



PROVINCE OF THE
EASTERN CAPE
 ECONOMIC DEVELOPMENT AND
 ENVIRONMENTAL AFFAIRS

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Nelson Mandela Bay Municipality
 PO BOX 7
 Port Elizabeth
 6000

Reference: ECm1/386/1k/09-47
 Enquiries: Luyanda Mali

Attention: Ali Said.

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT, TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS. SEA VIEW BULK WATER SUPPLY

With reference to the above-mentioned application (Reference number ECm1/386/1k/09-47) please be advised that the Department has decided to grant authorisation. The Environmental Authorisation and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within seven (7) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to chapter 7 of the regulations which regulates appeal procedures. Should you decide to appeal any aspect of the decision, you must, inter alia, lodge a notice of intention to appeal with the MEC, within 10 days of receiving this letter, by means of one of the following methods:

Department of Economic Development and Environmental Affairs

By post: Private Bag X 0054
 Bhisho
 5605

By hand: 3rd Floor
 Indwe House
 Bhisho

By facsimile: (040) 609 3211

Should you decide to appeal, you must serve a copy of your notice to intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.



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- 1 Notice of intention to appeal against the decision contained in this authorization must be addressed in writing, to the MEC for Economic Development & Environmental Affairs (hereinafter referred to as "the MEC") in terms of Regulation 62(1) of the NEMA EIA Regulations, 2006 and within ten (10) days after the appellant has been notified in terms of conditions 1.1 and 1.2, of the decision.
- 2 The address to which the **original** copies of any such a notice of intention to appeal must be mailed as outlined below. Please note that originals may also be delivered by hand or courier.

Department	Department of Economic Development & Environmental Affairs
Attention	General Manager Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
In order to facilitate efficient administration of appeals <u>copies</u> of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
General Manager Environmental Affairs per fax:	[040] 635 2535
Senior Manager Environmental Impact Management per fax:	0866192858
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

In the event that an appeal is lodged in regard to this authorization, the listed activities described in this authorization may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



SIZAKELE GABULA

DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE 30-07-2009



PROVINCE OF THE
EASTERN CAPE

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**ECONOMIC DEVELOPMENT AND
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Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	ECm1/386/1k/09-47
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Ali Said
LOCATION OF ACTIVITY	Port Elizabeth
PHYSICAL ADDRESS OF ACTIVITY	197-200 Govan Mbeki Avenue Port Elizabeth

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"EIA regulations" – these are the Environmental Impact Assessment Regulations published in Government Notice R. 385 of 21 April 2006 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998.

"The Department" – The Department of Economic Development and Environmental Affairs, Eastern Cape Province.

"Commencement" – Any physical activity on site that can be viewed as associated with Sea View Bulk Water Supply described under Section 2 of this Environmental Authorisation, inclusive of initial site preparation.

1. Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

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2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises Ali Said of Nelson Mandela Bay Municipality being the legal or natural organisation who has applied for this authorisation, with the following contact details:

Name	Nelson Mandela Bay Municipality		
Address	P. O. Box 7Port Elizabet, 6000		
Telephone	(041) 506 5439	Fax	(041) 506 5647
Contact	Ali Said	e-mail	asaid@mandelametro.gov.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities listed in the table below:

Detailed description of activity	
<ul style="list-style-type: none"> • Installation of 600 mm and 450mm diameter interconnecting pipe-work between existing 610 mm diameter steel and 450 mm diameter and proposed reservoir/pump sump • Installation of 650 mm diameter interconnecting pipe-work between proposed reservoir/pump sump and existing pump station • Construction of 21l/s pump station (ultimately 57l/s) • Construction of 2,5 ML clear water reservoir/pump sump • Construction of 250 mm diameter u PVC RISING MAIN • Construction of 1.0 ML clear water storage reservoir • Construction of 250 KL clear water storage reservoir • Construction of a 600 KL clear water reservoir and • Construction of 315, 250, 200 and 160 mm u PVC main • Proposed Pipeline connecting the existing Greenbushes Reservoir to the existing Chelsea Pipeline off take. <p>Installation of a 700 mm diameter gravity main from the existing Greenbushes Reservoir to the existing Chelsea Pipeline takeoff take</p> <p>Any fences, driveways or roads that will be affected by the construction work will be reinstated to the same condition it was in prior to construction of the Sea View Bulk Scheme</p>	
Listed Activities	
R386 1(k)	The construction of facilities or infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with- <ul style="list-style-type: none"> (a) An internal diameter of 0,36 metres or more or (b) A peak throughput of 120 litres per second or more

At the locality defined in the Table below, and hereafter referred to as "the property":

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District	Cacadu
Municipal Area	Nelson Mandela Bay Municipality
Farm Name	N/A
Farm Number and Portion	N/A
Erf Number and Township Extension or Suburb	Sea View
Co-ordinates	59.792'59.950' 59.468' 58.313' 57.556' 56.733'
Physical address	197-200 Govan Mbeki Avenue Port Elizabeth

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development and Environmental Affairs may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, withdraw or amend such Environmental Authorisation.

3.1. Duration of authorisation

- 3.1.1. The Sea View Bulk Water Supply is to commence within 12 months of the date of signature of this authorisation and is to be completed within 24 months of commencement.
- 3.1.2. Conditions relating to the operation of the project are valid for the lifetime of the project.

3.2. Standard conditions

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.

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- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of this Environmental Authorisation to apply for further authorisation in terms of the regulations.
- 3.2.8. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.
- 3.2.9. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party within 7 (seven) days of receiving this Environmental Authorisation.
- 3.2.10. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.2.11. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.12. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.13. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.

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- 3.3. Project - specific conditions**
- 3.3.1. Fourteen days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.3.2. An Environmental Control Officer (ECO) must be appointed to oversee all construction activities. The ECO must ensure compliance with the conditions set out in this Environmental Authorisation and the amended Construction Environmental
- 3.3.2.1. can be removed and disposed of;
- 3.3.2.2. No cement/concrete mixing is to take place on soil surface. Cement mixers must be placed on large trays to prevent accidental spills from coming into contact with the soil surface; and
- 3.3.2.3. No waste from construction or otherwise, may be disposed of on site. All waste generated on site, must be removed from site and disposed of at a registered waste disposal site. In this regard, adequate litter drums or other suitable containers must be located on site to ensure that waste generated on site is disposed of in a suitable and timeous manner.
- 3.3.3. Excavated topsoil must be stockpiled for use during rehabilitation.
- 3.3.4. All alien invasive species and declared weeds, in terms of the Conservation of Agricultural Resources Act, Act 43 of 1983, are to be systematically eradicated, and any of these species colonising disturbed ground after the completion of construction are to be eradicated and destroyed prior to attaining the seed formation phase.
- 3.3.5. The extent of cleared ground during construction period must be minimised to reduce water and wind erosion.
- 3.3.6. The areas disturbed by construction activities must be rehabilitated and similar species occurring in the area should be planted after construction is completed
- 3.3.7. Top soil excavated from the trenches must be put one side and used for rehabilitation in the same section of the pipelines as where it was removed from in order to maintain the seed bank.
- 3.3.8. Any protected species which need to be removed or relocated require the necessary permits, permits must be obtained from DEDEA for those specie protected under the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974) or the Eastern Cape Environmental Conservation Act, Act of (2001) The relevant permits are obtained from DWAF for any species protected under the National Forest Act, Act 84 of 1998.

4. Appeal of Environmental Authorisation


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- 4.1. The holder of the Environmental Authorisation must notify every registered interested and affected party, in writing and within 7 (seven) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 4.2. The notification referred to in 4.1 must:
- 4.2.1. Specify the date on which the Environmental Authorisation was issued;
- 4.2.2. Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
- 4.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 4.3. Notice of intention to appeal against the decision contained in this authorization must be addressed in writing, to the MEC for Economic Development & Environmental Affairs (hereinafter referred to as "the MEC") in terms of Regulation 62(1) of the NEMA EIA Regulations, 2006 and within 10 (ten) days after the appellant has been notified in terms of conditions 4.2.1 and 4.2.2, of the decision.
- 4.4. The address to which the **original** copies of any such a notice of intention to appeal must be mailed as outlined below. Please note that originals may also be delivered by hand or courier.

Department	Department of Economic Development & Environmental Affairs
Attention	General Manager Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
In order to facilitate efficient administration of appeals copies of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
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Senior Manager Environmental Impact Management per fax:	0866192858
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

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In the event that an appeal is lodged in regard to this authorization, the listed activities described in this authorization may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.

LUYANDA MALI 
ENVIRONMENTAL OFFICER: EIM
DATE: 29/07/09


SIZAKHELE GABULA
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
DATE: 30-07-2009

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Annexure 1: Reasons for Decision

1. Background

The applicant, Nelson Mandela Bay Municipality, applied for Sea View Bulk Water Supply. The applicant appointed SRK Consulting to undertake an environmental impact assessment process and compile the necessary reports. This process included public participation as prescribed by regulations.

2. Information considered in making the decision

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

- 2.1. The information contained in the following documentation:
- 2.2. Completed application form dated 30 April 2009
- 2.3. Completed basic assessment report by SRK Consulting titled Sea View Bulk Water Supply.
- 2.4. A site visit was undertaken by Mr Luyanda Mali and Robyn Thomson on the 16 July 2009.
- 2.5. The EIA regulations of 2006 and objectives and requirements of other legislations policies and guidelines including section 2 of the National Environmental Management Act, Act 107 of 1998.

3. Key factors considered in making the decision

- 3.1. The water supply system will enhance Nelson Mandela Bay's water security.
- 3.2. The water supply system will benefit the communities of Seaview, Clarendon Marine, Kini Bay, private developments as well as the proposed Seaview low cost housing and enhance Nelson Mandela Bay's water security thereby increasing investor confidence in the area.
- 3.3. The proposed pipeline is located within a disturbed area currently infested with high density alien trees.
- 3.4. The proposed reservoirs are located in predominantly in a transformed area but can be moved along the 160 m contour in order to avoid indigenous trees.
- 3.5. Therefore the impact on indigenous vegetation is understood to be insignificant.
- 3.6. Any fences, driveways or roads that will be affected by the construction work will be reinstated to the same condition it was prior to construction of the SeaView Bulk Scheme.
- 3.7. In general the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in chapter 5 of the National Environmental Management Act, Act 107 of 1998, and

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that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.