



REFERENCE: 16/3/3/1/D2/48/0027/22
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: **26 April 2023**

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

Attention: Ms. Lindsay Mooiman

Tel: 044 801 3258
Email: lc mooiman@george.gov.za

Dear Madam

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND ADOPTION OF AN ENVIRONMENTAL MAINTENANCE MANAGEMENT PLAN (EMMP) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED MOLEN CLOSE RIVER REHABILITATION REMAINDER OF FARM 464, GEORGE

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 Final Basic Assessment Report ("FBAR") Ref MOS752/08, dated 14 December 2022 as prepared and submitted by *Cape EAPrac (Pty) Ltd*, the appointed Environmental Assessment Practitioner ("EAP") on 15 December 2022.

The Environmental Management and Maintenance Programme Ref: GEO752/09 dated 14 December 2022, submitted with the Final BAR is hereby also adopted.

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
George Municipality
% Ms. Lindsay Mooiman
PO Box 19

GEORGE
6530

Tel: 044 801 3258

Email: lc mooiman@george.gov.za

The abovementioned applicant is the holder of this Environmental Authorisation (hereinafter referred to as "**the Holder**").

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p><i>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014</i></p>	
<p>Activity Number: 19 Activity Description:</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> <p>(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>	<p>The proposed development entails the installation of gabion boxes, reno mattresses and the reinstatement of stormwater infrastructure within the Meul River. This will result in the infilling of more than 10 cubic metres of soil into a watercourse.</p>
<p><i>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014</i></p>	
<p>Activity Number: 12 Activity Description:</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>The proposed development will occur within the Meul River</p>

<p>i) Western Cape</p> <ul style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister 	<p>and although Garden Route Granite Fynbos is not mapped to occur within the river system or work areas, this listing is included and assessed for removal of vegetation that may be associated with installation of the gabions/reno mattresses, temporary diversion of the river during construction.</p>
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The abovementioned list is hereinafter referred to as "**the listed activities**".

The Holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development and development footprint.

The stabilization of the embankment by the placement of reno mattresses and gabions inside the perennial watercourse along Erven 21150 and 21151, Rosemoor, George. The reno mattresses and gabions will be positioned in a curving manner to preserve the flow's characteristics and to prevent further erosion as per Annexure 2 of this authorisation.

The activity includes temporarily and partially diverting the stream within the streambed to facilitate construction of the gabion boxes along the eastern riverbank. The existing stormwater pipe that discharges at this point (partially responsible for the eroded bank) also be diverted by placing sandbags in the proposed area of construction. After construction, the streambed and embankments will be reinstated and rehabilitated. Temporary access to the site will be via Grens Street where it crosses the Molen River, along the elevated eastern bank of the Meul River. This access will be rehabilitated once construction is complete.

The listed activities also include maintenance activities for a period of 5 years, which includes visual maintenance and inspection followed by physical maintenance if and as required. The maintenance activities are only limited to structures and rehabilitation measures included in this authorisation.

The development will be implemented approximate to the site development plan contained in Annexure 2 of this authorisation.

C. SITE DESCRIPTION AND LOCATION

The site is located along a riverbank on a bend between two erven within the designated urban edge and is zoned Open Space I. The area of main concern is a small section along the eastern embankment of the river, located in close proximity to Erven 21150 and 21151 along Molen Close Street. The area adjacent to the watercourse has been transformed from Garden Route Granite Fynbos to mowed and maintained kikuyu lawns.

The coordinates of the centre of the proposed development footprint site:

Latitude (S)	Longitude (E)
33° 58' 13.57" South	22° 28' 29.49" East

SG 21 Digit code: C02700020000046400000

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Cape EAPrac (Pty) Ltd
% Ms Louise-Marie van Zyl
P.O. Box 2070
GEORGE
6530

Tel: 044 874 0365
E-mail: louise@cape-eaprac.co.za
Website: www.cape-eaprac.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **30 April 2028** to commence and complete all the listed activities, rehabilitation and monitoring requirements. A further 5 years **until 30 April 2033** is granted for maintenance activities to the rehabilitated area where the new structures are installed.

Failing which, this Environmental Authorisation and Environmental Management and Maintenance Programme (EMMP) shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with a part of the Preferred Alternative described in the FBAR dated 14 December 2022 on the site as described in Section C above.

The development entails the stabilization of the embankment of the Meul Riverbank by the placement of reno mattresses and gabions inside the perennial watercourse along Erven 21150 and 21151, Rosemoor, George. The reno mattresses and gabions will be positioned in a curving manner to preserve the flow's characteristics and to prevent further erosion as per Annexure 2 of this authorisation.

The activity includes temporarily and partially diverting the stream within the streambed to facilitate construction of the gabion boxes along the eastern riverbank. The existing stormwater pipe that discharges at this point (partially responsible for the eroded bank) stormwater will also be diverted by placing sandbags in the proposed area of construction. After construction, the streambed and embankments will be re-instated and rehabilitated. Temporary access to the site will be via Grens Street where it crosses the Molen River, along the elevated eastern bank of the Meul River. This access will be rehabilitated once construction is complete.

The listed activities also include maintenance activities for a period of 5 years, which includes visual maintenance and inspection followed by physical maintenance if and as required. The maintenance activities are only limited to structures and rehabilitation measures included in this authorisation. The development will be implemented approximate to the site development plan contained in Annexure 2 of this authorisation.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management & Maintenance Programme ("EMMPr").
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 notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any 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:

Conditions No.: 6, 10 and 18

Management of activity

8. The draft Environmental Management & Maintenance Programme ("EMMPr") dated 14 December 2022 and submitted as part of the application for Environmental Authorisation is hereby approved and agreed to.
 - 8.1. With reference to the EMMPr, kindly note:
 - 8.1.1. All references to 'operational phase' in the EMMPr are also regarded to include maintenance;
 - 8.1.2. The monthly record keeping (ECO reports) referred to in Par. 9.3 of the EMMPr will be submitted to the competent authority on a monthly basis.
9. The EMMPr must be included in all contract documentation for all phases of implementation.

Monitoring

10. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
11. The ECO must–
 - 11.1. be appointed prior to commencement of any construction works
 - 11.2. ensure compliance with the EMMPr and the conditions contained herein;
 - 11.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 11.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
12. A copy of the Environmental Authorisation, EMMPr, any independent assessments of financial provision for rehabilitation and environmental liability, 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.
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. The Holder must, for the period during which the environmental authorisation and EMMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMMPr, is audited;
15. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMMPr, must adhere to the following programme:
 - 15.1. A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of the conclusion of the stabilization, rehabilitation and monitoring requirements thereof.
 - 15.2. An audit report must also be submitted each time after maintenance activities are concluded,
16. The Environmental Audit Report(s), must –

- 16.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 16.2. provide verifiable findings, in a structured and systematic manner, on–
 - 16.2.1. the level of compliance with the conditions of the environmental authorisation, EMMP and the EMMPr and whether this is sufficient or not; and
 - 16.2.2. the ability of the measures contained in the EMMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 16.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 16.4. evaluate the effectiveness of the EMMPr or both;
 - 16.5. identify shortcomings in the EMMPr;
 - 16.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMMPr;
 - 16.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 16.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 16.9. include a photographic record of the site applicable to the audit; and
 - 16.10. be informed by the ECO reports.
17. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

18. The affected area must be demarcated prior to commencement of construction activities.
19. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.

Amendment of Environmental Authorisation and EMMPr

2. If the Holder does not start with all the listed activities and exceed the threshold of each listed activity within the period referred to in Section G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

Where a validity period has been specified for operational aspects, such as for the development and related operation of the facilities or infrastructure for the storage and handling of a dangerous good, the onus is on the Holder to ensure the facility is operating at all times in terms of a valid environmental authorisation.

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.
 - (c) An environmental authorisation may be amended where it relates to a change of ownership or transfer of rights and obligations.
 - (d) On application, if the competent authority decides to grant environmental authorisation, the competent authority may issue a single environmental authorisation or multiple environmental authorisations in the name of the same or different applicants covering all aspects for which authorisation is granted.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMMP is as follows:
- (a) Any further amendments to the EMMP, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMMP must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMMP. Such amendment(s) may only be implemented once the amended EMMP has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMMP is required before an environmental audit is required in terms of the environmental authorisation, an EMMP may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMMP

6. Non-compliance with a condition of this environmental authorisation or EMMP is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).

7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 6, 10 and 18). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
9. 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.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. DANIE SWANEPOEL
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT

DATE OF DECISION: **26 APRIL 2023**

Copies to: Ms. L. van Zyl

Cape EAPrac

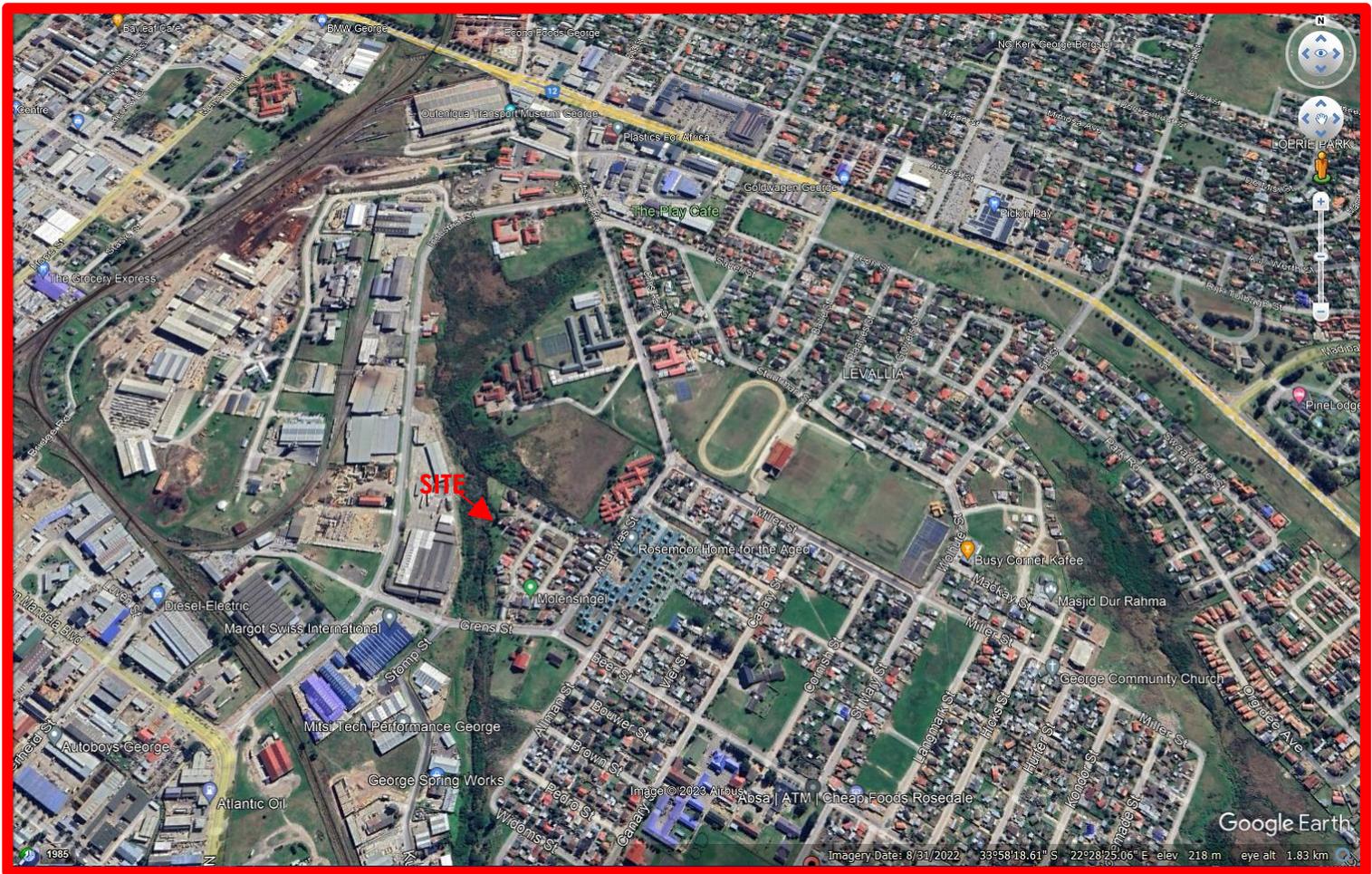
Email: louise@cape-eaprac.co.za

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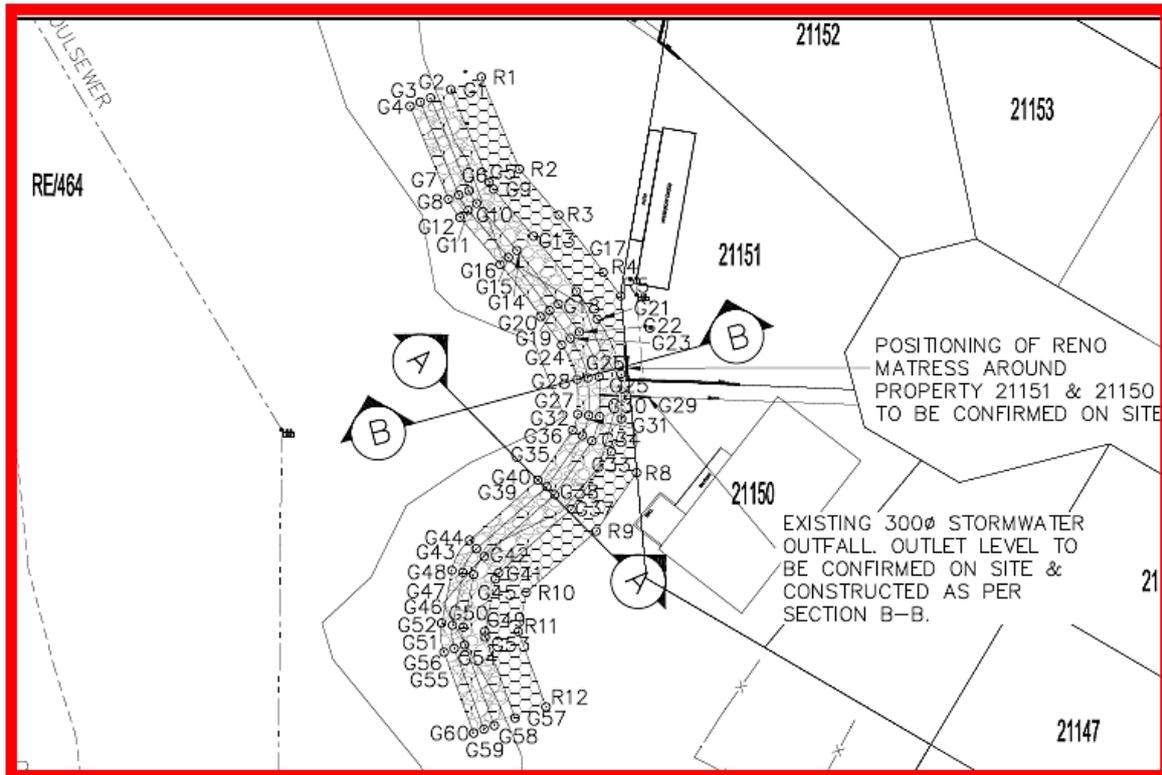
NEAS REFERENCE: WCP/EIA/0001182/2022

ANNEXURE 1: LOCALITY MAP

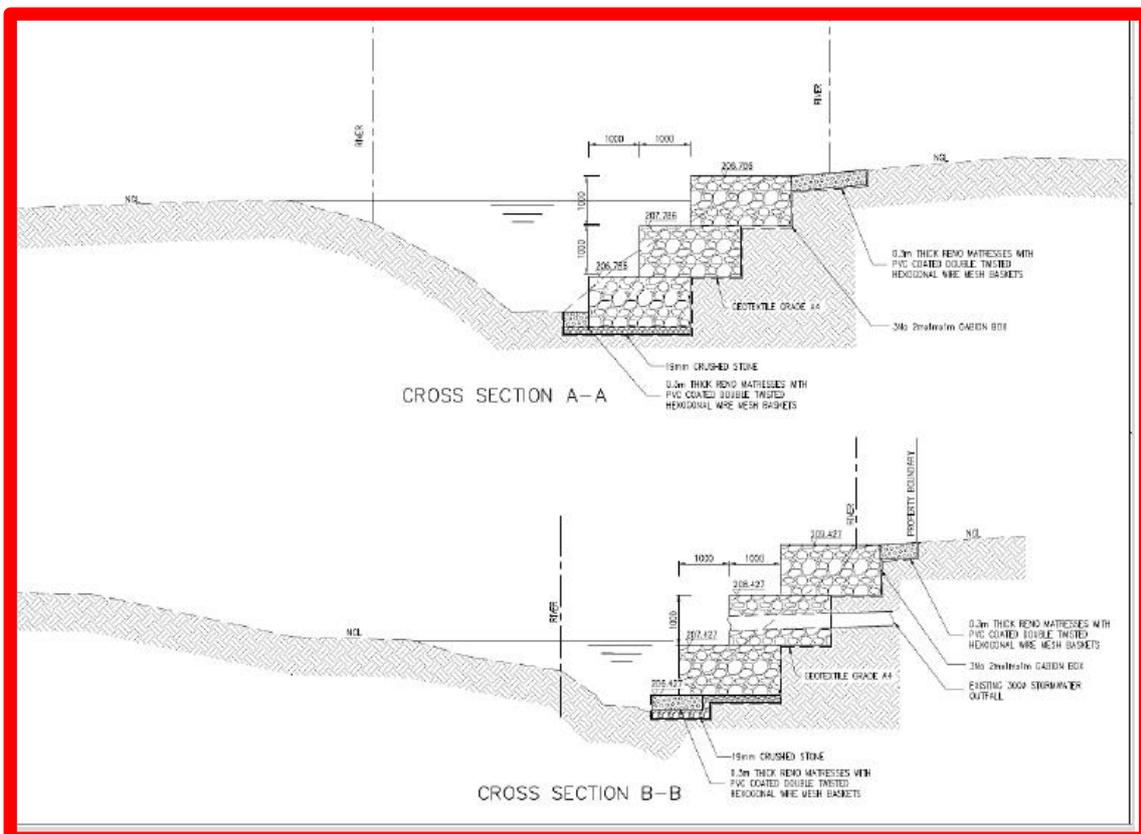


ANNEXURE 2

SITE DEVELOPMENT PLAN: THE EMBANKMENT ALONG ERVEN 21150 AND 21151 THE MAIN AREA WHICH REQUIRES STABILIZATION



STRUCTURES GENERIC CROSS SECTION OF HOW GABION BASKETS AND RENO MATRESSES ARE INSTALLED



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 18 October 2022, the Final Basic Assessment Report (FBAR), the EMMPr submitted together with the FBAR on 15 December 2022;
- 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 FBAR received by this Directorate on 15 December 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and

Appropriate information was made available in the report to understand the environmental and spatial context and the case officer is familiar with the area. A site inspection was undertaken on 29 July 2022 and attended by the EAP, the freshwater specialist, Ms. Shireen Pullen and Mr. Malcolm Fredericks from this Directorate.

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

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site on 20 October 2022;
- Letter drops to neighbouring property owners on 20 October 2022;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken,
- the placing of a newspaper advertisement in the 'George Herald' on 20 October 2022, making the draft BAR available from 21 October 2022 – 21 November 2022.

The following Organs of State provided comment on the proposal:

- Breede-Gouritz Catchment Management Agency (BGCMA)
- South African Civil Aviation Authority (SACAA)
- CapeNature
- George Municipality
- George Municipality: Parks and Recreation
- Garden Route District Municipality
- Department of Health

None of the adjacent property owners submitted any formal written comment on the proposed development and no objections were raised against the proposal to stabilize and rehabilitate this section of the Meul River.

No objections were received from any organs of state. BGCMA indicated that a General Authorisation in terms of the National Water Act is applicable to the proposal. Such General Authorisation will be obtained, prior to the implementation of this authorisation. CapeNature supports the proposed development and the Department of Agriculture indicated that no comments in terms of their legislation is required.

2. Alternatives

The initial proposal entailed rehabilitating the entire stretch of river from Grens Street (crossing of Molen River) in the south, to the top/northern extent of the preferred alternative. However, the aquatic specialist deemed this extent of intervention to be excessive and recommended the preferred alternative with a focus on the eroded portion of the riverbank only. The motivation was submitted that the extent of erosion damage along the rest of the riverbank (towards Grens Street) is not excessive and that there is sufficient space between the riverbank and private properties/sewer line along this portion of the river to accommodate natural riverbank erosion on both the eastern and western sides of the river.

The Preferred Alternative

According to the BAR the area of imminent threat (to the sewer line and private properties) was identified, and the preferred alternative designed in accordance. The preferred alternative therefore entails the stabilization of the embankment by the placement of reno mattresses and gabions inside the perennial watercourse along Erven 21150 and 2115 only. The BAR submits that reno mattresses and gabions will be positioned in a curving manner to preserve the flow's characteristics and to prevent further erosion as per annexure 2 of this authorisation.

The activity includes partially diverting the stream to facilitate construction of the gabion boxes. The stormwater will also be diverted by placing sandbags in the proposed area of construction. After construction, the streambed and embankments will be re-instated and rehabilitated. Temporary access to the site will be via Grens Street where it crosses the Molen River, along the elevated eastern bank of the Meul River. This access will be rehabilitated once construction is complete.

The design of the preferred alternative was also informed by input from the aquatic specialist to have a curved alignment rather than a straight alignment as initially proposed by the engineers.

"No-Go" Alternative

The option of not implementing the activity means no stabilisation of the riverbank and the continuation of the threat of collapsing of stormwater infrastructure and private property. According to the BAR this is not the preferred option for the applicant, but also not the best practicable environmental option.

3. Impact Assessment and Mitigation Measures

3.1 Activity need and desirability

According to the Need & Desirability Guideline (dated March 2013), a development proposal must satisfy both components, namely need and desirability. This Directorate concurs that the timing is right for this proposed activity, because it is critical to immediately stabilize the embankment along erven 21150 and 21151 to protect the residential buildings and the municipal sewer line to prevent possible damages and environmental pollution.

In terms of desirability of this project, the BAR submits that the location is site specific, at the point of highest risk, and dictates where the activity must be implemented. The location of this site with the sewer line and private properties being at risk further motivates in favour of implementing the necessary rehabilitation measures.

According to the BAR the southern portion of the riverbank down to Grens Street is not affected as badly by erosion and the remainder of the riverbank and open space area between the river/sewer line and private properties are such that natural erosion will not necessarily compromise these assets.

The western bank of the river is separated by some distance from private properties and erosion along this side of the riverbank will continue to be monitored by the Municipality.

The need and desirability of implementing a full intervention all the way down to Grens Street was therefore deemed undesirable.

The area of imminent threat (to the sewer line and private properties) was identified, and the preferred alternative designed in accordance.

3.2 Biophysical Impacts

The Basic Assessment Process concluded that the proposed development will not result in any further loss/disturbance of biological diversity. It will enhance the physical integrity of the ecosystem infrastructure by protecting it against further erosion and degradation. This was based on the findings of the Freshwater Assessment Report, Terrestrial Biodiversity Compliance Statement, Animal Species Compliance Statement and Plant Species Compliance Statement.

Freshwater Biodiversity

It is found that the wetland in question has been highly modified from its natural state and the installation of gabions will not compromise the Present Ecological State (PES) or Ecological Importance and Sensitivity (EIS) of the wetland and will not compromise national or provincial freshwater management and conservation objectives for the wetland.

Terrestrial Biodiversity

According to the Terrestrial Biodiversity Compliance Statement, the proposed activity will have no negative impact on the Terrestrial Biodiversity of the site. The site has been transformed from Garden Route Granite Fynbos to mowed and maintained kikuyu lawns. Therefore, its Terrestrial Biodiversity should be considered as low rather than very high. The activity will not result in any further loss or disturbance of the ecosystem or any other natural terrestrial habitat.

Plant and Animal Biodiversity

Due to the fact that the Garden Route Granite Fynbos adjacent to the watercourse is entirely transformed, none of the animal species were observed and are unlikely to occur on site, therefore it is concluded that the proposed development will have no negative impact on animal species.

3.3 Biodiversity

According to the Western Cape Biodiversity Spatial Plan for George, sections of the watercourse fall within Critical Biodiversity Area 1 (CBA1) and Ecological Support Area 2 (ESA2) areas. The management objective of CBA1 includes the rehabilitation of degraded areas. ESA2 areas are not essential for meeting biodiversity targets, but are important for supporting the functioning of more important CBA areas and that ESAs should therefore be restored or managed, hence this application for rehabilitation of a piece of riverbank. The Freshwater specialist further found that the preferred alternative is the most desirable option, as only a small section of the wetland will be affected by the stabilisation of the embankment. The activity will not result in any further loss or disturbance of the ecosystem or any other natural terrestrial habitat. Although the gabions are placed within an area designated as Terrestrial CBA2, they are placed along the banks of a wetland.

3.4 Heritage / Archaeological Aspects

The site is not deemed sensitive from a heritage/archaeological/palaeontological perspective. This was confirmed by Heritage Western Cape in their decision dated 21 May 2014. According to the EAP, HWC has confirmed that their original comment remains and that no further studies are required.

In considering the above, the view is held that the applicant has adequately considered the heritage and archaeological aspects and that the proposed development will not result in significant negative impact on these aspects. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

3.5 Other Impacts

According to the BAR no other impacts of significance are anticipated. Should the Environmental audit find that there are some impacts that were not anticipated, the EMMPr might be amended to address the additional impacts.

4. Scope and Validity Period of authorisation

This environmental authorisation does not define specific operational aspects, however, it contains maintenance aspects after implementation of this authorisation. The applicant has indicated that the construction activities will commence within 5 years from the date of issue of this authorisation and should be completed (including the post-construction rehabilitation and monitoring). The maintenance activities are valid for a further 5 years from the expiry of the validity date of the environmental authorisation. The final audit report is due within **(3)** months of the conclusion of the stabilization, rehabilitation and monitoring requirements thereof, with audit report to be submitted each time after maintenance activities are undertaken. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

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

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts that are detailed in the FBAR dated 15 December 2022 is sufficient..
- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The EMMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development that were included in the FBAR is considered adequate.

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

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