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 REFERENCE:
 16/3/3/6/7/1/D2/11/0292/23

 DATE OF ISSUE:
 26 October 2023

The Municipal Manager % The Director: Civil Engineering Services THE GEORGE MUNICIPALITY PO Box 19 **GEORGE** 6530

Attention: Mr. Jannie Koegelenberg

E-mail: <u>jkoegelenberg@george.gov.za</u> Tel: (044) 801 9278

Dear Sir

ACKNOWLEDGMENT AND COMMENT ON THE NOTICE OF INTENT TO SUBMIT AN APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED REPAIR AND REHABILITATION OF FLOOD DAMAGE ALONG THE CAMPHERSDRIFT RIVER IN VAN RIEBEECK PARK, GEORGE

- 1. The abovementioned Notice of Intent (Ref: 02/CD/GM/08/23) ("NOI") dated 20 September 2023 compiled on your behalf by your appointed registered Environmental Assessment Practitioner ("EAP"), Mr. Michael Bennett (EAPASA No: 2021/3163) and assisted by registered Candidate EAP, Ms. Carla Swanepoel (EAPASA No: 2021/3267) of Sharples Environmental Services cc ("SES"), and received by this Department on 28 September 2023, refers.
- 2. This letter serves as acknowledgement of receipt of the abovementioned report on **28 September 2023**.
- 3. The Directorate: Development Management (Region 3) ("this Directorate") has reviewed the information in the NOI and provides the following comment:
 - 3.1. The proposal

It is understood that the George Municipality experienced damage ranging from minor to extensive on infrastructure within the George Municipal Boundary during the November and December 2021 flood event. The George Municipality applied for and obtained funding to repair the damage caused by the flooding.

It is understood that this proposal entails repairs to erosion / damage along the Camphersdrift River in the Van Riebeeck Gardens. It is understood that the general extent of the scope of works applicable to all areas include:

- refurbish / replace gabion structures;
- reinstatement of erosion protection structures;
- Rehabilitation of eroded areas and implementation of erosion protection structures;
- stabilization of riverbanks and beds and implementation of erosion protection structures;
- reinstatement of retaining walls; and
- reconstruction of stormwater pipes, outlets, headwalls, and associated infrastructure.
- **Note**: The George Municipality has approached the competent authority to issue a directive in terms of Section 31A of the National Environmental Management Act, 1998 to implement emergency works at Site #4 (located at coordinates 3°56'52.16" South and 22°27'27.40" East). It is understood that this site will not form part of the application that will be submitted in terms of the EIA Regulations, 2014 (GN R.982 of 4 December 2014).
- 3.2. Process to obtain environmental authorisation

Based on the information submitted to this Directorate a Basic Assessment process must be followed in order to apply for Environmental Authorisation. Only those activities applied for shall be considered for authorisation. The onus is on the proponent / EAP to ensure that all the applicable listed activities are applied for and assessed as part of the Basic Assessment process.

3.3. Pre-Application Consultation

It is noted that the EAP does not intend to request a pre-application consultation meeting. Kindly note that virtual meetings via Microsoft Teams are preferred, should the EAP reconsider the decision.

No information provided, views expressed and /or comments made by officials during the pre-application consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested;
- of the outcome of the application

3.4. Public Participation Process

This Directorate notes the public participation steps as stipulated in the Public Participation Plan ("PP-plan") dated 20 September 2023, compiled by the EAP.

Notwithstanding the fact that an agreement regarding the proposed actions to conduct the public participation process is no longer a requirement, it is noted that the purpose of the PP-plan is to get confirmation on the relevant neighbours which must be included as potential Interested and Affected Parties ("I&APs"). In this regard, this Directorate agrees that the neighbours directly adjacent to the must as a minimum be informed of the proposed flood damage rehabilitation.

Furthermore, it is unclear whether a pre-application process will be followed. Therefore, the EAP is reminded to ensure that Regulation 41 of the Environmental Impact Assessment, 2014 (Government Notice No. R. 982 of 4 December 2014, as amended) is complied with simultaneously during the pre-application phase or application phase (or both).

- **NOTE:** With due consideration of the time period until the December festive period, please be reminded that in accordance with Regulation 3(2) of the EIA Regulations (2014), please be advised that for any action contemplated in the Regulations for which a timeframe is prescribed, that the period from 15 December to 5 January must be excluded from the reckoning of days. However, Regulation 3(3) of the EIA Regulations, 2014 that the applicant must refrain from conducting any public participation process over aforementioned period unless justified by exceptional circumstances, as agreed to by the Competent Authority. Therefore, should the EAP plan to conduct public participation over the festive period, the EAP must approach competent authority prior to conducting the public participation.
- 3.5. Site Sensitivity Verification Report:

In accordance with the applicable protocols or minimum information requirements, which have been published in the Government Gazette (i.e. Government Gazette No. 43110 of 20 March 2020 and Government Gazette No. 43855 of 30 October 2020) you are required to submit a site sensitivity verification report(s) which confirms or disputes the site sensitivities for each of the themes identified in the Screening Tool Report ("STR"). Furthermore, the report(s) must include a motivation for the exclusion of any of the specialist assessments identified in the STR, which in the opinion of the EAP are not considered relevant or required.

In this regard, this Directorate has reviewed the Site Sensitivity Verification Report ("SSVR") dated 18 September 2023. Please be advised that where a protocol has been published for an identified theme, that the respective specialist reports must adhere to the requirements of the protocol. Where a specific protocol has not been identified for a specialist study, such specialist study must comply with the requirements of Appendix 6 of the Environmental Impact Assessment Regulations, 2014 (as amended).

GENERAL:

Please be advised that a SSVR must adhere to the requirements of the various protocols. In this regard the protocols state that the outcome of the site sensitivity verification must be recorded in the form of a report that, *inter alia*:

- (a) <u>confirms or disputes the current use of the land and the environmental sensitivity</u> as identified by the screening tool, such as new developments or infrastructure, the change in vegetation cover or status etc.; and
- (b) contains a motivation <u>and evidence</u> (e.g. photographs) of either the verified or different use of the land and environmental sensitivity.

In this regard, the SSVR does not confirm or dispute the sensitivities identified in the STR for the various themes. Therefore, the SSVR does not comply with the requirements of the various protocols.

Notwithstanding the above, this Directorate notes that the proposal is for the repair and rehabilitation of damage to existing infrastructure and erosion caused by flooding during

November and December 2021. Therefore, this Directorate provides the following advice in terms of the relevant themes:

Agricultural Theme

The Screening Tool Report ("STR") generated on 25 July 2023 specifies a MEDIUM sensitivity rating in terms of the Agricultural Theme. In terms of the protocol an Agricultural Compliance Statement must be compiled to inform the assessment report. However, no agricultural land will be impacted by the proposed flood damage repairs.

Nonetheless, the EAP must consult the Western Cape Government: Department of Agriculture (DoA) - Land Use Management in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Agriculture Theme.

Animal Species Themes

The STR specifies a HIGH sensitivity rating for the Animal Species Theme. The SSVR indicates that a specialist has been appointed to undertake an impact assessment or compliance statement, depending on the findings. In light of the aforementioned, please be advised the depending on the level of assessment that is required in terms of protocol, that the specialist assessment must comply with the content requirements of the applicable report i.e. Compliance Statement or Terrestrial Animal Species Specialist Assessment.

Furthermore, the EAP must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme.

Aquatic Biodiversity Theme

The STR specifies a VERY HIGH sensitivity rating for the Aquatic Biodiversity Theme. According to the SSVR an Aquatic Impact Assessment will be undertaken. In light of the sensitivity rating identified by the STR, the specialist assessment must adhere to the requirements for the Aquatic Biodiversity Specialist Assessment as stipulated in the protocol.

Archaeological, Cultural Heritage and Palaeontological Themes

The procedure for site sensitivity verification where no specific assessment protocol has been prescribed, has been gazetted in Government Notice No. 320 of 20 March 2020. However, it is noted that the proposed project does not trigger Section 38 of the National Heritage Resources Act.

Civil Aviation Theme

The proposed site is located within close proximity to the George Municipal emergency airstrip and between 8km and 15km from a major civil aviation aerodrome i.e. Airports Company South Africa: George Airport. Therefore, the STR specifies a HIGH sensitivity rating in terms of the Civil Aviation Theme, which is not disputed in the SSVR. However, the proposal is for the repair and rehabilitation of damage to existing infrastructure and erosion caused by flooding. Therefore, the proposed work is not considered as an obstacle in terms of civil aviation.

Nonetheless, the EAP must consult the South African Civil Aviation Authority ("SACAA") (% Ms. Lizell Stroh at E-mail: *Strohl@caa.co.za* and / or Tel: (011) 545 1232) in the public participation process and specifically obtain written confirmation from said organ of state

regarding the delineation of the theme, and necessity for any further studies regarding the Civil Aviation Theme.

Plant Species Theme

The STR specifies a MEDIUM sensitivity in terms of the Plant Species Theme. The SSVR indicates that a plant species specialist will be appointed.

Please be advised that where a medium sensitivity rating is applicable to an area, a **Medium Sensitivity Species of Conservation Concern Confirmation** process must be followed to determine the presence or likely presence of the species identified in the STR. The Protocol for this theme requires that, as a minimum, a Terrestrial Plant Species Compliance Statement be undertaken and submitted.

Furthermore, the EAP must consult CapeNature in the public participation process and specifically obtain written confirmation from said organ of state regarding the delineation of the theme, and necessity for any further studies regarding the Animal Species Theme

Terrestrial Biodiversity Theme

The STR indicates that the sensitivity in terms of the Terrestrial Biodiversity Theme is VERY HIGH. According to the SSVR a specialist has been appointed to undertake the Terrestrial Biodiversity and Animal Species assessments. In light of the sensitivity rating of theme, specialist assessment must comply with the content requirements of the Terrestrial Biodiversity Specialist Assessment as stipulated in the protocol.

3.6. Other relevant considerations

National Water Act, Act No. 36 of 1998

Please be advised that the National Environmental Management Laws Amendment Act, Act 2 of 2022 (NEMLAA), came into effect on 30 June 2023. This Act added subsection 24C(11) to the National Environmental Management Act, Act 107 of 1998, as amended (NEMA) which requires that "a person who requires an environmental authorisation which also involves an activity that requires a licence or permit in terms of any of the specific environmental management Acts (i.e., NWA), must simultaneously submit those applications to the relevant competent authority or licensing authority, as the case may be, indicating in each application all other licences, authorisations and permits applied for".

In light of the above and with due consideration that the proposed activities are taking place within the watercourse, please advise your appointed EAP and / or the consultant responsible for the Water Use Authorisation ("WUA") process to liaise; and consult with the relevant authority, the Breede-Olifants Catchment Management Agency ("BOCMA") urgently.

Please be advised that the EIA process and the Water Use Application process must be synchronised. You are reminded that if these processes are not properly aligned, the lack of synchronisation; omission of any reports/information; or delay as a result thereof, may prejudice the success of the application for environmental authorisation.

4. Kindly note that should no further notices, information or documentation be received within 6months of the date of this letter, your file will be closed for administrative purposes and a new Notice of Intent / enquiry will need to be submitted thereafter. Please note that the pre-application consultation is an advisory process and does not pre-empt the outcome of any future application which may be submitted to the Department.

No information provided, views expressed and/or comments made by officials during the preapplication consultation should in any way be seen as an indication or confirmation:

- that additional information or documents will not be requested
- of the outcome of the application.
- 5. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department.
- 6. Kindly quote the above-mentioned reference number in any future correspondence in respect of this matter.
- 7. This Department reserves the right to revise or withdraw initial comments or request further information from you based on any information received.

Yours faithfully

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HEAD OF COMPONENT ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3 DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

Ref.: 16/3/3/6/7/1/D2/11/0292/23

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Sharples Environmental Services cc: EAP: Mr. Michael Bennett

Candidate EAP: Ms. Carla Swanepoel

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PUBLIC PARTICIPATION PROCESS PLAN

PROPOSED FLOOD DAMAGE REPAIRS TO INFRASTRUCTURE AND RIVERBANKS, CAMPHERSDRIFT AND VAN RIEBEEK GARDENS, GEORGE, WESTERN CAPE.

APPLICANT:	George Municipality	
ENVIRONMENTAL	Sharples Environmental Services cc	
CONSULTANT:	Michael Jon Bennett	
	Carla Swanepoel	
DEADP REFERENCE NUMBER:		
DATE:	20 September 2023	



GEORGE

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1. INTRODUCTION

Sharples Environmental Services cc (SES) has been appointed by Lukhozi Consulting Engineers (Pty) Ltd on behalf of the George Municipality (applicant), to act as the Environmental Assessment Practitioner (EAP) to ensure compliance with the regulations the National Environmental Management Act, No. 107 of 1998, as amended and the amended Environmental Impact Assessment Regulations of 7 April 2017 for the proposed flood damage repairs to infrastructure and river banks in Camphersdrift and Van Riebeek Gardens, George, Western Cape

The purpose of this Public Participation Process Plan (PPP) is to get confirmation on the relevant neighbours who must be included as I&APs at the start of the PPP. Erf RE/464, Erf 5814, Erf 8560, RE/194, Erf 3366, Erf 8675, RE/13405, Erf 8945, Erf RE/4311, Erf 7355, Erf 6749, Erf 6237, 6231, Erf RE/9077 and RE/669 are large properties with many adjacent neighbouring properties. It is proposed to only include the neighbours directly adjacent to the proposed sites on the listed properties. The properties are discussed in more detail in sections 3 and 4.

2. DESCRIPTION OF PROPOSED PROJECT

The total George Municipality has appointed Lukhozi Consulting Engineers (Pty) Ltd as their professional service provider for Project 28, Package 3 of the 2021 Municipal Disaster Recovery Grant (MDRG) projects for the flood damage repairs, rehabilitation and other mitigation measures in Van Riebeek Gardens and Camphersdrift Area with the main focus along the Camfersdrift River from north east of Campersdrift Street down to just south of C.J. Langenhoven Road.

The general extent of the scope of works applicable to all areas includes the refurbishing and/or replacement of gabion structures, reinstatement of erosion protection structures, rehabilitation of eroded areas; stabilization of riverbanks and beds; reinstatement of retaining walls; reconstruction of stormwater pipes, outlets, and headwalls; isolated reconstruction of road areas; and implementation of new gabion structures.

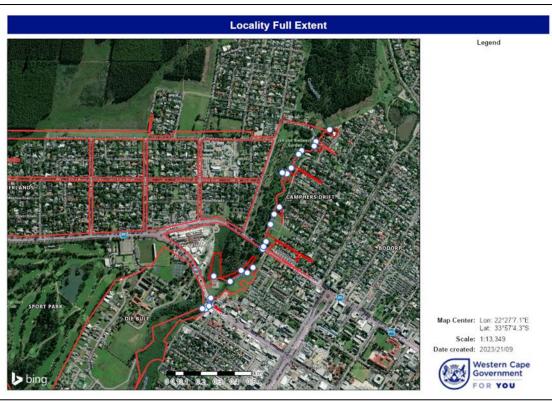


Figure 1: Locality of Flood Damage Repairs to Camphersdrift and Van Riebeek Gardens

3. LOCALITIES OF THE SITES AND ADJACENT PROPERTIES

CAMPHERSDRIFT AND VAN RIEBEEK GARDEN – ERF RE/464, ERF 5814, ERF 8560, RE/194, ERF 3366, ERF 8675, RE/13405, ERF 8945, ERF RE/4311, ERF 7355, ERF 6749, ERF 6237, 6231, ERF RE/9077 AND RE/669

The flood damaged structures and eroded riverbanks are located in Camphersdrift, George. The extent of the scope of works will extend from C.J. Langenhoven Road to Camphersdrift Street, as shown in figures 1 - 7.



Figure 2: Section 1 Sites Location

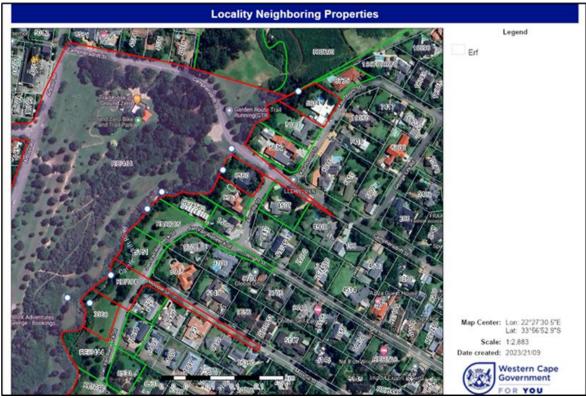


Figure 3: Section 1 Adjacent Properties Location



Figure 4: Section 2 Sites Location



Figure 5: Section 2 Adjacent Properties Location



Figure 6: Section 3 Sites Location



Figure 7: Section 3 Adjacent Properties Location

4. Identified I&APs

	Table 1: Proposed Ac	ljacent Landowners t	to Include on I&AP Register
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Neighbours of Erf 5814, George		Neighbour	eighbours of RE/464, George		Neighbours of Erf 8560, George	
Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name	
Erf 8735		Erf 5812	MANTA BESIGHEIDS TRUST	Erf 8561		
RE/290		Erf 4507		Erf 4507		
Erf 4077	George Municipality	RE/8562				
Erf 5813		RE/3215				
		Erf 5151	George Municipality			
		Erf 3919	George Municipality			
		RE/738				
		Erf 21721	S V W PROP PTY LTD			
		Re/1368				
		RE/3444				
		Erf 15503	GEORGE SERVICE CLUBS CO			

		Erf 20899	South African Scout Assocociation		
		Erf 20955	DIE BULT ICT TRAINING UNIT		
		Erf 3254	George Municipality		
		Erf 658	DEPT OPENBARE WERKE		
		RE/4312			
Neighbou	rs of RE/194, George	Neighbou	urs of Erf 3366, George	-	rs of Erf 8675, George
Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name
Erf 5151	George Municipality	Erf 21696		Erf 8676	
Erf 8929		RE/3444		Erf 8115	
				Erf 8118	George Municipality
				Erf 3920	George Municipality
Neighbou George	rs of RE/13405,	Neighbou	Jrs of Erf 8945, George	Neighbours of RE/4311, George	
Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name
Erf 13406		RE/4312		RE/4312	
		Erf 8946	REP VAN SUID- AFRIKA	RE/4317	
		RE/4322			
Neighbou	rs of Erf 7355, George	Neighbours of Erf 6749, George		Neighbours of Erf 6237, George	
Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name
Erf 15151	VAN RENSBURGS FAMILIE TRUST	Erf 8011	George Municipality	Erf 659	GEORGE HOSPITAAL, Government Property
Erf 3254	George Municipality	Erf 9561	SS DE-LA-VISTA		
Erf 658	DEPT OPENBARE WERKE	Erf 15503	GEORGE SERVICE CLUBS CO		
Neighbours of Erf 6231, George		Neighbours of RE/9077, George		Neighbours of RE/669, George	
Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name	Farm Portion / Erf	Organisation / Name
Erf 6232		Erf 20781	SS OUTENIQUA EYE CLINIC	Erf 21721	S V W PROP PTY LTD
Erf 657	GEORGE HOSPITAAL	Erf 21721	S V W PROP PTY LTD		
Erf 659	GEORGE HOSPITAAL,	Erf 13124	MEDICLINIC PROPERTIES (PTY) LTD		

Government		
Property		

AUTHORITIES TO BE INCLUDED

Authorities		
Nina Viljoen	Garden Route District Municipality	nina@gardenroute.gov.za
Brandon Layman	WCG: Department of Agriculture	brandonl@elsenburg.com
Carlo Abrahams	Breede-Olifants Catchment Management Agency	cabrahams@bgcma.co.za
Megan Simons	Cape Nature	msimons@capenature.co.za
Lizelle Stroh	South African Civil Aviation Authority	strohl@caa.co.za
Stephanie-Ann Barnardt	Heritage Western Cape	stephanie.barnardt@westerncape.gov.za
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Iona Kritzinger	George Municipality: Ward 19 Councillor	ickritzinger@george.gov.za

5. PUBLIC PARTICIPATION PLAN

Section 41 of NEMA was complied with during the Pre-Application Public Participation Process (dates to be confirmed)

Activity in accordance with regulation 41(2)(a) to (d) of the EIA Regulations	Requirements	Proposed
(a) fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of— (i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and (ii) any alternative site;	Proponents/ applicants, EAPs, specialists and professionals, where relevant, must: - ensure that all reasonable measures are taken to identify potential I&APs for purposes of conducting public participation on the application; and - ensure that, as far as is reasonably possible, taking into account the specific aspects of the application- (a) information containing all relevant facts in respect of the application or proposed application is made available to potential I&APs and (b) participation by potential or registered I&APs has been facilitated in such a manner that all potential or registered I&APs are provided with a reasonable opportunity to comment on the application or proposed application. In ensuring the above, applicants and EAPs, in addition to the methods contained in Chapter 6 of the EIA Regulations, or as part of reasonable alternative methods proposed in terms of regulation 41(2)(e) of the EIA Regulations, may make use of the following non-exhaustive list of methods : emails, websites, Zero Data Portals, Cloud Based Services, or similar platforms, direct telephone calls, virtual meetings, newspaper notices, radio advertisements, community	<image/> <caption><caption></caption></caption>

(b) giving written notice, in any of the	representatives, distribution of notices at	
manners provided for in section 47D of the Act, to—	places that are accessible to potential I&APs.	affected adjacent landowners, authorities, organs of state and other affected parties.
		sidie did other directed parties.
(i) the occupiers of the site and, if the		Email addresses and nestal addresses are being obtained
proponent or applicant is not the owner		Email addresses and postal addresses are being obtained
or person in control of the site on which		from the municipality for all the adjacent landowners.
the activity is to be undertaken, the		As such all patifications for the sucilability of the DAD for
owner or person in control of the site		As such all notifications for the availability of the BAR for
where the activity is or is to be		commenting will be sent via email or post if no email address is available.
undertaken and to any alternative site		adaress is avaliable.
where the activity is to be undertaken;		Where no amail or partal address is obtained patification
(ii) owners, persons in control of, and		Where no email or postal address is obtained, notification
occupiers of land adjacent to the site		letters will be dropped at these properties. (Letter Drop).
where the activity is or is to be		All authorities will be notified via email.
undertaken and to any alternative site		All dumonnes will be nonned vid email.
where the activity is to be undertaken;		
(iii) the municipal councillor of the ward		
in which the site and alternative site is		
situated and any organisation of		
ratepayers that represent the community		
in the area;		
(iv) the municipality which has jurisdiction		
in the area;		
(v) any organ of state having jurisdiction		
in respect of any aspect of the activity;		
and		
(vi) any other party as required by the		
competent authority;		
		An advertisement will be alread in the Coore libraria
(c) placing an advertisement in—		An advertisement will be placed in the George Herald, a
(i) one local newspaper; or		newspaper which has both print and online readership.
(ii) any official Gazette that is published		
specifically for the purpose of providing		
public notice of applications or other		
submissions made in terms of these		
Regulations;	4	
(d) placing an advertisement in at least		
one provincial newspaper or national		
newspaper, if the activity has or may		

have an impact that extends beyond the boundaries of the metropolitan or district municipality in which it is or will be undertaken: Provided that this paragraph need not be complied with if an advertisement has been placed in an official Gazette referred to in paragraph (c)(ii)	
 (e) using reasonable alternative methods, as agreed to by the competent authority, in those instances where a person is desirous of but unable to participate in the process due to— (i) illiteracy; (ii) disability; or (iii) any other disadvantage 	 I&AP's will be notified via email or post. Information containing all relevant facts in respect of the application or proposed application will also be circulated in this way. If we are made aware of any I&AP with illiteracy, disability or other disadvantage we will engage with such I&AP to ensure their issues are noted.

6. AVAILABILITY OF REPORTS FOR REVIEW & COMMENT

All documents / reports with annexures will be uploaded onto the SES website for download, review and comment. The SEScc website is designed to be mobile friendly, allowing those with only mobile internet the availability to view the relevant reports. On request, reports will also be shared via bulk online sharing sites such as WeTransfer.

Any person(s) wishing to register as an I&AP, who may not be able to obtain documents via WeTransfer or the SES website, are encouraged to contact us within the allotted public participation period, and we will make alternative arrangements where necessary.

7. CONCLUSION

SES confirms that all reasonable measures will be taken to identify potential I&APs for purposes of conducting the public participation on this application.

As far as is reasonably possible all information containing relevant facts in respect of this application will be made available to potential I&APs and participation by potential or registered I&APs will be facilitated in such a manner that all potential or registered I&APs will be provided with a reasonable opportunity to comment.

This public participation plan, once agreed with the competent authority, will be strictly adhered to and any deviations, where relevant, will be identified and submitted to the authority.