



REFERENCE: 16/3/3/1/F4/7/3001/21
NEAS REFERENCE: WCP/EIA/0000852/2021
DATE OF ISSUE: 12 July 2021

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED CONSTRUCTION OF THE MYKONOS SEWER PUMP STATION RISING MAIN, LANGEBAAN

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated March 2021.

The granting of this Environmental Authorisation (hereinafter referred to as the "Environmental Authorisation") is subject to compliance with the conditions set out in Section E below.

A. DETAILS OF THE HOLDER OF THIS ENVIRONMENTAL AUTHORISATION

Saldanha Bay Municipality
% Mr. Gerrit Smith
Private Bag X12
SALDANHA
7380

Tel.: 022 701 7112
E-mail: gerrit.smith@sbm.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12</p> <p>Activity Description: <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> <i>i. Western Cape</i> <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>Approximately 15 000 m² (pipeline of ± 3,25 km length of which about 1,5km is natural vegetation where 10m wide area will be cleared) of indigenous vegetation (mapped as Saldanha Granite Strandveld and Saldanha Flats Strandveld, both Endangered) need to be cleared for the construction of the proposed development.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activity relating to the development:

The proposed development entails the construction of an approximately 3,25 km underground sewer pipeline, as well as a parallel 300mm diameter uPVC Class 34 return treated effluent pipeline, that runs from the existing Mykonos sewer pump station towards the Langebaan Waste Water Treatment Works ("WWTW").

The footprint of the expansion will be approximately 3.25ha.

C. SITE DESCRIPTION AND LOCATION

The proposed underground sewer pipeline will mainly be constructed across previously developed land. A portion of the underground sewer pipeline will be constructed across undeveloped land on small holdings.

	Latitude (S)	Longitude (E)
Starting point	33° 02' 52.97"	18° 02' 45.40"
Middle point	33° 03' 15.00"	18° 03' 39.22"
End point	33° 03' 55.34"	18° 03' 46.89"

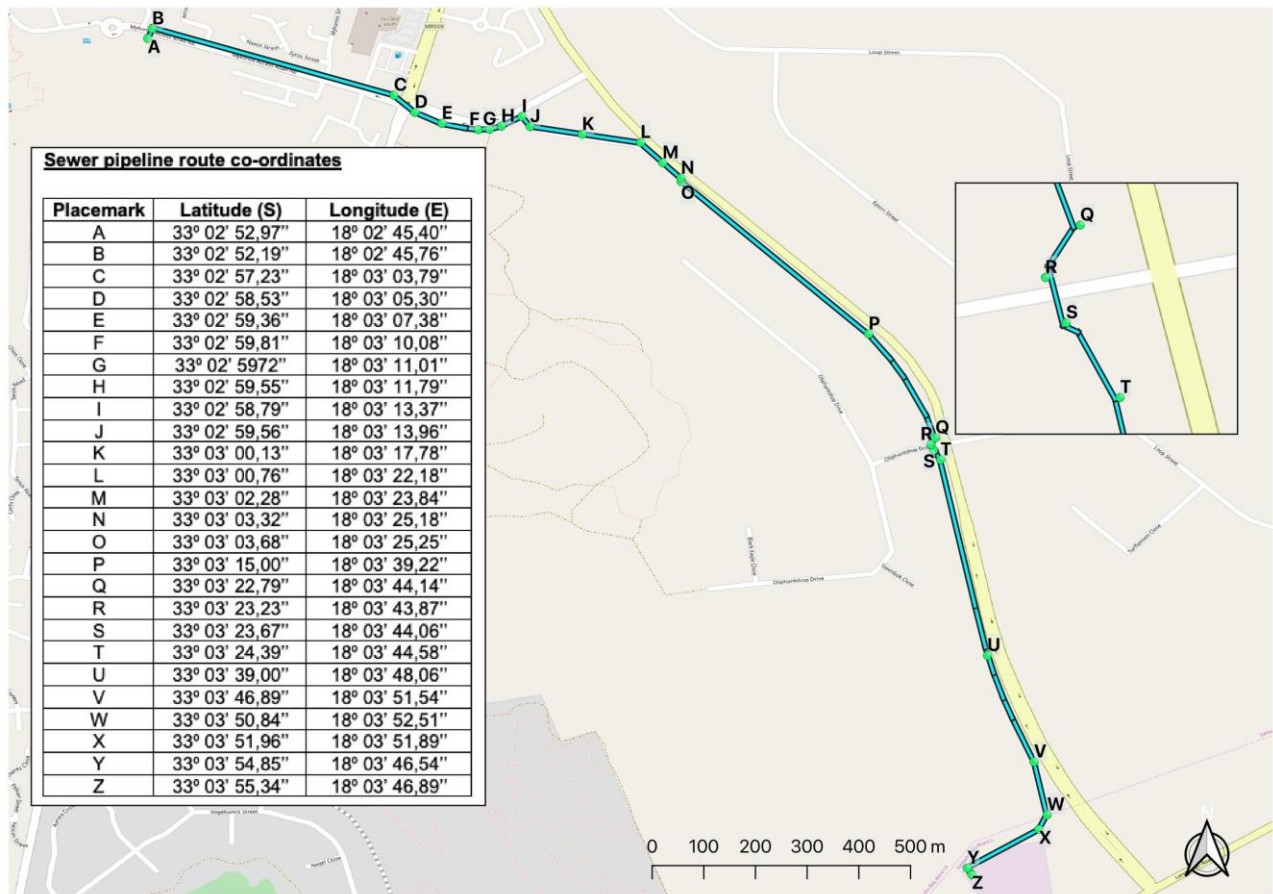


Figure 1: Map with the GPS co-ordinates of the pipeline route.

The SG digit codes:

Remainder of Erf 10512, Langebaan	C 04600070001051200000
Remainder of Erf 3671, Langebaan	C 04600070000367100000
Erf 3095, Langebaan	C 04600070000309500000
Erf 3096, Langebaan	C 04600070000309600000
Erf 7426, Langebaan	C 04600070000742600000
Remainder of Erf 7705, Langebaan	C 04600070000770500000
Remainder of Erf 7706, Langebaan	C 04600070000770600000
Remainder of Erf 7707, Langebaan	C 04600070000770700000
Remainder of Erf 7708, Langebaan	C 04600070000770800000
Remainder of Erf 7709, Langebaan	C 04600070000770900000
Remainder of Erf 8588, Langebaan	C 04600070000858800000
Remainder of Erf 7923, Langebaan	C 04600070000792300000
Remainder of Erf 7710, Langebaan	C 04600070000771000000
Remainder of Erf 7711, Langebaan	C 04600070000771100000

Remainder of Erf 7712, Langebaan	C 04600070000771200000
Remainder of Portion 12 of Farm 191	C 04600070000019100012
Portion 2 of Farm 1065	C 04600070000106500002
Remainder of Erf 1065	C 04600070000106500000
Erf 7427	C 04600070000742700000
Erf 10342	C 04600070001034200000
Erf 10343	C 04600070001034300000
Erf 10344	C 04600070001034400000

Refer to Annexure 1: Locality Plan

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Envirologic
 % Mr. Gert Pretorius
 P. O. Box 3731
TYGER VALLEY
 7536

Tel.: 021 919 4048
 Email: envirologic48@gmail.com

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the preferred alternative, described in the BAR dated March 2021 on the site as described in Section C above.
2. Authorisation for the activity is subject to compliance with the conditions set out in this Environmental Authorisation. The holder must ensure 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.
3. The holder must commence with the listed activity on site within a period of five (5) years from the date of issue of this Environmental Authorisation.
4. The activity that has been authorised must only be carried out at the site described in Section C above in terms of the approved "Environmental Management Programme" ("EMPr").
5. Any changes to, or deviations from the scope of the description set out in Section B and Condition 2 above must be 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 such 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.

Notification of authorisation and right to appeal

6. The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision –
 - 6.1. notify all registered Interested and Affected Parties of –
 - 6.1.1. the outcome of the application;
 - 6.1.2. the reasons for the decision;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date of issue of the decision;
 - 6.2. draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);
 - 6.3. draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
 - 6.4. provide the registered Interested and Affected Parties with:
 - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the holder,
 - 6.4.4. telephonic and fax details of the holder,
 - 6.4.5. e-mail address, if any;
 - 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

Commencement

7. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered Interested and Affected Parties of this decision.
8. In the event that an appeal is lodged with the Appeal Administrator, the effect of this Environmental Authorisation is suspended until such time as the appeal is decided. In the instance where an appeal is lodged the holder may not commence with the activity, including site preparation, until such time as the appeal has been finalised and the holder is authorised to do so.

Written notice to the competent authority

9. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities. Commencement for the purpose of this condition includes site preparation.
 - 9.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 9.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 10, 14 and 22.

Management of activity

10. The draft EMPr submitted (dated March 2021) submitted as part of the application for Environmental Authorisation must be amended to include the following:
 - 10.1 A site development map clearly indicating the locations of the “no-go” areas which must include the area containing the Critically Endangered *Moraea loubseri* plant on Erf 7708 and

the area to be temporarily fenced off on Erven 7710 and 7711 for the management and protection of ostriches in this area; and

- 10.2 The frequency of monitoring, expected outcome and person responsible for each impact management action.
11. The EMPr must be included in all contract documentation for all phases of implementation.
12. An application for amendment to the EMPr must be submitted to the competent authority in terms of Chapter 5 of the EIA Regulations, 2014 (as amended) if any amendments are to be made to the outcomes of the EMPr, and these may only be implemented once the amended EMPr has been authorised by the competent authority.
13. A copy of the Environmental Authorisation and the EMPr must be kept at the site where the listed activity will be undertaken. Access to the site referred to in Section C above must be granted and, the Environmental Authorisation and EMPr 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. The Environmental Authorisation and EMPr must be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.

Monitoring

14. The holder must appoint a suitably experienced Environment Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation.

The ECO must–

- 14.1. be appointed prior to commencement of any land clearing or construction activities commencing;
- 14.2. ensure compliance with the EMPr and the conditions contained herein; and
- 14.3. keep record of all activities on site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO.

Environmental audit reports

15. The holder must, for the period during which the Environmental Authorisation and EMPr remain valid –
 - 15.1. ensure that the compliance with the conditions of the Environmental Authorisation and the EMPr is audited;
 - 15.2. submit at least two environmental audit reports to the relevant competent authority during the construction phase. The holder must submit the first audit report within three (3) months after commencement of the construction phase and another audit report within six (6) months after completion of the construction period; and
 - 15.3. submit an environmental audit report every five (5) years while the Environmental Authorisation remains valid.
16. The environmental audit report must be prepared by an independent person with relevant expertise and must address the objectives and contain all the information set out in Appendix 7 of the EIA Regulations, 2014 (as amended).

In addition to the above, the environmental audit report, must –

- 16.1. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the Environmental Authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the extent to which the avoidance, management and mitigation measures provided for in the EMPr achieve the objectives and outcomes of the EMPr and highlight whether this is sufficient or not;
- 16.2. identify and assess any new impacts and risks as a result of undertaking the activity;

- 16.3. evaluate the effectiveness of the EMPr;
 - 16.4. identify shortcomings in the EMPr;
 - 16.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.6. 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;
 - 16.7. include a photographic record of the site applicable to the audit; and
 - 16.8. be informed by the ECO reports.
- 17. The holder must, within 7 (seven) calendar days of the submission of the environmental audit report to the competent authority, notify all potential and registered Interested and Affected Parties of the submission and make the report available to anyone on request and, where the holder has such a facility, be placed on a publicly accessible website.
 - 18. The generators must be maintained on a regular basis to ensure that generators are working optimally.

Specific conditions

- 19. Surface and ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
- 20. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.
- 21. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape ("HWC"). Heritage remains include: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings and graves or unmarked human burials.

A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 22. A qualified archeologist must be present during the excavations located along Mykonos Access Road including during the boring of test pits at Site 331 located along the same road.
- 23. The archaeologist/paleontologist must train the ECO and/or the Site Manager in terms of the Fossil Finds Procedure (attached as an addendum to the EMPr) in the event that the specialist is not on site. A letter confirming that the training has been undertaken by the archeologist/paleontologist must be submitted to HWC and the competent authority.
- 24. A workplan application detailing the plan of action for testing and procedural requirements for monitoring and occurrence of any finds during excavation must be submitted to Heritage Western Cape as per the recommendations detailed in the letter from HWC dated 21 October 2020 (herewith attached as Appendix A).
- 25. A number of roads will be affected by the construction of the pipeline. Before any construction activities commence, a complete set of final construction drawings, each with the engineer's signature on, must be submitted to the relevant directorate within the Department of Transport

and Public Works and the District Road Engineer within Paarl, for approval. The comments from the aforementioned organs of state must be sent to this Department for information purposes prior to the commencement of construction.

GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. If the holder does not commence with the listed activity within the period referred to in Condition 3 this Environmental Authorisation shall lapse for the 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.
3. 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 (as amended) must be submitted.
 - 3.1. 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.
4. The manner and frequency for updating the EMPr is as follows:
 - 4.1. Amendments to the EMPr, must be made in accordance with Regulations 35 to 37 of the EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.
5. Non-compliance with any condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

F. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date 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 Interested and Affected Parties, 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 Interested and Affected Parties -
 - 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, any registered Interested and Affected Party, 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 Interested and Affected Party 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: Attention: Marius Venter
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 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are 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 Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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

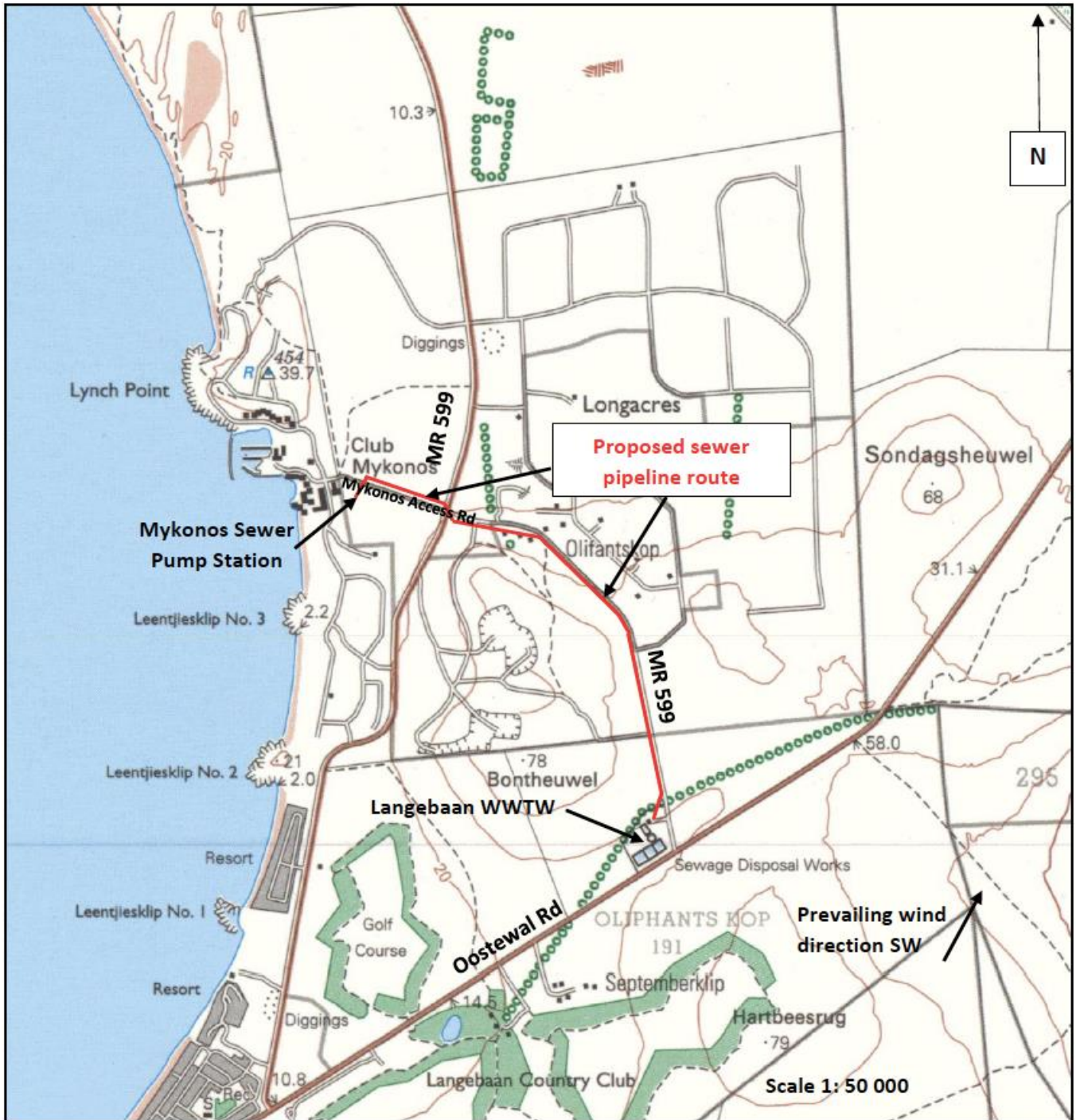
MR ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DATE OF DECISION: 12 JULY 2021

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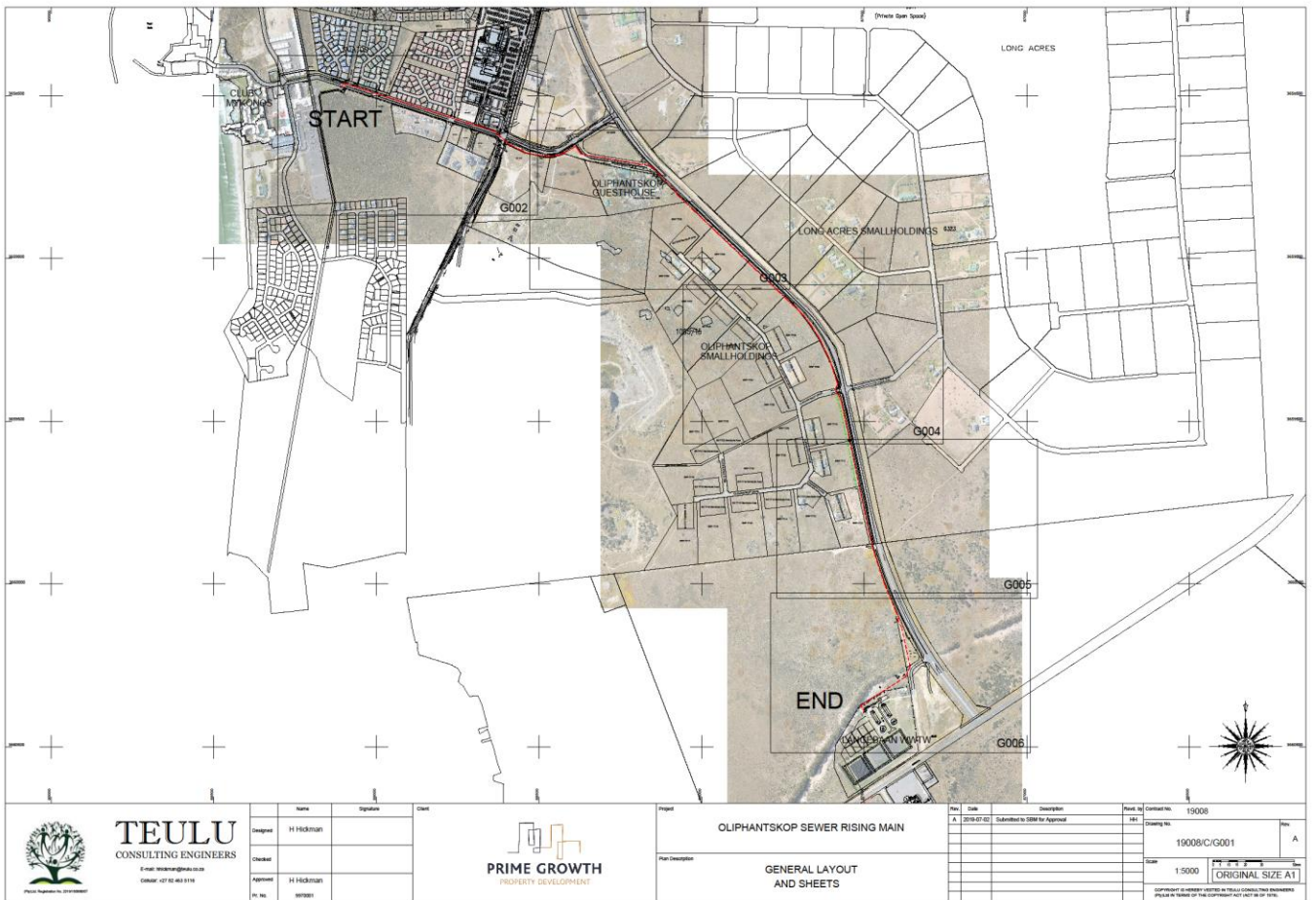
- (1) Mr. G. Pretorius (Envirologic)
- (2) Ms. N. Duarte (Saldanha Bay Municipality)
- (3) Mr. Devlin Fortuin (Department of Transport and Public Works)
- (4) Ms. S. Barnardt (Heritage Western Cape)

e-mail: envirologic48@gmail.com
e-mail: nazeema.duarte@sbm.gov.za
e-mail: devlin.fortuin@westerncape.gov.za
e-mail: stephanie.barnardt@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN



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 4 November 2020, the BAR dated February 2021, the EMPr submitted together with the BAR on 22 February 2021 and the additional information received on 17 March 2021 and 25 March 2021;
- 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 NEMA; and
- d) The comments received from Interested and Affected Parties and responses to these, included in the BAR dated February 2021.

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 Interested and Affected Parties ("I&APs");
- fixing notices at the site where the listed activity will be undertaken on 17 September 2020;
- the placing of a newspaper advertisement in the "Weslander" on 17 September 2020, respectively;
- E-mail notifications and telephone calls were utilised to notify all potential and registered I&APs including the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity, about the availability of the report with reminders sent to submit comments; and
- making the pre-application draft BAR and draft BAR and all relevant information available to I&APs for public review and comment on 16 September 2020 and 8 February 2021, respectively.

This Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements. All the comments and responses made were included in the final BAR.

2. Alternatives

The proposal entails the construction of an approximately 3,25 km underground sewer pipeline (315mm diameter uPVC Class 12 pressure pipeline - alternatively GRP pipes), as well as a parallel 300mm diameter uPVC Class 34 return treated effluent pipeline (for future irrigation purposes), from the existing Mykonos sewer pump station towards the Langebaan WWTW. The construction footprint of the pipeline will be ± 3,25 ha (± 3,25 km long and ± 10 m wide). Trenches will be ±4m wide and ± 1,5m deep. The two pipelines will be 1m apart within a new 6m services servitude.

Three layout route alternatives were considered for the proposed development.

Preferred Alternative (herewith authorised)

This alternative entails the construction of the sewer pipeline and return treated effluent pipeline underground north and adjacent to the Mykonos access road and west of the MR599, crossing several erven. Due to the location of the endangered plant *Moraea loubseri* on Erf 7708 and the existing overhead electrical infrastructure, buildings and stone kraal walls which are of historical value on Erf RE/2/1065 (Oliphantskop Guesthouse area), adjacent to, or on the road reserve boundary, a portion of the sewer pipeline will be constructed underground east of the boundary of Erf 7708 (over a distance of

± 190m) and east of the boundary of the Remainder of Portion 2 of Farm 1065 (over a distance of ± 117m), inside the proclaimed road reserve. A new 6m services servitude will be registered for the pipeline route. This alternative is preferred as it incorporates the recommendations made by the organs of state and considers the heritage and botanical impacts associated with the proposed development.

Alternative 1

This alternative entails the proposed construction of the underground sewer pipeline and return treated effluent pipeline, located east and adjacent of the MR 599. This alternative pipeline route was not preferred as it would require the manual excavation from within the protective confines of a jacking shield (i.e. Pipe Jacking), at two sites to install the concrete pipes under MR 599.

Alternative 2

This alternative entails the proposed construction of the underground sewer pipeline and return treated effluent pipeline across Oliphantskop. This alternative was not preferred as it would require the inclusion of additional sewer pump stations, electricity supply, access roads, etc.

Beyond the reasons provided, both aforementioned alternatives were considered unfeasible due to the high construction affiliated.

"No-Go" Alternative (Rejected)

The "no-go" alternative implies that the "status quo" would remain. This alternative is not preferred as the existing drainage system is insufficient to handle full future development at Club Mykonos and developments located north thereof.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

One of the key strategies of the Saldanha Bay Municipality's integrated Development Plan is Basic Service Delivery i.e. among others to provide an improved sewerage service. The objective of the municipality is to maintain and expand basic infrastructure as a catalyst for economic development. The purpose of the proposed sewer pipeline is to divert all the sewer generated from Club Mykonos and all developments to the north of Club Mykonos, along a different route towards the Langebaan Waste Water Treatment Works ("WWTW") as the existing drainage system is insufficient to accommodate future development. The proposed development includes the installation of a return treated effluent pipeline (for future irrigation purposes). The re-use of treated wastewater is becoming more advantageous because of the increasing water shortages, improved purification technology and decreasing treatment costs.

3.2 Botanical Impact

The impacts related to the botanical impacts associated with the proposed development have been addressed by the botanical specialist, Dr. David McDonald from Bergwind Botanical Surveys & Tour. Based on the findings detailed in the Botanical Assessment Report dated 19 October 2019 and the Addendum to the report dated November 2020, the pipeline route of the preferred alternative as been realigned to avoid a Critically Endangered plant species, *Moraea loubseri* (*Iridaceae*) found on the lower, southeast part of Erf 7708, that forms part of Oliphantskop Private Nature Reserve. The presence of the aforementioned plant makes this area of the site a "no-go" area. The botanical specialist recommended that the revised proposed pipeline route be diverted into the road reserve at the northern boundary of the Remainder of Erf 7708 with the alignment parallel to the northeast boundary fence of the Remainder of Erf 7708, with the pipeline returning to the preferred designed alignment at the southeast boundary of the Remainder of Erf 7708.

3.3 Archeological, Cultural and Heritage Impacts

Based on the findings of the Heritage Impact Assessment dated August 2020 compiled by John Pether from the Agency for Cultural Resource Management, test excavations must take place to establish the significance of possible buried shell midden deposits. It is recommended that an archeologist be present during the excavations that occur along the Mykonos Access Road including the boring of the test pits at Site 331. As per the recommendation made by Heritage Western Cape, the Environmental Control Officer and/or Site Manager must be trained in terms of

the procedural requirements should fossil finds be encountered during excavation. A workplan application must be submitted to Heritage Western Cape (as per Conditions 22, 23 and 24 of this EA). The recommended mitigation measures have been included in the EMPr (to be revised and resubmitted for approval as per condition 10 of this EA).

3.4 Dust, Noise and emissions

Construction activities (mainly site clearing and soil excavation) will generate noise and associated volumes of dust during weekly construction hours. The EMPr includes dust control measures that will be implemented on site and at areas of high dust generation.

The development will result in negative and positive impacts

Negative impacts:

- Loss of indigenous vegetation; and
- Potential disturbance of fossil remains.

Positive impacts:

- Increase in service delivery through the improvement and upgrade of service infrastructure, which services the area.

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 activity 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 activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

-----END-----

APPENDIX A

Our Ref: HM/ WEST COAST/ SALDANHA BAY /
REMAINDER ERF 10512 & RE ERF 3671
Case No.: 20021704S80313E
Enquiries: Stephanie-Anne Barnardt
E-mail: stephanie.barnardt@westerncape.gov.za
Tel: 021 483 5959
Date: 21 October 2020

Jonathan Kaplan
5 Stuart Road
Rondebosch
7700
acrm@wcoaces.co.za



FINAL COMMENT

In terms of Section 38(8) of the National Heritage Resources Act (Act 25 of 1999) and the Western Cape Provincial Gazette 6061, Notice 298 of 2003

HERITAGE IMPACT ASSESSMENT: PROPOSED MYKONOS SEWER PUMP STATION AND RISING MAIN, MYKONOS ACCESS ROAD, REMAINDER ERF 10512 & RE ERF 3671, SALDANHA BAY, SUBMITTED IN TERMS OF SECTION 38(8) OF THE NATIONAL HERITAGE RESOURCES ACT (ACT 25 OF 1999)

CASE NUMBER: 20021704S80313E

The matter above has reference.

This matter was discussed at the Archaeology, Palaeontology and Meteorites Committee (APM) meeting held on 7 October 2020.

FINAL COMMENT

The Committee endorsed the AIA dated August 2020 prepared by ACRM and the PIA dated August 2020 prepared by John Pether with following recommendations:

- Palaeontology:
- A letter from a palaeontologist confirming that training with the ECO or site supervisor has taken place.
 - Periodic monitoring by palaeontologist of the excavations for the new sewer pump station as the palaeontologist deems fit.
 - A close out monitoring report by the palaeontologist to be submitted to HWC
- Archaeology:
- Archaeological monitoring by an archaeologist of the new sewer pump station and test pits at site 331. A workplan application must be submitted to HWC for the testing and also to deal with any finds made during testing or monitoring.

This letter does not exonerate the applicant from obtaining any necessary approval from any other applicable statutory authority.

HWC reserves the right to request additional information as required.

Should you have any further queries, please contact the official above and quote the case number.

Yours faithfully

pp.

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Dr. Mxolisi Dlamuka
Chief Executive Officer, Heritage Western Cape