



**REFERENCE:** 16/3/3/1/B4/23/1050/21  
**ENQUIRIES:** BERNADETTE OSBORNE  
**DATE OF ISSUE:** 11 April 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 B4 AND THE SKW 1.1 WATER PIPELINES ON THE REMAINDER OF FARM KLAPMUTSRIVIER NO. 742, PORTION 5 OF FARM KLAPMUTSRIVIER NO. 742, PORTION 2 OF THE REMAINDER OF FARM NO. 744 AND ERF NO. 2181, KLAPMUTS.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, 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 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  
E-mail: carina@gnec.co.za  
E-mail: Schalk.VanderMerwe@stellenbosch.gov.za



**REFERENCE:** 16/3/3/1/B4/23/1050/21  
**NEAS REFERENCE:** WCP/EIA/0000970/2021  
**ENQUIRIES:** Bernadette Osborne  
**DATE OF ISSUE:** 11 April 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 B4 AND THE SKW 1.1 WATER PIPELINES ON THE REMAINDER OF FARM KLAPMUTSRIVIER NO. 742, PORTION 5 OF FARM KLAPMUTSRIVIER NO. 742, PORTION 2 OF THE REMAINDER OF FARM NO. 744 AND ERF NO. 2181, 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 Activity Alternative 1 described in the Basic Assessment Report ("BAR"), dated 8 December 2021.

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

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

**B. ACTIVITY AUTHORISED**

<b>Listed Activity</b>	<b>Project Description</b>
<p><b>Listing Notice 3 –</b>  <b>Activity Number: 12</b>  <i>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.</i></p> <p><b>(i) Western Cape:</b></p> <p>i. <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;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>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 development setback line or even in urban areas;</i></p> <p>iv. <i>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</i></p> <p>v. <i>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.</i></p>	<p>More than 300m<sup>2</sup> of the critically endangered vegetation present on the site will be cleared.</p>

<p><b>Listing Notice 3 –</b>  <b>Activity Number: 26</b>  <i>Phased activities for all activities-</i></p> <p>i. <i>Listed activities in this Notice and as it applies to a specific geographical area, which commenced on or after the effective date of this Notice; or</i></p> <p>ii. <i>Similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date of such previous NEMA Notices-</i></p> <p><i>Where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specific threshold;-</i></p> <p><i>Excluding the following activities listed in this Notice-</i></p> <p>7;  8;  11;  13;  20;  21; and  24.</p> <p><i>All the areas as identified for the specific activities listed in this Notice.</i></p>	<p>The combined area to be cleared for the installation of the water pipelines will result in the clearance of critically endangered indigenous vegetation exceeding 300m<sup>2</sup>.</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 new SKW B4 water pipeline with a diameter of 450mm and a length of approximately 894m.
- The construction of the new SKW 1.1 water pipeline with a diameter of 650mm, which will connect to the new SKW 1.2 and SKW 1.12 water pipelines. The cumulative length of all three pipelines will not exceed 1000m.
- The wetland along the pipeline route will be crossed by trenchless directional drilling underneath the wetland.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on on the Remainder of Farm Klapmutsrivier No. 742, Portion 5 of Farm Klapmutsrivier No. 742, Portion 2 of the Remainder of Farm No. 744 and Erf No. 2181, Klapmuts and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates of starting point:	33° 49' 06.48" South	18° 51' 11.24" East
Co-ordinates of middle point:	33° 49' 00.89" South	18° 51' 21.31" East
Co-ordinates of end point:	33° 49' 00.12" South	18° 51' 39.25" East

The SG digit codes are: C055 0000 00000742 00000  
C055 0000 00000742 00005  
C055 0000 00000744 00002  
C055 0004 00002181 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 Lieberberg / 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 Activity Alternative 1 described in the BAR dated 8 December 2021 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 11

### **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 EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

- 11. 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.
- 12. A copy of the Environmental Authorisation, EMPr, 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.
- 13. 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**

- 14. 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 and the EMPr. 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**

15. 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.

16. 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.



## 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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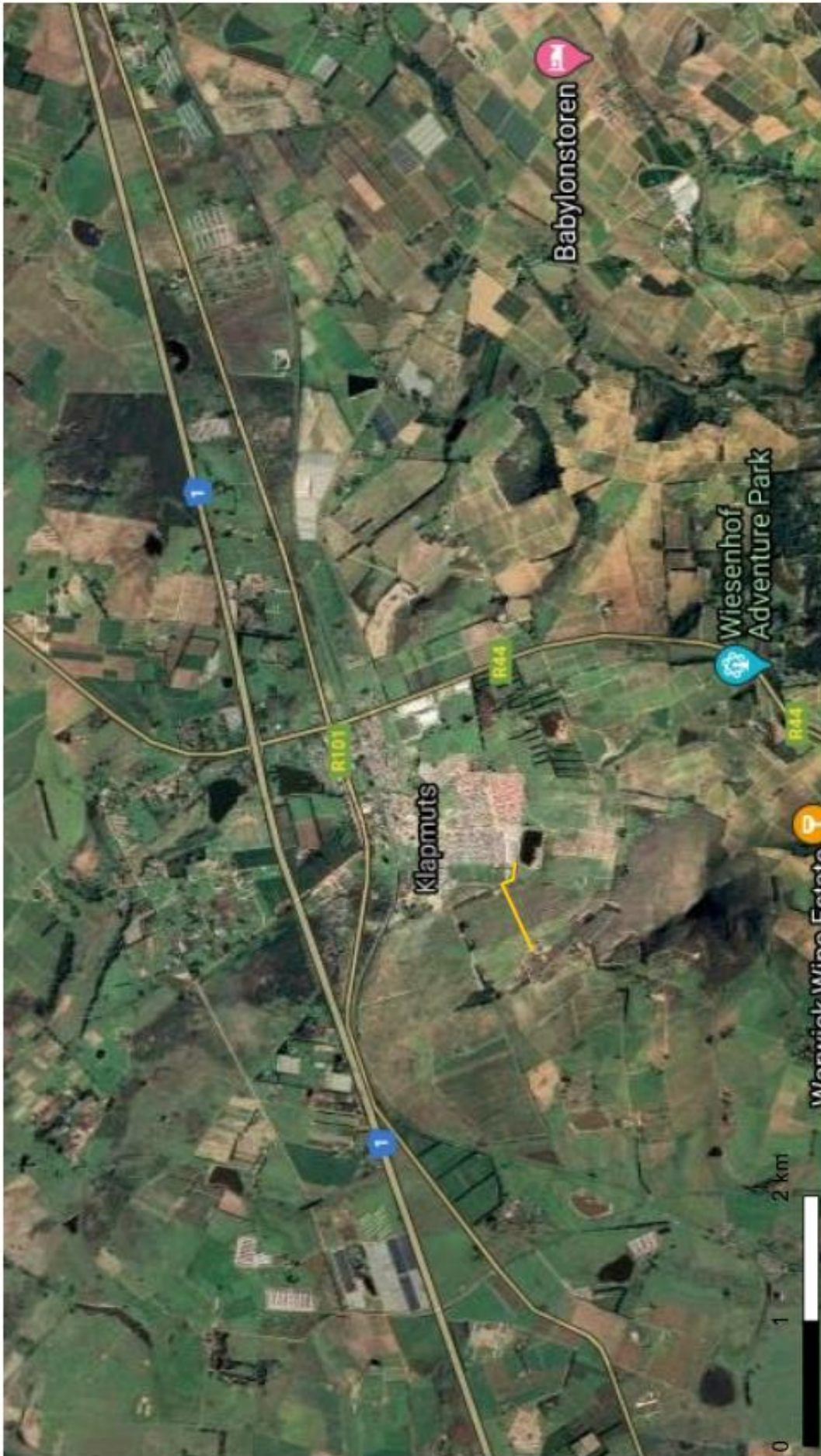
**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

**DATE OF DECISION: 11 APRIL 2022**

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)

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.B4 water pipeline, Klapmuts, Western Cape.

**ANNEXURE 2: SITE PLAN**





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

- a) The information contained in the Application Form dated 12 August 2021, the EMPr submitted together with the final BAR dated 8 December 2021;
- 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 8 December 2021; 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 27 May 2021;
- the placing of a newspaper advertisement in the '*Paarl Post*' on 27 May 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 31 May 2021;
- making the pre-application Draft BAR available for comment from 31 May 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

### Activity Alternative 1 (Preferred and herewith authorised)

This alternative entails the construction of the new SKW B4 water pipeline with a diameter of 450mm and a length of approximately 894m and the new SKW 1.1 water pipeline with a diameter of 650mm, which will connect to the new SKW 1.2 and SKW 1.12 water pipelines. The cumulative length of all three pipelines will not exceed 1000m. The installation of the two water pipelines at the area where the wetland has been identified will be via the trenchless method, which involves drilling or pipe jacking of the pipeline underneath the wetland. The rest of the water pipeline installations will take place via open trenching. This alternative was preferred since it takes into consideration the area where the wetland has been identified and this method will have a negligible impact on the wetland.

### Activity Alternative 2

This alternative entails the installation of the entire alignment of the water pipelines via open trenching. This alternative was not preferred since it does not take into consideration the area where the wetland has been identified and this method will have a more significant impact on the wetland.

### No Go Alternative

This alternative represents the current *status quo*, where the installation of the water pipelines 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 and Swartland Granite Renosterveld vegetation are present on the site, which are both classified as critically endangered. However, based on the findings of the Botanical Impact Assessment compiled by Capensis dated February 2021, the site is mostly transformed and degraded since the original vegetation cover was historically removed. The proposed development will therefore have a botanical impact of low significance and was found to be acceptable from a botanical perspective.

The Freshwater Impact Assessment compiled by FEN Consulting dated 12 March 2021, identified a naturalised seep wetland on the site that will be traversed by the two water pipelines. The wetland has been anthropogenically derived as a result of agricultural activities.



The study found that the installation of the water pipeline via the trenchless method will have a low impact on the wetland if the recommended mitigation measures are adhered to. These mitigation measures have been included in the EMPr which is included as Condition 9 under Section E of this Environmental Authorisation.

**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 Klipmuts.
- 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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