



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management (Region 1)

REFERENCE: 16/3/3/5/F1/7/2039/18
ENQUIRIES: RONDINE ISAACS
DATE OF ISSUE: 2018-08-07

The Chairman
Port Owen Marina Authority (NPC)
PO Box 506
VELDDRIF
7365

Attention: Mr AJ Uys

Tel.: (022) 783 0943
E-mail: ajuys@mweb.co.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND PART 1 OF THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 12 MAY 2009:

DREDGING OF THE PORT OWEN MARINA ON ERVEN 923, 1974, 1977, 2367 AND 3496, LAAIPLEK

1. With reference to the above application, the competent authority 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 EIA Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties are provided with access to and reasons for the decision, and that all registered Interested and Affected Parties are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the procedure to be followed in the event of appeals being lodged. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Dr Sue Tonin

E-mail: suetonin@gmail.com



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DREDGING OF THE PORT OWEN MARINA ON ERVEN 923, 1974, 1977, 2367 AND 3496, LAAIPEK

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as an "Environmental Authorisation") with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014, the competent authority herewith grants the amendment of the Environmental Authorisation issued on 12 May 2009 (EIA Reference Number: E12/2/3/1-F1/7-0419/08).

The Activity Description in Section A of the Environmental Authorisation issued on 12 May 2009 reads as follows:

"The proposed activity entails the emergency and maintenance dredging of Port Owen Marina, Erf 923, 1974, 1977, 2367 and 3496, Laaipek. Emergency and maintenance dredging will take place with a barge dredger which will remove approximately 10 000m³ of silt material from the Marina mouth. The proposed maintenance dredging will take place on an annual basis where sediment build-up is a problem and emergency dredging will be a once-off operation within the marina mouth and central channel to enable boats to move in and out of the area.

Settling ponds will be established for the removal of sediment from the dredged material. The settling ponds will be located adjacent to the marina mouth on the existing concreted area. Dredged silt material will be pumped into settling ponds via a pipeline. The settling ponds will settle the coarse material and keep the fines in suspension. The fines will be released into the Berg River on outgoing tides of approximately 200m³/s and the coarse material will be collected by Velddrif Municipality for recycling at the landfill site”.

This is herewith replaced with the following:

The activity entails the emergency and maintenance dredging of the Port Owen Marina on Erven 923, 1974, 1977, 2367 and 3496, Laaiplek. Emergency and maintenance dredging will take place with a barge dredger which will remove approximately 10 000m³ of silt material from the Marina per month. The proposed maintenance dredging will take place where sediment build-up is a problem, and emergency dredging will be within the Marina mouth and central channel to enable boats to move in and out of the area.

The established settling ponds will be used for the removal of coarse sediment from the dredged material. Fine material will be directly disposed of into the Berg River, provided the results of real-time ongoing monitoring during dredging confirms that the particle size of dredged material consists of more than 97% fines with a particle size of less than 0.5mm in diameter. The settling ponds will be used should the dredged material comprise more than 3% coarse material, with a particle size of more than 0.5mm in diameter. The fines will be released into the Berg River on outgoing tides of approximately 200m³/s and the coarse material will be collected by the Port Owen Marina Authority for disposal at the Vredenburg Landfill Site.

Condition 4 in Section G of the Environmental Authorisation issued on 12 May 2009 reads as follows:

“The majority of dredging and sediment disposal must occur between May to July”.

This is herewith replaced with the following:

Dredging and sediment disposal must be undertaken throughout the year, as long as flow rates are greater than 200m³/s.

Condition 14.1 in Section G of the Environmental Authorisation issued on 12 May 2009 reads as follows:

“To mitigate noise impacts during dredging, working hours must be restricted to the following times:

14.1 8:00 am to 5 pm on Mondays to Fridays;

This is herewith replaced with the following:

To mitigate noise impacts during dredging, working hours must be restricted to the following times:

14.1 06h00 to 20h00 from Mondays to Fridays, limited to daylight hours as seasons change.

Condition 15.5 in Section G of the Environmental Authorisation issued on 12 May 2009 reads as follows:

"Species surveys of the benthos at wetland sites and in sheltered areas along the river bed must be conducted throughout the year in order to monitor polychaete communities and St Joseph Shark populations".

This is herewith replaced with the following:

Surveys of benthos and fish community structure must be conducted to monitor the effects of dredging.

B. REASONS FOR THE DECISION

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

- (a) The application is for a non-substantive amendment to the Environmental Authorisation.
- (b) Little to no negative impacts is expected due to the amendment of the amended development proposal. This can be justified as follows:

Activity description:

- Dredging is essential to prevent silting up of the waterways, which has severely comprised Marina functioning, hence reducing the economic potential of the existing Marina residential area.
- Analysis of material dredged in 2017 show that the dredged particles size is now much smaller than for material sampled in July-August 2008 (average of only 0.02% of all particles are bigger than 0.5mm in diameter).
- This means that 99.8% of all material that is now being dredged can be classified as fines.
- There is thus a smaller risk of particles settling out in the river and of smothering of benthic marine organisms.
- Particle size of dredged material will continuously be monitored during dredging and should particle size exceed 0.5mm, the settling dams will continue being used.

Condition 4:

- The request to remove the restrictions of dredging during the winter months is based on water flow patterns measured in the Berg River Estuary by Anchor Environmental in 2016.
- With the likelihood of decreasing rainfall in the Berg River Catchment, tides have become the most predictable driving force behind the transport of dredged material out to sea.
- Ebb tides occur throughout the year and not just only from May to July.
- The year round dredging of the Marina will lead to an effective increase on total dredged volumes which will reverse the effects of sediment build-up in the Marina without deviating from the provision that disposal must occur at flow rates greater than 200m³/s.

Conditions 14.1:

- Changing the working hours will maximise the effectiveness of dredging without compromising the dispersal of material as it will permit fuller use of the maximum outflow rates of the ebb tides since the ebb tides occur twice daily.

Condition 15.5:

- At least twelve comprehensive surveys of the fish fauna of the Berg River Estuary (1992-2006, University of Cape Town and Anchor Environmental) indicate that St Joseph's Sharks do not occur in the estuary.
- Rather than excluding polychaete communities, it will be ecologically more meaningful to include other equally important benthic invertebrate species such as amphipods, isopods, crabs and bivalves.

- (c) The environment and the rights and interests of Interested and Affected Parties are not likely to be affected.
- (d) No new listed activities are triggered and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels. The conditions contained in the Environmental Authorisation issued on 12 May 2009, other than those conditions amended in this amended Environmental Authorisation, still remain unchanged and in force.

C. CONDITION

1. The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision –
- 1.1 notify all registered Interested and Affected Parties of –
- 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date of issue of the decision;
- 1.2 draw the attention of all registered Interested and Affected Parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014;
- 1.3 draw the attention of all registered Interested and Affected Parties to the manner in which they may access the decision; and
- 1.4 provide the registered Interested and Affected Parties with:
- 1.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 1.4.2 name of the responsible person for this Environmental Authorisation,
 - 1.4.3 postal address of the holder,
 - 1.4.4 telephonic and fax details of the holder,
 - 1.4.5 e-mail address, if any,
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeals Regulations 2014.

D. APPEAL

Appeals must comply with the provisions contained in the National Appeal Regulations 2014. An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered Interested and Affected Parties of this decision;

- 1.2 If the appellant is the applicant, provide any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered Interested and Affected Party, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.4 The applicant (if not the appellant), the decision-maker, Interested and Affected Parties and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:
 - By post: Attention: Jaap de Villiers
 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 J. de Villiers (Tel: 021 483 3721)
 Room 809
 8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001
 - By e-mail: Jaap.DeVilliers@westerncape.gov.za
- 1.6 An electronic copy (word document format) of the appeal and its supporting documents must also be submitted.
- 1.7 A 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 Jaap.deVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

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

Yours faithfully


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ZAAHEEN TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 07/08/2018

CC: (1) Dr Sue Tonin

E-mail: suetonin@gmail.com

<u>FOR OFFICIAL USE ONLY:</u>	
EIA REFERENCE NUMBER:	16/3/3/5/F1/7/2039/18