



**EIA REFERENCE:** 16/3/3/1/E4/5/1091/18  
**NEAS REFERENCE:** WCP/EIA/0000535/2018  
**ENQUIRIES:** Ms. S. Adams  
**DATE OF ISSUE:** 02. 07. 2019

The Board of Directors  
SAB Maltings (Pty) Ltd  
P. O. Box 27  
**CALEDON**  
7230

**Attention: Mr. Marcelo Otto**

Tel: 028 214 3202  
Fax: 028 214 3297

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): DEVELOPMENT OF A WATER PIPELINE TO AUGMENT THE SUPPLY OF WATER TO THE SAB MALTINGS PLANT, CALEDON**

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, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 summarized in the attached Environmental Authorisation.

Yours faithfully

**MR ZAAHIR TOEFY**

**DIRECTOR: DEVELOPMENT MANAGEMENT – REGION 1**

Cc: (1) Mr. J. Blood (SLR Consulting SA (Pty) Ltd)  
(2) Mr. J. Viljoen (Theewaterskloof Municipality)  
(3) Mr. J. Roberts (DWS: Western Cape Region)  
(4) Mr. R. le Roux (BGCMA)

Fax: 021 461 1120  
Fax: 086 566 6857  
E-mail: robertsj@dws.gov.za  
E-mail: rleroux@bgcma.co.za

6<sup>th</sup> Floor, 1 Dorp Street, Cape Town, 8001  
Tel: +27 21 483 0773 Fax: +27 21 483 3098  
Email: Saa-rah.Adams@westerncape.gov.za

Private Bag X9086, Cape Town, 8000  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)



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### ENVIRONMENTAL AUTHORISATION

#### APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): DEVELOPMENT OF A WATER PIPELINE TO AUGMENT THE SUPPLY OF WATER TO THE SAB MALTINGS PLANT, CALEDON

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 activities specified in Section B below with respect to Pipeline Route Alternative 1, Water Treatment Plant Alternative 1 and Borehole Location Alternative 1 described in the Basic Assessment Report ("BAR"), dated March 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan ("MMP")** for the pipeline associated with the Steenbok River, wetlands and tributaries, included in the BAR dated March 2019.

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

SAB Maltings (Pty) Ltd  
% Mr. Marcelo Otto  
P. O. Box 27

CALEDON  
7230

Tel: 028 214 3202  
Fax: 028 214 3297

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed activities	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014: Activity 12 The development of—</p> <ul style="list-style-type: none"><li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li><li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—</li></ul> <p>(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p>excluding—</p> <ul style="list-style-type: none"><li>(aa) the development of infrastructure or structures within existing ports or harbour that will not increase the development footprint of the port or harbour;</li><li>(bb) 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;</li><li>(cc) 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;</li><li>(dd) where such development occurs within an urban area;</li><li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li><li>(ff) 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.</li></ul>	<p>The proposal entails the construction of a pipeline, which traverses a number of watercourses.</p>

<p>Activity Number 19: 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 of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ol 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 harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</li> </ol>	<p>The proposed pipeline traverses a number of watercourses which will require both infilling and movement of material exceeding 10m<sup>3</sup>.</p>
<p>Listing Notice 3 Activity 12: <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> <ol style="list-style-type: none"> <li>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></li> <li>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></li> <li>iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></li> <li>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such</i></li> </ol>	<p>A portion of the development requires the removal of more than 300m<sup>2</sup> indigenous vegetation classified as critically endangered in terms of Section 52 of NEM:BA (2004).</p>

<p><i>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>	
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The holder is herein authorised to undertake the following alternative:

The proposal entails the construction of a water supply pipeline from an existing borehole located on Farm No. 532 to the SAB Maltings Plant in Caledon including the establishment of a water treatment plant. The total length of the pipeline is approximately 12km and 160mm in diameter. The water treatment plant comprises of the treatment plant, a JoJo water storage tank and silo settlement tank which would each require a concrete slab and a drying bed. The water treatment plant is located in a disturbed area 30m north-west of the existing borehole.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will traverse a number of agricultural properties and is located between Tesselaarsdal and Caledon in the Overberg region of the Western Cape.

The co-ordinates taken every 250m along the pipeline route:

CID	Longitude	Latitude
0	19° 29' 15.93" E	34° 18' 58.01" S
1	19° 29' 11.45" E	34° 18' 51.08" S
2	19° 29' 9.67" E	34° 18' 43.80" S
3	19° 29' 12.05" E	34° 18' 36.04" S
4	19° 29' 18.04" E	34° 18' 29.62" S
5	19° 29' 23.86" E	34° 18' 23.10" S
6	19° 29' 28.02" E	34° 18' 15.79" S
7	19° 29' 33.10" E	34° 18' 9.03" S
8	19° 29' 42.86" E	34° 18' 8.64" S
9	19° 29' 43.46" E	34° 18' 5.46" S
10	19° 29' 35.61" E	34° 18' 1.36" S
11	19° 29' 26.16" E	34° 17' 59.47" S
12	19° 29' 21.27" E	34° 17' 53.31" S
13	19° 29' 22.44" E	34° 17' 45.26" S
14	19° 29' 20.37" E	34° 17' 37.59" S
15	19° 29' 14.42" E	34° 17' 31.28" S
16	19° 29' 5.87" E	34° 17' 27.37" S
17	19° 28' 57.09" E	34° 17' 23.80" S
18	19° 28' 48.27" E	34° 17' 20.29" S
19	19° 28' 39.44" E	34° 17' 16.81" S
20	19° 28' 30.61" E	34° 17' 13.33" S

21	19° 28' 21.78" E	34° 17' 9.84" S
22	19° 28' 12.95" E	34° 17' 6.36" S
23	19° 28' 3.96" E	34° 17' 3.26" S
24	19° 27' 54.51" E	34° 17' 1.18" S
25	19° 27' 45.06" E	34° 16' 59.10" S
26	19° 27' 35.61" E	34° 16' 57.02" S
27	19° 27' 28.51" E	34° 16' 51.67" S
28	19° 27' 22.38" E	34° 16' 45.37" S
29	19° 27' 15.27" E	34° 16' 39.80" S
30	19° 27' 8.45" E	34° 16' 33.99" S
31	19° 27' 1.37" E	34° 16' 28.43" S
32	19° 26' 52.78" E	34° 16' 24.55" S
33	19° 26' 44.23" E	34° 16' 20.61" S
34	19° 26' 35.73" E	34° 16' 16.62" S
35	19° 26' 27.22" E	34° 16' 12.63" S
36	19° 26' 17.26" E	34° 16' 7.88" S
37	19° 26' 19.21" E	34° 16' 1.44" S
38	19° 26' 20.18" E	34° 15' 53.42" S
39	19° 26' 19.47" E	34° 15' 45.34" S
40	19° 26' 16.36" E	34° 15' 37.65" S
41	19° 26' 13.15" E	34° 15' 29.99" S
42	19° 26' 9.94" E	34° 15' 22.32" S
43	19° 26' 6.72" E	34° 15' 14.66" S
44	19° 26' 3.40" E	34° 15' 7.03" S
45	19° 26' 0.06" E	34° 14' 59.40" S
46	19° 25' 56.64" E	34° 14' 51.80" S
47	19° 25' 53.90" E	34° 14' 44.04" S
48	19° 25' 54.13" E	34° 14' 35.95" S
49	19° 25' 54.13" E	34° 14' 30.12" S
50	19° 29' 47.33" E	34° 18' 7.11" S

The co-ordinates of the preferred location alternative of the water treatment plant and associated infrastructure:

A1	19° 29' 15.63" E	34° 18' 58.77" S
	19° 29' 15.87" E	34° 18' 57.95" S
	19° 29' 16.28" E	34° 18' 58.02" S
	19° 29' 16.00" E	34° 18' 58.80" S

The SG digit codes are: C01300000000053200000  
C01300000000053100000  
C01300000000053000000  
C01300000000049100000  
C01300000000049000000  
C01300000000048900004  
C01300000000048700000  
C0130004000000100000  
C01300040000131400000

Refer to Annexure 1: Locality Map of the two pipeline routes and borehole site and Annexure 2: Site Layout Plan including the location alternatives of the water treatment plant and associated infrastructure.

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

SLR Consulting (South Africa) (Pty) Ltd  
% Mr. Jeremy Blood  
P. O. Box 10145  
**CALEDON SQUARE**  
7905

Tel/ Fax: 021 461 1118

#### **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, Pipeline Route Alternative 1, Water Treatment Plant Alternative 1 and Borehole Location Alternative 1 as described in the BAR dated March 2019 at the site as described in Section C above.
2. The holder must commence with the listed activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within **10 years** from the date of commencement of the first listed activity.
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. The notice must:
  - 6.1 make clear reference to the site details and EIA Reference number given above; and
  - 6.2 include proof of compliance with the following conditions described herein:

Conditions: 7, 9 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 (as amended) detailed in Section G below;
  - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
  - 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; and
    - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
8. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

### **Management of activity**

9. The draft Environmental Management Programme ("EMPr") and MMP submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The EMPr and MMP 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 EMPr, MMP and the conditions contained herein.



12. A copy of the Environmental Authorisation, EMPr, MMP, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

#### **Auditing**

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is 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 paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; 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 the listed activities 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 (as amended) 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 (as amended) 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 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date on which notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 1.2. submit a copy of the appeal to any registered I&APs, 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 on which the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
  - 2.2. submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organs 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 Organs 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 Jaap de Villiers (Tel: 021 483 3721)  
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 Jaap.DeVilliers@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 Jaap.DeVilliers@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



**MR. ZAAHIR TOEFY**

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

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE OF DECISION: 02/07/2019

Cc: (1) Mr. J. Blood (SLR Consulting SA (Pty) Ltd  
(2) Mr. J. Viljoen (Theewaterskloof Municipality)  
(3) Mr. J. Roberts (DWS: Western Cape Region)  
(4) Mr. R. le Roux (BGCMA)

Fax: 021 461 1120  
Fax: 086 566 6857  
E-mail: robertsj@dws.gov.za  
E-mail: rleroux@bgcma.co.za

# ANNEXURE 1: LOCALITY MAP

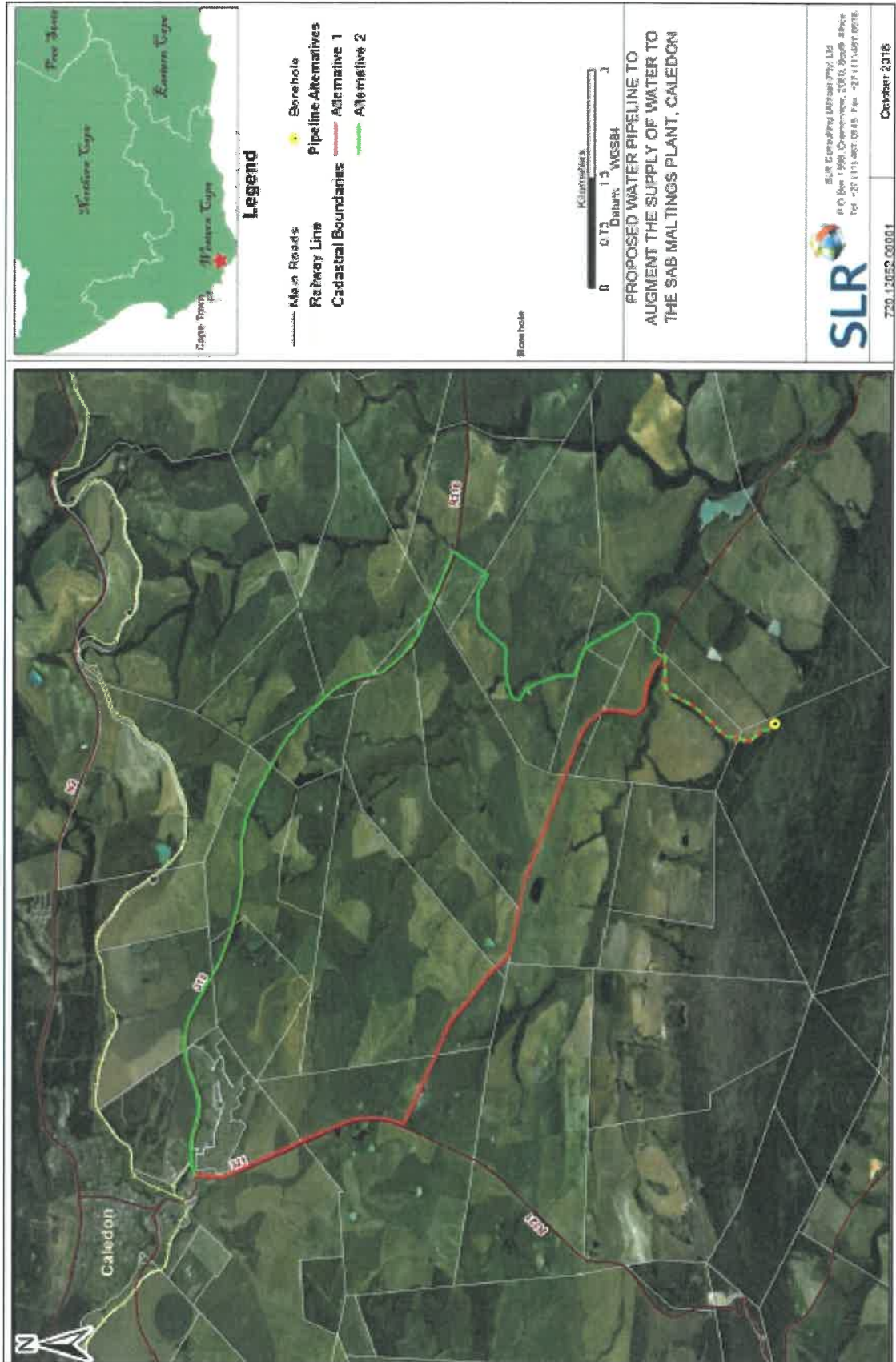


Figure 1: Locality map depicting the location of the pipeline routes from the preferred borehole location alternative.

# ANNEXURE 2: SITE LAYOUT PLAN

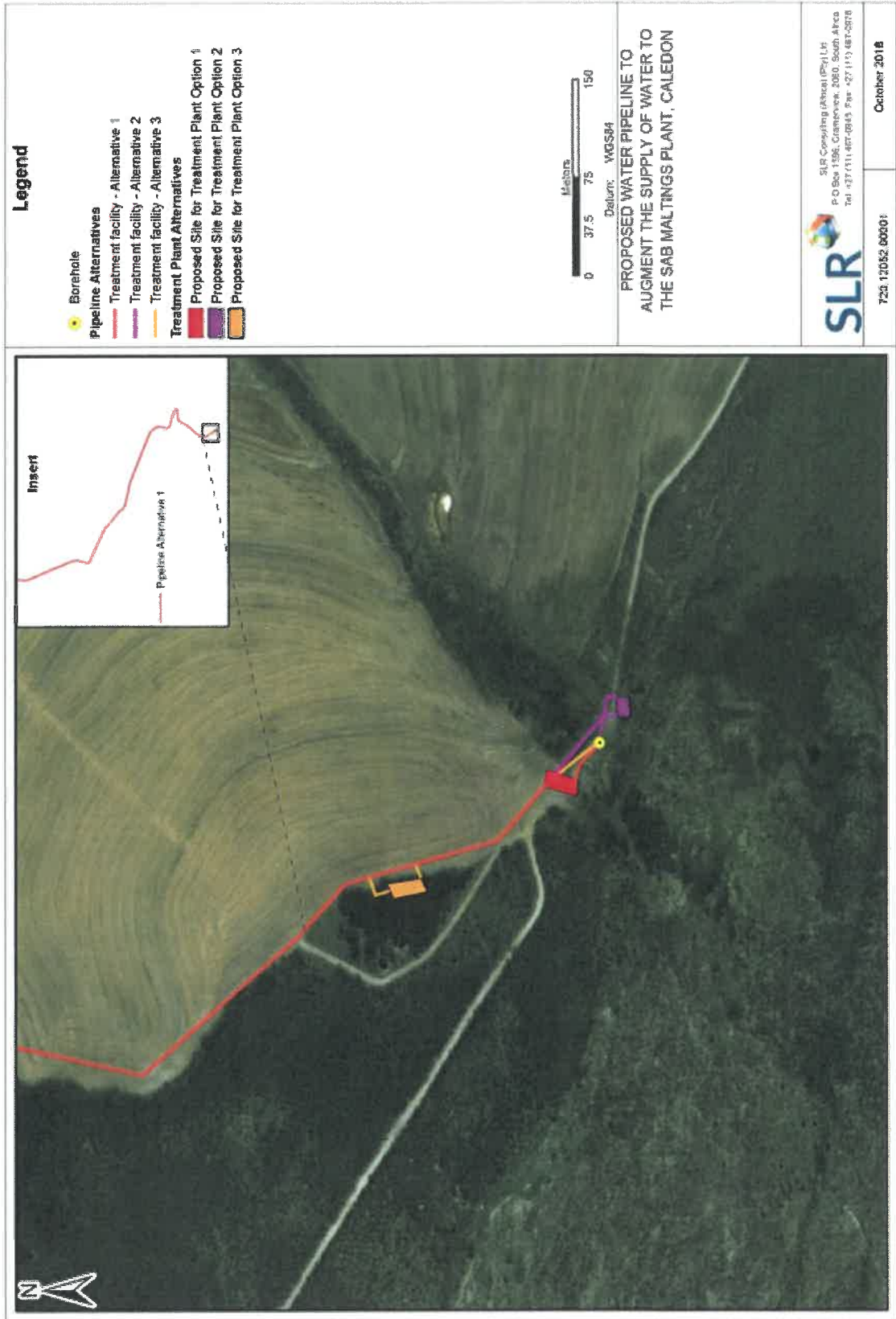


Figure 2: Site Layout Plan depicting the location alternatives of the water treatment plant along the route of the preferred alternative pipeline.

### **ANNEXURE 3: REASONS FOR THE DECISION**

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 21 November 2018, the draft BAR dated November 2018, the final BAR dated March 2019 and the EMPr and MMP submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 14 March 2019; 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 during 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;
- fixing notice boards at strategic locations adjacent to the pipeline route where the listed activities are to be undertaken and at the entrance to the SAB Mafings Plant in Caledon on 23 November 2018;
- 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 23 November 2018;
- the placing of a newspaper advertisement in the *'Theewaterskloof & Kaap Agulhas Gazette'* on 13 November 2018; and
- making the BAR available to I&APs for public review from 23 November 2018.

All the concerns raised by I&APs were responded to and addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation EMPr and in the MMP, in order to address the concerns raised.

The Competent Authority notes the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.



## 2. Alternatives

Two route alternatives were investigated for the pipeline. The alternatives are discussed below:

### Pipeline Route Alternative 1 (Southern Pipeline Option) (herewith approved):

Southern pipeline option (i.e. preferred alternative): From the borehole, the proposed pipeline would run in a northerly direction, across disturbed agricultural land, to the Tesselaarsdal Road. It would then follow the Tesselaarsdal Road (mainly on the northern side) in a northwesterly direction for approximately 7km, after which it would follow the R320 (on the eastern side) for about 3 km towards Caledon and the SAB Maltings plant. The intent is to locate the pipeline approximately 2.5 m from either the road servitude boundary or the existing Overberg Water Servitude boundary. The majority of this route is located within heavily disturbed agricultural land. This pipeline alignment is the preferred alternative as it is the shortest and results in the least disturbance of agricultural lands.

### Pipeline Route Alternative 2 (Northern Pipeline Option):

Northern pipeline option: This alternative would follow the same alignment as Alternative 1 until it reaches the Tesselaarsdal Road, after which it would run in a northwesterly direction for about 3km before heading north-east to the R316. The pipeline would then follow the R316 (on the northern side) for approximately 9 km in a northeasterly direction towards Caledon. Similarly, this alternative is routed mainly through heavily disturbed agricultural land. However, it covers a much longer distance resulting in an increase in the overall disturbance footprint required.

### Borehole Location

Three borehole location alternatives were considered for the proposed development. The alternatives are discussed below:

#### Borehole Alternative 1 (herewith approved)

Borehole on Farm No. 532, Caledon owned by SAB: This alternative entails the extraction of water from an existing borehole owned by SAB located on Farm No, 532, Caledon. The borehole was drilled 15 years ago to a depth of 67.6m, is equipped with a pump and is intended to operate at a continuous abstraction rate of 670kl/day. Based on a chemical analysis undertaken, the groundwater is of good quality, however, because of the low pH and elevated turbidity, water treatment is required in close proximity to the borehole before it reaches the maltings plant.

#### Borehole Location Alternative 2

JD Kriel property: A borehole was considered on JD Kriel's property, which is located to the west of Caledon, directly south of the N2, on the Farm Klipheuwel 29/410. This alternative is not considered viable as it is not a registered borehole and a legal agreement could not be obtained between the relevant parties.

#### Borehole Location Alternative 3

Spring near casino: This alternative is not considered viable due to the low abstraction volumes and the water quality standards compared to the SAB requirements. This alternative would require the construction of a larger water treatment facility. This alternative would be more expensive to construct and is therefore not preferred.

### Water Treatment Plant

The development includes the establishment of a containerised water treatment plant to increase or buffer the pH and re-mineralise the water before it reaches the maltings plant. The water is filtered to remove oxidised suspended solids and reduce turbidity. It is further treated with

the addition of chlorine and the backwash water is discharged into a silo tank where any particulate matter will settle. The settled matter is then removed via a solenoid valve to a drying bed, which would then be disposed of at a licensed landfill facility. Due to the possible corrosive nature of the untreated groundwater, it is preferred that the water treatment plant is located in close proximity to the groundwater source (borehole) and the water is treated before it travels the extent of the pipeline.

#### Water Treatment Plant Alternatives

Four location alternatives were investigated for the establishment of the containerised water treatment plant. The alternatives are discussed below:

- Alternative 1 (herewith approved): This site is located in a disturbed area approximately 30m north-west of the existing borehole on Farm No. 532, Caledon. This location is the preferred alternative as it is located in close proximity to the existing borehole in an area that is already disturbed.
- Alternative 2: This site is located in undisturbed indigenous vegetation approximately 20m south-east of the existing borehole on Farm No. 532, Caledon. This alternative is not feasible as it requires the removal of indigenous vegetation.
- Alternative 3: This site is located in a stand of alien vegetation approximately 160 m north-west of the existing borehole on Farm No. 532, Caledon. This alternative is not feasible as it is located too far from the borehole location and as a result, the untreated groundwater may pose a possible risk of corroding a large portion of the pipeline.
- Alternative 4: A site was identified on the north-western side of the SAB Maltings plant in Caledon. Although this alternative would have the least biophysical impacts, however, the preference is to treat the water before it enters the pipeline as the corrosive nature of the water may deteriorate the pipeline. For this reason, this alternative is not preferred.

#### "No-Go" Alternative

The "no-go" alternative was considered and entails the continued operation of the SAB Maltings plant which is dependent on the water supply as received from the local municipality. Due to the recent and continuous drought conditions faced by the Western Cape region, the local municipality has introduced water restrictions to manage the water supply across the region. The reduced water supply negatively affects the operational functionality of the SAB Maltings plant and therefore, the no-go alternative is not preferred.

### **3. Impact Assessment and Mitigation measures**

#### **3.1 Activity Need and Desirability**

The operation of the SAB Maltings plant is currently dependent on water supply from the local municipality. Since the onset of water restrictions within the region, the quantity of water allocated to SAB is reduced and as a result, it negatively affects the operation of the maltings plant. Therefore, an alternate water supply from a source unchallenged by the water restrictions imposed by the local municipality, is necessary to restore optimal functionality of the maltings plant.

#### **3.2 Biodiversity and Biophysical Impacts**

Historically the site comprised of Overberg Sandstone Fynbos and Western Rûens Shale Renosterveld, ecosystems classified as critically endangered in terms of Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"). A Botanical Assessment dated October 2018, compiled by Dr. David J. McDonald from Bergwind Botanical



Surveys and Tours reported that the area of study is largely transformed through historic and current agricultural activities. The indigenous vegetation is completely lost around the existing borehole site. The original vegetation that would have occurred along the pipeline route of Alternative 1 would have been Western Rûens Shale Renosterveld, however, there is none left except for small remnant patches due to the extensive transformation and loss of vegetation as a result of agricultural activities. The specialist recommends that the pipeline follow an existing access route that traverses the remnant patch and that the disturbance footprint of the construction corridor be limited to 6m in this area reducing the disturbance footprint from 0.24ha to 0.15ha. It is further noted that a population of an endangered species, *Babiana purpurea*, was found within this area. A Search and Rescue operation for transplantable wetland plant species will be undertaken prior to the commencement of construction activities. With the implementation of mitigation measures included in the EMPr (accepted in Section E: Condition 9) and the pipeline following an existing, disturbed access route, rehabilitation of the site is possible. The impact significance of the proposed development on the Western Rûens Shale Renosterveld on site will be low negative.

The freshwater features within the study area consist of the Steenbok River, Steenbok River wetland cluster, wetlands along the northern tributary of the Steenbok River and along the R320. According to the freshwater impact assessment dated November 2018, compiled by Dana Grobler and Toni Belcher from BlueScience, the Steenbok River and associated wetlands, are in a moderate to largely modified ecological state as a result of the surrounding land use activities. However, the floodplain wetland areas provide valuable goods and services in terms of flood attenuation and water quality amelioration. National Freshwater Ecosystem Priority Areas wetland areas and aquatic Critical Biodiversity Areas can be avoided by the preferred pipeline route. The preferred pipeline alternative is likely to have the least impact on the freshwater features along the route, while location alternative 1 of the water treatment plant will result in the least disturbance of indigenous vegetation adjacent to the stream. The impact significance of the proposed development on the freshwater features is considered to be low with the implementation of the recommendations and mitigation measures of the specialist (included in the EMPr and accepted in Section E: Condition 9).

Furthermore, a Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, for the proposed increase in storage capacity.

A MMP has been compiled to address future maintenance activities taking place in the affected 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:**

- Limited indigenous vegetation within a largely transformed area will be removed within the construction footprint of the pipeline.
- The development will result in a low negative impact on water quality within the freshwater features on site. However, with the effective implementation of the recommended mitigation measures of the specialist, this impact can be reduced to low.

**Positive impacts:**

- The proposed development will increase the volume of water supplied to the SAB Maltings plant and improve the efficiency of the maltings plant.
- Temporary employment opportunities will be created during the construction phase.
- The construction of the pipeline will be 1.5m below the soils surface, meaning that agricultural activities can continue after the installation thereof.

**4. National Environmental Management Act Principles**

The NEMA 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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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