



REFERENCE: 16/3/3/1/E2/9/1071/18
NEAS REFERENCE: WCP/EIA/0000488/2018
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 2019 -04- 15

The Municipal Manager
Overstrand Municipality
PO Box 26
GANSBAAI
7220

Attention: Mr F Myburgh

Tel.: (028) 384 8300
Fax: (028) 384 0241

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED FRANSKRAAL STORM WATER INFRASTRUCTURE UPGRADE

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the 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 National 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 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
CC: (1) C Bruwer (EnviroAfrica)

Fax: (086) 513 2141



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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 (AS AMENDED): THE PROPOSED FRANSKRAAL STORM WATER INFRASTRUCTURE UPGRADE

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activity specified in section B below with respect to Alternative B, as described in the Basic Assessment Report ("BAR"), dated December 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
Overstrand Municipality
c/o Mr F Myburgh
PO Box 26
GANSBAAI
7220

Tel: (021) 348 6300
Fax: (021) 348 0241

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

B. LIST OF ACTIVITY AUTHORISED

Listed Activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 12</p> <p>The development of -</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; — <p>excluding—</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared. 	<p>The proposal entails the development of infrastructure exceeding 100m².</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 17</p> <p>Development -</p> <ul style="list-style-type: none"> (i) in the sea; (ii) in an estuary; (iii) within the littoral active zone; (iv) in front of a development setback; or (v) if no development setback exists, within a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater; 	<p>The enlarged storm water detention pond will be larger than 50m² and will be located within 100m of the high water mark of the sea.</p>

<p>in respect of -</p> <ul style="list-style-type: none"> (a) fixed or floating jetties and slipways; (b) tidal pools; (c) embankments; (d) rock revetments or stabilising structures including stabilising walls; or (e) infrastructure or structures with a development footprint of 50 square metres or more - but excluding - <ul style="list-style-type: none"> (aa) the development of infrastructure and structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) 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; (cc) the development of temporary infrastructure or structures where such structures will be removed within 6 weeks of the commencement of development and where coral or indigenous vegetation will not be cleared; or (dd) where such development occurs within an urban area. 	
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies. 	<p>The proposal entails the removal and infilling of 10m³ of material in a portion of the wetland that is located more than 100m from the high water mark of the sea.</p>

<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 19 A</p> <p>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—</p> <p>(i) the seashore;</p> <p>(ii) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater; or</p> <p>(iii) the sea; -</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving -</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</p>	<p>The proposal entails infilling and removal of more than 5m³ from a wetland and a portion of the wetland will be located within 100m of the high water mark of the sea.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 27</p> <p>The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for -</p> <p>(i) the undertaking of a linear activities; or</p> <p>(ii) maintenance purposes undertaken in accordance with a maintenance management plan</p>	<p>The proposal entails the clearance of more than 1 hectare of indigenous vegetation.</p>
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 45</p> <p>The expansion of infrastructure for the bulk transportation of water or storm water where the existing infrastructure -</p> <p>(i) has an internal diameter of 0,36 metres or more; or</p> <p>(ii) has a peak throughput of 120 litres per second or more; and</p> <p>(a) where the facility or infrastructure is expanded by more than 1 000 metres in length; or</p>	<p>The proposed storm water pipe will be located outside of the urban area.</p>

<p>(b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more; excluding where such expansion -</p> <p>(aa) relates to transportation of water or storm water within a road reserve or railway line reserve; or</p> <p>(bb) will occur within an urban area.</p>	
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 48</p> <p>The expansion of –</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more; where such expansion [or expansion and related operation] occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding—</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such expansion occurs within an urban area; or</p> <p>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	<p>The surface area of the enlarged storm water detention pond will be expanded by more than 100m².</p>
<p>EIA Regulations Listing Notice 3 of 2014 -</p> <p>Activity Number: 12</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>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</p>	<p>The proposal entails the clearance of more than 300m² of indigenous vegetation within 100m of the high water mark of the sea.</p>

<p>area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <ul style="list-style-type: none"> 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 or even 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 activity as it relates to the development:

This alternative entails clearing and expansion of the existing storm water detention pond at the end of Dumas Street to a design volume of approximately 12000m³. The excavated material will be used in the berm that will surround the enlarged pond. The existing storm water drainage infrastructure through Uilenkraalsmond will remain the same. An additional 900mm diameter storm water discharge pipe of approximately 80m will be constructed from the enlarged pond and pipe-jacked through the sand dune, below the existing walkway. The storm water discharge pipe will daylight approximately 3 metres above the high water mark of the sea. The size of the pipeline and the erosion protection works that is located in the coastal public property (to the immediate south of the southernmost boundary of Erf No. 690) will be approximately of 30m². The erosion protection works will consist of a material that will allow infiltration of the storm water into the subsoil. The proposed pipe will provide a storm water discharge capacity of 5.12m³/s, which will be sufficient for the 1 in 50-year flood event for sub-catchments 1, 2 and 3. Therefore, no other overland escape route will be necessary to convey the excess runoff during flood events. The existing storm water system through Uilenkraalsmond resort will thus only have to convey the runoff from sub-catchment 4.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken in Dumas and Julia streets in Franskraal east, Franskraal.

The SG21 digit codes are: C01300070000068600000; C01300070000068700000; C01300070000069000000; C01300070000130000000

Co-ordinates:

Latitude	Longitude
34° 36' 16.07"	19° 24' 15.08"

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Environmental Assessment Practitioner:

EnviroAfrica (Pty) Ltd
c/o Mr Charel Bruwer
P.O. Box 4
ONRUS RIVIER
7201

Tel: (028) 316 2888

Fax: (086) 513 2141

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to Alternative B, as described in the BAR dated December 2018 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue, within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activity.

- 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
- 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8, and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder, and
 - 7.4.6 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).
8. The listed activity, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activity, including site preparation, must not commence until the appeal is decided.

Management of activity

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

Monitoring

11. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activity to ensure compliance with the EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including a publicly accessible website.
13. Access to the site referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the Competent Authority. The Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake an environmental audit (quarterly for the duration of the construction phase) and submit Environmental Audit Reports to the Competent Authority (once every six months during the construction phase). The final Environmental Audit Report must be submitted to the Competent Authority (six months after operation commenced).

The holder must, within 7 days of the submission of the 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

15. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

16. 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.

17. The relevant requirements with respect to occupational health and safety must be adhered to at all times.

F. RECOMMENDATION:

1. As Activity 19 of Listing Notice 1 is authorised and future maintenance related work may be required for rehabilitation interventions and maintenance of existing infrastructure that may also trigger this listed activity, the adoption of a Maintenance Management Plan ("MMP") can apply. Should the Department agree to adopt a MMP, future maintenance work specified within the MMP would not require an Environmental Authorisation prior to the undertaking thereof. Be advised that the MMP relates to the aforementioned listed activity only.
2. This Directorate, therefore, recommends the compilation of a MMP, by a suitably qualified and experienced freshwater ecologist or specialist, and submission to the Department for adoption, prior to implementation of the maintenance schedule. Such a MMP should include specific reference to the maintenance activities that will be carried out in the storm water detention pond and detailed methodology, including the following aspects:
 - 2.1 A description of the proposed maintenance activities and the relevant triggered listed activities in terms of the NEMA EIA Regulations;
 - 2.2 The frequency of maintenance activities to be carried out in the storm water detention pond, including where maintenance will be required for any structures or infrastructure, such as storm water infrastructure, e.g. annual clearing of silt or after flood events;
 - 2.3 The manner in which maintenance activities will be implemented. i.e. will maintenance activities be done by hand or mechanically. Method statements for each scenario must be included in the MMP;
 - 2.4 The access to the site if maintenance is carried out mechanically (i.e. is the existing access to be used, or will new access be created for the maintenance activity, and, if new access is created, will the access be rehabilitated after maintenance activities are completed or will it be permanent);
 - 2.5 An appropriately scaled map that highlights the specific area where maintenance will occur, the access routes to be used and where applicable, potential site camp areas; and
 - 2.6 An indication of the party(ies) responsible for the maintenance activities.

G. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with the listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for

amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.

4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:

Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014, (as amended) or any relevant legislation that may be applicable at the time.

H. 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 on which 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 on which 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 Organs 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 Organs 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
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 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>.

I. 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



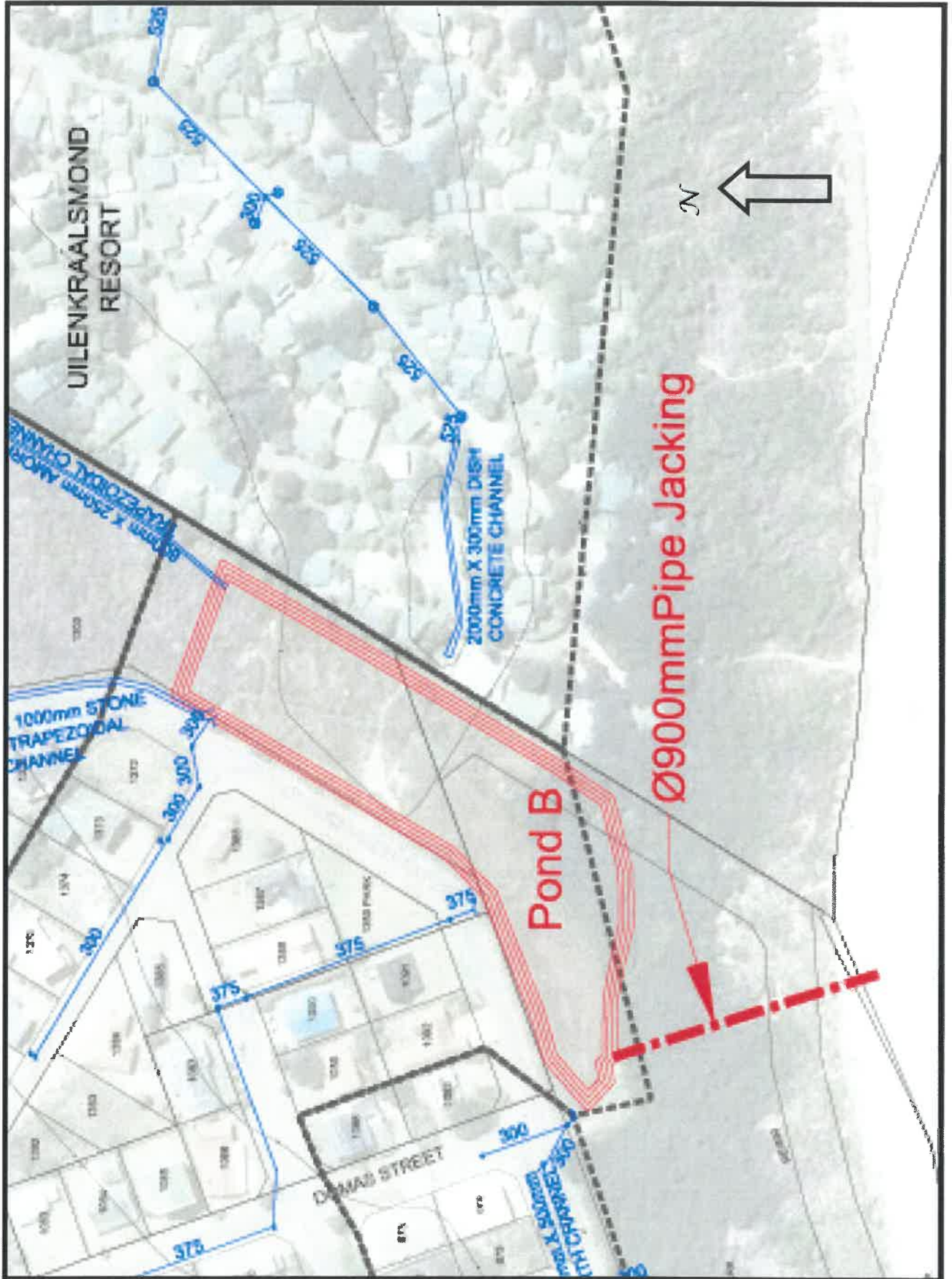
MR. ZAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 15/04/2019

Cc: (1) C Bruwer (EnviroAfrica)
(2) R Smart (CapeNature)

Fax: (086) 513 2141
Fax: (021) 866 1523

ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 18 September 2018 and the BAR together with the EMPr dated December 2018 and received by the Department on 11 December 2018;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and 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 11 December 2018; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

A site visit was not conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- giving written notice to the owners and occupiers of land adjacent to the 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 activity on 2 November 2016;
- fixing notice boards at the site where the listed activities are to be undertaken on 2 November 2016;
- the placing of a newspaper advertisement in the '*Gansbaai Courant*' on 3 November 2016;
- circulating the pre-application draft BAR to I&APs from 16 August 2017;
- circulating the in-process draft BAR to registered I&APs from 18 September 2018;

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Alternative A – Clean existing storm water detention pond with 1473mm diameter discharge pipe under the dune to the beach:

This alternative entails that the existing storm water detention pond at the end of Dumas Street be cleaned up to the existing design volume of 7500m³. The excavated material will be used to stabilise the bank of the detention pond. The existing storm water drainage infrastructure through Uilenkraalsmond will remain as is. An additional 1473mm diameter storm water discharge pipe with an approximate length of 80m will be pipe-jacked through the sand dune, below the existing walkway and steps to minimise the potential environmental impact on the surrounding area. The pipe will daylight approximately 3m above the high water mark of the sea. Erosion protection will be installed at the pipe outlet that will dissipate the storm water flow to the sea. The proposed pipe will provide a storm water discharge capacity of 5.12m³/s, which will be sufficient for the 1 in 50-year flood event for sub-catchments 1, 2 and 3. Therefore, no other overland escape route will be necessary to convey the excess runoff during flood events. The existing storm water system through Uilenkraalsmond resort will thus only have to convey the runoff from sub-catchment 4. However, this alternative is not preferred, since the size of the pipeline that would have to be installed under the dune will result in an increase in the associated environmental impacts.

Alternative B - Enlarged detention pond facility with a 900mm diameter discharge pipe under the dune to the beach (Preferred Alternative herewith authorised):

This alternative entails cleaning and expansion of the existing storm water detention pond at the end of Dumas Street to a design volume of approximately 12000m³. The excavated material will be used in the berm that will surround the enlarged pond. The existing storm water drainage infrastructure through Uilenkraalsmond will remain the same. An additional 900mm diameter storm water discharge pipe with an approximate length of 80m will be constructed from the enlarged pond and pipe-jacked through the sand dune, below the existing walkway. The storm water discharge pipe will daylight approximately 3 metres above the high water mark of the sea. The size of the pipeline and the erosion protection works that is located in the coastal public property (to the immediate south of the southernmost boundary of Erf No. 690) will be approximately of 30m². The erosion protection works will consist of a material that will allow infiltration of the storm water into the subsoil. The proposed pipe will provide a storm water discharge capacity of 5.12m³/s, which will be sufficient for the 1 in 50-year flood event for sub-catchments 1, 2 and 3. Therefore, no other overland escape route will be necessary to convey the excess runoff during flood events. The existing storm water system through Uilenkraalsmond resort will thus only have to convey the runoff from sub-catchment 4.

This alternative is preferred since it is in line with Guideline for Human Settlement Planning and Design that requires storm water infrastructure to have sufficient capacity for the 1 in 2 and 1 in 5-year flood runoff in residential areas and that major storm water systems have sufficient capacity for the 1 in 50-year flood runoff. The reduced diameter of the pipe enables pipe-jacking through the dune. This technology alternative is preferred over conventional trenching for laying pipes, as the disturbance to natural vegetation will be significantly reduced. The new pipe outflow directly into the ocean is preferred to the outflow into the estuary, as the estuary is considered as a more sensitive receiving environment. The outflow is also onto a partially rocky coastline, which, in combination with the proposed erosion protection measures, will reduce the potential erosion impacts.

Alternative C: Two detention pond facilities (~20000m³) and existing discharge through Uilenkraalsmond:

This alternative entails enlarging the existing storm water detention pond and the development of an additional storm water detention facility. The area proposed for the enlarged and new ponds currently serves as open spaces. The combined capacity of the two ponds (Pond A & Pond B) will be approximately 20 000m³. The existing storm water system through Uilenkraalsmond resort have a minimum capacity in the system of 0.65m³/s. The 1 in 2-year storm water runoff for sub-catchment 4 is 0.22m³/s, leaving a spare capacity of 0.43m³/s. Therefore, if the proposed Ponds A and B are designed with an outflow of 0.43m³/s through the Uilenkraalsmond Resort storm water system, the ponds will provide sufficient capacity for the 1 in 50-year flood runoff for sub-catchments 1, 2 and 3. However, the route through Uilenkraalsmond will still serve as overland escape route for sub-catchment 4 and should the storm exceed the design flows, or if any blockages occur in the storm water system, flooding in Uilenkraalsmond will still occur. In addition, this option will also utilise all the capacity of the storm water drainage channel through Uilenkraalsmond to accommodate sub-catchments 1, 2 and 3, leaving no spare capacity for improving storm water management of the Uilenkraalsmond storm water runoff.

Alternative D: (Non-Preferred-Discarded)-Replace Uilenkraalsmond storm water system with 1200mm X 900mm box culverts:

It was recommended to retain the existing storm water detention pond and install a 1200mm X 900mm box culvert for a length of approximately 450m that will follow most of the same route as the existing system through Uilenkraalsmond, except for the sections running below buildings. Where the existing system runs below buildings, the proposed culvert will divert and re-route in the existing streets. The proposed culvert will provide capacity of 2.2m³/s, which will be sufficient for the 1 in 5-year flood event for sub-catchments 1, 2,3 and 4.

However, the route through Uilenkraalsmond will still serve as overland escape route for storms exceeding the 1 in 5-year recurrence interval, or if any blockages occur in the storm water system. This option will cause the most inconvenience to affected property owners and infrastructure would still be flooded by storms exceeding the 1 in 5-year recurrence interval. It will be difficult to construct due to very limited space available to place the box culverts and was therefore discarded as it cannot meet the requirements of the Guidelines for Human Settlement Planning and Design.

"No-Go" Alternative

The "no-go" option was also investigated and was not preferred since the existing storm water infrastructure will be left as is. Therefore, an opportunity to reduce the possible frequency of flooding of certain areas of Franskraal and Uilenkraalsmond during high rainfall events will be lost.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

Currently, the storm water draining the Franskraal areas flows in a storm water detention pond adjacent to the Uilenkraalsmond Resort, from which the overflow drains through channels and pipes through the resort and exits into the mouth of the Uilenkraals Estuary. With the increase of hardened surfaces in Franskraal east, the flash runoff during high rainfall events, coupled with the limited storm water storage capacity and limited discharge capacity through Uilenkraalsmond, result in flooding of the houses in Uilenkraalsmond. The current storm water system is therefore unable to manage the current storm water flows and requires upgrades to create a larger storage capacity for retention of storm water to be gradually dissipated, either directly into the sea underneath the coastal dune or via the existing drainage system through Uilenkraalsmond. Therefore, the storm

water storage in the existing detention pond needs to be increased and the drainage system from the enlarged detention pond must be improved. Failure to do so will result in the continued occasional flooding of houses in Uilenkraalsmond.

3.2 Biophysical Impacts

The current storm water pond is classified as No Natural according to the Western Cape Biodiversity Spatial Plan. It is bordered by a coastal dune on the southern seaward side, which is classified as a Critical Biodiversity Area ("CBA"). The CBA extends eastwards along the coastline and includes the estuary. The natural vegetation occurring in the study area is Overberg Dune Strandveld, listed as Least Threatened, with Cape Estuarine Saltmarshes associated with the Uilenkraals Estuary.

The expanded storm water detention pond will not encroach into areas identified as a CBA or Ecological Support Areas. It will provide additional storage for storm water runoff, aiding in removal of contaminants before its discharge into the ocean. It therefore provides a higher level of storm water polishing prior to disposal, which in turn decreases the pollution potential. The increased capacity will also allow for a steadier release of storm water runoff, limiting potential erosion and flooding. CapeNature initially required that a freshwater impact assessment be undertaken. However, in their comment dated 12 May 2017, it was confirmed that based on the subsequent additional information provided regarding the receiving environment, this is no longer required. Storm water outflow directly into the ocean is preferred to the outflow into the estuary, since the estuary is considered as a more sensitive receiving environment. The outflow onto a partially rocky coastline in combination with the proposed erosion control measures that will be implemented will further reduce the potential erosion impacts. In addition, by using pipe jacking for the installation of the pipe through the dune under an existing walkway, the disturbance to natural vegetation will be significantly reduced. Based on the above, the preferred alternative is the best practicable option from both a biodiversity and engineering perspective. Adherence to the EMP will also aid in reducing the potential impacts to an acceptable level.

Negative Impacts:

- The proposed construction works will result in elevated noise and dust levels and visual impacts.
- An area of indigenous vegetation will be removed for the expansion of the detention pond.

Positive impacts:

- The proposed development will improve the storm water management system and reduce potential flooding in Franskraal east and Uilenkraalsmond.
- The development will create employment opportunities during the construction and operational phase.

4. National Environmental Management Act Principles

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

- the effects of decisions on all aspects of the environment to be taken into account;

- the consideration, assessment and evaluation of the social, economic and environmental impacts of activity (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

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

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