



EIA REFERENCE NUMBER: 16/3/3/1/D6/28/0023/19
NEAS REFERENCE: WCP/EIA/0000670/2019
ENQUIRIES: Mr Steve Kleinhans
DATE OF ISSUE: 17 FEB 2020

The Municipal Manager
Mossel Bay Municipality
Private Bag X25
MOSSSEL BAY
6500

Attention: Mr. Carel Venter

Tel: 044 606 6121
Fax: 044 606 5062
E-mail: cventer@mosselbay.gov.za

Dear Sir

NOTICE OF DECISION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED UPGRADE OF STORM WATER OUTLET INFRASTRUCTURE AT TWEE KUILEN BEACH ON ERF 4323, MOSSSEL BAY

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation in respect of all of the activity applied for, attached herewith together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Copied to: (1) EAP: Dr. Mark Berry
(2) DEADP: Coastal Management

E-mail: markberry@webafrica.org.za
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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: THE PROPOSED UPGRADE OF STORM WATER OUTLET INFRASTRUCTURE AT TWEE KUILEN BEACH ON ERF 4323, MOSSEL BAY

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** (*viz. Alternative 1*), described in the Final Basic Assessment Report ("FBAR"), dated 11 November 2019 as prepared and submitted by *Mark Berry Environmental Consultants*, 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
% Mr. Carel venter
Private Bay X25
Mossel Bay
6500

Tel: (044) 606 6121
Fax: (044) 606 5062
E-mail: cventer@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: 18 Activity Description:</p> <p><i>The planting of vegetation or placing of any material on dunes or exposed sand surfaces of more than 10 square metres, within the littoral active zone, for the purpose of preventing the free movement of sand, erosion or accretion, excluding where -</i></p> <ul style="list-style-type: none"> <i>(i) the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation undertaken in accordance with a maintenance management plan; or</i> <i>(iii) such planting of vegetation or placing of material will occur behind a development setback.</i> 	<p>The proposal will be located within the littoral active zone and will require the removal of vegetation of approximately 300 square metres for the installation of the infiltration chambers. Once the construction has been completed, the disturbed areas will be rehabilitated by planting indigenous vegetation in accordance with the rehabilitation plan dated September 2019.</p>
<p>Activity Number: 19A Activity Description:</p> <p><i>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from -</i></p> <ul style="list-style-type: none"> <i>(i) the seashore;</i> <i>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater; or</i> <i>(iii) the sea;</i> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <p><i>or</i></p> <p><i>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.</i></p>	<p>The proposed upgrade of the storm water infrastructure will require the excavation and replacement of approximately 230 cubic metres of sand and other material in the littoral active zone or within 100 metres from the high-water mark of the sea.</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:</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> <ul style="list-style-type: none"> <i>i. Western Cape</i> 	<p>The proposed upgrading of the storm water infrastructure will require the clearance of 300 square metres of indigenous vegetation (but less than 400 square metres) within the littoral active zone. The property is located within the urban area; however, no setback line has been determined on the property.</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. 	
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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:

The proposal entails the construction of new stormwater infrastructure below the Twee Kuilen beach parking area on the northern side of the Trio Towers flats. The proposed infrastructure comprises underground infiltration chambers of approximately 200 square metres, a gabion emergency overflow to accommodate >1:10 year floods and 300 millimetre diameter feeding pipes. The infiltration chambers will be located below the parking area, close to the southern boundary of site.

The infiltration chambers will be able to accommodate up to 1:10 year floods with a total volume of 40 cubic metres. Floods bigger than 1:10 years will overflow the chambers and discharge onto a gabion / reno-mattress outlet structure via a 300 millimetre diameter pipe.

C. SITE DESCRIPTION AND LOCATION

The proposed stormwater infrastructure will be located on a vegetated coastal dune face / terrace on Erf 4323 at Diaz Beach in Mossel Bay. The infrastructure will be developed in the south-western portion of Erf 4323, between the existing parking area and above the 8.0 MSL contour line. The site consists of degraded Cape Seashore Vegetation and the proposed infiltration chambers itself will be located inside a patch of *Osteospermum moniliferum* (bietou). A parking area with meeting and ablution facilities are also present on the property. Furthermore, the lower part of the dune face has been invaded by *Acacia cyclops* (rooikrans), which has partly stabilised the dune face.

Coordinates of the site:

Description / Point	Latitude (S)			Longitude (E)		
Top point (edge of parking area)	34°	09'	16.10"	22°	06'	35.22"
Infiltration chamber	34°	09'	16.12"	22°	06'	35.75"
Emergency outlet structure	34°	09'	16.07"	22°	06'	36.55"

SG digit code: C05100040000432300000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

MARK BERRY ENVIRONMENTAL CONSULTANTS

% Dr. Mark Berry

14 Alvin Crescent

Somerset West

7130

Tel: 083 286 9470

Fax: 086 759 1908

E-mail: markberry@webafrica.org.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 **30 April 2022**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The Holder must start with the physical implementation of all the authorised listed activities prior to 30 April 2021 and exceed at least the described threshold of each listed activity by this specified date at the site.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of three (3) months from the date the development activities (construction phase) are concluded; but by no later than 31 October 2021.

Note: Failure to complete the post construction rehabilitation and monitoring requirements at least three 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.

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 the Preferred Alternative described in the FBAR dated 11 November 2019 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative which entails:

The construction of new stormwater infrastructure below the Twee Kuilen beach parking area on the northern side of the Trio Towers flats. The proposed infrastructure comprises underground infiltration chambers of approximately 200 square metres, a gabion emergency overflow to accommodate >1:10

year floods and 300 millimetre diameter feeding pipes. The infiltration chambers will be located below the parking area, close to the southern boundary of site.

The infiltration chambers will be able to accommodate up to 1:10 year floods with a total volume of 40 cubic metres. Floods bigger than 1:10 years will overflow the chambers and discharge onto a gabion / reno-mattress outlet structure via a 300 millimetre diameter pipe.

The proposed stormwater upgrade will be constructed according to Drawing No. M924-4B, dated February 2019, attached as Annexure 2 of the environmental 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 holder notifies 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 on site.

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:

Condition no.: 6, 9 and 11

8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity

9. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby **approved**, subject to the following requirements:

9.1. The EMPr must be amended to incorporate the following —

9.1.1. Incorporate all the conditions given in this Environmental Authorisation;

9.1.2. Indicate that the final monitoring and post-construction rehabilitation report must be submitted to the competent authority within three (3) months of the completion of construction (construction phase) activities.

9.1.3. Indicate that audit reports must be submitted to the Competent Authority at intervals as specified in Condition 14 of this Environmental Authorisation.

9.2. The amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.

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"), for the duration of the construction and rehabilitation phases of implementation contained herein.

12. The ECO must—

12.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing);

12.2. ensure compliance with the EMPr and the conditions contained herein;

12.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;

12.4. remain employed until all development activities are concluded and the post construction rehabilitation and monitoring requirements are finalised.

13. 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.

14. 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

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the approved EMPr must as a minimum address the following:
 - 16.1. the final Environmental Audit Report must be submitted to the Competent Authority within six (6) months of completion of the development activities (construction phase), but by no later than 30 January 2022 (whichever date is earlier).
17. The Environmental Audit Report, must –
 - 17.1. 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;
 - 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - 17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 17.2.2. 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.
 - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.4. evaluate the effectiveness of the EMPr;
 - 17.5. identify shortcomings in the EMPr;
 - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.7. 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;
 - 17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 17.9. include a photographic record of the site applicable to the audit; and
 - 17.10. be informed by the ECO reports.
18. 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

19. The National Department of Environment, Forestry and Fisheries: Oceans and Coasts must be notified should this activity require the use of a motorised vehicle in the coastal zone.
20. The appointed independent ECO must inspect the route for signs of nesting bird species i.e. African Black Oyster Catcher and the White Fronted Sand Plover, prior to any beach driving is undertaken in the coastal zone. Caution must be applied to avoid negatively impacting on nesting areas.
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.

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.
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. Failure to comply with all the peremptory conditions (i.e. 6, 7, 9 or 11) prior to the physical implementation of the activities (including site preparation) is an offence. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and may be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
8. 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.
9. 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. GAVIN BENJAMIN

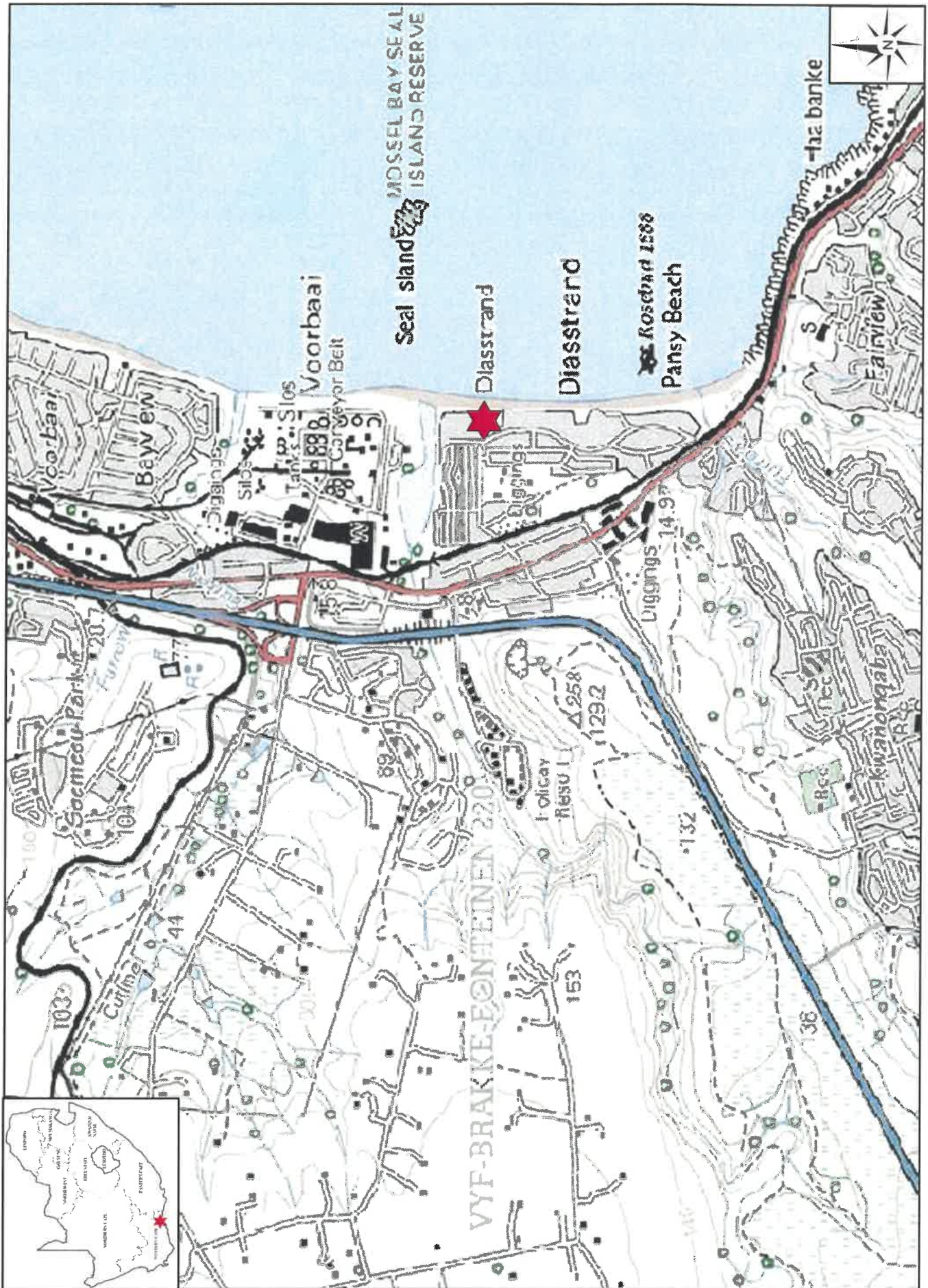
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

DATE OF DECISION: 17/02/2020

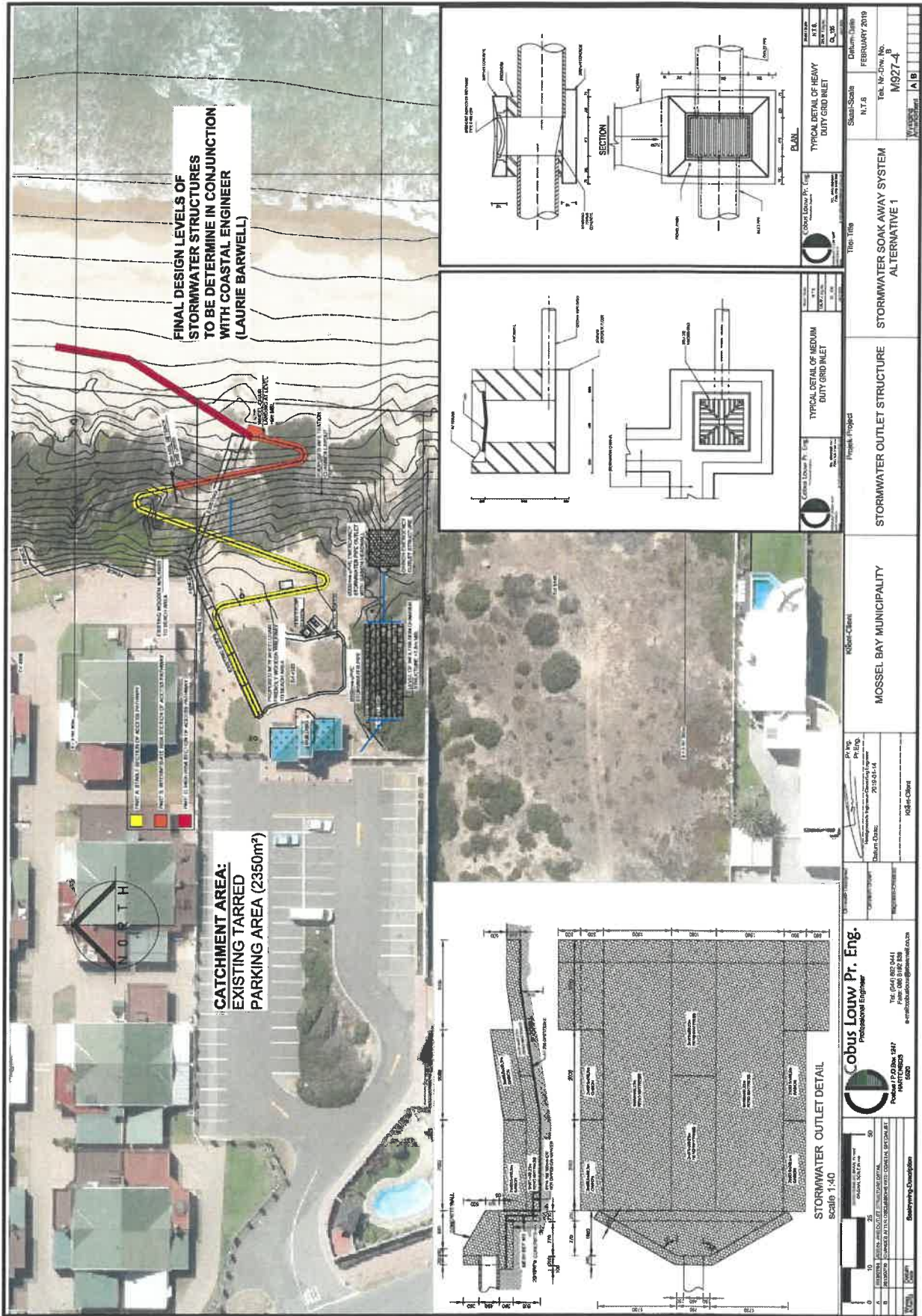
FOR OFFICIAL USE ONLY:

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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE DEVELOPMENT PLANS FOR THE PROPOSED STORMWATER OUTLET INFRASTRUCTURE AT TWEE KUILEN BEACH ON ERF 4323, MOSSEL BAY



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 5 September 2019, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 15 November 2019;
- 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) and section 63 of National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 11 November 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.

A site inspection was conducted by Ms Jessica Christie and Mr Francois Naudé from the Directorate Development Management (Region 3) on 26 April 2019.

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. Legislative Aspects

Although the following listed activities were applied for, these activities have not been authorised as the assessment has shown that the proposed upgrade of the storm water infrastructure will only be undertaken on land which is located within the urban area, namely:

- ❖ Activity no. 15 of Listing Notice 1 (GN. R.983 of 4 December 2014, as amended 7 April 2017);
- ❖ Activity no. 17 of Listing Notice 1 (GN. R.983 of 4 December 2014, as amended 7 April 2017);

2. Public Participation

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 and at the site on 25 March and 27 September 2019;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 25 March 5 June 2019;
- the placing of newspaper advertisements in the 'Die Burger' on 23 March 2019 and in the "Mossel Bay Advertiser" on 27 September 2019; and
- making the pre-application Basic Assessment Report available to I&APs for public review from 25 March 2019 to 30 April 2019; and draft Basic Assessment Report from 29 May 2019 to 19 July 2019.

The following State Departments / Organs of State provided comment on the proposal:

- ❖ *National Department of Environment, Forestry and Fisheries*

- ❖ Department of Agriculture, Forestry and Fisheries
- ❖ DEA&DP: Biodiversity and Coastal Management

All the comments and issues raised by the respective *Organs of State* that were captured in the Basic Assessment Report were responded to by the EAP. The Directorate: Development Management (Region 3) is satisfied with the responses provided by the EAP to these other organs of state.

3. Alternatives

Preferred Alternative – Alternative 1: Underground infiltration chambers (Herewith Approved):

This alternative entails the development of new stormwater infrastructure below the Twee Kuilen beach parking area on Erf 4323 in Mossel Bay and above the 8 metre contour line above mean sea level (AMSL). The proposed infrastructure comprises of infiltration chambers of approximately 200 square metres, a gabion emergency overflow to accommodate floods larger than 1:10 years and 300-millimetre diameter feeding pipes. The infiltration chambers will be located landward of the 50-year erosion risk line. The chamber will be able to accommodate at least the 1:5 and 1:10 year floods and have a total capacity of 40 cubic metres. Floods bigger than 1:10 years will overflow the chambers and discharge on the gabion / reno mattress outlet structure via a 300-millimetre diameter. The outlet structure will be located in the intermediate risk zone i.e. seaward of the 50-year erosion line. The proposal will be implemented in accordance with Drawing Number M924-4^B, dated February 2019, attached as Annexure 2 of the environmental authorisation.

Alternatives considered:

Alternative 2 – Gabion / reno mattress outlet structure landward of the 20-year erosion risk line

This alternative entails the development of a stormwater outlet structure of approximately 60 square metres within the intermediate i.e. landward of the 20-year erosion risk line. The outlet structure will comprise of reno mattresses and gabion baskets on top of geotextile material. Stormwater from the parking area will be conveyed via a 300-millimetre diameter pipeline to the outlet structure.

Alternative 3 – Gabion / reno mattress outlet structure seaward of the 20-year erosion risk line

This alternative entails the development of a stormwater outlet structure of approximately 60 square metres within the intermediate i.e. seaward of the 20-year erosion risk line. The outlet structure will comprise of reno mattresses and gabion baskets on top of geotextile material. Stormwater from the parking area will be conveyed via a 300-millimetre diameter pipeline to the outlet structure.

"No-Go" Alternative

This alternative entails that the stormwater infrastructure will not be developed, and that the status quo would remain. Stormwater from the parking area will continue to erode the existing earth channel. This alternative will lead to a deterioration of the channel.

4. Interim urban edge / urban area

According to the Mossel Bay Municipality's GIS Viewer, the property is zoned Transport Zone II. In accordance with this Department's NEMA EIA Circular 1 of 2012, and the information contained within the documentation regarding the property, Erf 4323 in Mossel Bay, is regarded to fall inside the "interim urban edge" as adopted on 5 March 2012. For the purpose of the Environmental Impact Assessment Regulations, 2014 (as amended), the property is regarded to be inside the urban area.

5. Impact Assessment and Mitigation Measures

5.1 Activity need and desirability

The proposed stormwater infrastructure is required for the management of stormwater from the Twee Kuilen beach parking area. The existing infrastructure does not deal with the stormwater adequately,

resulting in erosion. The proposed infrastructure aims to manage the stormwater to minimise erosion on the dune.

5.2 Biophysical Impacts

The infiltration chambers will be located landward of the 50-year erosion risk line. While the emergency outlet structure will be located seaward of the 50-year erosion risk line. Construction of the stormwater infrastructure will cause disturbance to the dune; however, the area can be rehabilitated by means of the implementation of the Environmental Management Programme and Rehabilitation Plan. During the operational phase, stormwater will be managed through the infiltration in the back-dune area. Furthermore, the design only allows surface flow through the dune and across the beach during extreme rainfall events. Erosion on the dune will therefore be minimised through the implementation of the proposal. Additionally, the location of the proposed infrastructure means that the proposal will have a low risk of being impacted by the forces of the sea and sea level rise. The management of the stormwater through infiltration will result in less surface flow of the stormwater over the beach; as such, the impact the proposal on coastal processes will also be low.

5.3 Biodiversity

The development of the proposed stormwater infrastructure will require the removal of approximately 250 square metres of vegetation. The vegetation on site has been mapped as Least Threatened Cape Seashore Vegetation, which has been degraded through infestation by *Acacia cyclops* (rooikrans). The vegetation where the proposed infiltration chambers will be located consists of a patch of *Osteospermum moniliferum* (bietou), a pioneer shrub species, while the lower part of the dune face has been invaded by rooikrans. Once construction on the proposed infrastructure has been completed, the disturbed area will be rehabilitated in accordance with the rehabilitation plan. The effective implementation of the rehabilitation plan will ensure that vegetation re-establishes on the disturbed area.

5.4 Coastal processes

According to the information the sea storm hazard level for the site by 2050 is determined to be +6.4 metres mean sea level ("MSL"). This implies that the wave run-up during a significant sea storm occurring at spring high tide can reach +6.4 metres MSL in 2050, adding a further 1.6 metre horizontal retreat due to post-storm slumping of the dune to the natural angle of repose, the 50-year erosion level is taken as +8 metres MSL. The hazard level by 2100 is determined +7.05 metres MSL, with a further 1.6 metre horizontal retreat due to post-storm slumping of the dune to the natural angle of repose, the 100-year erosion level is taken as +9.7 metres MSL.

According to the information the proposed infrastructure will be located landward of the 2050 setback line (+8 metre MSL). This means that there will be a low risk that the proposed infrastructure will be impacted by coastal processes in the immediate future. Furthermore, due to the design of the proposed infrastructure (i.e. infiltration chambers), stormwater will be managed through infiltration in the back-dune area and only stormwater from extreme rainfall event will flow through the dune and over the beach. The impact of the proposed infrastructure on coastal processes is therefore considered to be low.

5.5 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed development.

5.6 Other Impacts

No significant cultural, noise and visual impacts have been identified.

6. Scope and Validity of the Environmental Authorisation

The environmental authorisation's validity period has been granted for a period of just over two (2) years (i.e. 26-months), during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit. The non-operational aspects (construction phase) of the environmental authorisation must be concluded by 30 April 2022. A period of 3-months is specified for the final monitoring and post-construction rehabilitation to be completed after the construction phase is finalised. It is expected of the Holder to have commenced with the authorised activities and to have substantially implemented the proposal by 30 April 2021.

7. 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.

8. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved 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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