



**EIA REFERENCE:** 16/3/3/1/E2/15/1002/23  
**NEAS REFERENCE:** WCP/EIA/0001211/2023  
**DATE OF ISSUE:** 06 July 2023

The Municipal Manager  
Overstrand Municipality  
P. O. Box 20  
**HERMANUS**  
7200

**Attention: Mr. H. Blignaut**

Tel.: (028 ) 313 5047

E-mail: [hblignaut@overstrand.gov.za](mailto:hblignaut@overstrand.gov.za)

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE PROPOSED EXPANSION OF THE HEMEL AND AARDE WELLFIELD ON PORTION 3 OF FARM NO. 585 AND PORTION 1 AND THE REMAINDER OF FARM NO. 586, HERMANUS.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant the Environmental Authorisation** ("EA") together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**

Copies to: (1). Ms. P. Aplon (Overstrand Municipality)  
(2). Mr. P Lee (Umvoto Africa (Pty) Ltd.)  
(3). Mr. A. Schell (The Volmoed Trust)  
(4). Mr W. Van den Heuval (Bouchard Finlayson Wine Estate)  
(5). Ms. G. Bluff (Umvoto Africa (Pty) Ltd.)

Email: [paplon@overstrand.gov.za](mailto:paplon@overstrand.gov.za)

Email: [paul@umvoto.com](mailto:paul@umvoto.com)

Email: [manager@volmoed.co.za](mailto:manager@volmoed.co.za)

Email: [wayne@bouchardfinlayson.co.za](mailto:wayne@bouchardfinlayson.co.za)

Email: [gemma.b@umvoto.com](mailto:gemma.b@umvoto.com)

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## 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, (AS AMENDED): THE PROPOSED EXPANSION OF THE HEMEL AND AARDE WELLFIELD ON PORTION 3 OF FARM NO. 585 AND PORTION 1 AND THE REMAINDER OF FARM NO. 586, HERMANUS.**

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 as described in the Basic Assessment Report ("BAR"), received on 24 April 2023.

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  
Overstrand Municipality  
P. O. Box 20  
**HERMANUS**  
7200

Tel.: (028 ) 313 5047  
E-mail: [hblignaut@overstrand.gov.za](mailto:hblignaut@overstrand.gov.za)

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

## B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p><b>EIA Regulations Listing Notice 1 of 2014:</b>  <b>Activity Number: 12</b>  <i>The development of—</i></p> <ul style="list-style-type: none"> <li><i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></li> <li><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></li> </ul> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <li><i>(a) within a watercourse;</i></li> <li><i>(b) in front of a development setback; or</i></li> <li><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></li> </ul> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <li><i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; —</i></li> <li><i>(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;</i></li> <li><i>(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;</i></li> <li><i>(dd) where such development occurs within an urban area;</i></li> <li><i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i></li> <li><i>(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.</i></li> </ul>	<p>The proposed development will have a development footprint of more than 100m<sup>2</sup> within 32m of a watercourse.</p>
<p><b>EIA Regulations Listing Notice 1 of 2014:</b>  <b>Activity Number: 19</b>  <i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <li><i>(a) will occur behind a development setback;</i></li> </ul>	<p>The proposed development will result in the removal/excavation or moving of soil, sand, pebbles or rock of more than 10 cubic metres from a watercourse.</p>

<p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	
<p><b>EIA Regulations Listing Notice 3 of 2014:</b></p> <p><b>Activity Number: 12</b></p> <p><i>The clearance of an area of 300 square metres or more of Indigenous vegetation except where such clearance of Indigenous vegetation is required for maintenance Purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>i. Western Cape</b></p> <p>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p>iv. <i>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</i></p> <p><i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	<p>The proposed development will result in the clearance of 300m<sup>2</sup> of critically endangered vegetation.</p>

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative as it relates to the listed activities:

The proposed development will entail the drilling and development of three new production boreholes (HAV10, T4/5, T4/6), the redrilling/replacement of a production borehole (HAV1 Repl.), the deepening of an existing borehole and its conversion from a monitoring to a production borehole (T4/3), and the drilling of a new monitoring borehole T4/7. The proposed development will result in the clearance of indigenous vegetation and development within, and within 32m of a watercourse. The production boreholes will have wellheads (operational infrastructure such as gauges and electronic devices) installed and will be housed in secure concrete chambers. The boreholes and wellhead chambers will be fenced off for security

purposes and will have connector pipelines (80 – 100mm in diameter with a combined length of approximately 1500m) linking them to the existing bulk water pipeline. The boreholes will be powered by an 11 kVa electrical medium voltage cable that will follow the same route as the pipelines where possible. Existing access is available to boreholes HAV1 Replacement, T4/3, T4/5-7. The existing road of 2.5m wide that leads to borehole HAV10 will be extended by 50m to allow access to the borehole.

### C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 3 of Farm No. 585 and Portion 1 and the Remainder of Farm No. 586, Hermanus.

Co-ordinates for HAV10 New production borehole

Latitude (S)	34°	24'	8.72"
Longitude (E)	19°	12'	28.22"

Co-ordinates for HAV1 Repl. borehole

Latitude (S)	34°	23'	54.67"
Longitude (E)	19°	12'	33.70"

Co-ordinates for T4/3 production borehole

Latitude (S)	34°	22'	34.07"
Longitude (E)	19°	14'	11.83"

Co-ordinates for T4/5 production borehole

Latitude (S)	34°	22'	31.45"
Longitude (E)	19°	14'	46.14"

Co-ordinates for T4/6 production borehole

Latitude (S)	34°	22'	32.74"
Longitude (E)	19°	14'	49.61"

Co-ordinates for T4/7 monitoring borehole

Latitude (S)	34°	22'	23.68"
Longitude (E)	19°	15'	3.94"

Co-ordinates for HAV10 pipeline

Starting point

Latitude (S)	34°	24'	9.70"
Longitude (E)	19°	12'	29.09"

Middle point

Latitude (S)	34°	24'	7.49"
Longitude (E)	19°	12'	34.27"

End point

Latitude (S)	34°	24'	12.93"
Longitude (E)	19°	12'	42.2"

Co-ordinates for T4/3 pipeline

Starting point

Latitude (S)	34°	22'	34.07"
Longitude (E)	19°	14'	11.83"

Middle point

Latitude (S)	34°	22'	35.63"
Longitude (E)	19°	14'	15.81"

End point

Latitude (S)	34°	22'	36.90"
Longitude (E)	19°	14'	19.00"

Co-ordinates for T4/5 pipeline

Starting point

Latitude (S)	34°	22'	31.45"
Longitude (E)	19°	14'	46.14"

Middle point

Latitude (S)	34°	22'	28.16"
Longitude (E)	19°	14'	37.49"

End point

Latitude (S)	34°	22'	28.79"
Longitude (E)	19°	14'	23.12"

Co-ordinates for T4/6 pipeline

Starting point

Latitude (S)	34°	22'	32.74"
Longitude (E)	19°	14'	49.61"

Middle point

Latitude (S)	34°	22'	28.16"
Longitude (E)	19°	14'	37.49"

End point

Latitude (S)	34°	22'	28.79"
Longitude (E)	19°	14'	23.12"

Co-ordinates for HAV10 electrical cable

Starting point

Latitude (S)	34°	24'	8.1"
Longitude (E)	19°	12'	44.8"

Middle point

Latitude (S)	34°	24'	9.2"
Longitude (E)	19°	12'	37.0"

End point

Latitude (S)	34°	24'	9.7"
Longitude (E)	19°	12'	29.1"

Co-ordinates for T4/3 electrical cable

Starting point

Latitude (S)	34°	22'	33.7"
Longitude (E)	19°	14'	11.6"

Middle point

Latitude (S)	34°	22'	33.9"
Longitude (E)	19°	14'	11.6"

End point

Latitude (S)	34°	22'	34.1"
Longitude (E)	19°	14'	11.8"

Co-ordinates for T4/5 electrical cable

Starting point

Latitude (S)	34°	22'	29.3"
Longitude (E)	19°	14'	41.2"

Middle point

Latitude (S)	34°	22'	30.0"
Longitude (E)	19°	14'	43.7"

End point

Latitude (S)	34°	22'	31.4"
Longitude (E)	19°	14'	46.1"

Co-ordinates for T4/6 electrical cable

Starting point

Latitude (S)	34°	22'	31.4"
Longitude (E)	19°	14'	46.1"

Middle point

Latitude (S)	34°	22'	31.6"
Longitude (E)	19°	14'	48.2"

End point

Latitude (S)	34°	22'	32.7"
Longitude (E)	19°	14'	49.6"

The SG digit codes:

3/585 in the Hemel en Aarde Valley, Hermanus (HAV10 New & HAV1 Repl.) - C01300000000058500003

1/586 in the Hemel en Aarde Valley, Hermanus (T4/3) - C01300000000058600001

RE/586 in the Hemel en Aarde Valley, Hermanus (T4/5, T4/6 & T4/7) - C01300000000058600000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Plan

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

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

Mr. Paul Lee  
Umvoto Africa (Pty) Ltd.  
P. O. Box 61  
**MUIZENBERG**  
7200

Cell: 083 520 9303

Email: [paul@umvoto.com](mailto:paul@umvoto.com)

#### **E. CONDITIONS OF AUTHORISATION**

##### **Scope of authorisation**

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the preferred alternative described in the BAR received on 24 April 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority.

This Environmental Authorisation is granted for-

- (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities.
- (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities, must be concluded.



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 alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

#### **Written notice to the Competent Authority**

5. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities.
  - 5.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 5.2. The notice must also include proof of compliance with the following conditions described herein:  
Conditions: 6, 7, 10 and 16.

#### **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 outcome of 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 Appeals Regulations, 2014 detailed in Section F 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:
    - 6.4.1. the name of the holder (entity) of this Environmental Authorisation,
    - 6.4.2. name of the responsible person for this Environmental Authorisation,
    - 6.4.3. postal address of the holder,
    - 6.4.4. telephonic and fax details of the holder,
    - 6.4.5. e-mail address, if any, of the holder,
    - 6.4.6. the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.

7. The listed activities, including site preparation, may not commence within **20 (twenty)** calendar days from the date of issue of this Environmental Authorisation. 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.

### **Management of activity**

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be implemented.
9. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

10. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of the proposed development to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct site visits and submit ECO Reports on a monthly basis to the competent authority.
11. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a 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. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person, that is not the ECO referred to in Condition 10 above and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The Audit Reports must be compiled and subsequently submitted to the Department in the following manner:

- 13.1. The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within 3 (three) months of commencement of construction activities on the site.
- 13.2. A final Environmental Audit Report must be submitted within 3 (three) months of completion of construction activities.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website.

### **Specific Conditions**

14. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include: meteorites, archaeological and/or palaeontological remains (including fossil shells and trace fossils); 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 with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

15. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under directive from the relevant heritage resources authority.
16. The development footprint must be clearly demarcated prior to the commencement of site clearing activities on the site. All areas outside the demarcated area must be regarded as "no-go" areas.

## **F. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse for those activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.
6. It is recommended that the EMPr, as it relates to the operational phase of the development, be implemented.

## G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

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 to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date 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 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.
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 address listed below:

By post:                      Western Cape Ministry of Local Government, Environmental Affairs and  
Development Planning  
Private Bag X9186  
**CAPE TOWN**  
8000

By facsimile:              (021) 483 4174; or

By hand:                      Attention: Mr 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](mailto:DEADP.Appeals@westerncape.gov.za).

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

## H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

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**MR. ZAAHIR TOEFY**

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

**DATE OF DECISION: 06 JULY 2023**

Copies to:(1). Ms. P. Aplon (Overstrand Municipality)  
(2). Mr. P Lee (Umvoto Africa (Pty) Ltd.)  
(3). Mr. A. Schell (The Volmoed Trust)  
(4). Mr W. Van den Heuval (Bouchard Finlayson Wine Estate)  
(5). Ms. G. Bluff (Umvoto Africa (Pty) Ltd.)

Email: [paplon@overstrand.gov.za](mailto:paplon@overstrand.gov.za)

Email: [paul@umvoto.com](mailto:paul@umvoto.com)

Email: [manager@volmoed.co.za](mailto:manager@volmoed.co.za)

Email: [wayne@bouchardfinlayson.co.za](mailto:wayne@bouchardfinlayson.co.za)

Email: [gemma.b@umvoto.com](mailto:gemma.b@umvoto.com)

# ANNEXURE 1: LOCALITY MAP

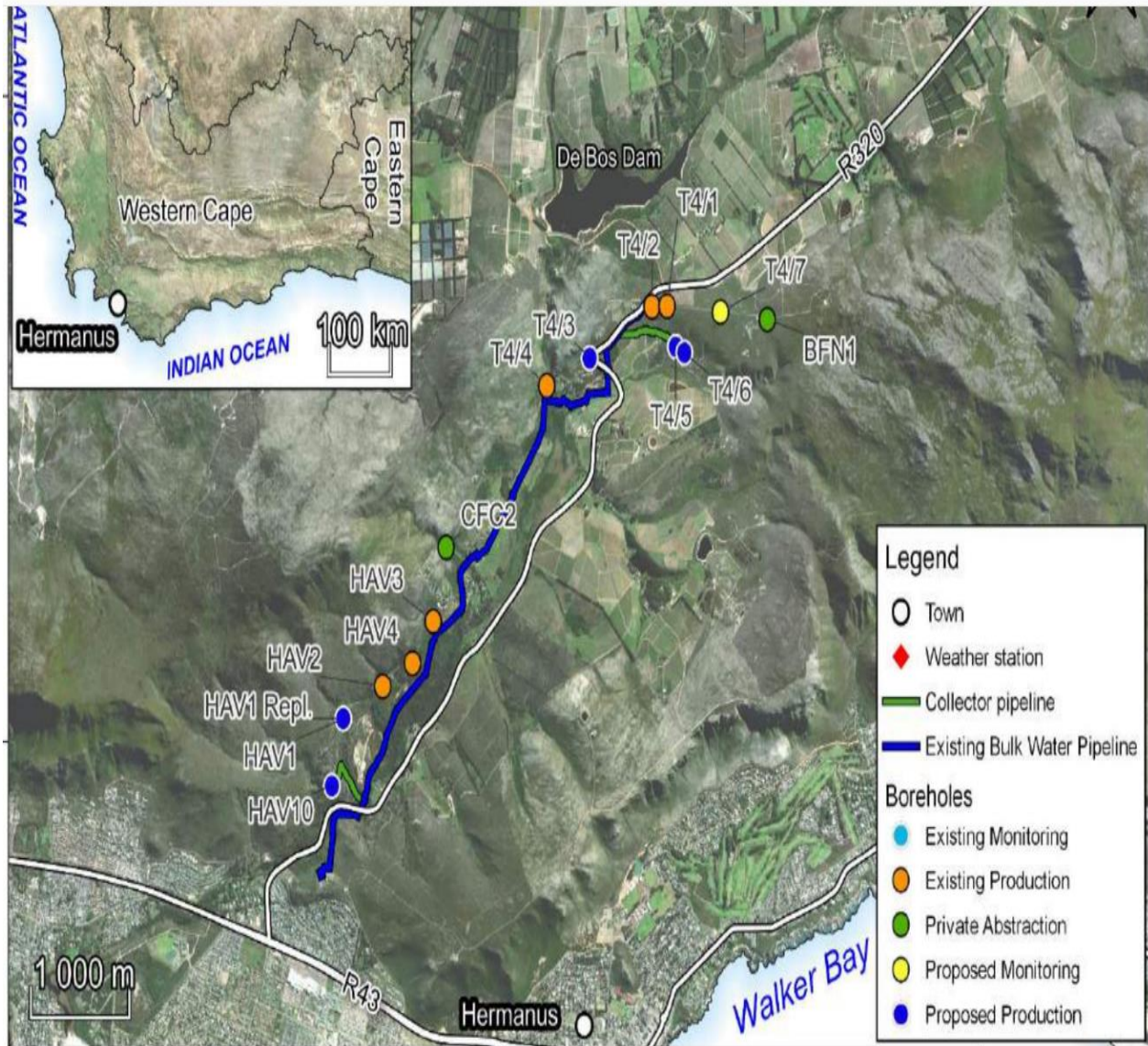


Figure 1: Location of the proposed development.

## ANNEXURE 2: SITE PLAN

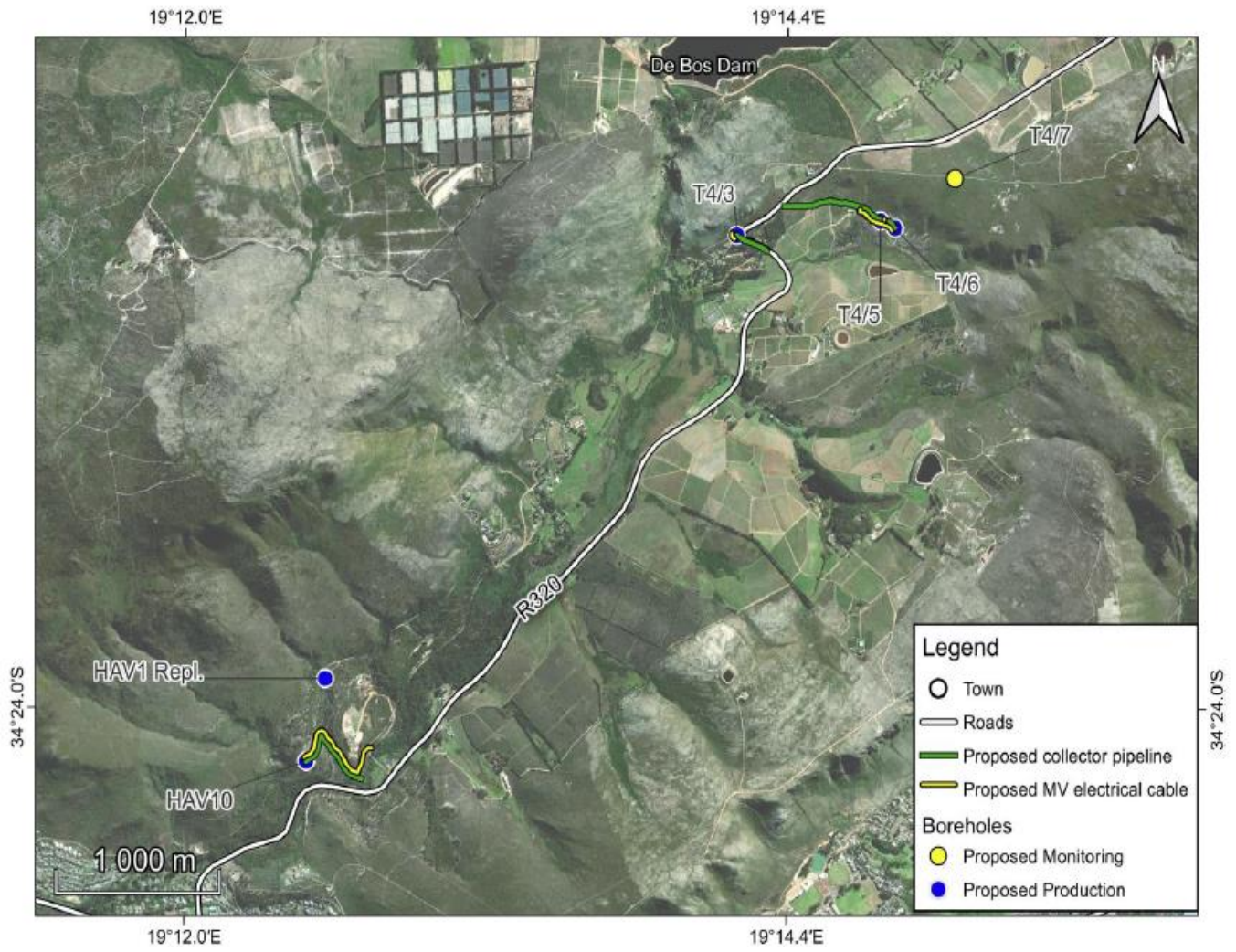


Figure 2: Proposed site plan

## ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received by the Department on 19 January 2023 and the EMPr submitted together with the Basic Assessment Report on 24 April 2023.
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of 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 Basic Assessment Report received on 24 April 2023; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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

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

### 1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- fixing a notice board at the site where the listed activities are to be undertaken on 14 June 2022;
- the placing of a newspaper advertisement in "*Hermanus Times*" on 15 June 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities on 13 June 2022 and 23 January 2023;
- making the pre-application draft BAR available to I&APs for comment from 15 June 2022 to 15 July 2022; and
- making the draft BAR available to I&AP's for comment from 23 January 2023 until 23 February 2023.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and that the comments raised, and responses thereto, were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.



## 2. Alternatives

### Layout Alternative

The initial layout alternative included the drilling of a production borehole HAV11 on property RE15/585 and a monitoring borehole HAV5M on property RE2/585 (both under the ownership of the Camphill Farm and Camphill School). Due to objections from the property owners, these boreholes were removed from the proposed development. Borehole HAV10 and its associated pipeline was also moved from the area identified to be of very high botanical sensitivity.

### Preferred alternative (herewith authorised)

This alternative will entail the drilling and development of three new production boreholes (HAV10, T4/5, T4/6), the redrilling/replacement of a production borehole (HAV1 Repl.), the deepening of an existing borehole and its conversion from a monitoring to a production borehole (T4/3), and the drilling of a new monitoring borehole T4/7. The proposed development will result in the clearance of indigenous vegetation and development within, and within 32m of a watercourse. The production boreholes will have wellheads (operational infrastructure such as gauges and electronic devices) installed and will be housed in secure concrete chambers. The boreholes and wellhead chambers will be fenced off for security purposes and will have connector pipelines (80 – 100mm in diameter with a combined length of approximately 1500m) linking them to the existing bulk water pipeline. The boreholes will be powered by an 11 kVa electrical medium voltage cable that will follow the same route as the pipelines where possible. Existing access is available to boreholes HAV1 Replacement, T4/3, T4/5-7. The existing road of 2.5m wide that leads to borehole HAV10 will be extended by 50m to allow access to the borehole.

### The “No-Go” Alternative

The “No-Go” option of not proceeding with the proposed development is not preferred, as this would not ensure that there would be enough water available to meet both the present and future demand in the Hermanus region.

## 3. Impact Assessment and Mitigation measures

### 3.1. Activity need and desirability

Water shortages are common in the Greater Hermanus area and are exacerbated during the hot, dry summer months, which also happen to be the peak tourist season. The Municipality has identified a need to meet the growing demand for water in the Hermanus area as the demand for water in the area will exceed supply in the near future as a result of future growth and development in the area. The proposed development is required to secure potable water for the Hermanus region.

### 3.2. Biophysical impacts

According to the Biodiversity Assessment Report (dated 14 October 2021, compiled by Nick Helme Botanical Surveys), the vegetation types present on the proposed site are Overberg Sandstone Fynbos and Elim Ferricrete Fynbos. Both vegetation types are classified as Endangered ecosystems in terms of the National Environmental Management: Biodiversity Act, (Act 10 of 2004) (“NEM:BA”) revised list of Threatened Ecosystems in Need of Protection dated 18 November 2022. Eight species of conservation concern were recorded within the area. However, the specialist regards the impacts on these species of conservation to be of low negative significance. Borehole HAV10 and its associated pipeline was

located within the very high sensitivity area. However, the location of the borehole and pipeline were moved outside of this area. The boreholes and associated pipelines will be located within areas that range from low to medium sensitivity from a botanical perspective. The specialist identified the overall botanical impacts to be of very low to medium negative significance, after mitigation. Appropriate mitigation measures have been included in the EMPr.

According to the Freshwater Assessment Report (dated October 2022, compiled by FEN Consulting), the proposed development will be located within, and within 32m of the Onrus River, seasonal streams and wetlands. These watercourses are regarded to be moderately modified. Some of the boreholes were re-located to avoid watercourses, where possible. The specialist regards the impacts on the watercourses as a result of the proposed development to be of low to medium negative significance after mitigation. Appropriate mitigation measures have been included in the EMPr.

A Water Use Licence (WUL) is in place in terms of Section 21(a) of the National Water Act (NWA), reference number (no.) 18/G40H/A/2377 as an existing approval. The licence allows for the abstraction of 1.6 million cubic metres per annum. With regards to the authorised volume of 1.6 million m<sup>3</sup>/a, the WUL states that this needs to be implemented in three phases over 20 years, with Phase 1 up to 0.8 million m<sup>3</sup>/a, and Phase 2 up to 1.2 million m<sup>3</sup>/a, and that monitoring data is required to proceed between each of the stages. The Overstrand Municipality (OM) currently has authority up to Phase 2 and plans to apply to the Breede-Gouritz Catchment Management Agency (BGCMA) to move from the second phase to the third and final phase of 1.6 million m<sup>3</sup>/a in due course, as groundwater monitoring that has been undertaken for the past decade for both the Camphill and Volmoed Wellfields indicates there have been no impacts to the environment, underlying aquifers or existing lawful users.

No change is required to the licenced volume as the new boreholes will not exceed the abstraction limit. The project is designed to optimize the abstraction capacity within the limits of the authorised volume of 1.6 million m<sup>3</sup>/a.

### 3.3. Heritage Resources

Heritage Western Cape confirmed in their comment dated 18 January 2023 that no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required. Additionally, the applicant will comply with Conditions 14 and 15 of this Environmental Authorisation. This will ensure the protection of any heritage resources that may be encountered on the site.

The development will result in both negative and positive impacts.

#### **Negative Impacts:**

- Loss of indigenous vegetation.
- Localized impacts on watercourses.

Mitigation measures to address the negative impacts have been included in the EMPr to be implemented.

#### **Positive impacts:**

- The proposed development will address water shortages in the area and will contribute towards ensuring that current and future water needs are met; and

- The proposed development will provide employment opportunities.

#### **4. National Environmental Management Act Principles**

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

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

#### **5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed 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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