



REFERENCE: 16/3/3/5/E2/15/1018/25

DATE: 09 April 2025

The Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Attention: Mr. Hanré Blignaut

Tel: 082 497 9169

E-mail: hblignaut@overstrand.gov.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 6 JULY 2023 AND THE AMENDMENT OF THE APPEAL ENVIRONMENTAL AUTHORISATION ISSUED ON 3 NOVEMBER 2023: THE EXPANSION OF THE HEMEL EN AARDE WELLFIELD ON PORTION 3 OF FARM NO. 585, A REMAINDER OF FARM NO. 586, HERMANUS.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** the amendment of the Environmental Authorisation ("EA") issued on 6 July 2023 (DEA&DP Ref.: 16/3/3/1/E2/15/1002/23) and the Appeal EA issued on 3 November 2023 (DEA&DP Ref.: 14/3/1/E2/15/0622/23) attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2025, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached amended EA.

Yours faithfully

Zaahir Toefy
Digitally signed by Zaahir
Toefy
Date: 2025.04.09 11:38:21
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MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Cc: Mr. Paul Lee (Umvoto Africa (Pty) Ltd.)

E-mail: paulkommetjie.lee@gmail.com

EIA REFERENCE: 16/3/3/5/E2/15/1018/25
NEAS REFERENCE: WCP/EIA/AMEND/0000925/2025
DATE: 09 April 2025

ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 6 JULY 2023 AND THE AMENDMENT OF THE APPEAL ENVIRONMENTAL AUTHORISATION ISSUED ON 3 NOVEMBER 2023: THE EXPANSION OF THE HEMEL EN AARDE WELLFIELD ON PORTION 3 OF FARM NO. 585, A REMAINDER OF FARM NO. 586, HERMANUS.

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

A. 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 Department herewith **grants** the amendment of the Environmental Authorisation ("EA") issued on 6 July 2023 (DEA&DP Ref.: 16/3/3/1/E2/15/1002/23) and the Appeal EA issued on 3 November 2023 (DEA&DP Ref.: 14/3/1/E2/15/0622/23) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

1. SECTION B: LISTED ACTIVITIES AUTHORISED

"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."

Is amended to read:

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 (up to 200mm 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.

2. ANNEXURE C: REASONS FOR DECISION: ALTERNATIVES

"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."

Is amended to read:

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 (up to 200mm 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.

All other conditions contained in the EA issued on 6 July 2023 (Attached as Annexure A) and the Appeal EA issued on 3 November 2023 (Attached as Annexure B), remain unchanged and in force.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The installation of the larger pipeline will not result in an increase in the nature or level of the impact, as a 2m wide pipeline corridor was assessed in the original application, and the larger pipeline will remain within this corridor.
2. The amendment does not, on its own, constitute a listed activity in terms of the EIA Regulations, 2014 (as amended).
3. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the Environmental Authorisation.

C. CONDITIONS

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1 notify all registered Interested and Affected Parties registered in the previous EIA process ("I&Aps") of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.

- 1.2 draw the attention of all previously registered I&APs to the fact that an appeal may be lodged against the decision in terms of National Appeals Regulations, 2025 detailed in Section D below;
- 1.3 draw the attention of all previously registered I&APs to the manner in which they may access the decision;
- 1.4 provide the previously registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this amended Environmental Authorisation;
 - 1.4.2 name of the responsible person for this amended Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all previously registered I&APs in the event that an appeal is lodged in terms of the 2025 National Appeals Regulations.
2. The holder of the environmental authorisation must within thirty (30) calendar days of the issue of this amendment decision, provide the competent authority with written proof of compliance with Condition 1 above.

D. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2025.

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 2025 to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any previously 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 previously registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2025 to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any previously 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 previously 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.

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

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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

Zaahir Toefy Digitally signed by Zaahir Toefy
Date: 2025.04.09 11:38:52
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MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 09 APRIL 2025

Cc: Mr. Paul Lee (Umvoto Africa (Pty) Ltd.)

E-mail: paulkommetjie.lee@gmail.com

ANNEXURE A: ENVIRONMENTAL AUTHORISATION ISSUED ON 6 JULY 2023

ANNEXURE B: APPEAL ENVIRONMENTAL AUTHORISATION ISSUED ON 3 NOVEMBER 2023



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

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

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2023.07.06 14:40:41
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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

Email: paul@umvoto.com

Email: manager@volmoed.co.za

Email: wayne@bouchardfinlayson.co.za

Email: gemma.b@umvoto.com

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

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

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>EIA Regulations Listing Notice 1 of 2014: Activity Number: 12 <i>The development of—</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) <i>infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs—</i></p> <p>(a) <i>within a watercourse;</i></p> <p>(b) <i>in front of a development setback; or</i></p> <p>(c) <i>if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>excluding—</i></p> <p>(aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; —</i></p> <p>(bb) <i>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></p> <p>(cc) <i>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></p> <p>(dd) <i>where such development occurs within an urban area;</i></p> <p>(ee) <i>where such development occurs within existing roads, road reserves or railway line reserves; or</i></p> <p>(ff) <i>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></p>	<p>The proposed development will have a development footprint of more than 100m² within 32m of a watercourse.</p>
<p>EIA Regulations Listing Notice 1 of 2014: Activity Number: 19 <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> <p>(a) <i>will occur behind a development setback;</i></p>	<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>EIA Regulations Listing Notice 3 of 2014:</p> <p>Activity Number: 12</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>i. Western Cape</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 300m² 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.) - C0130000000058500003

1/586 in the Hemel en Aarde Valley, Hermanus (T4/3) - C0130000000058600001

RE/586 in the Hemel en Aarde Valley, Hermanus (T4/5, T4/6 & T4/7) - C0130000000058600000

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

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.

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 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

Zaahir Toefy
Digitally signed by Zaahir Toefy
Date: 2023.07.06 14:41:18 +02'00'

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

Email: paul@umvoto.com

Email: manager@volmoed.co.za

Email: wayne@bouchardfinlayson.co.za

Email: gemma.b@umvoto.com

ANNEXURE 1: LOCALITY MAP

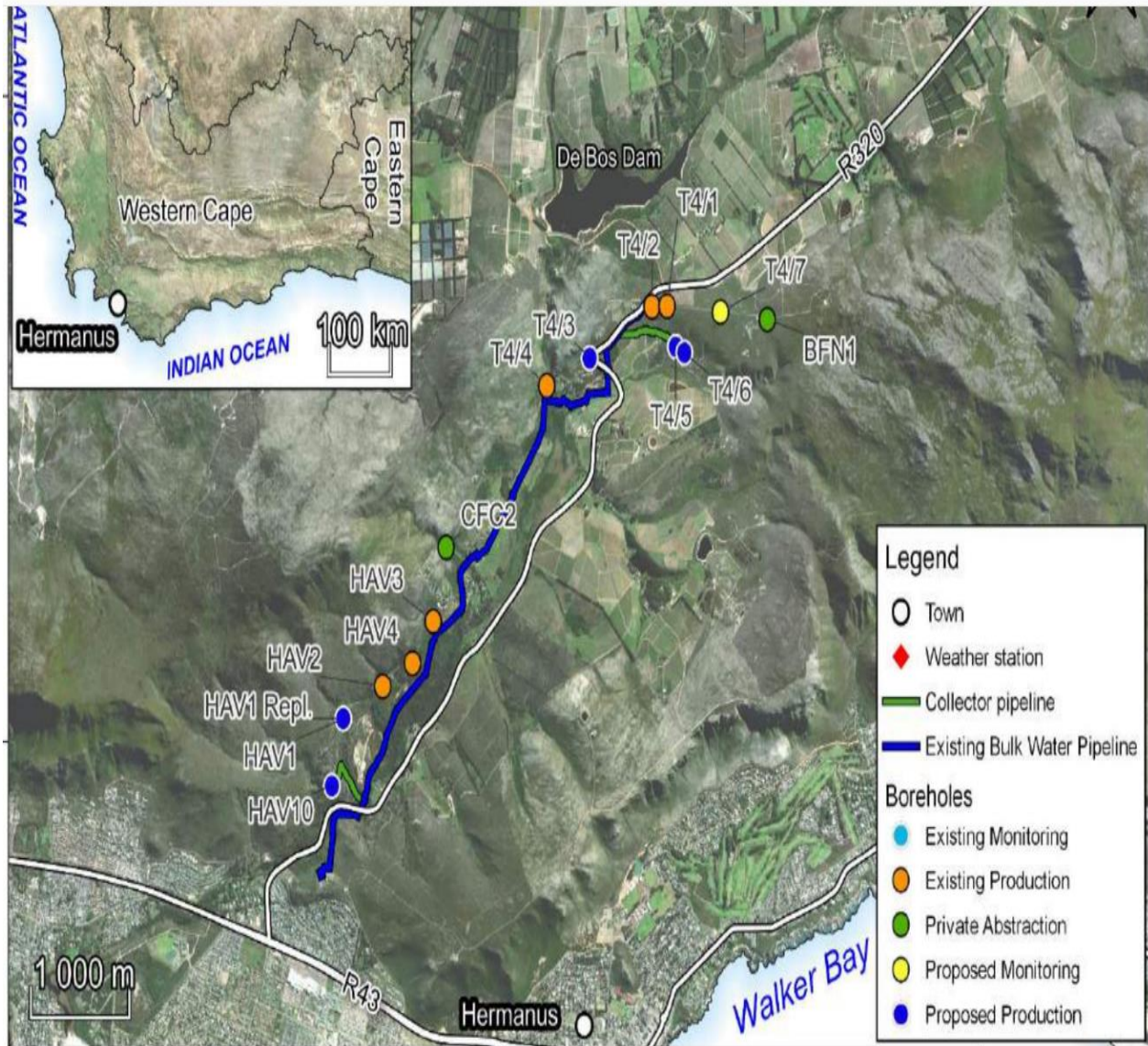


Figure 1: Location of the proposed development.

ANNEXURE 2: SITE PLAN

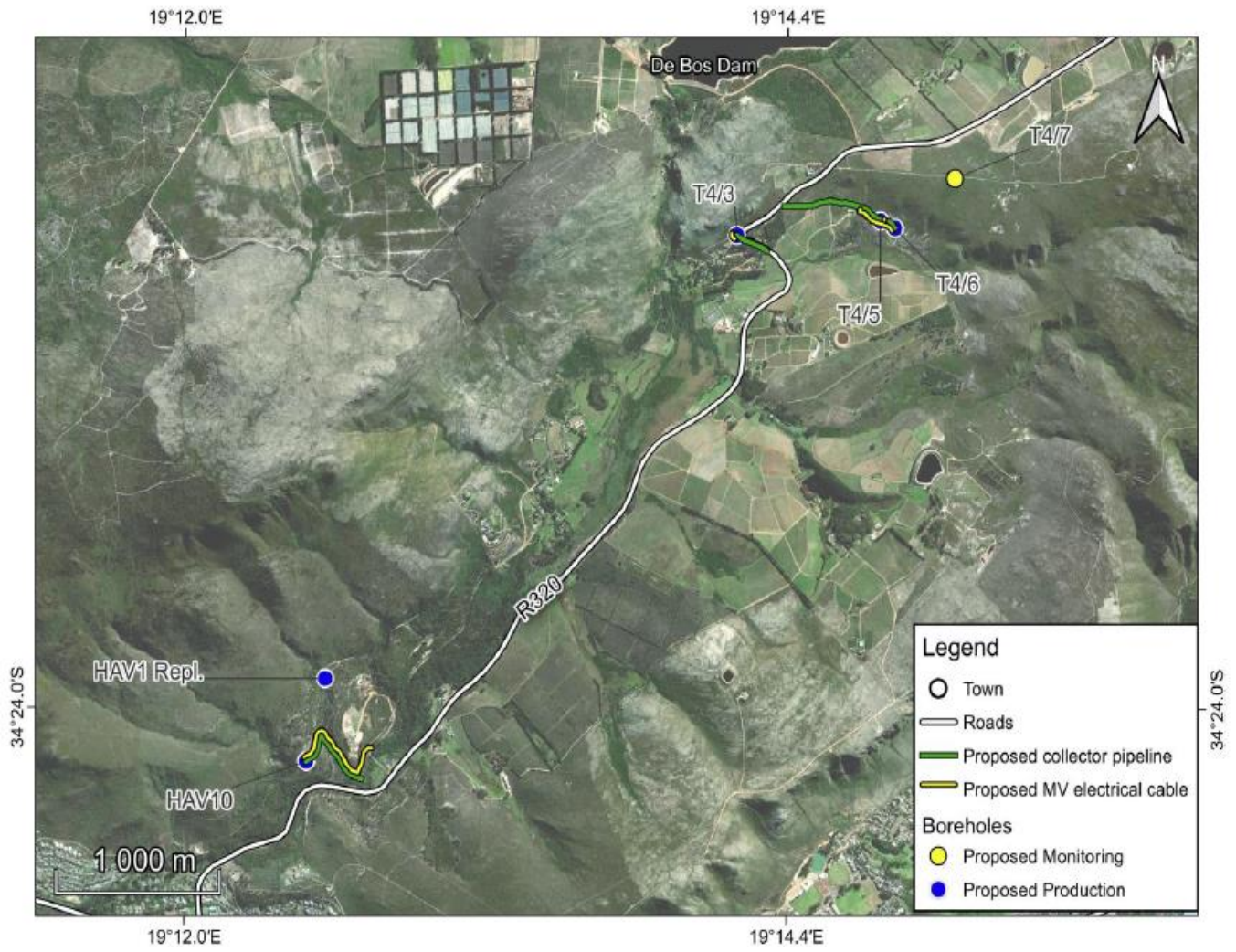


Figure 2: Proposed site plan

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 m³/a, the WUL states that this needs to be implemented in three phases over 20 years, with Phase 1 up to 0.8 million m³/a, and Phase 2 up to 1.2 million m³/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 m³/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 m³/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.

-----END-----



Reference: 14/3/1/E2/15/0622/23

Mr. H. Blignaut
The Municipal Manager
Overstrand Municipality
P. O. Box 20
HERMANUS
7200

Tel: 028 313 5047
E-mail: hblignaut@overstrand.gov.za

Dear Mr. Mr. Blignaut

APPEAL LODGED IN TERMS OF SECTION 43(2) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AGAINST THE ENVIRONMENTAL AUTHORISATION GRANTED FOR 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 Appeal lodged against the abovementioned Environmental Authorisation ("EA") granted on 6 July 2023 and the Responding Statement received on 18 August 2023, refer.
2. After considering all relevant facts and supportive documents I wish to advise that, in terms of section 43(6) of the *National Environmental Management Act, 1998 (Act No. 107 of 1998)* ("NEMA") I have decided to dismiss the Appeal and confirm the EA based on the below reasons.
3. **AMENDMENTS/ EXCLUSIONS TO THE ENVIRONMENTAL AUTHORISATION:**
 - 3.1. Section G of the EA is excluded from the decision.
 - 3.2. The following conditions of the EA are substituted and must be complied with:

SECTION E: CONDITIONS

Condition E2:

"The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Appeal Environmental Authorisation is granted, or this Appeal Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority:

This Appeal Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of this appeal decision, during which period the holder must commence with the authorized listed activities.
- (b) A period of **ten (10) years**, from the date the holder commenced with the authorized listed activities, during which period the authorized listed activities must be concluded."

Condition E6:

"The holder must in writing, within 14 (fourteen) calendar days of the date of this Appeal decision notify all registered Interested and Affected Parties ("I&APs") of –

6.1 The outcome of the appeal;

6.2 The reasons for the decision;

6.3 The date of the decision."

4. Reasons for the decision

The reasons for dismissing the Appeal and confirming the EA are contained in the reasons for the EA and the reasons below:

Appeal ground 1: Inclusion of Properties owned by Camphill without authorisation

- 4.1. Sections 21 and 22 of the *National Water Act, 1998* ("NWA") states that a Water Use Licence ("WUL") is required for taking water from a water resource. Groundwater abstraction is permitted on all properties within South Africa, provided the usage is *inter alia* licenced in terms of Section 21(a) of the NWA. A WUL is in place in terms of Section 21(a) of the NWA, reference no.: 18/G40H/A/2377. The licence allows for the abstraction of 1.6 million cubic metres per annum ("m³/a"). No change is required to the licenced volume as the new boreholes will not exceed this abstraction limit (current abstraction sits at < 1 million m³/a). An amendment to the licence will be applied for to include the positions of the additional production boreholes once these are drilled and tested. The existing WUL will be amended for added infrastructure (pipelines, cables, wellheads) within the 500 m buffer zone of wetlands. These will be determined by the Aquatic Specialist and detailed in the Freshwater Assessment. This is separate process which is mandated by the Department of Water and Sanitation ("DWS") in terms of the NWA.
- 4.2. Section 24 of the NEMA states that "... no person may – (a) commence an activity listed or specified in terms of section 24(2)(a) or (b) unless the competent authority or the Minister or Minerals and Energy, as the case may be, has granted an environmental authorisation for the activity; or (b) commence and continue an activity listed in terms of section 2A(2)(d) unless it is done in terms of an applicable norm or standard." As a result, listed activities contained in the 2014 EIA Regulations' Listing Notice 1 were applied for due to the following:
- 4.2.1. The proposed development will have a development footprint of more than 100m² within 32m of a watercourse.
- 4.2.2. The proposed development will result in the removal/excavation or moving of soil, sand, pebbles or rock of more than 10 cubic meters from a watercourse.
- 4.2.3. The proposed development will result in the clearance of 300m² of critically endangered vegetation.
- 4.3. The issues of water supply and warranties were previously raised during the public participation process of the basic assessment process conducted for the application for an EA.
- 4.4. In response to the comments received during the public participation process, the EAP responded *inter alia* that:
- 4.4.1. The HAV11 production borehole will not necessarily be drilled and then developed for operation. The decision will follow a stepwise approach, in which the Overstrand Municipality provides a commitment to Camphill to ensure this borehole would only be developed, equipped and utilized if test-pumping indicates no significant impact to the Camphill Farm Peninsula Aquifer boreholes CFC1 and CFC2.
- 4.4.2. The deepening of the existing monitoring borehole HAV5M is of benefit to all groundwater users and will be advantageous to Camphill Farm.

- 4.4.3. All concerns raised by Camphill Farm have been taken into consideration and addressed with mitigation measures in the updated Environmental Management Programme ("EMPr").
 - 4.4.4. The municipality will do all that can be reasonably expected of them to ensure the safety and well-being of land-owners, residents, and properties surrounding the new borehole sites during and after construction.
 - 4.4.5. The Overstrand Municipality has employed an official to manage queries raised by Camphill Farm including other I&APs and a timeous response can be expected.
- 4.5. In response to the Appeal, the Applicant clarified that:
- 4.5.1. The Hemel and Aarde Wellfields Expansion Project is designed to optimize groundwater abstraction capacity within the limits of the Stage 3 authorized volume of 1.6 million m³/a, as per the Section 21(a) WUL No. 18/G40H/A/2377 awarded to the Overstrand Municipality by the national DWS on 8 December 2013 (and as amended on 1st December 2021). Drilling additional production boreholes does not equate to increasing groundwater abstraction above the existing authorized Stage 3 WUL volume of 1.6 million m³/a. The EA under NEMA has been required however due to new planned wellfield expansion infrastructure and construction activities occurring within 32m of delineated watercourses, and temporary development footprints of some sites being >300 m² within a Critical Biodiversity Area ("CBA"). Hence, the EA itself is linked to the undertaking of these construction (drilling and infrastructure installation) activities and not the act of groundwater abstraction, which is covered under the NWA through the aforementioned WUL. The Overstrand Municipality is also in the process of undertaking a Section 21(c) and (i) WUL application due to parts of the wellfield's expansion occurring within 100 m of riparian edges and 500 m of wetlands.
 - 4.5.2. The proposed additional boreholes (HAV1 replacement, HAV10, T4/5 and T4/6) will:
 - 4.5.2.1. Replace defunct existing production boreholes HAV1, which have not been utilized to a significant extent due to the casing diameter being too narrow for a correctly sized pump to be installed;
 - 4.5.2.2. Supplement abstraction volumes that currently cannot be fully delivered by some of the existing production boreholes up to the authorized abstraction volumes (i.e. T4/1, T4/2 and T4/4);
 - 4.5.2.3. Spread groundwater abstraction over a wider geographical area to minimize the drawdown effect from the existing production boreholes and possibly reduce the abstraction from boreholes HAV2, HAV3 and HAV4 in the near vicinity of Camphill; and
 - 4.5.2.4. Subsequently limit any potential impact on other users, and provide for stand-by or back-up capacity (in the case of borehole maintenance being required on any municipal production borehole, resulting in pumping downtime for that borehole).
- 4.6. Considering the above, the grounds of appeal have been adequately addressed as then the proposed water abstraction from the Camphill farm was excluded from the development and measures are proposed mitigate impacts on the environment and water users.

Appeal ground 2: Estimate of the cost of the infrastructure and the public participation process

- 4.7. The issue of the municipality providing an estimate of the infrastructure and costs was raised during the public participation process of the basic assessment process.
- 4.8. Regulation 19 of the 2014 EIA Regulations require I&APs to be afforded a period of 30 days to submit comments on the Basic Assessment Report. As such, interested and affected parties (including Camphill farm) were afforded a commenting period and therefore provided comments on the proposed development. Camphill has also even lodged an appeal against the EA.
- 4.9. In response to the comments received during the public participation process before the exclusion of the Camphill Farm from the proposed development, the EAP responded *inter alia* that:
 - 4.9.1. An agreement between Camphill Farm and the municipality was to be prepared and signed prior to any construction activity on the Camphill property. Such an agreement would contain terms and conditions for the access to the property for the envisaged activity, as well as any cost implications that might occur. Where there is clear and undisputable proof that expenses incurred by Camphill were caused by the municipal boreholes and activities, the municipality would cover these cost or expenses.
- 4.10. In response to the Appeal, the Applicant has clarified that:
 - 4.10.1. Camphill are mainly reliant on their own three existing boreholes to provide for their potable needs. However, Camphill has a connection to the De Bos Dam pipeline for the usage of raw water from the dam.
 - 4.10.2. As the HAV5M (deepening of an existing monitoring borehole) and HAV11 (proposed new production borehole) boreholes were withdrawn from the Final BAR, it was no longer necessary to provide infrastructure costing to Camphill as this was only an option as an alternative water source should HAV11 be drilled (and municipal groundwater abstraction from the latter occurred and impacted upon Camphill's groundwater supply). Furthermore, the municipality has no records of Camphill's current groundwater abstraction and whether they actually treat the water from the Peninsula Aquifer, which is most probably rich in iron and manganese, to potable standard.
 - 4.10.3. NEMA states that the Public Participation Process must be conducted for a period of at least 30 days. The second Public Participation Process ran from Monday 23rd January 2023 until Thursday 23rd February 2023, after the change of management at Camphill. It is not a requirement that the Final BAR be distributed to all I&APs when submitted to DEA&DP, as all comments provided during both PPPs were addressed and included in the Final BAR.
 - 4.10.4. Any abstraction from the expansion of the two wellfields will be within the existing authorized Stage 3 WUL volume of 1.6 million m³/a. Appeal of the Hemel en Aarde Wellfields expansion EA through the DEA&DP is also the incorrect legal avenue to oppose groundwater abstraction from the wellfields, as the Department of Water and Sanitation ("DWS") is the competent authority responsible for the management of water resources. Complaints regarding impacts of water use need to be channeled through the Hermanus Monitoring Committee.
- 4.11. Considering the above, as the HAV5M (deepening of an existing monitoring borehole) and HAV11 (proposed new production borehole) boreholes were withdrawn from the Final BAR, it was no longer necessary to provide infrastructure costing to Camphill. The registered I&APs did not require to be notified about the submission of the Final BAR to the competent authority for a decision.

Appeal ground 3: Security of water supply

- 4.12. The issue of the security of water supply (water security for existing groundwater users) was raised during the public participation process of the basic assessment process.
- 4.13. The BAR states *inter alia* the following:
- 4.13.1. In the initial Notification of Intent to Develop the Draft BAR included the drilling of production borehole HAV11 and monitoring borehole HAV5M on the Camphill Farm and Camphill School property, erfs RE15/585 and RE2/585, respectively. However, the property owners did not provide a consent to develop on their land and both boreholes were subsequently removed from the final application for EA and the Final BAR. The original proposal has been considered as an alternative under Section H: Alternatives, Methodology and Assessment of Alternatives.
- 4.13.2. A WUL is in place in terms of Section 21(a) of the NWA, reference number (no.) 18/G40H/A/2377 as an existing approval. The license allows for the abstraction of 1.6 million m³/a. With regards to the authorized volume of 1.6 million m³/a, the WUL states that this needs to be implemented in three phases over 20 years, with Phase 1 up to 0.8 million m³/a, and Phase 2 up to 1.2 million m³/a, and that monitoring data is required to proceed between each of the stages. The Overstrand Municipality currently has authority up to Phase 2 and plans to apply to the Breede-Goritz Catchment Management Agency (BGCMA) to move from the second phase to the third and final phase of 1.6 million m³/a in due course. Groundwater monitoring that has been undertaken for the past decade for both the Camphill and Volmoed Wellfields indicates that there have been no impacts to the environment, underlying aquifers or existing lawful users.
- 4.13.3. A recent amendment (B12829) to the license, dated 01/12/2021 amends the volume of water that may be abstracted from each of the seven boreholes. No change is required to the licensed volume as the new boreholes will not exceed this abstraction limit. The project is designed to optimize the abstraction capacity within the limits of the authorized volume of 1.6 million m³/a. Drilling additional production boreholes does not equate to increasing abstraction of water above the existing authorized maximum volumes.
- 4.13.4. The current WUL lists seven production boreholes: HAV1, HAV2, HAV3, HAV4, T4/1, T4/2, and T4/4 and specifies the properties they are located on. Replacing HAV1 and rehabilitating/deepening T4/4 will not require a WUL amendment. Converting T4/3 into a production borehole and the drilling and development of the new proposed production boreholes (HAV10 New, HAV11, T4/5, or T4/6) will require the amendment of the Section 21(a) WUL, as stipulated in Appendix II Condition 25. These production boreholes will be registered on the Water Use Authorization ("WUA") and Registration Management System. Therefore, an amendment to the license will be applied for to include the positions of the additional production boreholes once these are drilled and tested. WUA with the DWS is required whenever an activity falls within the Zone of Regulation ("ZOR") of a watercourse. For fluvial systems such as rivers this refers to within a 100 m buffer area around the delineated extent of the river, or the 1:100-year flood line, if available. For wetlands this refers to a 500 m buffer area around the delineated boundary of the wetland. The Hemel en Aarde Wellfield activities fall within these ZORs and the Risk Assessment Matrix ("RAM") and the associated rulings determined that the activities would qualify for a medium impact significance. Medium-High impact significances trigger the need for a Section 21(c) and (i) Water Use License Application ("WULA"), whereas a low impact significance triggers the need for a Section 21(c) and (i) as a General Authorization ("GA").

- 4.13.5. A summary of the main findings from the Freshwater Assessment (FEN, 2022) confirmed the presence of perennial rivers (the Onrus River), seasonal streams, valley bottom wetlands and hillslope seep wetlands. A DWS (2016) RAM was applied which resulted in the identification of “Low” to “Medium” significance risks for the activities associated with the proposed wellfield expansion. Considering that the proposed wellfield infrastructure falls within the NEMA 32 m, GN509 100 m and 500 m ZOR of freshwater ecosystems, the proposed wellfield expansion will require a WUA with the DWS.
- 4.14. The contents of the Responding Statements in terms of the following are concurred with:
- First Respondent, the DEA&DP’s Director: Development Management (Region 1)**
- 4.14.1. The DWS is the competent authority responsible for the management of water resources. The municipality has obtained a WUL from the DWS on 8 December 2013 (valid for 20 years, reference number (no.) 18/G40H/A/2377) for the abstraction of 1.6 million cubic meters of water per annum in phases. The proposed expansion will not result in the municipality exceeding the authorized abstraction limit. 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 that have been raised.
- Second Respondent, the Applicant**
- 4.14.2. Presently the Overstrand Municipality does not supply potable water to Camphill as the farm is self-reliant and already using borehole water, which is presumably treated to potable standards as per the Water Services Act (No. 108 of 1997) and South African National Standards (“SANS”) 241:2015 drinking water quality limits. In the highly unlikely event (for reasons outlined below) of the Camphill farm boreholes being impacted upon by the Hemel en Aarde Wellfields Stage 3 WUL abstraction of 1.6 million m³/a, Camphill will still have access to raw water from the De Bos Dam supply pipeline, as currently utilized by Camphill.
- 4.14.3. The groundwater monitoring undertaken by the applicant, and as presented to and reviewed by the Hermanus Monitoring Committee (“HMC”), of which Camphill is a member, will ensure that if any potential future impacts occur to the environment, aquifer systems and/or existing lawful users, then groundwater abstraction volumes would potentially be reduced (as allowed for by the national DWS to exercise under the conditions of WUL No. 18/G40H/A/2377).
- 4.14.4. The Final BAR had to be submitted to the competent authority due to the legislated deadlines of the EIA Regulations and the need to provide water to its residents.
- 4.14.5. The Overstrand Municipality is currently allowed to abstract 1.2 million m³/a, as per Stage 2 of WUL No. 18/G40H/A/2377. This approval, by the then BGCMA (now BOCMA) and national DWS, with the recommendation of the HMC (of which, as stated above, Camphill is a member), was based on long-term groundwater monitoring data and numerical groundwater modelling (as required by the conditions of the WUL), indicating that the increase in abstraction from the Stage 1 volume of 0.8 million m³/a to the Stage 2 volume of 1.2 million m³/a would be sustainable. The Overstrand Municipality will follow the exact same process when applying for approval to move from Stage 2 to Stage 3 (1.6 million m³/a) of the WUL – the analysis of long-term groundwater monitoring data and upgrade of the numerical groundwater model, to prove sustainability of the final stage of the WUL to both the HMC and the BOCMA/DWS.
- 4.14.6. The Overstrand Municipality is fully aware of the additional license conditions and that the Stage 3 authorized volume of 1.6 million m³/a is not guaranteed.

BOCMA will consider any potential impact on the existing lawful users, the environment and underlying aquifer systems in their approval process to upgrade to Stage 3 of the WUL No. 18/G40H/A/2377, and might impose additional WUL conditions on the applicant to safeguard these users. However, this is a separate process under the NWA that can only be undertaken once the potential yield from any new boreholes has been determined (through drilling and testing, which requires both NEMA EA and NWA Section 21(c) and (i) WUL approvals), and is unrelated to the current EA under NEMA in terms of actual groundwater abstraction.

- 4.14.7. The current approved 1.2 million m³/annum and the intended future upgrade to 1.6 million m³/a under Stage 3 of WUL No. 18/G40H/A/2377 would be endorsed by long-term (over a decade) groundwater monitoring and management of the Camphill/Volmoed Wellfields.
- 4.14.8. Camphill has not reported to the Overstrand Municipality, HMC, the BOCMA nor the national DWS any recorded groundwater impacts (in terms of borehole yield, abstraction volume or groundwater quality) on their three boreholes as a result of the currently applicable WUL Stage 2 of 1.2 million m³/a.
- 4.14.9. No groundwater abstraction is expected to occur from the existing production boreholes close to the two main Camphill farm supply boreholes.
- 4.14.10. The drilling of and abstraction from the HAV1 replacement borehole (~1.6 km southwest of CFC1/2) and proposed new HAV10 production borehole (~2 km south of CFC1/2) are sufficiently hydraulically down-gradient of the CFC1/2 boreholes along the Attakwaskloof Fault to not impact these Camphill farm boreholes. Any potential impacts of groundwater abstraction from the HAV1 replacement and HAV10 boreholes would be observed at the existing HAV2/3/4 production boreholes first, as they are situated in between HAV1/10 and CFC1/2, and therefore timeous groundwater management decisions (e.g. reducing abstraction from single or multiple boreholes) can be implemented before any potential groundwater impacts might occur at Camphill farm.
- 4.14.11. The proposed T4/5 and T4/6 production boreholes are ~2.7 km northeast of the two main Camphill farm supply boreholes and target a fault block and fault system likely disconnected to that intersected by the Camphill farm boreholes, therefore abstraction from these boreholes is unlikely to impact on CFC1/2. As per above, any significant groundwater impacts caused by abstraction from T4/5 and/or T4/6 would be clearly observed at the existing T4/1, T4/2 and T4/4 production boreholes, and existing T4/3 and (to be drilled) T4/7 monitoring boreholes, before being (highly unlikely) witnessed at CFC1/2.
- 4.14.12. The current Stage 2 WUL abstraction volume of 1.2 million m³/a has not been shown to have had any negative impacts to the existing lawful users, the environment or underlying aquifer systems, which have also not been reported by any existing lawful users in the Hemel en Aarde valley (in terms of declining borehole yields, abstraction volumes and groundwater quality within the Peninsula Aquifer).
- 4.14.13. The siting, borehole design, drilling supervision and testing of the Camphill and Volmoed Wellfield boreholes between 2008-2010, were done by other consultants appointed by the applicant at the time. Umvoto subsequently took over the monitoring and management of the various Hemel en Aarde Wellfield boreholes from 2011 onwards, and some issues with the construction of borehole T4/4 were subsequently identified by Umvoto. This includes the fact that the T4/4 borehole is open (i.e. uncased) in the formations overlying the Peninsula Aquifer (specifically the Goudini, Cedarberg and Pakhuis Formations in the vicinity of T4/4), and currently draws groundwater from fractures within the Goudini Formation as well as the deeper Peninsula Aquifer. As the Volmoed

Spring arises along the contact with the Goudini Formation and underlying shale aquitard of the Cedarberg Formation, any nearby groundwater abstraction from the Goudini Formation (as currently occurs in the uncased T4/4 borehole) will reduce flow of the spring. Once the impact was noted, the applicant immediately ceased abstraction from the borehole until a mutual solution was established.

- 4.15. The applicant and Volmoed then willingly and swiftly concluded a compensation agreement whereby the historically recorded average volume of spring water “lost” by Volmoed is being compensated with raw water from the De Bos Dam pipeline.
- 4.16. As part of the Hemel en Aarde Wellfields expansion the applicant also intends to rehabilitate T4/4 not only through deepening the borehole further into the Peninsula Aquifer (to ensure the borehole can supply water at a similar or greater yield), but to case off all formations (Goudini, Cedarberg and Pakhuis Formations) above the Peninsula Aquifer with solid steel casing that will be grouted (cemented) in. This will prevent any further groundwater abstraction from the overlying Goudini Formation and restore the natural separation between the Peninsula and Nardouw Aquifers (the latter of which incorporates the Rietvlei and Skurweberg Formations, and sandstone-rich portions of the Goudini Formation) of the Table Mountain Group (“TMG”) by the Cedarberg Formation aquitard, allowing for the restoration of flow from the Volmoed Spring. It should be noted that during periods of T4/4 not being used, the flow from the Volmoed Spring returned after a single good winter rainfall season.
- 4.17. Regarding the concerns over the impact climate change may have on the Hermanus region – the applicant’s prior WUL applications have considered possible climate change impacts, hence the move from total reliance on surface water to a more conjunctive use model, incorporating surface and groundwater (at present) and other options (in the future) as discussed below:
 - 4.17.1. The extensive (in terms of areal extent and volume) Peninsula Aquifer (from which the applicant abstracts water) does not respond significantly (or at all) to short-medium term (i.e., yearly to decadal) droughts, and therefore can be abstracted from during these dry periods, acting as an excellent drought buffer. This has already been shown during the 2009-2011 Southern Cape drought, where the Gateway Wellfield ensured the greater Hermanus area still had water, and the more recent 2015-2018 lower rainfall period (although not as serious as the same “Day Zero” drought period in Cape Town), where the three TMG wellfields supplying Hermanus [Gateway, Camphill and Volmoed Wellfields] ensured that the greater Hermanus area did not suffer severe water use restrictions as e.g. the City of Cape Town. The three TMG wellfields are used conjunctively with surface water from De Bos Dam, so when there is a surplus of surface water available during the wetter winter and spring periods, abstraction from the wellfields is eased up and the Peninsula Aquifer left to recover. Extensive monitoring of groundwater levels within the Peninsula Aquifer in both production and monitoring boreholes across the three wellfields has shown that the Peninsula Aquifer in the greater Hermanus and Hemel en Aarde valley areas has not been impacted significantly during recent drought periods, even when abstracted from, and has recovered to full water levels when abstraction ceases.
 - 4.17.2. As stated above, if the Stage 3 WUL abstraction of 1.6 million m³/a is approved by the BOCMA/DWS in the future, and abstraction from the new HAV1 replacement, HAV10, T4/5 and/or T4/6 boreholes occurs (depending on which or if all boreholes are drilled), then any potential groundwater abstraction impacts would be visible in the range of production and monitoring boreholes situated between Camphill farm’s boreholes and the new abstraction boreholes, before any impacts would be witnessed at Camphill farm’s

boreholes. Groundwater management decisions will therefore be implemented timeously to ensure that no impact to existing lawful users such as Camphill would occur. This is also why it was critical that the HAV5M monitoring borehole on Camphill property be deepened to ensure it is a viable near-field monitoring borehole for the Peninsula Aquifer within Camphill (as explained in detail in the prior August 2022 correspondence), further protecting Camphill's water security. Unfortunately, this deepening cannot take place at present due to Camphill's refusal to consent to it.

- 4.17.3. The Section 21(a) WUL No. 18/G40H/A/2377 for the Camphill and Volmoed Wellfields is valid for 20 years (i.e. until December 2033, so in ~10 years' time), after which it will need to be renewed, and includes a clause requiring a periodic review of the license by the regulatory authority. In both cases, the DWS and BOCMA will consider all relevant circumstances at the time and the wellfield performance, including any adverse effects on the environment, underlying aquifer systems and existing lawful users. A license review will also include a review of all licenses and authorizations from the same water resource within the Hemel en Aarde valley, to ensure groundwater abstraction from the various aquifers within the valley is managed holistically.
- 4.17.4. It is not the intention of the applicant to pass the risk onto the community at Camphill or any other independent water users in the area, as explained in detail above.
- 4.18. Considering the above, it is not deemed necessary to impose a condition to require the Municipality to provide Camphill with potable water if their water quality and quantity is reduced as the municipality will abstract a quantity of water that is authorized in the WUL.

Appeal ground 4: Warranties

- 4.19. The issue of warranties was raised during the public participation process.
- 4.20. In response to the comments received during the public participation process, the EAP responded *inter alia* that:
 - 4.20.1. The HAV11 production borehole will not necessarily be drilled and then developed for operation. The decision will follow a stepwise approach, in which the applicant provides a commitment to Camphill to ensure this borehole would only be developed, equipped and utilized if test-pumping indicates no significant impact to the Camphill Farm Peninsula Aquifer boreholes CFC1 and CFC2.
 - 4.20.2. The deepening of the existing monitoring borehole HAV5M is of benefit to all groundwater users and will be advantageous to Camphill Farm.
 - 4.20.3. All concerns raised by Camphill Farm have been taken into consideration and addressed with mitigation measures in the updated EMPr.
- 4.21. In response to the Appeal, the Applicant clarified that:
 - 4.21.1. As discussed above, the applicant has an existing WUL for these wellfields, and the proposed project will not result in the exceedance of the authorized abstraction limit of 1.6 million m³ per year. The groundwater monitoring undertaken by the applicant for the past more than 10 years, and as regularly presented to and reviewed by the HMC, of which Camphill is a member, would ensure that if any potential future impacts occur to the environment, aquifer systems and/or existing lawful users, then groundwater abstraction volumes can be reduced (as allowed for by the national DWS to exercise under the conditions of WUL No. 18/G40H/A/2377). The applicant demonstrated their commitment to adhere to these conditions with the Volmoed case as discussed above.

- 4.21.2. As per the points above, the DWS is the competent authority responsible for the management of water resources. Hence, this would need to be addressed under the NWA, and not NEMA.
 - 4.21.3. The claims by Camphill are not deemed reasonable or relevant, in view of the existing WUL conditions not to be non-complied with, and all the checks and balances included in the WUL and the current monitoring and reporting systems, linked to accountability. The applicant appointed a senior municipal official to deal with all regulatory matters regarding the WUL.
 - 4.21.4. It is recommended that in order to establish a co-operative working approach and to ensure collaborative and holistic groundwater management of the Peninsula Aquifer within the Hemel en Aarde valley, that private groundwater users within the valley such as Camphill attend the HMC to gain a better understanding of the management of the various TMG municipal wellfields, the hydrogeology of the TMG aquifers themselves, and to provide input (and data if available) for integration into the groundwater monitoring programme. The queries raised by Camphill in this appeal can also be raised and discussed at the HMC meetings.
 - 4.21.5. It is trusted that the above explanation clarifies that the proposed Hemel en Aarde Wellfield expansion is not intended to present any negative impacts on the groundwater resources of the Camphill properties (nor any other private farms within the area), and that sufficient measures are in place through the existing WUL to prevent such potential negative impacts from occurring.
- 4.22. Considering the above, it is not deemed necessary to amend the EA to impose measures in relation to the proposed warranties. However, it is recommended that private groundwater users within the valley, such as Camphill, should attend the HMC meetings to gain a better understanding of the management of the various TMG municipal wellfields, the hydrogeology of the TMG aquifers themselves, and to provide input (and data if available) for integration into the groundwater monitoring programme. The HMC meetings provide a platform to raise any relevant queries.

5. **Conclusion:**

In view of the above, the NEMA principles, compliance with the conditions stipulated in the Appeal Environmental Authorisation and compliance with the conditions of the Environmental Management Programme, the proposed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and any potentially detrimental environmental impacts resulting from the activities can be mitigated to acceptable levels.

In arriving at my decision on the Appeal, it should be noted that I have not responded to each and every statement set out in the grounds of Appeal and/ or Responding Statement, and where a particular statement is not directly addressed, the absence of any response should not be interpreted to mean that I agree with or abide by the statement made.

6. **Disclaimer:**

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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.

Since I have discharged my decision-making powers when making the decision, I am *functus officio* in this regard. My decision is final and your only recourse, should a person still be aggrieved by my decision, is to apply to the Western Cape High Court to review my decision.

Sincerely,



A BREDELL

**WESTERN CAPE MINISTER OF LOCAL GOVERNMENT,
ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

DATE: 3/11/2023

Copied to:

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