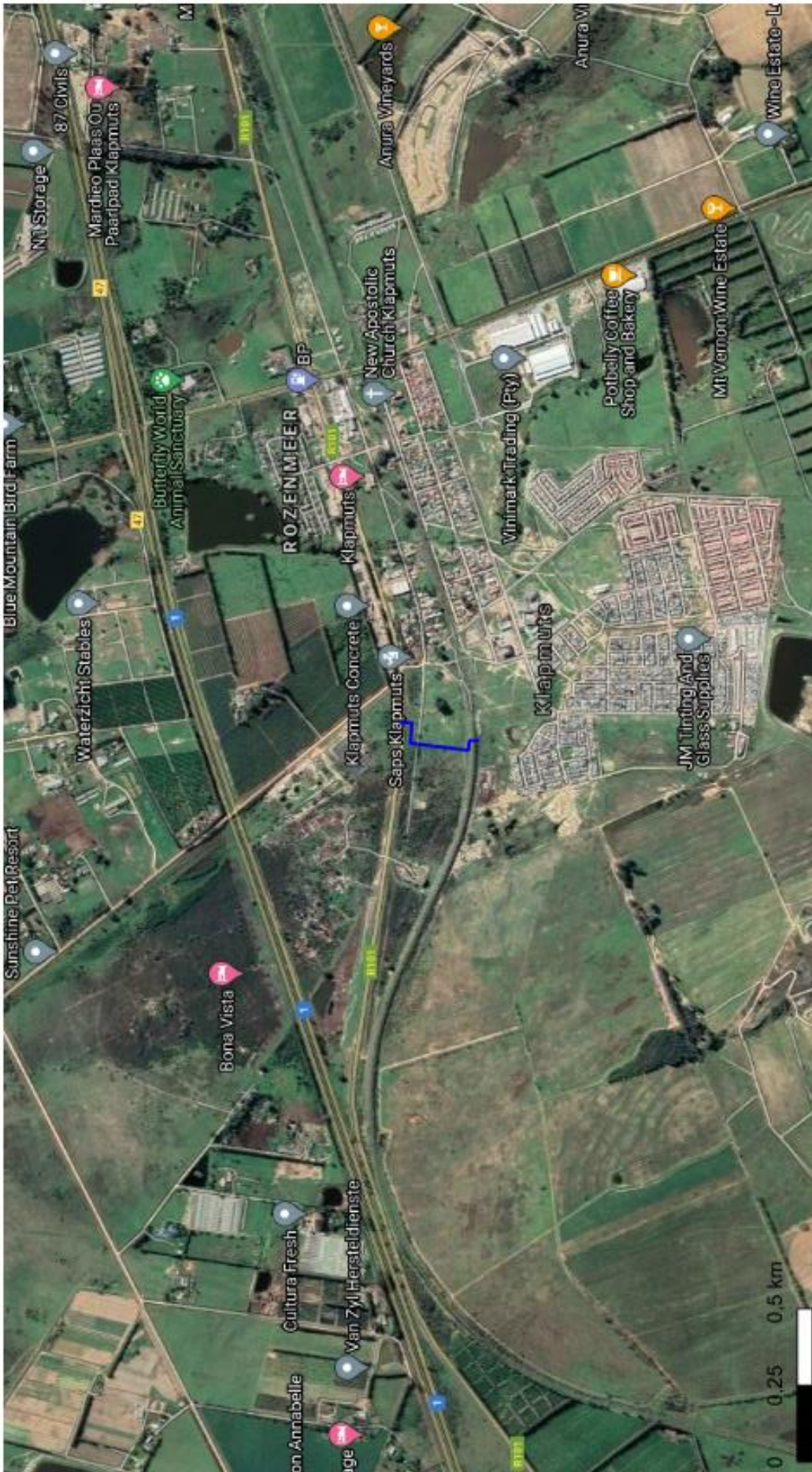
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 12 MAY 2022**

Cc: (1) Ms Hettie Liebenberg (Guillaume Nel Environmental Consultants)  
(2) Ms Carina Becker (Guillaume Nel Environmental Consultants)  
(3) Mr Schalk van der Merwe (Stellenbosch Municipality)

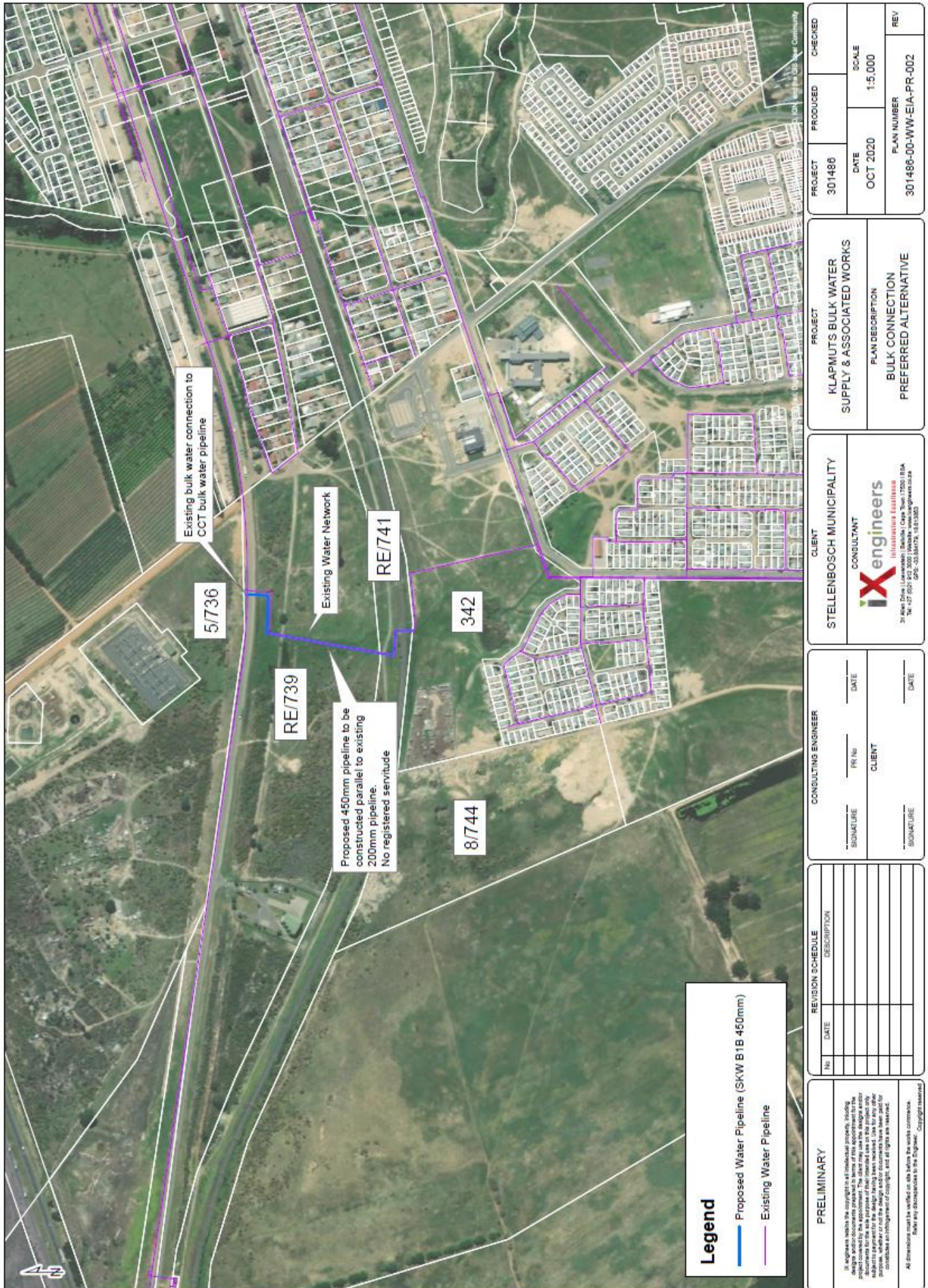
E-mail: [intern@gnec.co.za](mailto:intern@gnec.co.za)  
E-mail: [carina@gnec.co.za](mailto:carina@gnec.co.za)  
E-mail: [Schalk.VanderMerwe@stellenbosch.gov.za](mailto:Schalk.VanderMerwe@stellenbosch.gov.za)

ANNEXURE 1: LOCALITY MAP



Locality Map of the proposed SKW B1b water pipeline, Klapmuts, Western Cape.

**ANNEXURE 2: SITE PLAN**



**Legend**

- Proposed Water Pipeline (SKW B1B 450mm)
- Existing Water Pipeline

<p><b>PRELIMINARY</b></p> <p><small>All dimensions must be verified on site before the works commence. Refer any discrepancies to the Engineer. Copyright reserved.</small></p>	<p><b>REVISION SCHEDULE</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">No.</th> <th style="width: 10%;">DATE</th> <th style="width: 80%;">DESCRIPTION</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </tbody> </table>		No.	DATE	DESCRIPTION																												<p><b>CONSULTING ENGINEER</b></p> <p>SIGNATURE: _____ DATE: _____</p> <p>PR No: _____</p> <p><b>CLIENT</b></p> <p>SIGNATURE: _____ DATE: _____</p>
	No.	DATE	DESCRIPTION																														
<p><b>CLIENT</b></p> <p>STELLENBOSCH MUNICIPALITY</p> <p><b>CONSULTANT</b></p> <p><b>Xengineers</b></p> <p><small>Infrastructure Solutions</small></p> <p><small>31 Main Street, 7th Floor, Cape Town, South Africa Tel: +27 (0)21 812 3000 (Weekdays) 082 300 3000 GPs: 033 84172, 081 03302</small></p>																																	
<p><b>PROJECT</b></p> <p>KLAPMUTS BULK WATER SUPPLY &amp; ASSOCIATED WORKS</p> <p><b>PLAN DESCRIPTION</b></p> <p>BULK CONNECTION PREFERRED ALTERNATIVE</p>		<p><b>PROJECT</b></p> <p>301486</p> <p><b>PRODUCED</b></p> <p>CHECKED</p>																															
<p><b>DATE</b></p> <p>OCT 2020</p> <p><b>SCALE</b></p> <p>1:5,000</p>		<p><b>PLAN NUMBER</b></p> <p>301486-00-WW-EIA-PR-002</p> <p><b>REV</b></p> <p>REV</p>																															

### **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 dated 11 October 2021, the EMPr and MMP submitted together with the final BAR dated 28 January 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and 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 BAR dated 28 January 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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**

The public participation process included:

- identification of and engagement with I&APs;
- Site notices were placed on 22 April 2021;
- the placing of a newspaper advertisement in the 'Paarl Post' on 22 April 2021;
- giving written notice to the owners and occupiers of land adjacent to the 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 22 April 2021;
- making the pre-application Draft BAR available for comment from 26 April 2021; and
- making the in-process Draft BAR available for comment from 2 November 2021.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

## 2. Alternatives

### Preferred Site Alternative (herewith authorised)

This alternative entails the construction of the SKW B1b water pipeline with a diameter of 450mm and a length of approximately 350m on Erf No. 342, Remainder of Farm Klapmutsrivier No. 741 and the Remainder of Farm Klapmutsrivier No. 739, Klapmuts. The SKW B1b water pipeline will be constructed via open trenching parallel to the existing 200mm diameter water pipeline. This was the preferred alternative since the site is located within an area identified by the Stellenbosch Municipality for this purpose and has been recorded as such in the Master Planning of Klapmuts.

### No Go Alternative

This alternative represents the current *status quo*, where the installation of the water pipeline will not take place. This alternative was not preferred since it does not address the increased demand for water delivery in the area and will not provide the required additional water supply to the local community of Klapmuts.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

The development addresses the increased demand for water delivery in the area by providing additional water supply to the local community of Klapmuts. The development is in line with the Provincial Spatial Development Framework and will ensure that the municipality meets its service delivery demands.

### 3.2 Biophysical Impacts

According to the available mapping resources, Swartland Alluvium Fynbos vegetation is present on the site, which is classified as critically endangered. However, based on the findings of the Botanical Impact Assessment compiled by Capensis dated February 2021, the site is transformed and only contains a few indigenous species within a depression (artificial wetland) next to the railway line. The development will have a botanical impact of very low negative to negligible significance and was found to be acceptable from a botanical perspective. CapeNature agreed in their comment dated 4 May 2021, with the findings of the botanical study that the site is transformed and degraded.

The Freshwater Impact Assessment compiled by FEN Consulting dated February 2021, found that the wetland present on the site is in a largely to seriously modified ecological condition. The study also found that the installation of the water pipeline poses a medium risk to the integrity of the wetland if the recommended mitigation measures are adhered to. These mitigation measures have been included in the EMP which was accepted in Condition 9 under Section E of this Environmental Authorisation.

An application for A Water Use Licence Authorisation ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) that also considers the watercourse related impacts was submitted to the Department of Water and Sanitation. Furthermore, a MMP has also been compiled to

address routine maintenance activities taking place in the affected stretches of the watercourses. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that "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 their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA). The development will result in both negative and positive impacts.

#### **Negative Impacts:**

The development will have a negative biophysical impact due to the loss of indigenous vegetation and the potential impacts on the wetland present on the site. These impacts will however be mitigated to a satisfactory level with the implementation of the recommended mitigation measures and adherence to the EMPr.

#### **Positive impacts:**

- The development addresses the increased demand for water delivery in the area by providing additional water to the local community of Klapmuts.
- The development will create employment opportunities during the construction phase.

#### **4. 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.

## 5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the 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.

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