



Province of the  
**EASTERN CAPE**  
 ECONOMIC DEVELOPMENT,  
 ENVIRONMENTAL AFFAIRS AND TOURISM  
 CACADU REGION

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Kouga Municipality  
 P O Box 21  
 Jeffrey's Bay  
 6330

Reference: ECO8/LN1/M/10-83  
 Enquiries: N. Gerber

Attention: Mr. Eddie Oosthuizen

**APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS: CONSTRUCTION AND REPAIR OF ROCK REVETMENTS ON THE COASTAL ZONE AT ERVEN 645, 184, 53, 185, 623 AND 720 IN ST. FRANCIS BAY WITHIN THE KOUGA MUNICIPAL AREA.**

With reference to the above-mentioned application (Reference number ECO8/LN1/M/10-83) please be advised that the Department has decided to grant authorisation. The Authorisation Notice and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within twelve (12) calendar days of the date of this letter, of the Department's decision in respect of your application.

1. The written notification referred to above must:
  - 1.1 Specify the date on which the Authorisation was issued;
  - 1.2 Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the NEMA EIA Regulations, 2010; and
  - 1.3 Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
2. Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

*Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.*



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3. Notice of intention to appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as "the MEC") in terms of Regulation 60(1) of the NEMA EIA Regulations, 2010 and within twenty (20) days after the appellant has been notified in terms of Conditions 1 and 2 of the decision.
4. The address to which the original copies of any such a notice of intention to appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO, 5605
By Hand	Beacon Hill, Hockey Close, King Williams Town
In order to facilitate efficient administration of appeals <u>copies</u> of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
Manager: Mr. S. Gqalangile - Environmental Affairs per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



**DAYALAN GOVENDER**

**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**

**CACADU REGION**

DATE: 26/08/2011.



PROVINCE OF THE  
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ECONOMIC DEVELOPMENT,  
ENVIRONMENTAL AFFAIRS AND TOURISM

## Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	ECO8/LN1/M/10-83
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Kouga Municipality
LOCATION OF ACTIVITY	Erven 645, 184, 53, 185, 623 and 720 in St. Francis Bay within the Kouga Municipal area

### DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"EIA regulations" – These are the Environmental Impact Assessment Regulations published in Government Notice R543 of 18 June 2010 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998.

"The Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

"Commencement" – Any physical activity on site that can be viewed as associated with the construction and repair of rock revetments on the coastal zone, inclusive of initial site preparation.

### 1. 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 allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4 of this Authorisation.

### 2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act; Act 107 of 1998 and the Environmental Impact Assessment Regulations, 2010 the Department hereby

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authorises the Kouga Municipality being the legal or natural person who has applied for this Authorisation, with the following contact details:

<b>Name</b>	Kouga Municipality		
<b>Address</b>	P O Box 21, Jeffrey's Bay, 6330		
<b>Telephone</b>	042 200 2215	<b>Fax</b>	086 536 3288
<b>Contact</b>	Mr Eddie Oosthuizen	<b>E-mail</b>	eddieo@ec108.org.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities or activities listed in the table below:

<b>Detailed description of activity</b>	
<p>The activity entails construction and repair of rock revetments on the coastal zone at erven 645, 184, 53, 185, 623 and 720 in St. Francis Bay within the Kouga Municipal area. In addition to the revetment along the Spit, canal walling is to be built along the inside of the Spit. The construction includes the following:</p> <ul style="list-style-type: none"> <li>a) Construction of new revetments along northern end of spit (540 m x 7 m);</li> <li>b) Repair of existing revetments along southern end of spit (270 m x 7 m);</li> <li>c) Construction of new revetments along some portions of beach south of spit (460 m x 7 m);</li> <li>d) Repair of existing revetments along some portions of beach south of spit (1270 m x 7 m); and</li> <li>e) Access road from Hobie Beach off Polvre Crescent to end of spit along the top of the spit (length of road 910 m x 3 m width of road).</li> </ul>	
<b>Listed Activities</b>	
R 544 (16)	<p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of -</p> <ul style="list-style-type: none"> <li>i. fixed or floating jetties and slipways;</li> <li>ii. tidal pools;</li> <li>iii. embankments;</li> <li>iv. rock revetments or stabilising structures including stabilising walls;</li> <li>v. buildings of 50 square metres or more; or</li> <li>vi. infrastructure covering 50 square metres or more -</li> </ul> <p>but excluding</p> <ul style="list-style-type: none"> <li>a) if such construction or earth moving activities will occur behind a development setback line; or</li> <li>b) where such construction or earth moving activities will occur within the existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour;</li> <li>c) where such construction or earth moving activities is</li> </ul>

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	<p>undertaken for purposes of maintenance of the facilities mentioned in (i)-(iv) above; or</p> <p>where such construction or earth moving activities is related to the construction of port or harbour, in which case activity 24 of Notice 545 of 2010 applies.</p>
R 544 (17)	<p>The planting of vegetation or placing of any material on dunes and exposed sand surfaces, within the littoral active zone for the purpose of preventing the free movement of sand, erosion or accretion, excluding where the planting of vegetation or placement of material relates to restoration and maintenance of indigenous coastal vegetation or where such planting of vegetation or placing of material will occur behind a development setback plan.</p>
R 544 (18)	<p>The infilling or depositing of any material of more than 5 cubic metres into, or dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <ol style="list-style-type: none"> <li>i. a watercourse;</li> <li>ii. the sea;</li> <li>iii. the seashore;</li> <li>iv. the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever the distance is greater-</li> </ol> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <ol style="list-style-type: none"> <li>i. is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or</li> <li>ii. occurs behind the development setback line.</li> </ol>
R 544 (45)	<p>The expansion of facilities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, for -</p> <ol style="list-style-type: none"> <li>i. fixed or floating jetties and slipways;</li> <li>ii. tidal pools;</li> <li>iii. embankments;</li> <li>iv. rock revetments or stabilising structures including stabilising walls;</li> <li>v. buildings by more than 50 square metres;</li> <li>vi. infrastructure by more than 50 square metres;</li> <li>vii. facilities associated with the arrival and departure of vessels and the handling of cargo;</li> <li>viii. piers;</li> <li>ix. inter- and sub-tidal structures for entrapment of sand;</li> <li>x. breakwater structures;</li> <li>xi. coastal marinas;</li> <li>xii. coastal harbours or ports;</li> <li>xiii. structures for draining parts of the sea or estuary;</li> <li>xiv. tunnels; or</li> </ol>

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	<p>xv. underwater channels where such expansion will result in an increase in the development footprint of such facilities</p> <p>but excluding where such expansion occurs:</p> <p>a) behind a development setback line; or</p> <p>b) within existing ports or harbours where there will be no increase in the development footprint or throughout capacity of the port or harbour.</p>
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At the locality defined in the Table below, and hereafter referred to as "the property":

<b>District</b>	Cacadu
<b>Municipal Area</b>	Kouga Municipal Area
<b>Farm Name</b>	N/A
<b>Farm Number and Portion</b>	N/A
<b>Erf Number and Township Extension or Suburb</b>	Erven 645, 184, 53, 185, 623 and 720, St. Francis Bay
<b>Co-ordinates</b>	Starting point: 34° 08' 46" S, 24° 50' 27" E Halfway to midpoint: 34° 09' 06" S, 24° 50' 20" E Middle point: 34° 09' 26" S, 24° 50' 11" E Halfway to endpoint: 34° 09' 47" S, 24° 49' 57" E Endpoint: 34° 10' 06" S, 24° 49' 56" E
<b>Physical address</b>	Erven 645, 184, 53, 185, 623 and 720 in St. Francis Bay within the Kouga Municipal area

**This Environmental Authorisation is granted subject to the conditions set out below.**

### 3. Conditions

*The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.*

#### 3.1. Duration of authorisation

- 3.1.1. Construction and repair of rock revetments as authorised in this Environmental Authorisation must commence within a period of 12 (twelve) months from the date of issue of this Authorisation. If commencement of the activity does not occur within this period, this Environmental Authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.1.2. Construction to be completed within 12 (twelve) months of commencement.
- 3.1.3. Conditions relating to the operation of the project are valid in perpetuity.

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**3.2. Standard conditions**

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity, specifically, amongst others, the National Water Act (No. 36 of 1998), the National Environmental Management: Integrated Coastal Management Act (No. 24 of 2008).
- 3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. Any changes to, or deviations from, the project description set out in this Environmental 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 this Environmental Authorisation to apply for further authorisation in terms of the regulations.
- 3.2.8. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.
- 3.2.9. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party within 12 (twelve) days of receiving this Environmental Authorisation.
- 3.2.10. 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.

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- 3.2.11. 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.
- 3.2.12. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this Authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.13. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.

**3.3. Project - specific conditions**

- 3.3.1. Fourteen 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.
- 3.3.2. A Construction Environmental Management Programme (CEMP) and Construction Master Plan to be submitted to DEDEAT for approval prior to the commencement of construction and to be implemented for the construction phase of the project. The CEMP to include, amongst others:
- 3.3.2.1. Applicable conditions contained in this Environmental Authorisation;
  - 3.3.2.2. All mitigation measures contained in the consultant's Basic Assessment Report titled, "Construction & Repair of Rock Revetments at St. Francis Bay, Kouga Municipality, Cacadu District, Eastern Cape" by Infinity Consulting and dated August 2010;
  - 3.3.2.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, minimization of dust, etc.; and
  - 3.3.2.4. A general code of conduct for any contractor carrying out any work on the development site.
- 3.3.3. General principles of environmental management as contemplated in Condition 3.3.2.2 to include, amongst others, the following:
- 3.3.3.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
  - 3.3.3.2. Concomitant to Condition 3.3.3.1, any cement mixing must take place above the high-water mark, and spills into the estuary must be prevented and emergency contingency plans must be put in place;
  - 3.3.3.3. Silt curtains are to be utilised in all phases of construction to prevent destabilized sediment from entering the estuarine channel;
  - 3.3.3.4. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;

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- 3.3.3.5. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
- 3.3.3.6. No servicing of vehicles and other machinery to take place on site and no fuel or other hazardous material to be stored on site;
- 3.3.3.7. All excess construction material and any waste generated during construction must be removed from site on an on-going basis and disposed of at a suitably registered waste disposal site;
- 3.3.3.8. The contractor must provide adequate waste disposal and sanitation facilities and must ensure that these facilities are properly used and maintained;
- 3.3.3.9. Clear stipulations as to who is responsible and accountable for what actions; and
- 3.3.3.10. Sufficient erosion control measures must be stipulated and adhered to.
- 3.3.4. Kouga Municipality will be held liable in the event of non-compliance with any condition of this Authorisation Notice or any stipulation of the CEMP by any contractor associated with this activity.
- 3.3.5. An Environmental Control Officer (ECO) must be appointed and stationed onsite to oversee the implementation of the CEMP as well as adherence to the conditions contained in this Environmental Authorisation.
- 3.3.6. Non-compliance with any stipulation in the EMP will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.3.7. All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays.
- 3.3.8. The profile of the revetment is to be such that it blends with those of the existing structures to either side of the construction site.
- 3.3.9. Canal walling is to be built along the inside of the Spit which conforms to the existing walling in the canals.
- 3.3.10. Rock material which needs to be imported to the site for construction of the wall is to be obtained from a bona fide source, and must be compatible in appearance with rock used for existing protection structures in the vicinity.
- 3.3.11. A permit for use of vehicles on the beach during construction must be obtained from the National Department of Environmental Affairs, Oceans and Coast Branch, prior to commencement of construction.
- 3.3.12. Disturbance of the beach environment during project implementation must be minimised, and any disturbed areas appropriately rehabilitated. This includes disturbance due to the use of heavy plant machinery or vehicles as described in Condition 3.3.10.
- 3.3.13. Further to Condition 3.3.10, vehicular usage during project implementation must be curtailed to what is absolutely necessary, and the applicant is to be mindful of the general duty of care provision as articulated in Section 2 of the National Regulations for Control of Vehicles in the Coastal Zone (Government Notice No. 1399 of 21 December 2001).
- 3.3.14. Vehicles must travel at a slow speed at all times and drive below the spring high water mark to encourage removal of all vehicular tracks along the beach between tidal cycles.