



REFERENCE: 16/3/3/1/D6/39/0000/23
ENQUIRIES: Shireen Pullen
DATE OF ISSUE:

The Municipal Manager
Mossel Bay Municipality
101 Marsh Street
MOSSSEL BAY
6506

Attention: Ms. D. Naidoo

Cell: 083 490 4575
Email: dnaidoo@mosselbay.gov.za

Dear Sir

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): PROPOSED UPGRADE AND FORMALIZATION OF AN EMERGENCY ROAD ON REMAINDER OF PORTION 179 OF FARM 121 IN WOLWEDANS, GREAT BRAK RIVER, WESTERN CAPE

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**, described in the Final Basic Assessment Report ("FBAR"), dated 24 April 2023, prepared and submitted by Kapp Environmental Consultants (Pty) Ltd, the appointed Environmental Assessment Practitioner ("EAP").

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
Mossel Bay Municipality
Ms. D. Naidoo
101 Marsh Street
MOSSSEL BAY
6506

Cell: 083 490 4575

Email: dnaidoo@mosselbay.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)	
<p>Activity Number: 19 Activity Description: 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;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (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>The upgrade of the culvert at the drainage line crossing (existing culvert will be doubled in width on the upstream side of the crossing) to permit two-way traffic will result in the infilling and dredging of more than 10 cubic metres of material into and/ or out of the watercourse.</p>
<p>Activity Number: 27 Activity Description: The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for—</p> <p>(i) the undertaking of a linear activity; (ii) or maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The upgrade and formalization of the road will entail cutting, which will result in the clearance of some sections along the pipeline route containing indigenous vegetation.</p>
Environmental Impact Assessment Regulations Listing Notice 3 of 2014 Government Notice No. 985 of 4 December 2014 (as amended),	
<p>Activity Number: 12 Activity Description: The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p>	<p>The majority of the vegetation along the new road is classified as Garden Route Granite Fynbos vegetation type, which is considered</p>

<p>i) Western Cape</p> <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister 	<p>critically endangered. The proposed upgrade and formalization of the road will entail cutting and clearance of more than 300m² of this vegetation type.</p>
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The abovementioned list is hereinafter referred to as “**the listed activities**”.

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development and development footprint.

The proposal is to close off the compromised section of Daffodil Crescent and formalize this existing gravel road linking Daffodil Crescent and Wolwedans Road. The Municipality thus wants to formalise the gravel access road as the permanent link road into a portion of the Wolwedans community. This will include the widening of the existing road if and where required, tarring of the road comprising a 5.5m road surface and the establishment of a 1.65m pedestrian sidewalk to allow for two-way traffic.

The development proposal also includes the upgrade of the current stormwater infrastructure to ensure effective surface and stormwater runoff. The total length of the road upgrade will be 380m long. The proposed upgrade will follow the existing alignment, except for the eastern end where the junction with Wolwedans Road will be shifted slightly.

Additional features include speed humps, a 1.65m wide pedestrian sidewalk and new stormwater infrastructure at western and eastern ends. Cutting of the southern bank and limited fill along the northern bank will also be required, at a proposed slope of 1:1.5m.

The proposed development will be implemented approximate to the site development plan attached to this authorisation as “Annexure 2”.

The existing culvert at the western point of the road upgrade will also be upgraded in line with the drawings included as Annexure 3.

C. SITE DESCRIPTION AND LOCATION

The proposed road is located within a valley between two suburbs on a slope inland of Great Brak River. The area consists of undulating hills and it is surrounded by residential properties and informal housing. The road has large sections along non-perennial drainage lines which is fringed by a mixture of

indigenous and invasive vegetation. The site is also mapped to contain critically endangered Garden Route Granite Fynbos vegetation.

The coordinates of the centre of the proposed development footprint site:

Point	Latitude (S)	Longitude (E)
Start	34° 02.02' 20"	22° 11.35' 98"
Middle	34° 02.02' 04"	22° 11.43' 13"
End	34° 02.06' 17"	22° 11.46' 48"

SG 21 Digit code: C0 5 1 0 0 0 0 0 0 0 0 1 2 9 0 0 1 7 1

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Kapp Environmental Consultants (Pty) Ltd
 % Mr. Renier Kapp
 P.O. Box 121
 MOSSEL BAY
 6500

Tel: +27 (0) 44 693 0478
 Fax: + 27 (0) 86 572 4159
 Cell: +27 82 675 5233
 E-mail: renier@kappec.co.za
 Website: www.kappec.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **17 July 2028** to commence and complete all the listed activities, rehabilitation and monitoring requirements. A further 5 years until **17 July 2033** is granted for maintenance activities where the upgraded culvert, upgraded and new stormwater structures are installed.

Failing which, this Environmental Authorisation shall lapse, unless the Environmental Authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with a part of the Preferred Alternative, as described in Section C above.

To close off the compromised section of Daffodil Crescent and formalize this existing gravel road linking Daffodil Crescent and Wolwedans Road. The Municipality thus wants to formalise the gravel access road as the permanent link road into a portion of the Wolwedans community. This will include the following:

- 2.1 widening of the existing road if and where required,
- 2.2 tarring of the road comprising a 5.5m road surface, creation of a 1.65m pedestrian sidewalk to allow for two-way traffic.
- 2.3 upgrade of the current stormwater infrastructure to ensure successful surface and stormwater runoff.

- 2.4 Installation of speed calming measures.
- 2.5 Construction of a 1.65 m wide pedestrian sidewalk.
- 2.6 Construction of new stormwater infrastructure at western and eastern ends.
- 2.7 Cutting of the southern bank and limited fill along the northern bank at a proposed slope of 1:1.5m.

The total length of the road upgrade is measured as 380m in extent. The proposed upgrade will follow the existing alignment, except for the eastern end where the junction with Wolwedans Road will be shifted slightly (See site development plan contained in Annexure 2 of this authorisation).

- 3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
- 4. The Holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the Holder.
- 5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority, before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

- 6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 6.1.1. the decision reached on the application;
 - 6.1.2. the reasons for the decision as included in Annexure 3;
 - 6.1.3. the date of the decision; and
 - 6.1.4. the date when the decision was issued.
 - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 6.4. provide the registered I&APs with the:
 - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
 - 6.4.2. name of the responsible person for this Environmental Authorisation,
 - 6.4.3. postal address of the Holder,
 - 6.4.4. telephonic and fax details of the Holder,
 - 6.4.5. e-mail address, if any, of the Holder,
 - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 6.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

- 7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.

7.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions Number: 10 and 19

Management of activity

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved, subject to the inclusion of a Maintenance Management Plan which articulates the measures stipulated under Section 7 of the Aquatic Specialist Report to address maintenance of the culvert and other structures. The afore-mentioned measures must be strictly implemented in accordance with the afore-mentioned MMP. In addition, monthly record keeping (ECO reports) must be submitted to the competent authority on a monthly basis.
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") for the duration of the construction and rehabilitation phases of the development.
11. The ECO must–
 - 11.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing);
 - 11.2. ensure compliance with the EMPr and the conditions contained therein;
 - 11.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 11.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
12. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure that compliance with the conditions of the environmental authorisation and the EMPr, is audited;
15. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 15.1. The Holder must, for the period during which the environmental authorisation and MMP remain valid ensure the compliance with the conditions of the environmental authorisation and the MMP, is audited;
 - 15.2. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the MMP, must adhere to the following programme:

- 15.2.1 A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of the conclusion of the stabilization, rehabilitation and monitoring requirements thereof.
- 15.2.2. An audit report must also be submitted each time after maintenance activities are concluded.

Note: The final auditing requirements should be completed at least three months prior to expiry of the validity period of the environmental authorisation to ensure the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

16. The Environmental Audit Report(s), must –

- 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 16.2. provide verifiable findings, in a structured and systematic manner, on–
 - 16.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 16.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.4. evaluate the effectiveness of the EMPr;
 - 16.5. identify shortcomings in the EMPr;
 - 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 16.9. include a photographic record of the site applicable to the audit; and
 - 16.10. be informed by the ECO reports.
17. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

18. The design of the culverts must make provision for litter traps due to the close proximity of the culvert to the informal and formal residential development.
19. A search and rescue mission must be undertaken by a qualified Botanist, prior to commencement of construction activities and CapeNature should be consulted regarding any applicable permit requirements for any plant and animal search-and-rescue operations. Rescued plant species must be relocated to suitable habitats. Rescued plant species must be used during the rehabilitation phase of the development.
20. The Alien Clearing Plan that has been compiled by the Botanist, Mark Berry Botanical Surveys must be implemented and strictly adhered to.
21. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may

only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

Heritage remains include: meteorites, archaeological and/or paleontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artefacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; shipwrecks; and/or graves or unmarked human burials including grave goods and/or associated burial material.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

Where a validity period has been specified for operational aspects, such as for the development and related operation of the facilities or infrastructure for the storage and handling of a dangerous goods, the onus is on the Holder to ensure the facility is operating at all times in terms of a valid environmental authorisation.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
 - (c) An environmental authorisation may be amended where it relates to a change of ownership or transfer of rights and obligations.
 - (d) On application, if the competent authority decides to grant environmental authorisation, the competent authority may issue a single environmental authorisation or multiple environmental authorisations in the name of the same or different applicants covering all aspects for which authorisation is granted.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from the date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration and implementation of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
 - ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
 - ❖ Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e., 9, 11, 19 and 20). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
 9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.

10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; 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 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
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 Administrator 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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT

DATE OF DECISION: 14 JULY 2023

Copies to:

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Euonell Visagie (Kapp Environmental Consultants (Pty) Ltd)

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Mushfiqah Abrahams (Mossel Bay Municipality)

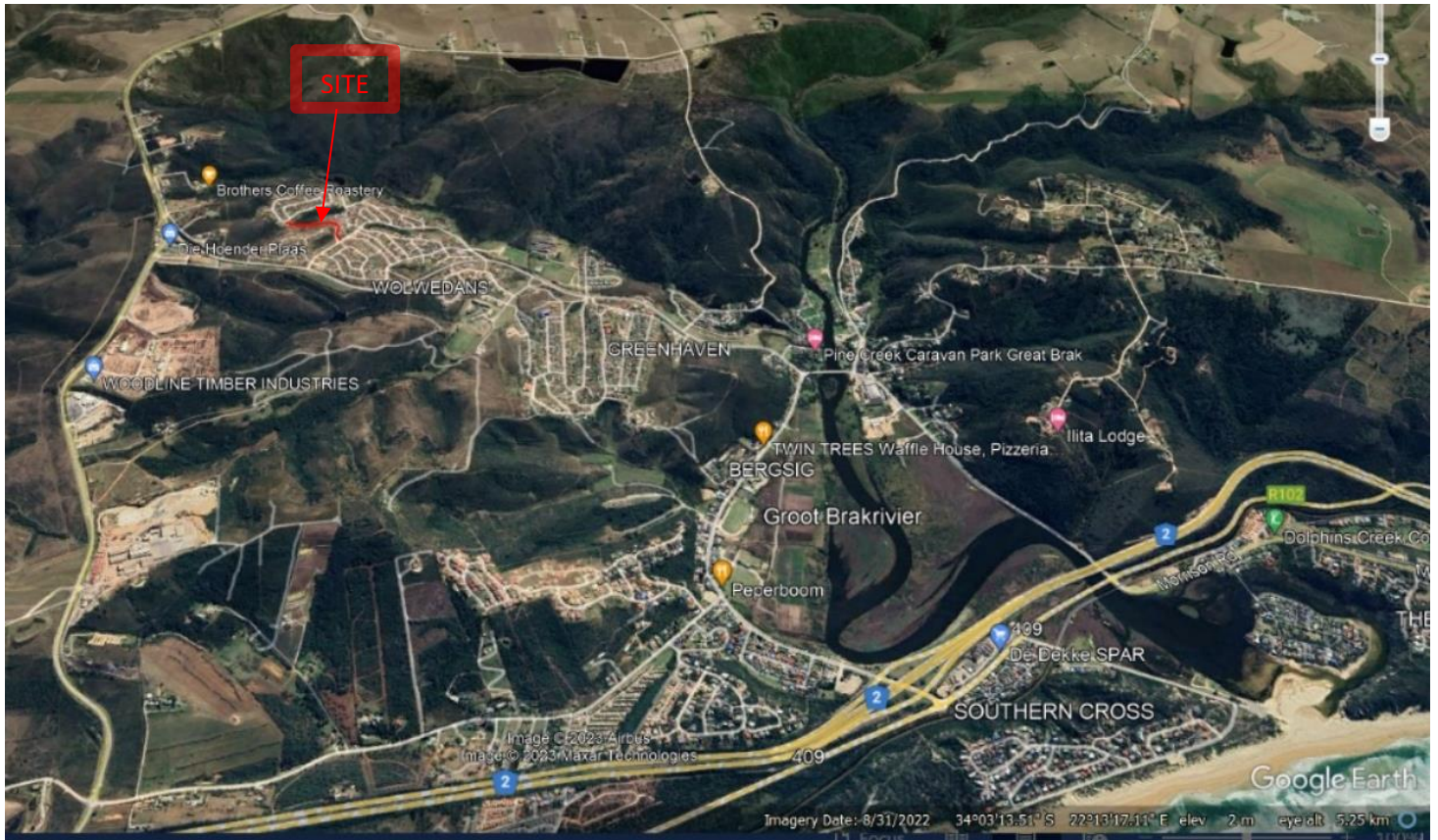
Email: Mushfiqah.abrahams@mosselbay.gov.za

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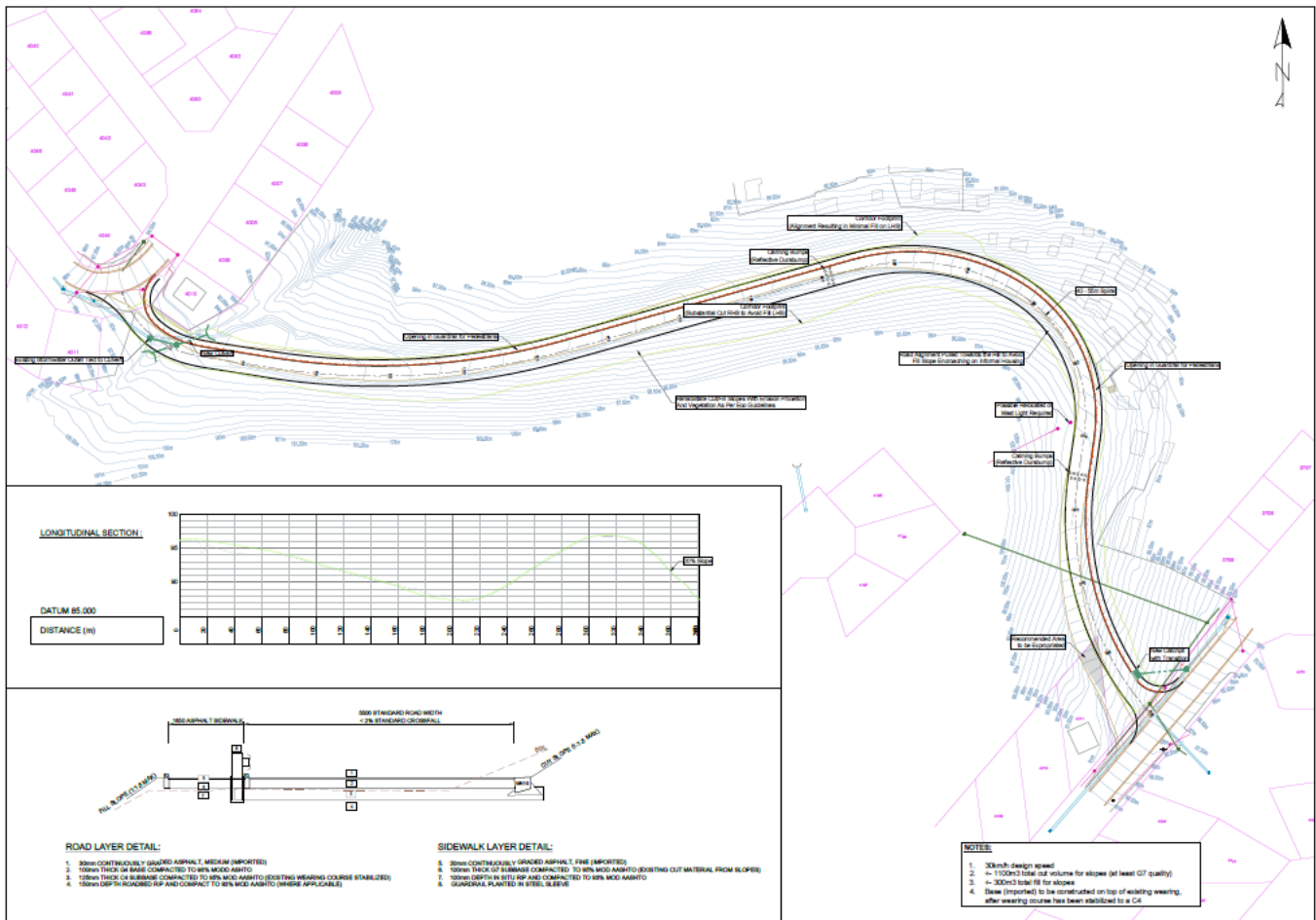
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NEAS REFERENCE: WCP/EIA/0001219/2023

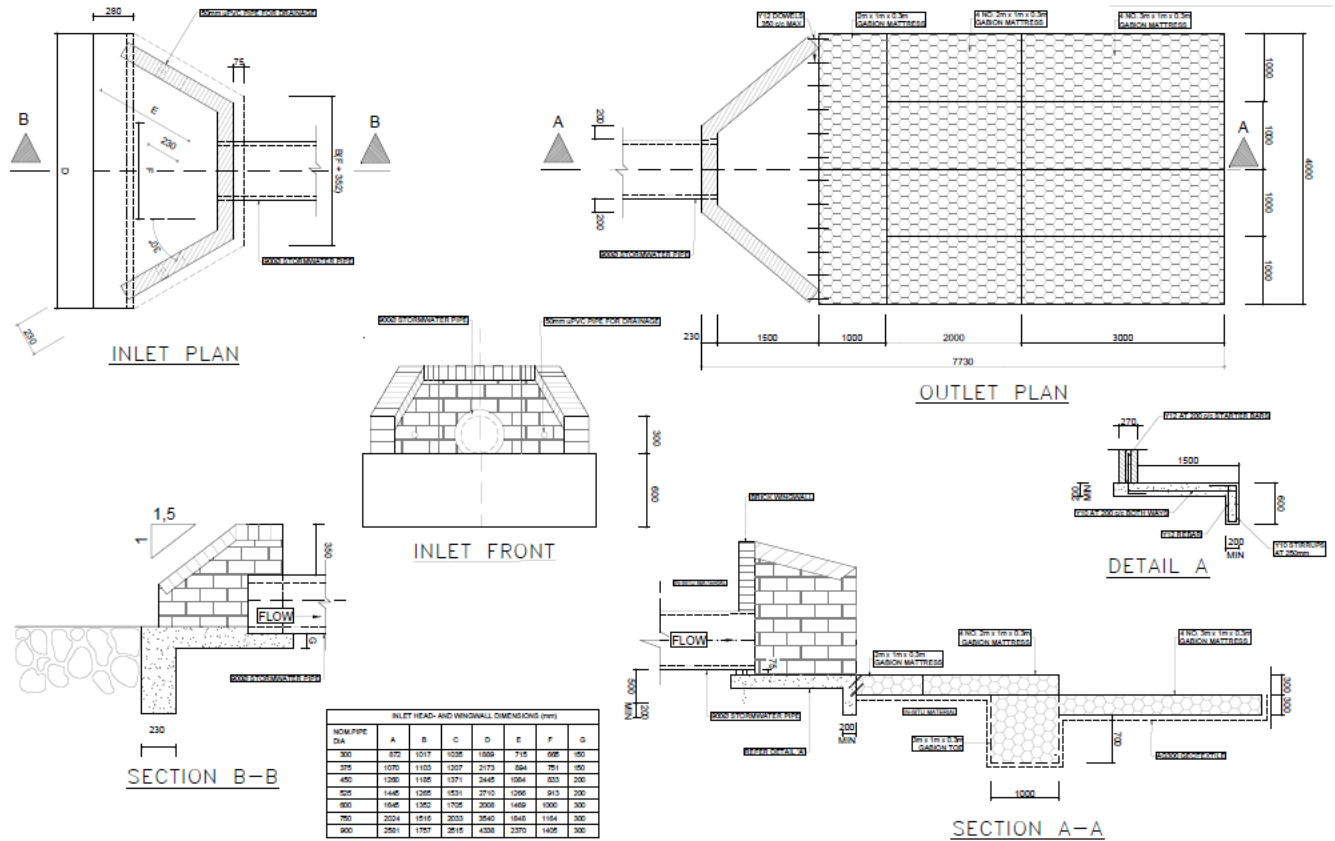
ANNEXURE 1: LOCALITY MAP:



ANNEXURE 2: SITE DEVELOPMENT PLAN



ANNEXURE 3: CULVERT UPGRADE INLET AND OUTLET



INLET HEAD- AND (MINIMUM) DIMENSIONS (mm)							
NON-PIPE DIA	A	B	C	D	E	F	G
300	875	1017	1037	1069	715	668	90
375	1070	1193	1207	1273	864	781	90
450	1260	1408	1371	1445	1054	933	90
525	1445	1585	1531	1610	1266	1113	90
600	1625	1762	1705	1790	1469	1300	90
750	2024	2195	2133	2240	1848	1654	90
900	2511	2707	2635	2760	2370	2108	90

<p>Project: WOLVEDANS EMERGENCY ROAD</p> <p>Client: ...</p> <p>Scale: 1:50</p> <p>Date: 2018/04/20</p> <p>Drawn: ...</p> <p>Checked: ...</p>	<p>Project: WOLVEDANS EMERGENCY ROAD</p> <p>Client: ...</p> <p>Scale: 1:50</p> <p>Date: 2018/04/20</p> <p>Drawn: ...</p> <p>Checked: ...</p>	<p>Project: WOLVEDANS EMERGENCY ROAD</p> <p>Client: ...</p> <p>Scale: 1:50</p> <p>Date: 2018/04/20</p> <p>Drawn: ...</p> <p>Checked: ...</p>	<p>Project: WOLVEDANS EMERGENCY ROAD</p> <p>Client: ...</p> <p>Scale: 1:50</p> <p>Date: 2018/04/20</p> <p>Drawn: ...</p> <p>Checked: ...</p>
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ANNEXURE 4: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 20 January 2023, the Final Basic Assessment Report (FBAR) and EMPr dated and submitted on 24 April 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 24 April 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures;
- f) The observations that were made during the site inspection conducted on 23 May 2023 by the EAP (Mr. Renier Kapp, Ms. Shireen Pullen and Ms. Harriet van Schalkwyk from this Department.

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

1. Background

Due to the continuous landslip in the Wolwedans area, Daffodil Crescent which provides access to a portion of the local Wolwedans community has become inaccessible. The severity of the slippage has led to the decision of the Municipality not to rehabilitate this road, but to instead upgrade and formalise the existing gravel emergency road (now used as the main access and historically used as a fire break). It is therefore the intention to close off the compromised section of Daffodil Crescent and formalize this existing gravel road linking Daffodil Crescent and Wolwedans Road, hence this application.

2. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- Identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- Fixing a notice board at the site in March 2023;
- Notices to the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 10 March 2023;
- The placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 10 March 2023,

The following Organs of State was approached for comment on the proposal:

- Breede-Gouritz Catchment Management Agency (BGCMA)
- South African Civil Aviation Authority (SACAA)
- CapeNature
- Heritage Western Cape
- Department of Agriculture
- Garden Route District Municipality
- Hessequa Municipality
- Provincial Roads
- Department of Fisheries, Forestry and Environment: Forestry Department

The BGCMA granted a general authorisation for the proposed development and Cape Nature made certain recommendations for mitigation, which was included in the EMPr. None of the adjacent property owners submitted any formal written comment on the proposed development and no objections were received against the proposed development. Department of Fisheries, Forestry and Environment: Forestry Department was approached for comment, but no comment was received. CapeNature also submitted comments and recommended that input be obtained from the Department of Forestry, Fisheries, and

Environment in terms of the Veld and that a search-and-rescue should be conducted prior to commencement of construction activities. CapeNature also stated that a permit would be required for plant and animal search-and-rescue.

This Department is satisfied that all the comments and inputs that were captured in the Basic Assessment Report and responded to by the EAP with the inclusion of appropriate mitigation measures in the EMP to adequately address the issues and concerns.

3. Consideration of Alternatives

Due to the continuous landslip in the Wolwedans area, Daffodil Crescent which provides access to a portion of the local Wolwedans community has become inaccessible, especially after the Municipality decided not to rehabilitate the road due to the risk of risk of future slippage being too high. This led to the community using the existing gravel emergency road, which is the only other access, historically used as a fire break to gain access to their property. The proposal therefore is to upgrade and formalize this existing access as the main access to the community. There are no alternative sites or lay-out as this is an existing road that will be upgraded.

The Preferred Alternative

According to the FBAR this alternative entails the formalisation of a gravel road into a permanent access into a section of the Wolwedans community. This will include the following:

- widening of the existing road if and where required;
- tarring of the road comprising a 5.5m road surface, creation of a 1.65m pedestrian sidewalk to allow for two-way traffic;
- upgrade of the current stormwater infrastructure to ensure successful surface and stormwater runoff;
- Installation of speed calming measures;
- Construction of a 1.65 m wide pedestrian sidewalk;
- Construction of new stormwater infrastructure at western and eastern ends; and
- Cutting of the southern bank and limited fill along the northern bank at a proposed slope of 1:1.5m.

The total length of the road upgrade is measured as 380m in extent. The proposed upgrade will follow the existing alignment, except for the eastern end where the junction with Wolwedans Road will be shifted slightly (See site development plan contained in Annexure 2 of this authorisation).

The "No-Go" Alternative

According to the FBAR this alternative entails maintaining the *status quo* and not upgrading the existing access road. If no construction were to take place it is likely that continued land spillage in the Wolwedans area will result in implications to the safety and accessibility of the Wolwedans community. Additionally, continued trampling and informal settlement along the identified drainage lines will continue as well, as the damage invasive plant species have already caused to this section of the area. The no-go area should not be a consideration, as the current gravel road does not meet the safety standards of an access road. This is not the applicant nor the Department's preferred alternative.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

The FBAR submits that there is a need for a safe access into this specific section of the Wolwedans community as the other access (Daffodil Crescent) have been subjected to or undergone continuous landslip and has therefore become inaccessible to the public and is not safe to use. The severity of the slippage has led to the decision of the Municipality not to rehabilitate this road as the risk of future slippage is too high. In the meantime, the community has started using the existing gravel emergency road, that was historically used as a fire break. The Municipality now proposes to formalise this gravel access road as the permanent link road to gain access to this section of the Wolwedans community. It is therefore the intention to close off the compromised section of Daffodil Crescent and formalize this

existing gravel road linking Daffodil Crescent and Wolwedans Road, resulting in a much safer access and increase the safety of the road users.

According to the FBAR the proposal will also provide temporary employment opportunities during the construction phase. In light of the much needed safe access and the socio-economic benefit of temporary employment opportunities, this Department is satisfied that the proposed development will have an overall positive impact ensuring that the Wolwedans community utilises a safe and well maintained road for years to come.

In addition to the above, the proposal will have a positive impact on the services in the surrounding area as there is no alternative access to this section of the community and it will also limit continued trampling as the construction of a pedestrian walkway/sidewalk also forms part of the proposal, protecting the remnant habitat that remains along the road area from further degradation.

4.2 Impacts

Agriculture

According to the National Web based Environmental Screening Tool, the agricultural sensitivity is classified as medium agricultural sensitivity with the soil being classified as having a land capability class of 6 (Low-Moderate) to 8 (Moderate). Due to the medium sensitivity and lack of current agricultural activity, the agricultural specialist found that the proposed development will not have a significant impact on agricultural resources in the area. This Department agrees with this finding and is therefore satisfied that no significant negative impact will occur on agriculture as a result of the approval of the development.

Aquatic

The road crosses an unnamed non-perennial drainage line which has intermittent flows. According to the specialist, the Present Ecological State was classified as B, Largely Natural, and the Ecological Importance and Sensitivity was determined to be Low. According to the freshwater assessment the drainage line likely grades to a wetland further down the slope and is characterised by a distinct channel and well defined riparian zone of mostly indigenous terrestrial vegetation. The drainage line is already impacted by dumping of rubble and soil, littering and alien vegetation encroachment. Although the road itself largely follows the contour, it is located on a sloping hillside. The assessment further submits that the watercourse flows along a small valley and could be negatively impacted if stormwater is discharged at a high velocity or through concentrated flows into it. This could result in channel incision and downcutting which would degrade the state of the watercourse. However, with the implementation of the proposed Sustainable Drainage Systems Interventions to manage stormwater resulting from the hardened surface of the road, these impacts will be negligible negative after mitigation. The outcome of the Department of Water and Sanitation's Risk Matrix was a Low Risk to the watercourse if all control measures are implemented. This Department is satisfied that the proposal will not result in any unacceptable significant negative impacts on the aquatic environment.

Botanical

According to the FBAR the affected vegetation bordering on the road has been identified as Garden Route Granite Fynbos. It is currently listed as critically endangered. Despite its threat status and the position of the road inside the biodiversity network, the vegetation is highly degraded and infested with invasive aliens in places. The botanical assessment revealed that the recorded plant species found are all common and widespread in the region, with no species of conservation concern "SCC" recorded. *Pittosporum viridiflorum* and *Sideroxylon inerme* are protected tree species recorded in the vicinity of the road. The latter can potentially be avoided, but the *P. viridiflorum* sits directly below the road and will probably be affected by earthworks. The Department of Forestry will be approached should any trimming or removal of any protected trees be required. The impact on plant species is expected to be of low significance, with mitigation. Taking the botanical impact into account and considering that this

is an existing road, this Department does not foresee any reason why the proposed development cannot be approved.

Biodiversity

According to the FBAR the road largely runs through a terrestrial Critical Biodiversity Area (CBA) with the western end entering an aquatic CBA and degraded Ecological Support Area (ESA2) (Fish Support Area). The aquatic CBA is aligned with the mapped National Freshwater Ecosystems Priority Area (NFEPA) wetland, while the ESA2 corresponds with residential erven. These areas are important as there is a climate adaptation corridor, a threatened vegetation type, threatened vertebrate habitat (bontebok), water resource protection (Southern Coastal Belt) and a wetland type. However, since the road is an existing road, and based on the findings of the specialist, the proposed upgrades will not have a significantly negative impact on these features. The impact on terrestrial biodiversity is expected to be of low significance, with mitigation.

4.3 Heritage / Archaeological Aspects

The site is not deemed sensitive from a heritage/archaeological/palaeontological perspective. This was confirmed by Heritage Western Cape in their response to the Notice of Intent to Develop dated 19 December 2022. According to the EAP, HWC has confirmed that their original comment are still valid and that no further studies are required.

Considering the above, the view is held that the applicant has adequately considered the heritage and archaeological aspects and that the proposed development will not result in significant negative impact on any heritage resources. This Department is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999.

4.4 Other Impacts

No other impacts of significance were identified and anticipated.

5. **Scope and Validity Period of authorisation**

This environmental authorisation does not define specific operational aspects, but it does include maintenance. The applicant has indicated that the construction activities will commence within 5 years from the date of issue of this environmental authorisation and should be completed (including the post-construction rehabilitation, monitoring and submission of the final environmental audit report. An additional period of 5 years is granted for maintenance activities. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. **National Environmental Management Act Principles**

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

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;

- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

7. Conclusion

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 24 April 2023 is sufficient.
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The proposed mitigation measures included in the EMPr for the pre-construction, construction and rehabilitation phases of the development is considered adequate.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the mitigation measures contained in the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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