



DIRECTORATE: LAND MANAGEMENT
REGION 1

EIA REFERENCE NUMBER: 16/3/1/1/B4/45/1044/12
ENQUIRIES: S Smidt
DATE OF ISSUE: 2013 -05- 20

The Municipal Manager
Cape Winelands District Municipality
PO Box 100
STELLENBOSCH
7599

Attention: Mr M Mgajo

Tel: (021) 888 5281
Fax: (021) 882 9931

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT AMENDMENT REGULATIONS, 2010: THE PROPOSED GROOT DRAKENSTEIN SEWER PIPELINE ON PORTION 1 OF ERF NO. 1006 TO PORTION 11 OF ERF NO. 826, STELLENBOSCH

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

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Amendment Regulations, 2010, ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the list of activities specified in section B below with respect to Design Alternative 2 and Route Alternative 2 described in the Basic Assessment Report ("BAR") dated 7 March 2013.

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.

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A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Municipal Manager
Cape Winelands District Municipality
PO Box 100
STELLENBOSCH
7599

Tel: (021) 888 5281

Fax: (021) 882 9931

The abovementioned applicant is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LIST OF ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010–

Activity Number 11:

The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;
- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity Number 18:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater-

but excluding where such infilling, depositing, dredging, excavation, removal or moving

- (i) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (ii) occurs behind the development setback line.

Government Notice No. R546 of 18 June 2010–

Activity Number 16:

The construction of:

- (i) jetties exceeding 10 square metres in size;
- (ii) slipways exceeding 10 square metres in size;
- (iii) buildings with a footprint exceeding 10 square metres in size; or
- (iv) infrastructure covering 10 square metres or more;

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

— Geographical areas in the Western Cape province to which this activity applies, include:

- (e) i. In an estuary;
- ii. Outside urban areas, in:
 - (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
 - (bb) National Protected Area Expansion Strategy Focus areas;
 - (cc) World Heritage Sites;
 - (dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;
 - (ee) Sites or areas identified in terms of an International Convention;
 - (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
 - (gg) Core areas in biosphere reserves;
 - (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;
 - (ii) Areas seawards of the development setback line or within 1 kilometre from the high-water mark of the sea if no such development setback line is determined.
- iii. Inside urban areas:
 - (aa) Areas zoned for use as public open space;
 - (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;
 - (cc) Areas seawards of the development setback line or within 100 metres of the high water mark where no setback line.

The abovementioned list is hereinafter referred to as, "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The construction of a new ±6 km gravity sewer pipeline to transport sewerage from an existing housing community on Erf No. 1006/1 (Meerlust) and various neighbouring farms to the Pearl Valley Wastewater Treatment Works. The sewer route starts at the Farm Meerlust before running in a northerly direction along the property's western boundary. After crossing the south western corner of the Farm Riversmead, the sewer enters the Farm Bien Bonne before turning westwards and entering the Farm Langerust followed by Farm Nieuwe Sion, where it traverses a watercourse before continuing onto Farm Watervliet 2, Farm Watervliet 3 and Berg River Farms. On Berg River Farms, the sewer crosses the Berg River and enters a pump station from where the sewerage will be pumped via a rising main to join with the

existing sewer on Farm Kliprug from where sewerage will be pumped to the Pearl Valley Wastewater Treatment Works. The sewer pipeline will comprise of gravity sewer mains and one sewer pump station, of approximately 36m², with two submersible pumps capable of delivering 50l/s each.

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place along a route traversing a section of Erf No. 1006/1, Meerlust and various neighbouring farms northwards to Pearl Valley, Stellenbosch.

Co-ordinates: Start:	33°	51'	34.024"South
	18°	58'	49.818" East
Middle:	33°	51'	22.267"South
	18°	58'	25.420" East
End:	33°	49'	08.538"South
	18°	58'	01.538" East

hereinafter referred to as "the site".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Gibb (Pty) Ltd
 % Jaana-Maria Ball
 PO Box 3965
 CAPE TOWN
 8000

Tel: (021) 469 9000
 Fax: (021) 424 5571

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activity within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activity, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation may be suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with regulation 10(2)–

- 3.1 notify all registered Interested and Affected Parties ("I&AP's") of –
 - 3.1.1 the outcome of the application;
 - 3.1.2 the reasons for the decision as included in Annexure 1;
 - 3.1.3 the date of the decision; and
 - 3.1.4 the date of issue of the decision;
- 3.2 draw the attention of all registered I&AP's to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below; and
- 3.3 draw the attention of all registered I&AP's to the manner in which they may access the decision.
- 3.4 publish a notice in the newspapers contemplated in regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 3.4.1 informs all interested and affected parties of the decision;
 - 3.4.2 informs all interested and affected parties where the decision can be accessed; and
 - 3.4.3 informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations;
4. Seven calendar days notice, in writing, must be given to the competent authority before commencement of construction activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2 and 3.
5. The holder is 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.
6. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary 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.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application must be amended to include the correct layout plan for Route Alternative 2 as indicated in Annexure B of the BAR. Construction may not commence before the revised EMP must be resubmitted to this Department.

9. A copy of the environmental authorisation and the EMP 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 EMP 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 EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. Where any of the holder of the authorisation's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the holder of the authorisation.
11. The applicant 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. Further, the rights granted by this environmental authorisation are personal rights (i.e. not attached to a property, but granted to a natural or juristic person). As such, only the holder may undertake the activity authorised by the competent authority. Permission to transfer the rights and obligations contained herein must be applied for in the following manner:
 - 11.1. The applicant must submit an originally signed and dated application for amendment of the environmental authorisation to the competent authority stating that he/she wishes the rights and obligations contained herein to be transferred, and including (a) confirmation that the environmental authorisation is still in force (i.e. that the validity period has not yet expired or the activity was lawfully commenced with); (b) the contact details of the person who will be the new holder; (c) the reasons for the transfer; (d) an originally signed letter from the proposed new holder acknowledging the rights and obligations contained in the environmental authorisation and indicating that he/she has the ability to implement the mitigation and management measures and to comply with the stipulated conditions.
 - 11.2. The competent authority will issue an amendment to the new holder either by way of a new environmental authorisation or an addendum to the existing environmental authorisation if the transfer is found to be appropriate.
12. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
13. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activity.
14. The applicable requirements with respect to relevant legislation pertaining to occupational health and safety must be adhered to.
15. 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. 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; shipwrecks; 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.

16. Departmental officials shall be given access to the property referred to in C above for the purpose of assessing and/or monitoring compliance with the conditions contained in this environmental authorisation, at all reasonable times.
17. The activities which are authorised may only be carried out along the proposed route as indicated above.
18. Notwithstanding this authorisation, the holder of the authorisation must still comply with any other statutory requirements that may be applicable to the undertaking of the activities.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010.

1. An appellant must –
 - 1.1. submit a Notice of Intention to Appeal to the Minister, within 20 (twenty) calendar days of the date of the decision,
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the Notice of Intention to Appeal, and
 - 1.3. within 10 (ten) calendar days of having lodged the Notice of Intention to Appeal, provide each person and Organ of State registered as an I&AP's in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the Notice of Intention to Appeal form, and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, Organ of State, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, Organ of State or applicant who submits a responding or answering statement in terms of regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, Organ of State or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, Organ of State or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All Notice of Intention to Appeal and appeal forms must be submitted by means of one of the following methods:

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 J. de Villiers
Room 305 A
3rd Floor Leeusig Building (Entrance at: Utilitas Building, 1 Dorp Street,
Cape Town, 8001)

5. A prescribed Notice of Intention to Appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mail Jaap.deVilliers@westerncape.gov.za or URL http://www.westerncape.gov.za/eng/your_gov/406/services/11537/10199.

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. HENRI FORTUIN
DIRECTOR: LAND MANAGEMENT (REGION 1)
DATE OF DECISION: 20-5-2013

Copied to: (1) JM Ball/T Faber (Arcus Gibb (Pty) Ltd)

Fax: (021) 424 5571

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EIA REFERENCE NUMBER: 16/3//1/B4/45/1044/12
NEAS EIA REFERENCE NUMBER: WCP/EIA/0000918/2012

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form dated 7 May 2012 and received by the competent authority on 9 May 2012, the Basic Assessment Report ("BAR") received by the competent authority on 8 March 2013, and the EMP submitted together with the BAR,
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives (dated October 2011),
- 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&AP's and the responses provided thereon, as included in the BAR dated 7 March 2013.

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

All information presented to the competent authority was taken into account in the consideration of the application for environmental authorisation. A summary of the issues which, according to the competent authority, were the most significant reasons for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") included the following:

- An advertisement was placed in the "Paarl Post" newspaper on 24 May 2012.
- Notices were placed at specific locations along the proposed route on 24 May 2012.
- Background Information Documents were distributed to all the owners and occupiers of land adjacent to the site and within 100m of the boundary of the site, the ward councilor, local municipality and relevant Organs of State on 24 May 2012.
- The draft BAR was made available on 20 June 2012 and 4 December 2012.
- The final BAR was sent to the registered I&AP's on 14 February 2013.

The following authorities commented and had no objections:

- Heritage Western Cape,
- CapeNature,
- Department of Water Affairs, and
- Department of Health.

All the concerns raised by I&AP's were responded to and adequately addressed during the PPP. Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address the concerns raised.

2. Alternatives

Activity Alternative 1

Septic tanks & package plant

The on-site treatment of sewage by utilising septic tanks/package plants for the Meerlust community was considered but not preferred for the following reasons:

- Septic tanks have an overflow which normally feeds into a French drain. The Department of Water Affairs ("DWA") is not in favour of French drains due to the potential pollution of groundwater sources.
- The maintenance of the package plants is typically problematic after a period of time, as is the handling of the sludge produced during the treatment process, and thus the DWA is not in favour of a package plant when a formal facility is nearby.

Activity Alternative 2 (Herewith authorised)

This entails the off-site treatment of sewage by means of a sewer line to Pearl Valley Wastewater Treatment Works. Taking into consideration the issues related to the proposed on-site treatment of sewage as detailed in Activity Alternative 1, above, this alternative was considered to be most preferred.

Design Alternatives

Design Alternative 1

Pump line sewer

This alternative entails the construction of a pump line sewer of which the route would not be restricted by the topography of the area. The farms located along the route and the Simondium housing development would not be able to connect to a pump. The use of a pump line was therefore not preferred.

Design Alternative 2 (Herewith Authorised)

Gravity line sewer

This alternative entails the construction of a gravity line sewer which would be restricted by the topography of the land. Farms located along the route and the Simondium housing development would be able to connect to a gravity line. This alternative is preferred as it would require routing the sewer mainly along existing farm roads, pastures and the edges of vineyards, thus ensuring minimised impacts.

Route Alternatives

Route Alternative 1

The proposed sewer route begins at the centre of the Farm Meerlust before running in a northerly direction along the property's western boundary. After crossing the south western corner of Farm Riversmead, the sewer enters the Farm Bien Bonne before turning westwards and entering the Farm Langerust followed by the Farm Nieuwe Sion, Farm Watervliet 2, Farm Watervliet 3 and Berg River Farms. On Berg River Farms, the sewer crosses the Berg River and enters a pump station from where the sewerage will be pumped via a rising main to join with the existing sewer on Farm Kliprug, which will take the sewerage to the Pearl Valley Wastewater Treatment Works.

Route Alternative 2 (Herewith Authorised)

This route alternative follows the majority of the route proposed for Route Alternative 1. However, it deviates from Route Alternative 1 on Farm Langerust and Farm Nieuwe Sion, where a small watercourse is crossed. This alternative was preferred, as it addresses concerns raised by the affected landowners by limiting possible impacts on existing services, orchards and farmlands.

"No-Go" Alternative

This alternative was not preferred because it will not improve the existing sewerage capacity problem, cater for the basic needs of the area or provide additional job opportunities.

3. Impact Assessment and Mitigation measures

3.1. Activity Need and Desirability

The Drakenstein Local Municipality identified sanitation as one of the indicators for measuring a person's quality of life. The sewage generated by the existing community on Erf No. 1006/1 is currently stored in a conservancy tank and collected by the Stellenbosch Municipality on a weekly basis. This is an expensive operation and is associated with a sewage overflow risk, should a collection be missed. It therefore represents an environmental and health risk to community members. The removal/disposal of the sewage from the site therefore needs to be upgraded and improved. Nearby farms would also be able to feed into the proposed sewer for an annual fee, therefore improving the current sanitation in the area.

3.2 Biophysical Impacts

The land surrounding the proposed route is primarily agricultural land comprising of vineyards, orchards and naturally vegetated areas. The watercourses to be traversed have been significantly modified by peri-urban activities, which consist of industrial sites and farming. The pipeline also traverses the alluvial plain of the middle reaches of the Berg River. The riparian zone is mostly to entirely transformed and the extensive alluvial plains are transformed due to agricultural activities. However, remnants of natural vegetation (Swartland Alluvium Fynbos) are still to be found at Meerlust Erf No. 1006/1 and are considered irreplaceable. The approved route will not impact on any sensitive vegetation as it is restricted to an already disturbed road.

3.3 Socio-Economic Impacts

The proposed development will create employment opportunities during the construction phase and will therefore help to improve the current sanitation in the area.

In summary, the development will therefore result in both positive and negative impacts.

Positive impacts:

The proposed development will provide job opportunities during the construction phase.

Negative impacts:

The proposed development will result in noise and dust impacts on nearby residents during the construction phase. The significance of the impact will however be mitigated satisfactorily.

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

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 activities can be mitigated to acceptable levels, provided that the following is observed:

- Adherence to the NEMA principles,
- Compliance with the conditions stipulated in this environmental authorisation, and
- Compliance with the mitigation measures in the EMP.

-END-