



REFERENCE: 16/3/3/1/D2/44/0019/23
NEAS REFERENCE: WCP/EIA/0001329/2023
DATE OF ISSUE: 07 March 2024

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A NEW 3 MEGALITRE REINFORCED CONCRETE RESERVOIR, NEW 300 KILOLITRE WATER, WATER SUPPLY PUMPSTATION AND ASSOCIATED INFRASTRUCTURE ON THE REMAINDER OF ERF 325 IN PACALTSDORP, GEORGE

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 2 November 2023 as prepared and submitted by Zutari (Pty) Ltd, the appointed Environmental Assessment Practitioner ("EAP").

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
% The Director: Civil Engineering Services
The George Municipality
PO Box 19
GEORGE
6530

Tel: 044 801 9278
E-mail: jkoegelenberg@george.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 3 (Government Notice No. 324 of 7 April 2017)	
Activity Number: 2 Activity Description: The development of reservoirs excluding dams with a capacity of more than 250 cubic metres. i. Western Cape i. A protected area identified in terms of NEMPAA, excluding conservancies; ii. In areas containing indigenous vegetation; or iii. Inside urban areas: (aa) Areas zoned for use as public open space; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.	The reservoirs capacity will be approximately 3300m³ and the proposed area does contain indigenous vegetation.
Activity Number: 12 Activity Description: 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. Western Cape (i). Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; (ii). Within critical biodiversity areas identified in bioregional plans; (iii). Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; (iv). On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or (v). On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the	The site falls within the Garden Route Granite Fynbos vegetation type which has an ecosystem threat status of critically endangered according to the 2022 Revised List of Ecosystems.

prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.	
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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 that includes the listed activities as it relates to the development and development footprint area:

The development of a new facility will be in support of existing infrastructure for Pacaltsdorp. The works will entail the following;

- Reservoir, Water Tower and pumpstation
 - A 3 Mℓ reservoir with a 300mm ND inlet and outlet pipe.
 - A 300kℓ water tower with a 300mm ND inlet and outlet pipe.
 - A pumpstation with 300mm ND inlet and outlet pipe.
- Pipework
 - A 250mm ND uPVC will supply water to the reservoir/tower.
 - A 315mm uPVC pipe will supply water from the water tower to connection at Mission/Hibiscus Street.
 - A 315mm uPVC pipe will deliver water between the reservoir and pumpstation also, pump station to tower tank.
 - A 315 mm uPVC pipe for tower overflow and reservoir to valve chamber pipes.
 - A 200mm ND uPVC pipe is proposed for the reservoir scour.
- A 315mm uPVC pipe will transport stormwater to a proposed reno mattress to the north-west of the site where the stormwater will be released into a stream.

The development footprint will be on Erf RE/325, Pacaltsdorp within the George Local Municipality. The site development plan is attached to this EA as Annexure 2.

C. SITE DESCRIPTION AND LOCATION

The proposed development footprint for a new 3Mℓ reservoir, 300Kℓ water tower, pumpstation and associated infrastructure will be on the Remainder of Erf 325 in Pacaltsdorp, George. The associated infrastructure includes a 300mm diameter pipeline which will run along Mission Street.

Site Coordinates:

Position:	Latitude (South)	Longitude (East)
Middle point co-ordinates	34° 00' 58.7"	22° 27' 54.1"

SG digit code: RE/325, Pacaltsdorp

Farm Portion	SG 21 Digit Codes
RE/325	C02700070000032500000

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Zutari (Pty) Ltd
% Mr. Wynand Loftus
PO Box 509
George
6530

Tel: 044 805 5458
Cell: 072 354 2607
Email: Wynand.Loftus@zutari.com

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period of eight (8) years from the date of issue until **28 February 2032**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR dated 02 November 2023 on the site described in Section C above.
3. 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.
4. Any changes to, or deviations from the scope of the preferred alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

5. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision—
 - 5.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 5.1.1. the decision reached on the application;

- 5.1.2. the reasons for the decision as included in Annexure 3;
 - 5.1.3. the date of the decision; and
 - 5.1.4. the date when the decision was issued.
- 5.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
- 5.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
- 5.4. provide the registered I&APs with the:
- 5.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 5.4.2. name of the responsible person for this Environmental Authorisation,
 - 5.4.3. postal address of the Holder,
 - 5.4.4. telephonic and fax details of the Holder,
 - 5.4.5. e-mail address, if any, of the Holder,
 - 5.4.6. 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).
- 5.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
- 5.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided (i.e. the listed activities, including site preparation, must not commence until the appeal is decided).

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any 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: 5 and 9.

Management of activity

7. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith approved in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 (as amended).
8. The EMPr must be included in all contract documentation for all phases of the development.

Monitoring

9. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), prior to commencement of any works (i.e., removal and movement of soil) and for the duration of the construction and rehabilitation phases.
10. The ECO must–
- 10.1. be appointed prior to commencement of any works (i.e. removal and movement of soil);

- 10.2. ensure compliance with the EMPr and the provisions contained herein;
 - 10.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 10.4. remain employed until all development activities are concluded, and the post development implementation, rehabilitation and monitoring requirements are finalised.
11. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
12. 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

13. The Holder must, for the period during which the environmental authorisation and EMPr remain valid, ensure that compliance with the conditions of the environmental authorisation and the EMPr is audited.
14. The frequency of auditing compliance with the conditions of the environmental authorisation and provisions of the EMPr, must adhere to the following programme:
- 14.1. Submit an environmental audit report to the Competent Authority within three (3) months of conclusion of the construction phase and rehabilitation thereof, but not later than 31 July 2032.
15. The Environmental Audit Report(s), must –
- 15.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 15.2. provide verifiable findings, in a structured and systematic manner, on–
 - 15.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 15.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 15.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 15.4. evaluate the effectiveness of the EMPr;
 - 15.5. identify shortcomings in the EMPr;
 - 15.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 15.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 15.8. include a photographic record of the site applicable to the audit; and

15.9. be informed by the ECO reports.

16. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

17. The Stormwater Management Plan compiled and included in the EMPr must be adhered to during the construction phase as stipulated.
18. All areas to be cleared must be clearly demarcated before any clearing of vegetation commences.
19. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

GENERAL MATTERS

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

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

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

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
- (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.

- (c) An environmental authorisation may be amended where it relates to a change of ownership or transfer of rights and obligations.
- 3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

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

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

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

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

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

Compliance with Environmental Authorisation and EMPr

- 6. Non-compliance with a condition of this environmental authorisation or provisions of the EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
- 7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-development rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
- 8. This Environmental Authorisation is subject to compliance with all the suspensive conditions (i.e. 6 & 10, stipulated under Section E of this EA). Failure to comply with all the suspensive conditions, prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.

9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

F. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs including any Organ of State with interest in the matter; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

Zaahir.Toefy@westerncape.gov.za and copied to

DEADPEIAAdmin.George@westerncape.gov.za

2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision and any registered I&AP including any Organ of State with an interest in the matter; and
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:

Zaahir.Toefy@westerncape.gov.za and copied to

DEADPEIAAdmin.George@westerncape.gov.za

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning

Private Bag X9186

CAPE TOWN

8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator

Attention: Mr Marius Venter (Tel: 021 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za

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

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

WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 07 MARCH 2024

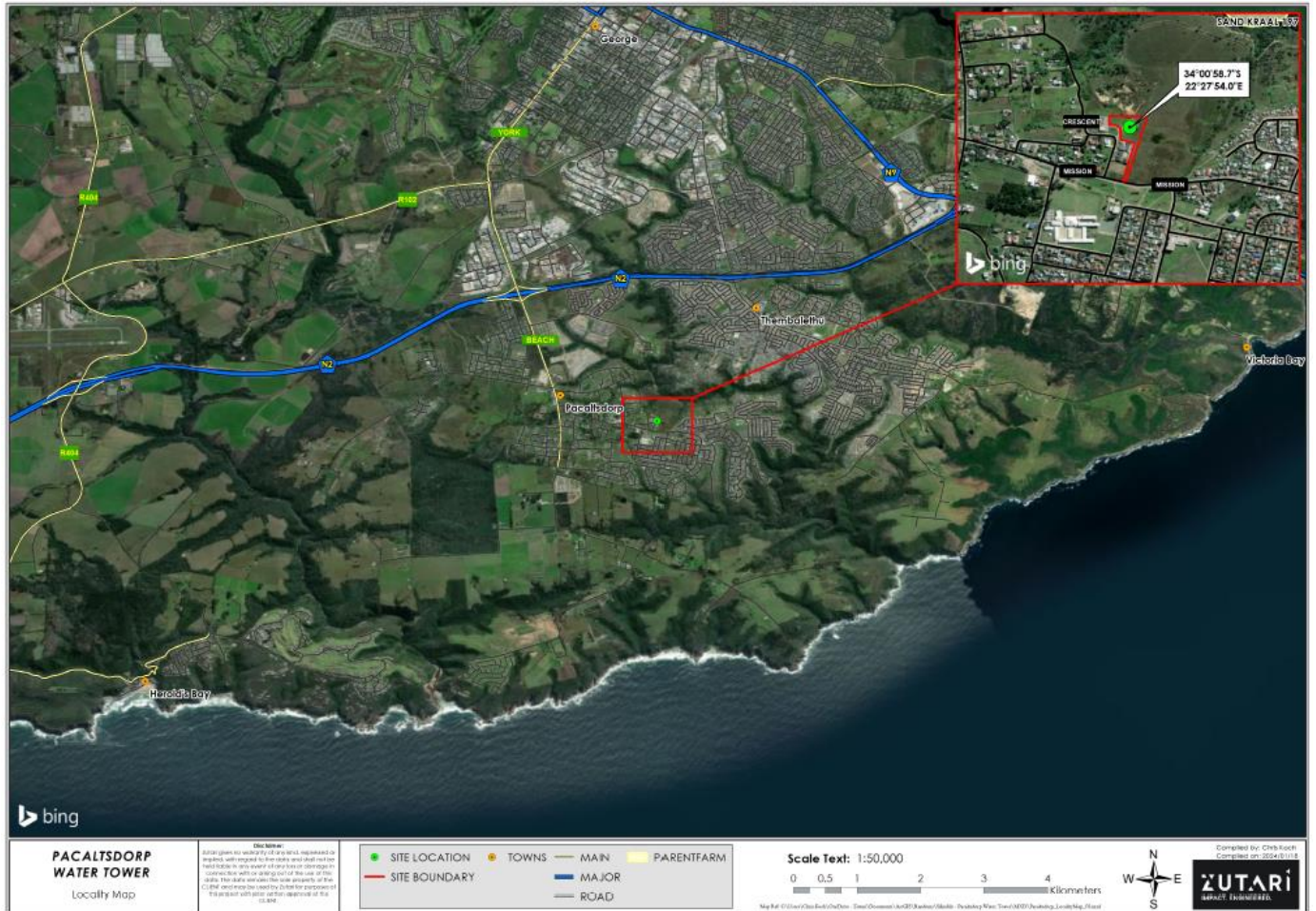
Copied to: EAP: Zutari (Pty) Ltd

E-mail: wynand.loftus@zutari.com

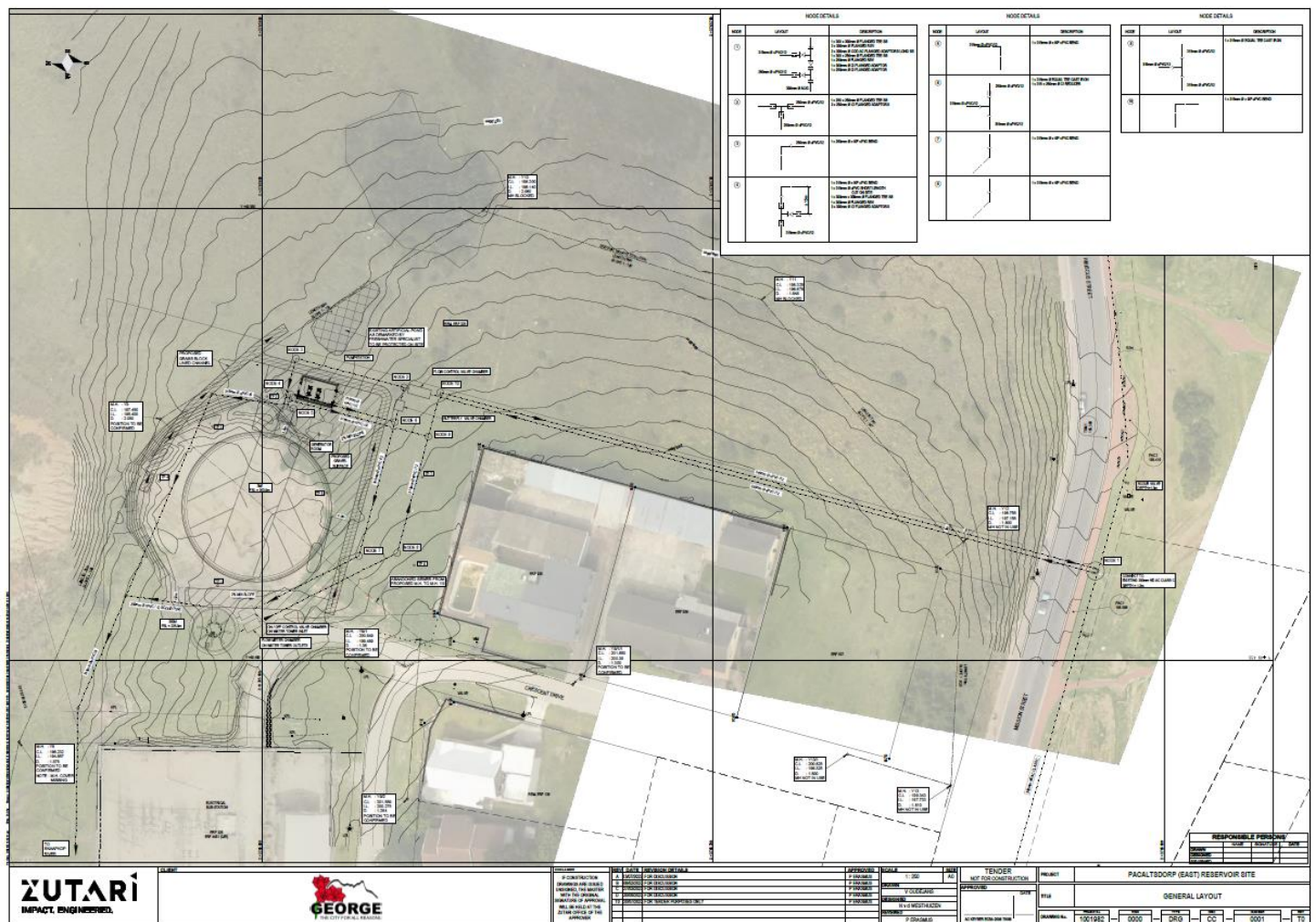
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EIA REFERENCE NUMBER: 16/3/3/1/D2/44/0019/23
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLAN (PREFERRED ALTERNATIVE)



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 25 August 2023, the Final Basic Assessment Report (FBAR) and EMPr dated 02 November 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 01 November 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) The case officer is familiar with the site and the sites surrounding area.

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

1. Public Participation

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

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site on 19 September 2023;
- giving written notice on 14 September 2023 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;
- the draft BAR was made available for comment from 15 September 2023 until 16 October 2023;
- the placing of a newspaper advertisement in the 'George Herald' on 14 September 2023.

The following Organs of State provided comment on the proposal:

- Breede-Olifants Catchment Management Agency (BOCMA)

Breede-Olifants Catchment Management Agency (BOCMA)

The BOCMA stated that a General Authorisation has been granted.

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

2. Alternatives

Site Alternatives

Pacaltsdorp Erf No. 2818 - proposed site 1

The proposed Erf No. 2818 is situated adjacent to Hibiscus Street and the relevant proposed area is an area on Erf 2818 which is not occupied by the Church. The open portion on this erf is not large enough to accommodate the proposed required works. According to George Municipality the landowner did not give approval to the Municipality to purchase the site. Furthermore, the area is surrounded by houses and any noise caused by the pumpstation or valves will be a constant source of complaints by the surrounding residents.

Pacaltsdorp Erf No. 3967 – proposed site 2

This erf is zoned for public open space and is situated next to Hibiscus Street. The area is triangular and not large enough for the proposed required works. Similar to Erf No. 2818 the site is surrounded by houses and the noise will be an issue for the residents.

Pacaltsdorp Erf 325 – proposed site 3 (Preferred Alternative – herewith authorised)

The remainder of Erf 352 is situated next to Mission/Hibiscus Street. The area is large enough to accommodate the proposed works. The pump station will be placed 40m from the nearest houses. Additionally, the area already accommodates an electricity substation, which earmarks the area for Municipal use. The property belongs to the Municipality and rezoning and sub-division will be required. Furthermore, the dedicated 300mm ND AC pipe is situated in Mission/Hibiscus Street opposite the proposed site of Erf 325.

"No-Go" Alternative

The No-Go alternative implies that the construction of the proposed development will not go ahead, and the status quo of the site will remain as is.

George Municipality is currently faced with the challenge of meeting the demands for water supply in Pacaltsdorp during bulk water supply disruptions. If this proposed development does not go ahead there will be no additional capacity for the municipality, and the municipality will not be able to provide potable water to the Pacaltsdorp residents during periods of water supply disruptions. Additionally, non-upgrading of the water supply system would therefore limit future residential development in the area and increase water shortages in places of demand. Water supply is a basic service for any existing or planned township development.

3. Impact Assessment and Mitigation Measures

3.1. Activity Need and Desirability

Pacaltsdorp is a priority investment area in terms of the municipality's Spatial Development Framework ("SDF"), this indicates that there will be future growth of the population in the area. This will lead to a growth in demand for potable water in the area. Therefore sufficient provision of public and social infrastructure must be made to accommodate the future growth and development of Pacaltsdorp.

3.2. Spatial Development Framework (SDF)

The site falls within the utility precinct in terms of the SDF, this precinct is noted to accommodate utility infrastructure uses including water infrastructure. The proposed project aligns with the development of utility infrastructure (water reservoir and associated infrastructure) to support the growing demand for potable water in Pacaltsdorp.

3.3. Integrated Development Plan (IDP)

Municipalities are responsible for delivering basic services to their communities in a way that is acceptable and in accordance with national requirements. The municipality assets need to be maintained and in certain instances new assets need to be established to deliver to these requirements. Furthermore, the constitution states that all citizens have the right to basic service delivery. These basic services include the access to potable water as stipulated in the George IDP. Therefore the proposed project is in line with the Basic Services provision of George Municipality's IDP.

3.4. Botanical

According to the BAR the vegetation on the site is consistent of degraded CBA 2, however large portions of the site is covered with spontaneously growing alien vegetation and to restore the area to fulfil the object for the CBA 2 will not be practical. Furthermore, according to the BAR no species of conservation concern ("SCC") were found on site. Additionally, the site is mapped as Garden Route Granite Fynbos (CR), however the small section of graminoid dominated fynbos was observed in the southern section of the proposed development. This section is located directly north of Mission Road where the vegetation suffers from negative edge effects. The degraded fynbos on the site is not consistent with Garden Route Granite Fynbos.

3.5. Faunal

The BAR submits that the site on which the reservoir is proposed does not interfere with any anticipated corridor for wildlife movement, but rather adds further transformation to an area that has already been disturbed on the edge of urban development. According to the BAR the reservoir will be located on a small area and will not cause significant habitat loss for SCC's.

3.6. Aquatic

According to the BAR there is no natural watercourse immediately adjacent to the reservoir site, however, there is an artificial pond identified, but this will not be disturbed throughout the project. Stormwater that will be generated on the site will be attenuated on site, as the volume of the stormwater runoff is anticipated to be minimal. The outflow pipeline and reno mattress are mainly required to manage infrequent reservoir scour events, and the unlikely, but not impossible event of an unplanned reservoir overflow.

3.7. Other Impacts

According to the FBAR no other impacts of significance are anticipated. Considering the findings of the impact assessment and proposed mitigation measures to address the aforementioned impacts, this Directorate is satisfied that the activity will not negatively impact on the receiving environment, subject to strict compliance and implementation of the conditions of this EA and the mitigation measures proposed in the EMPr.

4. Scope and Validity Period of authorisation

The applicant has indicated that the construction activities (non-operational aspects) should be completed within eight (8) years, by 28 February 2032. The validity period of the environmental authorisation has been granted for a period of eight (8) years from the date of issue, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years. Activity 14 of Listing Notice 3 is not included in this authorisation because the activity is not triggered as the critical biodiversity areas have not been adopted in a bioregional plan.

5. National Environmental Management Act Principles

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

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

6. Conclusion

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

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 02 November 2023 can be regarded as a sufficient assessment of the key identified issues and impacts.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The mitigation measures proposed in the EMPr for the pre-construction, construction and rehabilitation phases of the development and these were included in the FBAR. The mitigation measures will be implemented to manage the identified environmental impact during the construction and operational phase.

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

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