



**EIA REFERENCE NUMBER:** 16/3/3/1/D2/45/0020/23  
**NEAS REFERENCE NUMBER:** WCP/EIA/0001330/2023  
**DATE OF ISSUE:** 26 JANUARY 2024

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED DEVELOPMENT OF TWO NEW 14.5M<sup>3</sup> RESERVOIRS, TWO WATER PRESSURE TOWERS, TWO 600MM DIAMETER PIPELINES AND A PUMP STATION 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 in respect of **the preferred alternative**, described in the Final Basic Assessment Report ("FBAR") (Ref: GEO723/08), dated 1 November 2023, as prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Ms. Louise-Mari van Zyl (EAPASA No: 2019/1444), and assisted by Mr. Francois Byleveld (Candidate EAP, EAPASA No: 2023/6770), of Cape EAPrac (Pty) Ltd.

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  
GEORGE MUNICIPALITY  
% The Director: Civil Engineering Services  
PO Box 19  
GEORGE  
6530

**Attention:** Mr. Jannie Koegelenberg  
E-mail: [jkoegelenberg@george.gov.za](mailto:jkoegelenberg@george.gov.za)

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

**B. LIST OF ACTIVITY/IES AUTHORISED**

Listed Activities	Activity/Project Description
<p><b>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)</b></p>	
<p>Activity Number: <b>9</b>                      Activity Description:</p> <p>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</p> <ul style="list-style-type: none"> <li>(i) with an internal diameter of 0,36 metres or more; or</li> <li>(ii) with a peak throughput of 120 litres per second or more;</li> </ul> <p>excluding where—</p> <ul style="list-style-type: none"> <li>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</li> <li>(b) where such development will occur within an urban area.</li> </ul>	<p>The proposed associated infrastructure includes the development of interconnecting pipelines with a combined length of ca. 1300m and diameters ranging between 300mm and 600mm.</p>
<p>Activity Number: <b>12</b>                      Activity Description:</p> <p>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;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> </ul>	<p>The proposed reservoirs, water tower and associated infrastructure will have a physical footprint of ca. 16 000m<sup>2</sup> (1.6ha) and will be located within 32 of the edge of a watercourse.</p>

<p>(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;</p> <p>(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;</p> <p>(dd) where such development occurs within an urban area;</p> <p>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</p> <p>(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.</p>	
<p>Activity Number: <b>27</b> Activity Description:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <ul style="list-style-type: none"> <li>(i) the undertaking of a linear activity; or</li> <li>(ii) maintenance purposes undertaken in accordance with a maintenance management plan.</li> </ul>	<p>The development of the proposed reservoirs and associated structures and infrastructure will require the clearance of more than 1ha of indigenous vegetation as defined in the EIA Regulations, 2014.</p>
<p><b>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014 (as amended)</b></p>	
<p>Activity Number: <b>2</b> Activity Description:</p> <p>The development of reservoirs, excluding dams, with a capacity of more than 250 cubic metres.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> <li>i. A protected area identified in terms of NEMPAA, excluding conservancies;</li> <li>ii. In areas containing indigenous vegetation; or</li> <li>iii. Inside urban areas: <ul style="list-style-type: none"> <li>(aa) Areas zoned for use as public open space; or</li> <li>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.</li> </ul> </li> </ul>	<p>The proposal entails the development of two (2) 14 500m<sup>3</sup> reservoirs and one 3 000m<sup>3</sup> water tower in an area containing indigenous vegetation as defined in the EIA Regulations, 2014.</p>

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 prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.*

*The proposal will require the clearance of ca. 16 000m<sup>2</sup> of indigenous vegetation as defined in the EIA Regulations, 2014 (as amended). The ecosystem on the proposed site has been mapped as Garden Route Granite Fynbos which has a gazetted conservation status of Critically Endangered.*

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:

The proposal entails the development of two new 14.5Mℓ reservoirs, two water pressure towers, a pumpstation and associated pipelines on a Portion of the Remainder of Erf 325 in Pacaltsdorp, in order to accommodate and improve bulk water supply of future developments in Pacaltsdorp, George.

The proposal will be implemented in two phases which will each comprise the development of the following:

- Phase 1: Short to Medium term design horizon (10-15 years):
  - One (1) 14.5Mℓ water reservoirs;
  - One (1) 1.25Mℓ water pressure tower (max height 35m);
  - Pumpstation for Phase 1;

- Interconnecting pipelines with existing municipal water reservoir infrastructure;
  - Access roads to the development site;
  - Boundary fence; and
  - Stormwater infrastructure.
- Phase 2: Long term design horizon (up to 50 years):
    - One (1) x 14.5Mℓ water reservoir;
    - One (1) x 1.75Mℓ water pressure tower (max height 35m);
    - Pumpstation phase 2; and
    - Interconnecting pipelines with existing municipal water reservoir infrastructure.

The proposed development will be implemented in accordance with the Site Layout Plan (Project No: MD3229; Drawing No: MD3229-RHD-SL-SI-DR-CV-0003; Rev: P01) drafted by Royal Haskoning DHV. Please refer to Annexure 2 of this environmental authorisation.

### C. SITE DESCRIPTION AND LOCATION

The proposed two 14.5Mℓ reservoirs and associated structures and infrastructure will be located on A portion of the Remainder of Erf 325 in Pacaltsdorp, George. The proposed site is directly adjacent (south) of the Pacaltsdorp sports grounds.

Coordinates of the proposed site and Surveyor General digit code for the Remainder of Erf 325:

Latitude (S)			Longitude (E)			Surveyor General 21-digit Code
34°	00'	49.53"	22°	26'	45.45"	C02700070000032500000

Refer to Annexure 1 for the Locality Plan of this Environmental Authorisation.

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Ms. Louise-Mari van Zyl (EAP)  
 EAPASA No: 2019/1444  
 E-mail: [louise@cape-eaprac.co.za](mailto:louise@cape-eaprac.co.za)  
 Assisted by: Mr. Francois Byleveld (Candidate EAP)  
 EAPASA No: 2023/6770

Cape EAPrac (Pty) Ltd.  
 PO Box 2070  
 GEORGE  
 6530

Tel: 044 874 0365  
 Web: <https://www.cape-eaprac.co.za/>

## E. CONDITIONS OF AUTHORISATION

### **Scope and Validity Period of authorisation**

1. This Environmental Authorisation is granted for the period from date of issue until **28 February 2034** (validity period), during which period the Holder must ensure that the—
  - (a) physical implementation of the authorised listed activities is started with and concluded by 28 February 2034;
  - (b) construction monitoring and reporting requirements are undertaken and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
  - (c) post construction rehabilitation and monitoring requirements is undertaken and completed; and
  - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

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 respect of the preferred alternative described in the FBAR, dated 1 November 2023, on the site as described in Section C above.

This Environmental Authorisation is for the implementation of **the preferred alternative** which entails:

The development of two (2) new 14.5Mℓ reservoirs, two water pressure towers, a pumpstation and associated pipelines on a Portion of the Remainder of Erf 325 in Pacaltsdorp, in order to accommodate and improve bulk water supply of future developments in Pacaltsdorp, George.

The proposed will be implemented in two phases which will entail the development of the following:

- Phase 1: Short to Medium term design horizon:
  - One x 14.5Mℓ water reservoirs;
  - One x 1.25Mℓ water pressure tower (max height 35m);
  - Pumpstation phase 1;
  - Interconnecting pipelines with existing municipal water reservoir infrastructure;
  - Access roads to the development site;
  - Boundary fence; and
  - Stormwater infrastructure.
- Phase 2: Long term design horizon:
  - One x 14.5Mℓ water reservoirs;
  - One x 1.75Mℓ water pressure tower (max height 35m);
  - Pumpstation phase 2; and
  - Interconnecting pipelines with existing municipal water reservoir infrastructure.

The proposed development will be implemented in accordance with the Site Layout Plan (Project No: MD3229; Drawing No: MD3229-RHD-SL-SI-DR-CV-0003; Rev: P01) drafted by Royal Haskoning DHV. Please refer to Annexure 2 of this environmental authorisation.

3. This Environmental Authorisation may only be implemented in accordance with the approved Environmental Management Programme ("EMPr").
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.

#### **Notification and administration of appeal**

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.
  - 6.2. 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;
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. provide the registered I&APs with the:
    - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
    - 6.4.2. name of the responsible person for this Environmental Authorisation,
    - 6.4.3. postal address of the Holder,
    - 6.4.4. telephonic and fax details of the Holder,
    - 6.4.5. e-mail address, if any, of the Holder,
    - 6.4.6. 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).
  - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.
  - 6.6. 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**

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.
  - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 7.2. The notice must also include proof of compliance with the following conditions described herein:

**Condition no.: 6 and 11**



8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

### **Management of activity/activities**

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith **approved**.
10. The approved EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

11. The Holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
12. The ECO must–
  - 12.1. be appointed prior to commencement of any works (*i.e.*, removal and movement of soil and / or rubble or construction activities commencing;
  - 12.2. ensure compliance with the EMPr and the conditions contained herein;
  - 12.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
  - 12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
13. 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.
14. 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.

### **Environmental Auditing**

15. 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.
16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
  - 16.1. During the period which the development activities have been authorised on the site, the Holder must ensure that environmental auditing is undertaken, and the Environmental Audit Report(s) are submitted to the Competent Authority at intervals not exceeding 5 years, as reckoned from the date of issue of the environmental authorisation.

In addition to the above, the following audits must be conducted:



16.2. An environmental audit must be undertaken, and the Environmental Audit Report submitted to the Competent Authority, within three (3) months of completion of the non-operational activities (construction activities) for Phase 1; and

16.3. A final Environmental Audit Report for the non-operational component (construction phase) must be submitted to the Competent Authority at least three (3) months prior to the validity period of the Environmental Authorisation lapsing; **or** within three (3) months of completion of the construction activities for Phase 2, whichever date will occur first.

**Note:** Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements.

17. The Environmental Audit Report, must –

17.1. 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;

17.2. provide verifiable findings, in a structured and systematic manner, on–

17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

17.2.2. 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.

17.3. identify and assess any new impacts and risks as a result of undertaking the activity;

17.4. evaluate the effectiveness of the EMPr;

17.5. identify shortcomings in the EMPr;

17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

17.7. 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;

17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;

17.9. include a photographic record of the site applicable to the audit; and

17.10. be informed by the ECO reports.

18. 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**

19. The physical alteration of land on the Remainder of Erf 325 in Pacaltsdorp, George, must be restricted to the “development footprint”, depicted as the “new fence” on the site development plans (“SDP”) (Project No: MD3229; Drawing No: MD3229-RHD-SL-SI-DR-CV-0003; Rev: P01) in Annexure 2 attached to this Environmental Authorisation.

Further to the above:

- 19.1. Prior to the commencement of the physical implementation of any activities, the development footprint within the site must be clearly demarcated, preferably fenced-off;
  - 19.2. No vegetation or land may be disturbed outside the perimeter of the site, unless such activities are authorised by the competent authority;
  - 19.3. A 21m buffer area must be established and maintained around the identified wetlands; and
  - 19.4. The 21m buffer area must be regarded as a no-development and no-go area, except for the slight encroachment of the proposed perimeter fence as depicted on the site development plan attached as Annexure 2, and clearance of vegetation inside the fenced area.
20. 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.

## **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 activity.

### ***Amendment of Environmental Authorisation and EMPr***

2. If the Holder does not start with the listed activities and exceed the thresholds of the listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for those activities, 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.
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 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 subject to compliance with all the peremptory conditions (6 and 10). Failure to comply with all the peremptory 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.
8. 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.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

### **G. 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;
  - 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; 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](mailto:Zaahir.Toefy@westerncape.gov.za); [Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za); and copied to [DEADPEIAAdmin.George@westerncape.gov.za](mailto: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, any registered I&AP, any Organ of State with interest in the matter and the decision-maker *i.e.*, the Competent Authority that issued the decision.
    - 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](mailto:Zaahir.Toefy@westerncape.gov.za); [Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za); and copied to [DEADPEIAAdmin.George@westerncape.gov.za](mailto: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  
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 [DEADP.Appeals@westerncape.gov.za](mailto: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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <https://www.westerncape.gov.za/eadp/resource-library/forms>.

**H. DISCLAIMER**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

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**DIRECTOR: DEVELOPMENT MANAGEMENT  
WESTERN CAPE GOVERNMENT: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 26 JANUARY 2024**

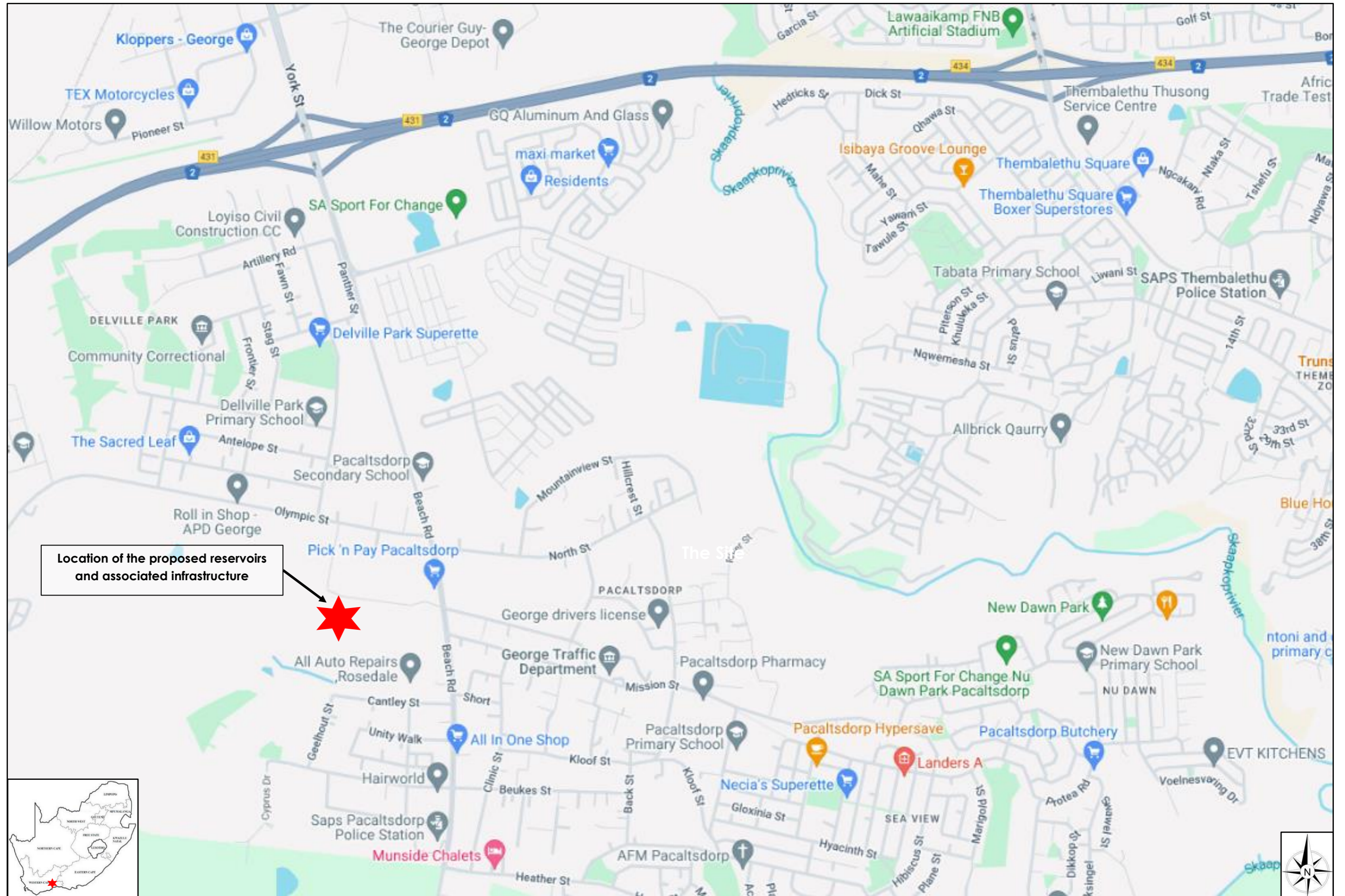
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**EIA REFERENCE NUMBER:** 16/3/3/1/D2/45/0020/23

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ANNEXURE 1: LOCALITY MAP



Location of the proposed reservoirs and associated infrastructure





**ANNEXURE 2: SITE LAYOUT PLAN (PROJECT NO: MD3229; DRAWING NO: MD3229-RHD-SL-SI-DR-CV-0003; REV: P01) DRAFTED BY ROYAL HASKONING DHV**



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Tel: (044) 802 0600 Fax: (044) 802 0660 Web: www.rhdhv.co.za

PROJECT

**PACALTSDORP WEST  
14.5 ML RESERVOIR**

DRAWING DESCRIPTION

**SITE LAYOUT PLAN**

BUILDING DESCRIPTION

**14.5ML RESERVOIR**

**TENDER DRAWING**

DESIGNED	SIGNATURE AND DATE
S. MUJINGA	
DRAWN	SIGNATURE AND DATE
L. MULLER	
DRAWING CHECKED	SIGNATURE AND DATE
S. MUJINGA	
DESIGN CHECKED	SIGNATURE AND DATE
K. TURNER	
APPROVED BY	SIGNATURE AND DATE
J. VAN EEDEN	

NO.	DATE	REVISION DESCRIPTION	DRAWN BY	CHECKED BY
P01	07/2023	ISSUED FOR TENDER	TM	SM

PROJECT No. **MD3229** CONTRACT No. **#####**

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SHEET 01 OF 01	CIVIL	A1	1 : 1000

DRAWING No. **MD3229 - RHD - SL - SI - DR - CV - 0003** REV. **P01**



## 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 30 August 2023, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 1 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 submitted on 1 November 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.
- g) A site visit was undertaken on 21 December 2023 by Messrs. Francois Naudé and Steve Kleinhans from the Directorate: Development Management (Region 3); and on 29 December 2023 by the decision-maker, Mr. Zaahir Toefy.

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. Other relevant legislative considerations

The listed activities not authorised in this Environmental Authorisation are:

● Listing Notice 3 (GN No. R985 of 4 December 2014, as amended) Activity 4:  
Reason – Application has been made for the widening of existing tracks to 4.5m. In this regard the existing tracks are wider than 3m and have been in existence since the year 2000. Therefore, the widening of the existing tracks does not trigger the relevant listed activity since tracks are existing and will also not be widened by four meters or more.

● *National Water Act, 1998 (Act No. 36 of 1998)*  
The development of the proposed water reservoirs and associated infrastructure requires authorisation for water use activities Section 21(c) and (i) of the National Water Act, 1998 (Act 36 of 1998) ("NWA"). In this regard the National Environmental Management Laws Amendment Act, Act 2 of 2022 (NEMLAA), came into effect on 30 June 2023. This Act added sub-section 24C(11) to the National Environmental Management Act, Act 107 of 1998, as amended (NEMA) which requires that "a person who requires an environmental authorisation which also involves an activity that requires a licence or permit in terms of any of the specific environmental management Acts (i.e., NWA), must simultaneously submit those applications to the relevant competent authority or licensing authority, as the case may be, indicating in each application all other licences, authorisations and permits applied for".

Based on the findings of the Aquatic Biodiversity Impact Assessment, the applicant applied for the registration of the water use activities in terms of the General Authorisation to the relevant authority, the Breede-Olifants Catchment Management Agency ("BOCMA") on behalf of the Department of Water and Sanitation ("DWS"). On 19 October 2023 the BOCMA issued correspondence

(Ref: WU31819) in which it confirms that the water uses falls within the ambit of the General Authorisation.

In light of the above, the decision-maker is satisfied that the applicant has adequately complied with requirements of the relevant legislation.

## 2. Public Participation

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 three locations from 1 September 2023 for the period 6 September to 9 October 2023;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative 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 4 September 2023;
- the placing of a newspaper advertisement in the "George Herald" on 31 August 2023; and
- making the Draft Basic Assessment Report available to I&APs for public review and comment from 6 September to 9 October 2023. The report was made available on the EAP's website at [https://www.cape-eaprac.co.za/index.php?option=com\\_content&view=article&layout=view=article&id=570&Itemid=102](https://www.cape-eaprac.co.za/index.php?option=com_content&view=article&layout=view=article&id=570&Itemid=102).

All the comments and issues raised by the respective *Organs of State* and *Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

## 3. Alternatives

The proposal entails the development of two new 14.5Mℓ reservoirs, two water pressure towers, a pumpstation and associated pipelines in order to accommodate and improve bulk water supply of future developments in Pacaltsdorp, George.

The proposed will be implemented in two phases which will entail the development of the following:

- Phase 1: Short to Medium term design horizon:
  - One x 14.5Mℓ water reservoirs;
  - One x 1.25Mℓ water pressure tower (max height 35m);
  - Pumpstation phase 1;
  - Interconnecting pipelines with existing municipal water reservoir infrastructure;
  - Access roads to the development site;
  - Boundary fence; and
  - Stormwater infrastructure.
- Phase 2: Long term design horizon:
  - One x 14.5Mℓ water reservoirs;
  - One x 1.75Mℓ water pressure tower (max height 35m);
  - Pumpstation phase 2; and
  - Interconnecting pipelines with existing municipal water reservoir infrastructure.

### **Position A**

This alternative entails the of the proposal as described above within the boundary of the existing fenced Pacaltsdorp sports grounds on the Remainder of Erf 325 in Pacaltsdorp, George.

This alternative was eliminated from the assessment as the close proximity to the sports fields will limit the future expansion of the proposed reservoirs and associated structures and infrastructure, and it encroaches onto the existing sports facilities on the grounds.

### **Position B – preferred location alternative (“Herewith Approved”)**

This alternative entails the of the proposal as described above on the outside of the south-western corner of the Pacaltsdorp sports grounds.

The proposed development will be implemented in accordance with the Site Layout Plan (Project No: MD3229; Drawing No: MD3229-RHD-SL-SI-DR-CV-0003; Rev: P01) drafted by Royal Haskoning DHV. Please refer to Annexure 2 of this environmental authorisation.

This is the applicant's preferred alternative due to the following:

- it is an isolated portion of land with low development potential;
- it has low accessibility for the public from both Beach Road and Olympic Street;
- will not interfere with the future expansion of Olympic Street, the Pacaltsdorp sport fields or the Pacaltsdorp cemetery;
- it has the potential for future expansion of infrastructure;
- it is the least biodiversity sensitive area; and
- it avoids the wetland habitat present on the site.

### **Position C**

This alternative entails the of the proposal as described above on the outside of the north-western corner of the Pacaltsdorp sports grounds.

This alternative was eliminated from the assessment due to the following:

- it is located within delineated wetland habitat;
- it contains indigenous vegetation representative of Critically Endangered Garden Route Granite Fynbos; and
- it prevents the future expansion / widening of Olympic Street

### **“No-Go” Alternative**

The “No-Go” Alternative is the option of not developing the proposed water reservoirs and associated structures and infrastructure on a Portion of the Remainder of Erf 325 in Pacaltsdorp, George. Therefore, there will be no improvement of the bulk water supply in Pacaltsdorp, and the George Municipality will not be able to accommodate future development within the area of supply of these reservoirs. As potable water supply is an essential service provided by the George Municipality, this alternative is not the applicant's preferred alternative.

## **4. Impact Assessment and Mitigation Measures**

### *4.1 Activity need and desirability*

According to the applicant the recent development of low-cost housing on serviced erven in the Pacaltsdorp area, as well as ongoing densification, has increased the water demand of the area and resulted in a need for more water to be stored to meet the higher demand. According to the

applicant the water storage capacity in the existing Pacaltsdorp West Reservoir is now fully utilised, and therefore further capacity must be provided in the bulk water supply system for the future developments planned for the area.

According to the applicant there are several portions of land under investigation as possible future housing projects (public and private) for a variety of typologies and income levels, in addition to the projects identified for subsidised housing. The bulk of the current / short-medium term delivery will be accommodated on Erf 325 along the western boundary of Pacaltsdorp.

Due to the large existing and identified developments in this part of George, it is required to upgrade the water supply infrastructure to accommodate and service these developments.

#### 4.2 *Aquatic impacts*

A description of the aquatic related issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered. In this regard, the Basic Assessment Report was informed by an Aquatic Biodiversity Impact Assessment.

According to the information from the assessment, there are no mapped flow paths within the footprint of the preferred alternative; however, stormwater from the site will drain to two non-perennial watercourses / wetlands located to the west and east of the site. The watercourses have been classified as Unchanneled Valley-Bottom Wetlands, with no channel present and both located within distinct valley bottoms. Wetland plant species are present in both wetlands; however, human disturbance within the footprint of the preferred alternative has occurred. Soil auger results have also confirmed the presence of a permanently saturated zone in the case of the wetland to the east and temporary and seasonal wetland in the case of the west wetland and the outer areas of the east wetland.

The outcome of the determination of the Present Ecological State ("PES") has determined that both the wetlands have a PES of Category B, Largely Natural as fairly minor modifications have occurred with little change to the hydrology and geomorphology, with the greatest change being the vegetation due the presence of isolated patches of dense alien vegetation.

With due consideration of the above, the assessment has established a 21m buffer from the edge of the wetlands. The preferred alternative avoids the wetland, with only a slight encroachment into the 21m buffer by the proposed boundary fence. According to the assessment this encroachment is not considered a significant impact as the function of the buffer will not be compromised in a significant manner.

In light of the above, the Department is satisfied that the applicant has adequately demonstrated that the proposed will not have significant impacts on the aquatic features subject to the implementation of the proposed mitigation measures and the implementation of the recommendations identified during the process.

#### 4.3 *Terrestrial biodiversity aspects*

Descriptions of the biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

The BAR was informed by a Botanical and Terrestrial Biodiversity Compliance Statement. According to the information the site and relevant GIS data the ecosystem has been mapped as Garden Route Granite Fynbos, which according to the Revised National List of Ecosystems that are threatened and

in need of protection (Government Notice No. 2747 of 18 November 2022) has a conservation status of Critically Endangered. Furthermore, according to the Western Cape Biodiversity Spatial Plan (2017), the area where the preferred alternative is located is mapped and a degraded Critical Biodiversity Area.

Historic aerial imagery suggests that the site where the preferred alternative is proposed, has been historically disturbed, *inter alia*, by farming activities. According to the findings of the assessment large portions of the site for the preferred alternative are covered with alien vegetation, and also contains dumped soil, rubble and refuse. The past disturbance and the establishment of alien vegetation has resulted in a loss of the historically occurring fynbos at the site.

Based on the findings of the assessment, it has been concluded that the Site Ecological Importance ("SEI") has been determined as Low. This indicates that medium to high impact activities are acceptable but must be followed by appropriate restoration activities.

A Terrestrial Animal Species Compliance Statement was also compiled to inform the assessment. In this regard the statement indicates that a total of 19 animal species were observed but notable observations included an Olive bush-shrike and Cape longclaw present in the vicinity of the site. However, the lack of suitable habitat and high levels of human disturbance make it unlikely that any Species of Conservation Concern may inhabit the study site, although the wetland vegetation in proximity the Position C (identified but not assessed) may be more suitable to *Afrivalus knysnae* (Knysna leaf-folding frog). The assessment does not rule out that the species may occur there; however, it is unlikely that the preferred alternative will impact on the species as the alternative avoids the wetland habitat.

With due consideration of the above, this Department is of the considered opinion that the applicant has adequately addressed the biodiversity related aspects and that the proposed development will not have a significant impact on the terrestrial biodiversity.

#### 4.4 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed development of the water reservoir and associated structures and infrastructure. This was confirmed in the response to the Notice of Intent to Develop (Case No: HWC23070701KB0707) issued by Heritage Western Cape, dated 27 July 2023. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

#### 4.5 Other impacts

No other significant visual dust, noise and odour impacts have been identified.

### 5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. Consideration has been given to the applicant's request for a validity period until 2050. However, with due consideration of the proposed timeframe for the conclusion of phase 2 by 2050 (ca. 26 years), the applicant was consulted and issues pertaining to the uncertainty of funding; physical implementation of the project up to 26 years from the date of issue; as well as uncertainty of the regulatory framework which may apply at the time, the requested period has not been supported. Furthermore, the current regulatory framework allows for an extension of five years to be applied for where the activities have been commenced with.

In light of the above, the environmental authorisation's validity period has been granted for a period of ca. ten (10) years from 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 report for the construction phase. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

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. Should this be applied for and granted, the Environmental Authorisation will have a 15-year timeline.

## 6. 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.

## 7. Conclusion

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, except for the activity that has been refused, 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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