



**Western Cape  
Government**

Environmental Affairs and  
Development Planning

**DIRECTORATE: DEVELOPMENT MANAGEMENT  
REGION 1**

**REFERENCE NUMBER:** 16/3/3/1/F4/18/3031/19

**ENQUIRIES:** MS. K. ADRIAANSE

**DATE OF ISSUE:** 2020-02-26

The Municipal Manager  
Saldanha Bay Municipality  
Private Bag X12  
**VREDENBURG**  
7380

For Attention: Mr. H. F. W. Mettler / Mr. J. Jarvis

Tel: (022) 701 7173  
Fax: (022) 715 1518

Dear Sir (s)

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE DEVELOPMENT OF STORMWATER INFRASTRUCTURE ON ERF 13544, MIDDELPOS, SALDANHA.**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, 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 decision on the application, that all registered interested and affected parties ("I&APs") are provided with access to the decision 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 summarised in the attached Environmental Authorisation.

Yours faithfully

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

Copies to: (1) Mr. M. Law (SRK Consulting (South Africa) (Pty) Ltd.)  
(2) Ms. N. Duarte (Saldanha Bay Municipality)  
(3) Ms. K. Rughoobeer (Directorate: Development Facilitation)

Fax: (021) 685 7105  
Email: [Nazeema.Duarte@sbm.gov.za](mailto:Nazeema.Duarte@sbm.gov.za)  
Email: [Keshni.Rughoobeer@westerncape.gov.za](mailto:Keshni.Rughoobeer@westerncape.gov.za)



**REFERENCE:** 16/3/3/1/F4/18/3031/19  
**NEAS REFERENCE:** WCP/EIA/0000655/2019  
**ENQUIRIES:** MS. K. ADRIAANSE  
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### ENVIRONMENTAL AUTHORISATION

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): PROPOSED CLEARANCE OF INDIGENOUS VEGETATION FOR THE DEVELOPMENT OF STORMWATER INFRASTRUCTURE ON ERF 13544, MIDDELPOS, SALDANHA.**

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to the Preferred Alternative, described in the Basic Assessment Report ("BAR"), dated October 2019.

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  
c/o Mr. H. Mettler / Mr. J. Jarvis  
Saldanha Bay Municipality  
Private Bag X12  
**VREDENBURG**  
7380

Tel: (022) 701 7000  
Fax: (022) 715 1518

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

## B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 3 of the NEMA EIA Regulations, 2014 (as amended):</p> <p>Activity Number: 12 Activity Description:</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><b>i. Western Cape</b></p> <p>i. <i>Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <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 entails the clearance of an area of more than 300m<sup>2</sup> or more of indigenous vegetation on land zoned as open space for the development of stormwater infrastructure on Erf 13544, Middelpoos.</p>

The abovementioned list is hereinafter referred to as "**the listed activity**".

The holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the proposed development:

The proposed development entails the clearance of approximately 430m<sup>2</sup> of indigenous vegetation for the development of stormwater infrastructure on Erf 13544, Middelpoos, Saldanha.

The stormwater infrastructure will comprise of:

- An enclosed concrete stormwater collector sump;
- Gabion mattresses;
- Rectangular inlets;
- Submersible pumps;

- Rising main pipeline infrastructure; and
- Associated infrastructure.

The proposed sump will have a capacity of approximately 49.5m<sup>3</sup> and will be located approximately 10m from the south-western edge of a wetland located on Erf 13544, Middelpoos.

The proposed rising main will be routed from the sump, across Erf 13544, Middelpoos towards Middelpoos Drive. The proposed stormwater rising main will then be installed within the road reserves of Middelpoos Drive, Murray Drive and Diaz Road in accordance with the Site Plan (attached as Appendix 2). The proposed rising main will be approximately 1400m in length and have a diameter of approximately 250mm and will be connected to an existing stormwater channel located along the existing wall of the Navy property. The existing stormwater channel will be lined with Armoflex material for a distance of approximately 225m to increase the flow capacity of the stormwater. The development of the proposed stormwater rising main within the road reserves of Middelpoos Drive, Murray Drive and Diaz Road does not trigger a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended).

The total development footprint will be approximately 2181m<sup>2</sup> in extent.

### C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken on Erf 13544, Middelpoos for the clearance of indigenous vegetation for the development of a sump and associated infrastructure and the rising main will be routed along Erf 13585, the Remainder of Portion 24 of Farm Kliprug No. 282, Erf 14925, the Remainder of Portion 12 of Erf 284, the Remainder of Erf 4908 and Portion 1 of Farm No. 284, Middelpoos which is located along Middelpoos Drive, Murray Drive and Diaz Road, Middelpoos and has the following co-ordinates:

Point (sump)	Latitude	Longitude
Middle	33°00'04.10" South	17°54'42.87" East

Point (rising main)	Latitude	Longitude
Start	33°00'04.10" South	17°54'42.87" East
Middle	33°00'22.64" South	17°54'47.34" East
End	33°00'40.01" South	17°54'56.91" East

The SG 21-digit codes are:

Erf 13544	C04600120001354400000
Erf 13585	C04600120001358500000
Remainder of Portion 24 of Farm Kliprug No. 282	C04600000000028200024
Erf 14925	C04600120001492500000
Remainder of Portion 12 of Erf 284	C04600000000028400012
Remainder of Erf 4908	C04600120000490800000
Portion 1 of Farm No. 284	C04600000000002840001

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

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

### D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

SRK Consulting (South Africa) (Pty) Ltd.  
 c/o Mr. M. Law  
 Postnet Suite 206  
 Private Bag X18  
**RONDEBOSCH**  
 7701

Tel: (021) 659 3060

Fax: (021) 685 7105

## **E. CONDITIONS OF AUTHORISATION**

### **Scope of authorisation**

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Layout Alternative 1 described in the BAR dated October 2019 on the site as described in Section C above.
2. The holder must commence with the listed activity on site within a period of **ten (10) years** from the date of issue of this Environmental Authorisation.
3. The development must be concluded within 5 (five) years from the date of commencement of the listed activity.
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.

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

6. A minimum of 7 (seven) calendar days' notice, in writing, must be given to the Competent Authority before commencement of development activities.
  - 6.1. The notice must make clear reference to the site details and EIA Reference number given above.
  - 6.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 11, 17 and 18.

### **Notification and administration of appeal**

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 7.1. Notify all registered Interested and Affected Parties ("I&APs") of –
    - 7.1.1. the outcome of the application;
    - 7.1.2. the reasons for the decision as included in Annexure 3;
    - 7.1.3. the date of the decision; and
    - 7.1.4. the date when the decision was issued.
  - 7.2. 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;
  - 7.3. Draw the attention of all registered I&APs to the manner in which they may access the decision; and

7.4. Provide the registered I&APs with:

- 7.4.1. the name of the holder (entity) of this Environmental Authorisation,
- 7.4.2. name of the responsible person for this Environmental Authorisation,
- 7.4.3. postal address of the holder,
- 7.4.4. telephonic and fax details of the holder,
- 7.4.5. e-mail address, if any, of the holder,
- 7.4.6. 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 National Appeal Regulations, 2014 (as amended).

8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision. 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 activity, including site preparation, must not commence until the appeal is decided.

#### **Management of activity**

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

#### **Monitoring**

- 11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before the commencement of development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.
- 12. A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site where the listed activity will be undertaken and must be made available to any authorised official on request.
- 13. 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**

- 14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).
  - 14.1. The holder must undertake an environmental audit within 3 (three) months of the commencement of the development/construction activities and submit an Environmental Audit Report to the Competent Authority upon the completion of the environmental audit.
  - 14.2. A final Environmental Audit Report must be submitted to the Competent Authority 1 (one) month after the completion of the development activities.

- 14.3. The holder must, within 7 (seven) calendar days of the submission of an Environmental Audit Report to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to an authorised person on request.

### **Specific Conditions**

15. 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.
  - 15.1. 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.
16. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
17. The site must be clearly demarcated prior to the commencement of the development activities. The development footprint of the proposed development must be limited to the demarcated area.
18. The wetland located on Erf 13544, Middelpoos must be demarcated as a "no-go" area prior to the commencement of any land clearing activities and for the duration of the development phase.

### **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 activity.
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 activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that 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 NEMA EIA Regulations, 2014 (as amended) 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 NEMA EIA Regulations, 2014 (as amended) or any relevant legislation that may be applicable at the time.

## G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

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 form/s must be submitted by means of one of the following methods:

By post:           Attention: Marius Venter  
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. M. Venter (Tel: 021 483 2659)  
Room 809  
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
5. The prescribed appeal form, as well as assistance regarding the appeal processes is obtainable from the office of the appeal authority/ at: Tel. (021) 483 3721, E-mail [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.



## H. DISCLAIMER

The Western Cape Government, the holder, 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. ZA AHIR YEFY**

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

DATE OF DECISION: 26/02/2020

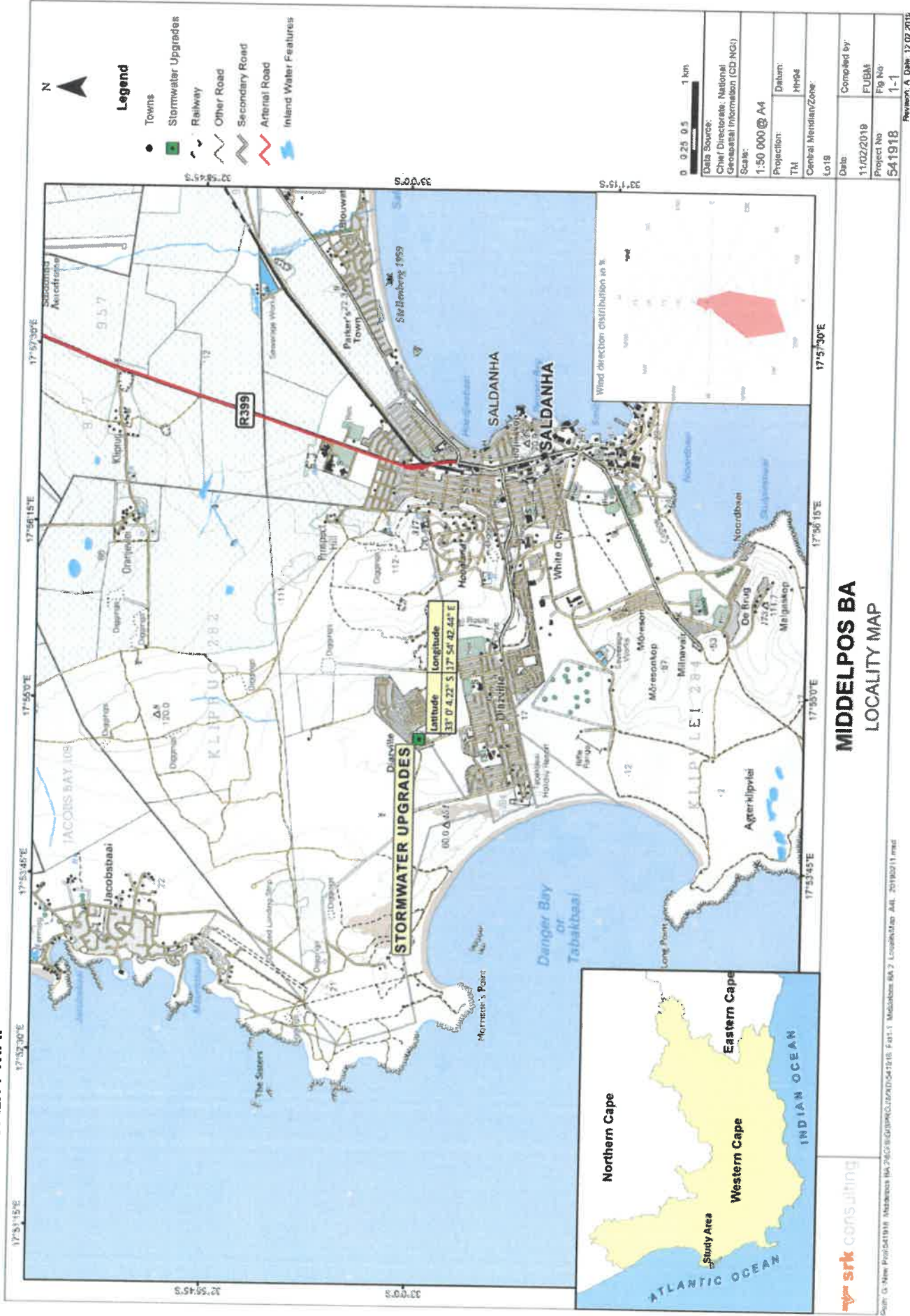
Copies to: (1) Mr. M. Law (SRK Consulting (South Africa) (Pty) Ltd.)  
(2) Ms. N. Duarte (Saldanha Bay Municipality)  
(3) Ms. K. Rughoobeer (Directorate: Development Facilitation)

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Email: [Keshni.Rughoobeer@westerncape.gov.za](mailto:Keshni.Rughoobeer@westerncape.gov.za)

# ANNEXURE 1: LOCALITY MAP



## MIDDELPOS BA LOCALITY MAP



Source: G. New Profile 1919, Indaterra (M2163) BOUTROU (L26) 04-12-15, F41-1, Middelpos BA 2, LocalMap 04L, 20190211.mxd

Data Source:	Chief Directorate: National Geospatial Information (CG-NGI)
Scale:	1:50 000 @ A4
Projection:	Datum: HP94
TM:	Central Meridian/Zone:
Lo 18	
Date:	Compiled by:
11/02/2019	FUBM
Project No:	Fig No:
541918	1-1
Revision: A, Date: 12/02/2019	

# ANNEXURE 2: 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 dated 13 August 2019, the BAR received by the Competent Authority on 05 November 2019 and the EMPr received by the Competent Authority on 05 November 2019;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives and Need and Desirability (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 BAR dated October 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) 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 considered to be 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 on the site where the listed activity is to be undertaken on 15 August 2019;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activity on 15 August 2019;
- the placing of a newspaper advertisement in the 'Weslander' on 15 August 2019; and
- making the BAR available to I&APs for public review from 15 August 2019 to 16 September 2019.

All the concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The Competent Authority concurs with the Environmental Assessment Practitioner's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

### **2. Alternatives**

Three Route Alternatives for the rising main were identified and investigated. However, Route Alternatives 1 and 2 were screened out due to the following:

#### Route Alternative 1:

- Route Alternative 1 was proposed to be routed through intact Saldanha Limestone Strandveld and Langebaan Dune Strandveld vegetation types and an area mapped as a Critical Biodiversity Area. Route Alternative 1 was therefore not preferred by the botanical specialist.
- Route Alternative 1 would result in the discharge of stormwater at an existing stormwater discharge point into the coastal zone, which was not preferred by the applicant.

#### Route Alternative 2:

- Route Alternative 2 was proposed to be routed within the road reserves of Middelpoos Drive, Murray Street and Diaz Road, which was preferred by the botanical specialist.
- However, the stormwater would be routed to the coast where it would connect to an existing marine outfall pipe in Danger Bay. An upgrade to the existing marine outfall pipe would be required.

Therefore, the Preferred Alternative and the “no-go” alternative was assessed.

#### The Preferred Alternative is therefore as follows:

The Preferred Alternative entails the clearance of approximately 430m<sup>2</sup> of indigenous vegetation for the development of stormwater infrastructure on Erf 13544, Middelpoos, Saldanha.

The stormwater infrastructure will comprise of:

- An enclosed concrete stormwater collector sump;
- Gabion mattresses;
- Rectangular inlets;
- Submersible pumps;
- Rising main pipeline infrastructure; and
- Associated infrastructure.

The proposed sump will have a capacity of approximately 49.5m<sup>3</sup> and will be located approximately 10m from the south-western edge of a wetland located on Erf 13544, Middelpoos.

The proposed rising main will be routed from the sump, across Erf 13544, Middelpoos towards Middelpoos Drive. The proposed stormwater rising main will then be installed within the road reserves of Middelpoos Drive, Murray Drive and Diaz Road in accordance with the Site Plan (attached as Appendix 2). The proposed rising main will be approximately 1400m in length and have a diameter of approximately 250mm and will be connected to an existing stormwater channel located along the existing wall of the Navy property. The existing stormwater channel will be lined with Armoflex material for a distance of approximately 225m to increase the flow capacity of the stormwater. The development of the proposed stormwater rising main within the road reserves of Middelpoos Drive, Murray Drive and Diaz Road does not trigger a listed activity in terms of the NEMA EIA Regulations, 2014 (as amended).

The total development footprint will be approximately 2181m<sup>2</sup> in extent.

The Preferred Alternative incorporates the recommendations of the botanical specialist and will link into existing stormwater infrastructure for the disposal of stormwater. From a financial perspective, the Preferred Alternative is preferred since no additional upgrades to infrastructure will be required for the disposal of the stormwater.

### "No-Go" Alternative

The "No-Go" alternative would result in maintaining the *status quo*. However, since the Preferred Alternative will not result in unacceptable environmental impacts, the "No-Go" alternative was not warranted.

## **3. Impact Assessment and Mitigation measures**

### 3.1. Activity Need and Desirability

During and following storm events, a low-lying open space in Middelpos becomes inundated. The inundation of water causes flooding. In order to prevent any potential future flooding, the Saldanha Bay Municipality identified the need to develop additional stormwater infrastructure to reduce inundation at the site and to improve and alleviate flooding risks. Erf 13544, Middelpos is zoned Public Open Space and the proposed development is located within an urban area and is in line with the relevant planning policies applicable to the area.

### 3.2. Botanical Impacts

According to the South African National Biodiversity Institute's BGIS Map Western Cape Biodiversity Spatial Plan Layer, 2017, a portion of the proposed site is mapped as a Critical Biodiversity Area and an Ecological Support Area. A Botanical Screening Report (compiled by Scientific Aquatic Services and dated 18 August 2015) was undertaken to determine the potential botanical impacts associated with the proposed development. The proposed site for the sump and two route alternatives for the proposed rising main were assessed by the specialist. The vegetation types associated with both alternatives are Saldanha Flats Strandveld, Saldanha Limestone Strandveld and Langebaan Dune Strandveld, which are classified as Endangered, Endangered and Vulnerable ecosystems in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) – National list of ecosystems that are threatened and in need of protection, respectively.

The specialist indicated the vegetation located along Route Alternative 1 contained intact Saldanha Limestone Strandveld and Langebaan Dune Strandveld vegetation types. The proposed route was located through an area mapped as a Critical Biodiversity Area. The potential botanical impacts associated with Route Alternative 1 was therefore anticipated to be of medium negative significance post mitigation. The specialist further indicated that the vegetation on proposed site for the sump and Route Alternative 2 was transformed and degraded. No species of conservation concern was surveyed during the site screening process. The botanical impacts associated with Route Alternative 2 was therefore anticipated to be of low negative significance post mitigation.

A statement regarding the botanical condition of Erf 13544, Middelpos (compiled by Liz Day Consulting and dated 12 October 2019) indicated at the baseline botanical conditions reported in the Botanical Screening Report (dated 18 August 2015) confirmed that the botanical condition of the proposed site for the sump was consistent with the results of the botanical report conducted in 2015.

The recommended mitigation measures of the botanical specialist (Botanical Screening Report dated 18 August 2015) have been included in the EMP.

Further, CapeNature indicated (in their correspondence dated 02 September 2019) that they have no objection to the proposed development.

### 3.3. Freshwater impacts

A Risk Assessment of the wetland located on Erf 13544, Middelpoos (compiled by Liz Day Consulting and dated March 2019) was undertaken to determine the potential freshwater impacts associated with the proposed development of a stormwater collector sump, as the proposed sump will be located approximately 20m away from the south-western edge of the wetland. The specialist indicated that the wetland is the product of regular, but artificial stormwater drainage, which has given rise to the formation of a small wetland. The functioning and ecological importance of the wetland is considered to be of low significance.

Although the wetland is degraded, the potential freshwater impacts associated with the proposed development are anticipated to be of low negative significance post mitigation. As such, the specialist has recommended that mitigation measures be strictly implemented. The specialist's recommendations have been set as conditions in this Environmental Authorisation and in the EMPr.

### 3.4. Heritage Impacts

A Notice of Intent to Develop was submitted to Heritage Western Cape ("HWC"). HWC indicated (in their correspondence dated 18 March 2019) that the proposed development will not impact on heritage resources and no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

### 3.5. Dust, Noise and Visual Impacts

Potential dust, noise and visual impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

### 3.6. Traffic Impacts

Potential traffic impacts associated with the proposed development will be mitigated by the implementation of the mitigation measures included in the EMPr.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Loss of some indigenous vegetation;
- Potential impacts on the nearby wetland during development activities; and
- Potential dust, noise visual and traffic impacts during the development phase;

Positive impacts include:

- Improved stormwater management for Middelpoos;
- Alleviation of the risk of flooding of adjacent properties to the wetland during major storm events; and
- Some 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 activity 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 activity can be mitigated to acceptable levels.

You are reminded of your general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."*

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