

Environmental Authorisation

**Authorisation register
number:**

12/12/20/942/10

Last amended:

Holder of authorisation:

SOUTH AFRICAN
NATIONAL BIODIVERSITY
INSTITUTE – WORKING
FOR WETLANDS
PROGRAMME

Location of activity:

Western Cape
Province: Peninsula



Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

THE SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE WORKING FOR WETLANDS PROGRAMME

with the following contact details –

Mr U Bahadur
Working for Wetlands Programme
South African National Biodiversity Institute
Private Bag X101
PRETORIA
0001

Tel: 012 843 5200

Fax: 012 843 5202

to undertake the following activity/activities (hereafter referred to as "the activity")

R. 386 1(m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -

- (i) canals,
- (ii) channels;
- (iii) bridges;

- (iv) dams; and
- (v) weirs;

R. 386 (4): The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland.

as described in the Basic Assessment Reports dated May 2007 page 3 at:

| PROJECT AREA | WETLAND REFERENCE | COORDINATES | | MUNICIPALITY |
|--------------|-------------------|-------------|-------------|-------------------|
| Peninsula | G22D-01 | 34°3.2328' | 18°26.1702' | City of Cape Town |
| | G22D-02 | 34°3.2796' | 18°26.7120' | City of Cape Town |

in the *Western Cape Province*, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This include any person acting on the applicant's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorised may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 This activity must commence within a period of two (2) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

- 1.6 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 1.6.1 Relevant legislation that must be complied with by the holder of this authorisation include:
- Archaeological remains, artificial features and structures older than 60 years are protected by the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of laying foundations, construction in the vicinity of the finding must be stopped immediately. An archaeologist must be called to the site for inspection. Under no circumstances shall any artefacts be destroyed or removed from the site. Heritage Western Cape must be contacted to this effect. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from Heritage Western Cape
 - All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
 - All provisions of the National Water Act, 1998 (Act 36 of 1998).
 - All provisions of the Forest Act, 1984 (Act No. 122 of 1984).
 - All provisions of the National Environment Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - All provisions of the National Environment Management: Protected Areas Act, 2003 (Act 57 of 2003).
 - Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.
 - A permit shall be obtained from the provincial department of nature conservation for the removal or destruction of indigenous protected and endangered plant and animal species by the South African National Biodiversity Institute. At all times the principles of search and rescue of species must be explored prior to destruction.
- 1.7 All outdoor advertising i.e. signage boards associated with this proposed activity must be below the thresholds stipulated in the EIA Regulations as it was not applied for as an activity for authorisation during the environmental authorisation process. Should the holder of the environmental authorisation wish to exceed these thresholds he/she must submit an application for authorisation to this Department. Further, all outdoor advertising associated with this proposed activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of

Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC)

- 1.8 It is recommended that all future SANBI Working for Wetlands Programmes include the undertaking of Basic Assessment studies, hand-in-hand with wetland investigations. This would allow for each study to inform the other timeously and appropriately.
- 1.9 It is recommended that future programmes (2008 onwards) incorporate a broad scale public information sharing programme. Such a programme could be initiated on a provincial level before the start of each new (annual) programme.

Appeal of authorisation

- 1.10 The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.11 The notification referred to in 1.10 must –
- 1.11.1 specify the date on which the authorisation was issued;
 - 1.11.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations;
 - 1.11.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 1.11.4 give the reasons for the decision

Management of the activity

- 1.12 The project construction activities must be undertaken with strict management controls in place, through the effective implementation of a Construction Environmental Management Plan ("CEMP") A CEMP must be submitted to this Department for acceptance before construction commences for the Working for Wetlands Programme as a whole which must include the management and mitigation measures detailed in the BARs, as well as the general management measures included in the Working for Wetlands Best Management Practices Plan. The CEMP must be implemented and strictly enforced during all construction activities. The CEMP will be seen as a dynamic document. However, any changes to the CEMP must be submitted to this Department for acceptance before such changes could be effected. The CEMP must be included in all contract documentation for the construction phase of the development.

- 1.13 The specific mitigation measures and recommendations recorded in the BARs dated May 2007 must be adhered to and incorporated as part of the CEMP where applicable.

Monitoring

- 1.14 The standard auditing procedures undertaken by SANBI, where construction activities are inspected and monitored must be updated to include a formal monitoring of the implementation of the CEMP. Since performing auditing takes place on a regular basis for each Project, it is seen as feasible to incorporate environmental management monitoring in this process. The CEMP should include a monitoring checklist, which provides a rating system for compliance/non-compliance and a response protocol that would be followed in instances of non-compliance.
- 1.15 The auditing process outlined under point 1.14 must include a feed back or review system whereby the efficacy of the mitigation measures is noted and amendments or additions made to the CEMP and/or monitoring process when necessary.

Recording and reporting to the Department

- 1.16 The applicant must submit collated monitoring checklists in the form of Environmental Compliance Audit Reports annually to this Department for review. The environmental audit report must amongst others –
- 1.16.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMP.
- 1.16.2 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commissioning of the activity

- 1.17 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.



Operation of the activity

- 1.18 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
- 1.19 The applicant must compile an operations or maintenance EMP for the Programme, which must include the recommendations of the BAR, and which would include a feed back system whereby the performances of the Project structures, and the recovery of wetland systems, are noted for future Programme planning and design.

Site closure and decommissioning

- 1.20 Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

General

- 1.21 A copy of this authorisation must be kept at the property where the activity(ies) will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 1.22 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.23 The holder of the authorisation must notify the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.



1.24 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 04/09/2007



Ms Pam Yako

Director – General

Department of Environmental Affairs and Tourism

Letter signed by: Mr DWJ Smit

Designation: Deputy Director: EIE – Sensitive Environments, Antarctica and Islands

Annexure 1: Reasons for Decision

1. Background

The applicant, the South African National Biodiversity Institute (SANBI) applied for authorisation to carry on the following activities—

R. 386 1(m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 meters from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -

- (vi) canals;
- (vii) channels;
- (viii) bridges;
- (ix) dams, and
- (x) weirs;

R. 386 (4): The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland..

The applicant appointed Land Resources International (LRI) to undertake a screening process and to compile Basic Assessment Reports (BARs) as required by regulation R. 385.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BARs dated May 2007;
- b) The Western Cape collation of BARs dated May 2007;
- c) The comments received from interested and affected parties; and
- d) 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).

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Working for Wetlands is a national poverty alleviation programme, within the South African National Biodiversity Institute (SANBI) focussing on the rehabilitation of wetlands within South Africa. While the programme's primary focus is on wetland rehabilitation, the protection rehabilitation and sustainable use of those wetlands is simultaneously entrenched in the Programme's core objectives.
- b) The work which is done by Working for Wetlands is of vital importance, not only in conserving and rehabilitating wetlands but also in providing job opportunities for the poorest of the poor, giving each individual the opportunity to acquire skills and training thereby improving their living standards as well as the possibility of future employment outside the Programme.
- c) To this end the Working for Wetlands programme has initiated a number of projects in the Western Cape. These would involve the construction of a number of strategically positioned concrete, gabion or earthen structures within the wetlands, which would promote the effective and long term functioning of these areas.
- d) The consultant has satisfied the minimum requirements as prescribed in the EIA regulations, 2006.

4. Findings

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

- It is detailed BARs that includes the identification and assessment of impacts.
- The procedure followed for the impact assessment has been adequate for the decision-making process.
- All legal and procedural requirements have been met.
- The information contained in the BARs is accurate and credible.
- Adequate assessment of the main identified issues and impacts have been done
- The proposed development is compatible with the proposed site for the development.
- A construction EMP must be submitted for the Programme. It must be implemented to manage the identified environmental issues and include mitigation measures for the identified impacts.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

