



**BETTER TOGETHER.**

**REFERENCE:** 16/3/3/1/D6/17/0011/18  
**NEAS REFERENCE:** WCP/EIA/0000517/2018  
**ENQUIRIES:** Ms Jessica Christie  
**DATE OF ISSUE:** 06 DEC 2018

The Municipal Manager  
Mossel Bay Municipality  
PO Box 25  
**MOSSSEL BAY**  
6500

**Attention: Mr. Carel Venter**

Tel: (044) 606 5073  
Fax: (044) 606 5013  
E-mail: [cventer@mosselbay.gov.za](mailto:cventer@mosselbay.gov.za)

Dear Sir

**NOTIFICATION OF DECISION ON APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: CONSTRUCTION OF A PEDESTRIAN BRIDGE OVER A TRIBUTARY OF THE GROOT BRAK RIVER ON THE REMAINDER OF THE FARM VOORBRUG OUTSPAN NO. 257, GREAT BRAK RIVER**

1. With reference to the aforementioned application, the Department hereby notifies you of its decision to **grant Environmental Authorisation in respect 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 summarised in the attached Environmental Authorisation.

Yours faithfully

  
**MR. GAVIN BENJAMIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: Mr Steve Kleinhans

(EAP)

Fax: 044 874 5953

4th Floor, York Park Building,  
93 York Street, George, 6529  
tel: +27 44 805 8600 fax: +27 44 805 8650

Private Bag X6509, George, 6530  
[www.westerncape.gov.za/eadp](http://www.westerncape.gov.za/eadp)



**REFERENCE:** 16/3/3/1/D6/17/0011/18  
**NEAS REFERENCE:** WCP/EIA/0000517/2018  
**ENQUIRIES:** Ms. Jessica Christie  
**DATE OF ISSUE:** 06 DEC 2018

## 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: CONSTRUCTION OF A PEDESTRIAN BRIDGE OVER A TRIBUTARY OF THE GROOT BRAK RIVER ON THE REMAINDER OF THE FARM VOORBRUG OUTSPAN NO. 257, GREAT BRAK RIVER**

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 Basic Assessment Report ("BAR"), dated 16 October 2018.

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  
MOSEL BAY MUNICIPALITY  
% Mr. Carel Venter  
PO Box 25  
MOSEL BAY  
6500

Tel: (044) 606 5073  
Fax: (044) 606 5013

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

**B. LIST OF ACTIVITIES AUTHORISED**

<b>Listed Activities</b>	<b>Activity/Project Description</b>
<p>Government Notice No. R. 983 of 4 December 2014 – Activity Number: 19 Activity Description:</p> <p><i>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;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <li><i>a. will occur behind a development setback;</i></li> <li><i>b. is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></li> <li><i>c. falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></li> <li><i>d. occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></li> <li><i>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.</i></li> </ul>	<p><i>The removal of soil and the depositing of concrete for the bridge abutments situated on each side of the watercourse. The excavation required will be 1 metre deep, 3.7-metres long and 4.4-metre wide (i.e. approx. 16 cubic metres) for each abutment.</i></p>
<p>Government Notice No. R. 983 of 4 December 2014 – 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"> <li><i>(i) the seashore;</i></li> <li><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></li> <li><i>(iii) the sea; —</i></li> </ul> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <li><i>(a) will occur behind a development setback;</i></li> <li><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></li> <li><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></li> <li><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></li> <li><i>(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.</i></li> </ul>	<p><i>The removal of soil and the depositing of concrete for the establishment of the bridge abutments on each side of the watercourse. The excavation require will be 1 metre deep, 3.7-metres long and 4.4-metre wide (i.e. approx. 16 cubic metres) for each abutment.</i></p>

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 development and construction of a steel arch bridge with timber decking of approximately 21-metre long and 2.3-metre wide at its widest section. In order to support the lateral pressure of the bridge, two concrete abutments will be constructed on either side of the watercourse on the banks. The abutments will require excavation of approximately 1m deep, 3.7-metre long and 4.4-metre wide for each abutment.

Timber-decking will be fixed to timber joists (timber beams arranged in parallel to support the deck). This will rest on intermediate I-beams for support. The handrails for the bridge will consist of upright curved steel beams, one metre in height. The spaces between the handrail beams will be filled to avoid jagged edges (i.e. by using 5 millimetre cable). The approaches to the bridge on either side will consist of compacted G7 material with a paved walking surface. The areas around the paved surfaces will be covered in topsoil and revegetated with grass. In the future the paved footpath leading to the pedestrian bridge will also be constructed. The footpath will be between 1.2 metre and 1.8 metre wide.

### **C. SITE DESCRIPTION AND LOCATION**

The site is located on a tributary of the Great Brak River and lies downstream of the Charles Street vehicle bridge near the mouth of the tributary which opens on the eastern bank of the Groot Brak River. The site is on a property which lies within the centre of the town of Great Brak River and is also the location of the municipal offices and the local clinic which are approximately 40 metres (north) and 70 metres (north-east) from the site respectively. Retail stores are located across the road (Charles Street) approximately 60 metres east of the site. The site is located at the following co-ordinates:

Latitude: 34° 02' 26.91" South;

Longitude: 22° 13' 18.02" East

The SG digit code is: C02700000000025700000

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan (Figure and Figure 2).

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

### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER / AND REVIEWER**

Environmental Assessment Practitioner:

SHARPLES ENVIRONMENTAL SERVICES CC

% Steve Kleinhans

P.O. Box 9087

GEORGE

6530

Tel: (044) 873 4923

Fax: (044) 874 5953

E-mail: steve@sesc.net

## E. CONDITIONS OF AUTHORISATION

### Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to Preferred Alternative described in the BAR dated 16 October 2018 on the site as described in Section C above.

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

The development and construction of a steel arch bridge with timber decking of approximately 21-metre long and 2.3-metre wide at its widest section. In order to support the lateral pressure of the bridge, two concrete abutments will be constructed on either side of the watercourse on the banks. The abutments will require excavation of approximately 1m deep, 3.7-metre long and 4.4-metre wide for each abutment.

Timber-decking will be fixed to timber joists (timber beams arranged in parallel to support the deck). This will rest on intermediate I-beams for support. The handrails for the bridge will consist of upright curved steel beams, one metre in height. The spaces between the handrail beams will be filled using 5 millimetre cable. The approaches to the bridge on either side will consist of compacted G7 material with a paved walking surface. The areas around the paved surfaces will be covered in topsoil and revegetated with grass. In the future the paved footpath leading to the pedestrian bridge will also be constructed. The footpath will be between 1.2-metre and 1.8-metre wide.

The structure will be constructed in accordance with the site development plan depicted in Annexure 2 of this Environmental Authorisation, which is derived from the layout plan compiled by *Kantey & Templer Consulting Engineers* Drawing no. G5162BA-SE-001 (dated 1 February 2018).

2. The Environmental Authorisation is granted until **30 November 2023**, subject to the following:

The holder must—

- 2.1 commence with all the listed activities and conclude the development activities (construction phase) within the validity period;
- 2.2 finalise the post construction rehabilitation and monitoring requirements within the specified validity period; and
- 2.3 finalise all the environmental auditing requirements within the validity period.

Once the structure has been completed; the post construction rehabilitation and monitoring requirements completed; and the final environmental audit accepted by the competent authority, this Environmental will be deemed to be concluded.

3. The listed activity 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 notices to the Competent Authority**

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction 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: **Condition no.: 6, 8, 9 and 11**

### **Management of activity**

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended to address the following aspects. The amended EMPr must -
  - 8.1. incorporate all the conditions given in this Environmental Authorisation;
  - 8.2. specify that the ECO's monthly monitoring reports will be submitted to the Competent Authority on a monthly basis during construction and the post construction rehabilitation and monitoring phase;
  - 8.3. specify the post construction rehabilitation and monitoring requirements and the period applicable to the requirements;
  - 8.4. specify that the Environmental Audit Report(s) must be compiled and submitted by an independent person. By definition this does not include the ECO; and
  - 8.5. in light of the post construction rehabilitation and monitoring and environmental auditing requirements, specify the period within which the final ECO's post construction monitoring report must be compiled and submitted to the Competent Authority.
9. The amended EMPr must be re-submitted to the Competent Authority, at least 60-days prior to the commencement of construction, and must be approved by the Competent Authority prior to the physical activities commencing on the 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 phase of implementation contained herein.
12. The ECO must-
  - 12.1. be appointed prior to commencement of any construction activities commencing;
  - 12.2. ensure compliance with the EMPr and the conditions contained herein;
  - 12.3. keep record of all activities on 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 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, is subject to the following:
  - 16.1. During the construction phase, the holder must undertake annual environmental audit(s) and submit these Environmental Audit Report(s) to the Competent Authority. Should the development activities be concluded within less than a year from date of commencement, only a final Environmental Audit Report needs to be submitted.
  - 16.2. The final construction phase Environmental Audit Report must be submitted to the Competent Authority within **six (6)** months of the development activities being concluded (i.e. construction activities being completed).
17. the environmental audit report must be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise;
18. The Environmental Audit Report, must –
  - 18.1. provide verifiable findings, in a structured and systematic manner, on–
    - 18.1.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
    - 18.1.2. 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.
  - 18.2. identify and assess any new impacts and risks as a result of undertaking the activity;
  - 18.3. evaluate the effectiveness of the EMPr;
  - 18.4. identify shortcomings in the EMPr;
  - 18.5. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
  - 18.6. 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;



- 18.7. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
  - 18.8. include a photographic record of the site applicable to the audit; and
  - 18.9. be informed by the ECO reports.
19. The holder must, within 7-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**

20. The post construction rehabilitation must be concluded within a period of 3-months from the date the development activity (construction phase) is concluded.

The post construction monitoring requirements must continue for a period of at least 2-months from the date the post construction rehabilitation is concluded.

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 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 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.

22. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

### **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 commence with a 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 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.

In assessing whether to grant such 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.

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.

4. The validity period for the non-operational aspects (including date within which commencement must occur, may not be extended unless the required process to amend the environmental authorisation as contemplated in the Environmental Impact Assessment Regulations, 2014 (or subsequent notice) is followed.
5. 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 EMP 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.

6. 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***

7. 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).
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.
10. Cognisant of the validity period of the Environmental Authorisation, the final environmental audit must be completed timeously to provide sufficient time to comply with the relevant provisions of the Regulations.

## **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 and the responding statement must be submitted to 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:                     Attention: Mr Jaap de Villiers (Tel: 021 483 3721)  
Room 809  
8<sup>th</sup> 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 Jaap.DeVilliers@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail Jaap.DeVilliers@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.

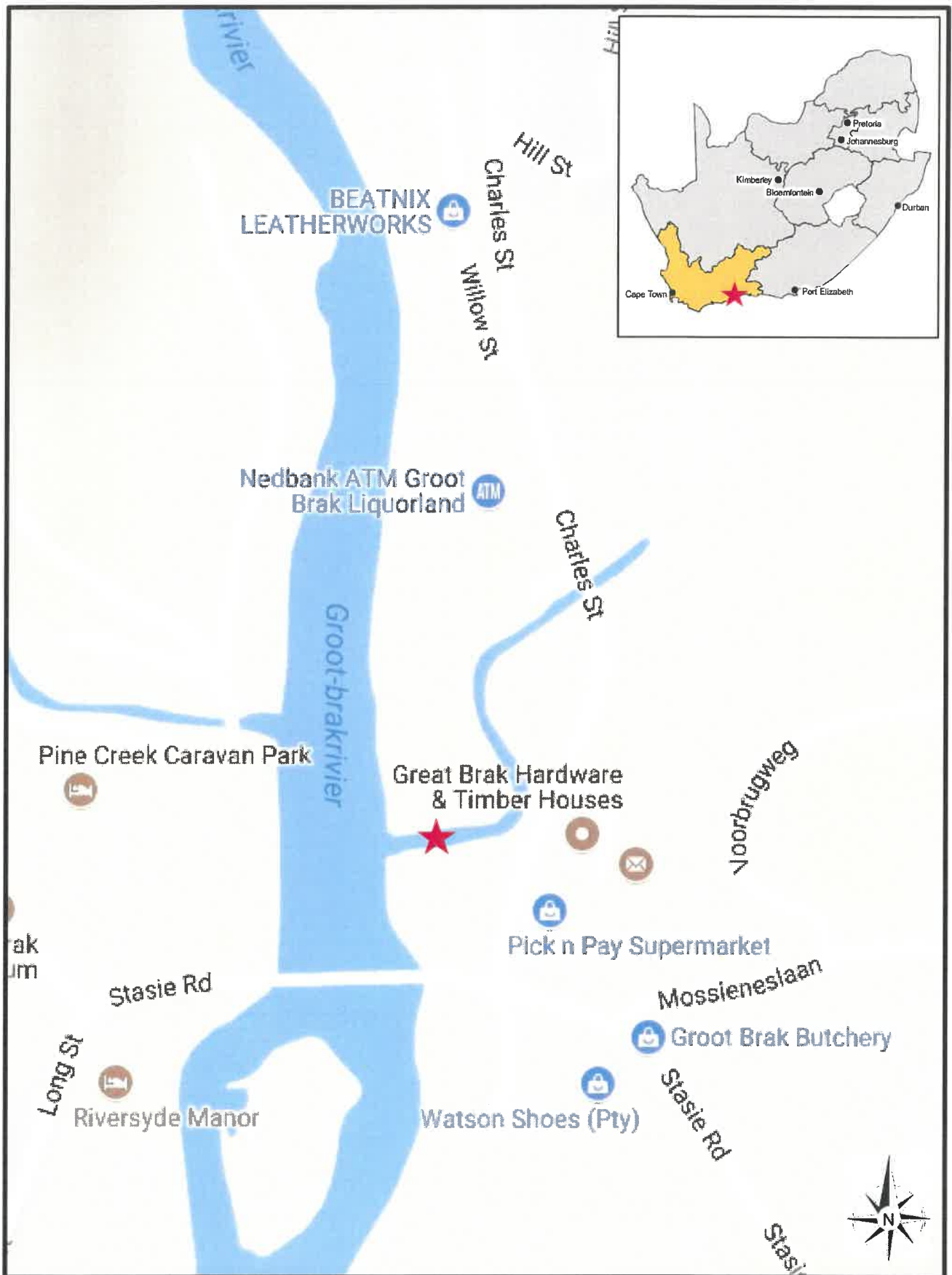
Yours faithfully

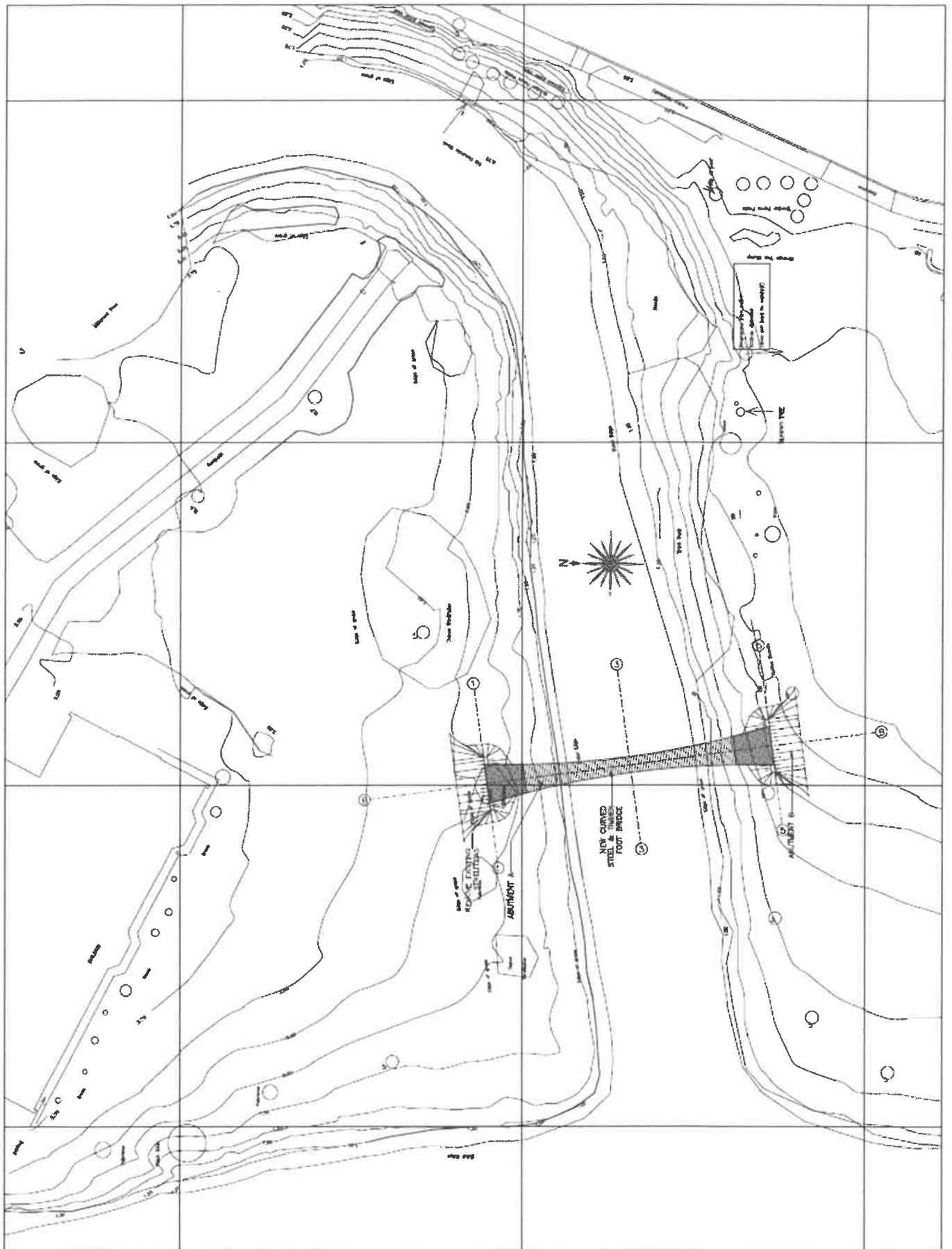


**MR. GAVIN BENJAMIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**

DATE OF DECISION: 03/12/2018

ANNEXURE 1: LOCALITY MAP





SITE PLAN  
SCALE: 1 : 200

FIGURE 2

## **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 15 August 2018, the EMPr submitted together with the BAR on 16 October 2018;
- 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 BAR dated 16 October 2018;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visits were conducted. The Competent Authority knows the area and 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 at the site and any alternative site where the listed activity is to be undertaken;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative 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 28 August 2018;
- the placing of a newspaper advertisement in the 'Mossel Bay Advertiser' on 20 April 2018; and
- making the BAR available to I&APs for public review from 28 August 2018 to 1 October 2018.

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 following Organs of State provided comment on the proposal:

- ❖ *Breede-Gouritz Catchment Management Agency (BGCMA)*
  - It was commented that there is no flow gauge on the tributary of the Groot Brak River where the bridge is proposed.
  - The small drainage line barely flows and in the BGCMA's opinion therefore does not have much flow contribution on the Groot Brak River.
  - When the estuary mouth closes, the estuarine water pushes back into that drainage line in the opposite direction of the flow therefore it is considered to be more estuarine and tidal influenced and that Section 21 (c) and (i) water uses will not be applicable.
  - The BGCMA had no further comment on the Final Basic Assessment report.
- ❖ *Western Cape Government: Department Environmental Affairs and Development Planning – Directorate: Biodiversity and Coastal Management*
  - Due to the effects of climate change, it was predicted that the Western Cape would experience, inter alia, changes in temperature, decrease in rainfall and an increase in the frequency and magnitude of storm surges along the coast. It is in this light of this complex and dynamic nature of the coastline that the ICM Act was promulgated. The ICM Act

provides a framework for the integrated management of the coast with the aim of preserving, protecting, extending and enhancing the status of coastal public property and securing equitable access to the benefits and opportunities of the coast. As such, the ICM Act provides for various zones and provides a framework for the management of these zones.

- The proposed development is a pedestrian bridge proposed to be located over a tributary of the Groot Brak River, to replace a former bridge which was swept away due to a flooding event. The bridge was formerly used to allow the public to access the municipal offices of Mossel Bay, until it was destroyed, forcing the public to find an alternative way to access the Municipal offices via Charles street. As a result, it is noticed that constructing the new bridge will reinstate this access point.
  - It was noticed that the proposed structure falls within the 5 metre contour of the Groot Brak Estuary and the location of infrastructure within the estuarine functional zone should usually be avoided however the nature and the purpose of the proposed development warrants the siting of the bridge at the proposed location.
- ❖ *Garden Route District Municipality: Road Services (previously Eden District Municipality)*
- The organ of state had no comment on the proposal.
- ❖ *CapeNature*
- An issue was raised regarding the suitability of the existing site that had been damaged. CapeNature's issues were adequately addressed by the EAP.

## 2. Alternatives

### Alternative 1 (Herewith authorised)

The preferred alternative for the proposed pedestrian bridge is over a tributary of the Groot Brak River, approximately 20m south of the existing municipal offices and approximately 30 metres east of the main river. The arch design yields the optimum solution as it allows the maximum height between the bridge soffit and the water level thus minimizing the risk of overtopping.

### Alternative 2

The bridge will be located on the same property approximately 30 metres upstream (east) of the preferred alternative. This is the same location where the previous pedestrian bridge was located. The previous bridge was washed away by a previous flood which undermined the supports of the bridge.

### "No-Go" Alternative

The status quo implies that not implementing the activity means that no pedestrian bridge will be built. This will not improve the accessibility for the public to the municipal offices.

## 3. Impact Assessment and Mitigation measures

### 3.1 Activity need and desirability

The property is zoned as "Utility Zone" in terms of the Mossel Bay Municipality: Integrated Zoning Scheme Bylaw of 19 January 2018. The Primary Use of this zoning is for utility service infrastructure. The objective of this zone is to reserve land for uses that do not fall into another zoning category and that is normally undertaken by national, provincial and municipal government agencies including utility services and substations. Some flexibility for the use of land and development parameters is provided. The previous zoning of the property was Authority Zone in terms of the Section 8 Zoning Schemes of 1986. The proposal therefore is permitted in terms of the property's existing land use rights.

### 3.2 Regional/ planning context

One of the objectives of the Western Cape Provincial Spatial Development Framework (WC: PSDF) is to conserve and strengthen the sense of place of important natural, cultural and productive landscapes, artefacts and buildings. One of the strategies to achieve this is to improve the



appearance, pedestrian accessibility and performance of main streets and civic spaces in urban settlements. The bridge also compliments the immediate surrounding architecture and will be pleasing to the eye with natural organic sloping lines. The construction of the pedestrian bridge will therefore be in line with the WC: PSDF.

The proposal has also been included in the Fourth Generation Integrated Development Plan (2017-2022) which was adopted by the Mossel Bay Municipality in May 2017. The proposal is therefore in line with the IDP of the Mossel Bay Municipality.

### 3.3 Great Brak River Estuarine Management Plan

According to the draft Great Brak River Estuarine Management Plan, dated January 2018, the estuary has been put under considerable pressure, particularly in terms of flow modification, mouth manipulation, pollution, development in the estuary zone, etc. There is also reduced freshwater inflow as a result of the Wolwedans Dam.

The vision for the Great Brak River estuary is that the *"estuary is managed in a transparent, accountable and cooperative manner to ensure an appropriate balance between biodiversity conservation, recreational use, human safety and development, now and in the future."*

In order to achieve this the following objectives, amongst others, were identified:

#### ❖ *Biodiversity conservation*

Ensuring that adequate protection is provided to ensure persistence of populations, species, habitats and ecosystem processes. Focus also needs to be on the monitoring and control of alien species.

- The proposed bridge will be constructed on the banks of a tributary which has been in totality transformed. The implementation of the proposed project will therefore not compromise the purpose of this objective.

#### ❖ *Improve ecosystem health*

Freshwater resources and land in the Great Brak River catchment are effectively managed so as not to compromise the quality or quantity of freshwater reaching the estuary or exacerbate flood risk around the estuary. Freshwater flow reaching the estuary is increased to improve water quality and allow the mouth of the system to function more naturally.

- It is highly unlikely that there will be any long-term water quality issues as a result of the proposed bridge. Recommendations to minimise possible pollution during the construction phase have been included.
- It is unlikely that the proposed bridge will exacerbate flooding in the estuary. This is because it has a greater capacity than the culvert at Charles Street located approximately 200 metres upstream. It must also be noted that due to the flow direction (north to south) of the Great Brak River and the placement of the proposed bridge (south of the municipal building) that the municipal building shelters the bridge from high velocity flows. In addition, the area surrounding the preferred location is more open, and not as channelled as the old site, thus allowing lower flow velocities at the bridge and more excess flow capacity around the bridge. This decreases risks associated with possible damage due to high flow velocities and causing obstructions
- Therefore, it is reasonably assumed that the proposed bridge will not compromise the purpose of this objective.

### 3.4 Biophysical Impacts

During the construction phase excavations and the removal of topsoil will be required for the construction of the footings for the pedestrian bridge. The clearing and removal of the grass cover and the excavations will expose the soil to wind and rain and could result in localised erosion. Materials that will be stockpiled can also become vulnerable to erosion. Soil compaction due to the heavy construction vehicle can increase storm water runoff and erosion

and cause sedimentation of the watercourse. This impact will be mitigated by the implementation of the Environmental Management Programme (EMPr).

### 3.5 Biodiversity

The proposed pedestrian bridge will impact on an area marked as CBA. Less than 50m<sup>2</sup> of the area mapped as CBA will be physically affected by the proposal.

However, the proposal will not compromise the integrity of the CBA because the area has been transformed and currently consist of lawn and does not fit the description of the vegetation unit mapped for the area. Also, the proposed bridge will not have a significant impact on ecological process as no activity will be located within the river and no vegetation apart from the grassed area and one *Strelitzia* sp. will be impacted by the proposed activity.

### 3.6 Visual / sense of place

Construction activities and site camp may have a temporary, very low visual impact on the surrounding areas and once the bridge is complete it will have a positive visual impact on the area as the purpose of the bridge in essence is for beautification of the park.

### 3.7 Heritage / archaeological / built environment

No anticipated impacts on heritage and cultural aspects.

## 4. National Environmental Management Integrated Coastal Management Act, 2008 (NEM:ICMA)

The relevant criteria and factors, as set out in Section 63 of NEM:ICMA, have been taken into account. As such, the impacts of coastal environmental processes on the proposed activity and the impacts (as a result of the proposed development) on the receiving environment, are unlikely to be significant negative impacts and can be mitigated to an acceptable level.

## 5. 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.

## 6. 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.

----- END -----