



EIA REFERENCE: 16/3/3/1/E2/15/1002/23
ENQUIRIES: Ndivhuho Mudau
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Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
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Attention: Mr. Marius Venter

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Dear Colleague

RESPONDING STATEMENT: THE APPEAL SUBMITTED IN RESPECT OF THE ENVIRONMENTAL AUTHORISATION ISSUED IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") 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. The Environmental Authorisation issued by the Directorate: Development Management (Region 1) (hereinafter referred to as "this Directorate") on 6 July 2023, and the Appeal Form and supporting documentation as received by this Directorate on 31 July 2023, have reference.

INTRODUCTION

2. In accordance with the provisions of the National Appeal Regulations, 2014 the decision-maker, the Director: Development Management (Region 1), submits the following responding statement to the aforementioned appeal.
3. In response to the matters raised by Cullinan & Associates in the appeal submission against the decision the following matters must be highlighted:
 - 3.1. The decision on the Application, which was subject to Basic Assessment, was the culmination of the process as set out in Regulations 19 and 20 of the Environmental Impact Assessment Regulation, 2014 (as amended).
 - 3.2. With due consideration of the relevant listed activities, the Basic Assessment process was informed by independent specialist reports, which were included in the Basic Assessment Report ("BAR") and made available to potential and registered Interested and Affected parties.

THE APPELLANT'S GROUNDS OF APPEAL AND THIS DIRECTORATE'S RESPONSES THERETO

4. Please find below the responding statements to the Grounds of Appeal as stipulated in the above-mentioned appeal submission.
5. This Directorate's responding statements to the grounds of appeal, as stated by Cullinan & Associates Inc, herewith follows below, **in bold text**.

Ground of Appeal: Security of water supply

The proposed wellfield expansion poses very real risks to Camphill and to their residents and learners who are already disadvantaged and extremely vulnerable.

This Directorate's response:

It must be noted that the Department of Water and Sanitation ("DWS") is the competent authority responsible for the management of water resources. The municipality has obtained a Water Use License from the DWS on 8 December 2013 (valid for 20years, reference number (no.) 18/G40H/A/2377) for the abstraction of 1.6million cubic meters of water per annum in phases. The proposed expansion will not result in the municipality exceeding the authorised abstraction limit, therefore the risk highlighted by the appellant is unjustifiable. Furthermore, the water use license includes conditions pertaining to monitoring of the water resource that must be reported to the water authority that will address the concerns raised by the appellant.

Ground of Appeal: Warranties

The Municipality must commit to provide Camphill with warranties that satisfactorily address the concerns raised in respect of security of water supply on the Camphill properties and that the appeal authority must add conditions to the EA to address this.

This Directorate's response:

A consideration for the EIA process is that the water authority must confirm that the required water is available for the proposed development. Since the municipality has a water use license for the abstraction of 1.6million cubic meters of water per annum and the proposed expansion will not result in the municipality exceeding the authorised abstraction limit, this requirement was met.

6. In conclusion, please note the following:
 - 6.1. This Directorate took all the information contained in the Final Basic Assessment Report ("BAR") and accompanying appendices into account before making the decision.
 - 6.2. The BAR, Environmental Management Programme ("EMPr"), and specialist reports met the minimum legal requirements stipulated in Appendices 1, 4 and 6 of the EIA Regulations, 2014 (as amended), respectively.
 - 6.3. In view of the abovementioned responses to the grounds of appeal, this Directorate recommends that the appeal against the abovementioned Environmental Authorisation should be dismissed.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT - REGION 1

Copies to: (1). Mr. P Lee (Umvoto Africa (Pty) Ltd.)
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