



# forestry, fisheries & the environment

Department:  
Forestry, Fisheries and the Environment  
REPUBLIC OF SOUTH AFRICA

## APPLICATION FORM FOR THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN

Application for the adoption of a Maintenance Management Plan as per the exclusions of the Listed or Specified Activities in terms of the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations, 2014, as amended (the Regulations)

### PROJECT TITLE

Garden Route Botanical Gardens, Maintenance Management Plan for Dam Maintenance Activities (Western Cape Province)

Indicate if the **DRAFT** report accompanies the application

Yes   
No

### PRE-APPLICATION CONSULTATION

Was a pre-application meeting held	Yes	X	No	
Date of the pre-application meeting	16 May 2023			
Reference number of pre-application meeting held	2023-04-0010			
Was minutes compiled and submitted to the Department for approval	Yes	X	No	

A copy of the pre-application meeting minutes must be appended to this application as **APPENDIX 1**.

### Kindly note the following:

1. This form must be used to apply for the adoption of a Maintenance Management Plan where this Department is the Competent Authority.
2. This form is current as of August 2023. It is the responsibility of the Applicant/Environmental Assessment Practitioner (EAP) to ascertain whether subsequent versions of the form have been published or produced by the Competent Authority. The latest available Departmental templates are available at <https://www.dffe.gov.za/documents/forms/legal>
3. A cover letter on your company letterhead indicating the nature of this application must be appended to this form i.e. application for adoption of the Maintenance Management Plan.
4. An electronic copy of the signed application form must be submitted of both the Applicant and EAP.
5. This form must be marked **“for Attention: Chief Director: Integrated Environmental Authorisations”** and submitted to the Department at the format as prescribed in the process to upload documents form.
6. The required information must be typed within the spaces provided in the form. The sizes of the spaces provided are not necessarily indicative of the amount of information to be provided. Spaces are provided in tabular format and will extend automatically when each space is filled with typing. A legible font type and size must be used when completing the form. The font size should not be smaller than 10pt (e.g. Arial 10).
7. Where applicable black out the boxes that are not applicable in the form.
8. The use of the phrase “not applicable” in the form must be done with circumspection. Where it is used in respect of material information that is required by the Competent Authority for assessing the application, this may result in the rejection of the application as provided for in the Regulations.
9. Unless protected by law, all information contained in and attached to this application, will become public information on receipt by the Competent Authority. Upon request during any stage of the application process, the Applicant / EAP

must provide any registered interested and affected party with the information contained in and attached to this application.

10. Should a specialist report or report on a specialised process be submitted at any stage for any part of this application, the terms of reference for such report and declaration of interest of the specialist must also be submitted.
11. Please note that this form must be copied to the relevant Provincial Environmental Department(s).
12. Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX** . Should a certified copy/ies of the Environmental Authorisation and subsequent Amendments thereto not be available an original commissioned Affidavit/Affirmation under oath undertaken by the must be appended to this application form.
13. Certified copy/ies of the Environmental Management Programme and all subsequent Amendments thereto, if applicable must be attached to this application as **APPENDIX 4**.
14. Certified copy/ies of environmental audit reports, if applicable must be attached to this application as **APPENDIX 5**.
15. Should a certified copy/ies of the documents referred to under point 15, 16 and 17 above not be available, an original commissioned Affidavit/Affirmation under oath undertaken by the Applicant must be appended to this application form.
16. An application for the adoption of the Maintenance Management Plan lapses if the applicant fails to submit the final Maintenance Management Plan within 90 days (including the 30 day PPP ) of receipt of this application.

### Departmental Details

Online Submission only:

<https://sfiler.environment.gov.za:8443/>.

Click <https://www.dffe.gov.za/documents/forms/legal> for guidance document which must be complied with in order to upload/submit files to this Competent Authority.

**Physical address:**

Department of Forestry, Fisheries and the Environment  
Attention: Chief Director: Integrated Environmental Authorisations  
Environment House  
473 Steve Biko Road  
Arcadia

For Submission enquiries: Contact the Directorate: IEA Strategic Support, Coordination and Reporting at:  
Email: [EIApplications@dffe.gov.za](mailto:EIApplications@dffe.gov.za)

For EIA related implementation queries:  
Email: [EIAdmin@dffe.gov.za](mailto:EIAdmin@dffe.gov.za)

For EIA Related Interpretation queries in terms of the Listed Activities:  
Email: [IQ@dffe.gov.za](mailto:IQ@dffe.gov.za)

For SIP confirmation, please contact the SIP coordinator at the below contact details:

- Mr Alvino Wildschutt-Prins  
Programme Manager: Infrastructure Pipeline Development & Management  
SIP Programme Management Office  
Cell: 072 650 2249  
Email: [alvino@presidency.gov.za](mailto:alvino@presidency.gov.za)
- Mr Avik Singh, Infrastructure Project pipeline (SIP Support)  
[AvikS@idc.co.za](mailto:AvikS@idc.co.za)

**1. COMPETENT AUTHORITY**

Identified Competent Authority to consider the application:	DFFE National
Reason(s) in terms of S24C of NEMA:	Garden Route Botanical Garden is within a Protected Area ito the NEMPAA and the Applicant is an Organ of State (George Municipality)

**2. GENERAL INFORMATION**

Name of the Applicant:	George Municipality		
RSA Identity/ Passport Number:			
Name of contact person for applicant (if other):	Nosidima Vumindaba		
RSA Identity/ Passport Number:			
Responsible position, e.g. Director, CEO, etc.:	Nosidima Vumindaba		
Company/ Trading name (if any):			
Company Registration Number:			
BBBEE status:			
Physical address:	82 Meade Street, George, 6529		
Postal address:	PO Box 19, George		
Postal code:	6530	Cell:	
Telephone:	044-802 2900/12	Fax:	
E-mail:	nvumindaba@george.gov.za		

Name of the landowner:	Same as the Applicant		
Name of contact person for landowner (if other):			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

Name of Person in control of the land:	Same as the Applicant		
Name of contact person for person in control of the land:			
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

In instances where there is more than one landowner, please attach a list of those landowners with their contact details as **APPENDIX** .

Unless the application is in respect of linear activities or Strategic Infrastructure Projects as contemplated in the Infrastructure Development Act (Act No. 23 of 2014) and where the landowner is not the applicant, written consent of landowner/s must be submitted and attached as Error! Reference source not found..

Provincial Environmental Authority:	Department of Environmental Affairs & Development Planning, George office		
Name of contact person:	Danie Swanepoel		
Postal address:	95 York Street Building, York Street, George		
Postal code:	6529	Cell:	0827847551
Telephone:	044-8142002	Fax:	
E-mail:	044-8142002		

Local Municipality:	George Municipality		
Name of contact person in (Environmental Section):	Same as Applicant		
Postal address:			
Postal code:		Cell:	
Telephone:		Fax:	
E-mail:			

In instances where there is more than one Local/Provincial Authority involved, please attach a list of those Local/ Provincial Authorities with their contact details as **APPENDIX 7**.

### 3. ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP) INFORMATION

Company of Environmental Assessment Practitioner:	Cape Environmental Assessment Practitioners (Pty) Ltd		
B-BBEE	Contribution level (indicate 1 to 8 or non-compliant)	4	Percentage Procurement recognition
			100
EAP name:	Louise-Mari van Zyl		
EAPASA Registration Number	2019/1444		
EAP Qualifications:	MA Geography & Environmental Studies		
Professional affiliation/registration:	EAPASA		
Physical address:	17 Progress Street, George, 6529		
Postal address:	PO Box 2070, George		
Postal code:	6530	Cell:	0716034132
Telephone:	044-8740365	Fax:	
E-mail:	louise@cape-eaprac.co.za		

The appointed EAP must meet the requirements of Regulation 13 of GN R982 of 04 December 2014, as amended.

If appointed, the declaration of independence of the EAP and undertaking under oath or affirmation that all the information submitted or to be submitted for the purposes of the application is true and correct must be submitted as **APPENDIX 6**.

### 4. DETAILS OF IMPLEMENTATION OF PREVIOUS ENVIRONMENTAL AUTHORISATION/ENVIRONMENTAL MANAGEMENT PROGRAMME

Was the activity commenced with during the validity period of the environmental authorisation? If yes, please describe the implementation of the Environmental Authorisation and previous Environmental Management Programme to date:	YES	NO
The application is for the adoption of a Maintenance Management Plan to empty and fix the existing dam wall of the main dam within the Garden Route Botanical Gardens. No previous EA/EMP is in place.		

## 5. EXCLUSION ACTIVITIES APPLIED FOR

For an application for adoption of the Maintenance Management Plan that involves more than one listed activity that, together, make up one development proposal, all the listed activities pertaining to this application must be provided below.

Activity No(s):	Provide the relevant <b>Basic Assessment Activity(ies)</b> as set out in <b>Listing Notice 1</b> of the EIA Regulations, 2014 as amended	Describe the portion of the proposed project to which the applicable listed activity relates.
19	The infilling or depositing of any material or 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 (i) a watercourse, but excluding where such infilling (b) is for <b>maintenance purposes undertaken in accordance with a maintenance management plan.</b>	Although not deemed an instream dam (the dam is fed via an artificial furrow), the dam and surrounding aquatic environment is deemed to be a wetland i.e. a watercourse.
Activity No(s):	Provide the relevant <b>Basic Assessment activity(ies)</b> as set out in <b>Listing Notice 3</b> of the EIA Regulations, 2014 as amended	Describe the portion of the proposed project to which the applicable listed activity relates.
12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for <b>maintenance purposes undertaken in accordance with a maintenance management plan</b> , (i) within any critically endangered or endangered ecosystem.	The 2011 Ecosystem Threat Status categorised the area as Garden Route Shale Fynbos which has an Endangered threat status.  The revised 2021 Ecosystem Threat Status remnant natural ecosystems only extends to the north of the Botanical Gardens excluding the position of the dam.
Activity No(s):	Provide the relevant <b>Scoping &amp; EIA Activity(ies)</b> as set out in <b>Listing Notice 2</b> of the EIA Regulations, 2014 as amended	Describe the portion of the proposed project to which the applicable listed activity relates.

<p>Please provide the reasons and/or a motivation for the application for adoption of the Maintenance Management Plan:</p> <p>The existing main storage dam within the Botanical Gardens suffered damages during the November 2021 flood events that affected the George region. The dam wall has been compromised and dam safety is of concern. Failure of the dam wall will result in downstream flooding of established residential areas as well as threatened livelihoods of visitors to the Botanical Gardens.</p> <p>To address this safety risk to date, the water level in the dam has been lowered, however since the overflow of the dam was also damaged, heavy rains result in the dam still filling up quick (via an historical furrow system) and then the water level rises above the safe water level continuing to compromise the dam wall safety.</p> <p>The dam must be emptied completely, all of the silt that washed into the dam removed, the inside of the dam wall strengthened and backfilled as well as the damaged overflow repaired.</p> <p>The storage capacity and/or footprint of the dam will not be increased (since a thicker, more stable dam wall will be created on the inside of the dam, the storage capacity will in effect be reduced slightly).</p>
---

Removal of vegetation along the dam wall will be required, inclusive of protected trees and indigenous flora for which the necessary permits/licenses have been applied for by the George Municipality.

**6. RIGHTS OR INTERESTS OF OTHER PARTIES**

In your opinion, will this proposed adoption of the Maintenance Management Plan adversely affect the rights and interests of other parties?	YES	NO
---	-----	----

Please provide a detailed motivation of your opinion.

Repair work on the dam to make it safe is important considering that the features is within a protected area and the Botanical Gardens have daily visitors that (at present) cannot walk around the dam as per usual (the walkways have been cordoned off for safety reasons). Making the dam safe again is to the benefit of visitors and stakeholders that may be affected in the event of dam failure.

The necessary signage and information letters to members of the Botanical Gardens, as well as newspaper adverts and notifications to key stakeholders have been circulated and considering that there is an opportunity to provide input and comment on the MMP, its adoption, will not adversely affect the rights of interested or other parties since will still have an opportunity to participate and comment on the MMP.

**NOTE: The Department is entitled to request further information if it believes it is necessary for the consideration of the application.**

**7. LIST OF APPENDICES**

		SUBMITTED	
APPENDIX 1	Copy of the pre-application meeting minutes	YES	NO
APPENDIX 2	Certified copy/ies of the Environmental Authorisation and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath	YES	NO
APPENDIX 3	Certified copy/ies of the Environmental Management Programme and all subsequent Amendments thereto or original commissioned Affidavit/Affirmation under oath	YES	NO
APPENDIX	List of land owners (with contact details)	YES	NO
APPENDIX	List of Local/Provincial Authorities (with contact details)	YES	NO
APPENDIX 6	Declaration of independence of the EAP and undertaking under oath or affirmation, if appointed	YES	NO

8. DECLARATION by THE APPLICANT

I, Nosidima Vumindaba, declare that I will comply with all my legal obligations in terms of this application and provide accurate information to everyone concerned in respect to this application.

N.Vumindaba

Signature on behalf of the Applicant:

George Municipality

Name of Company or Organisation:

18/08/2023

Date:



**APPENDIX 1**

**COPY OF THE PRE-APPLICATION MEETING MINUTES**

**APPENDIX 2**

**CERTIFIED COPY/IES OF THE ENVIRONMENTAL AUTHORISATION AND ALL SUBSEQUENT AMENDMENTS  
THERE TO OR ORIGINAL COMMISSIONED AFFIDAVIT/AFFIRMATION UNDER OATH**

NOT APPLICABLE TO THE ACTIVITY AS AN EA/EMP DOES NOT EXIST

**APPENDIX 3**

**CERTIFIED COPY/IES OF THE ENVIRONMENTAL MANAGEMENT PROGRAMME AND ALL SUBSEQUENT AMENDMENTS THERETO OR ORIGINAL COMMISSIONED AFFIDAVIT/AFFIRMATION UNDER OATH**

NOT APPLICABLE TO THE ACTIVITY AS AN EA/EMP DOES NOT EXIST	
--	--

**APPENDIX 4**

**LIST OF LAND OWNERS AND THEIR WRITTEN CONSENT**

**Refer to the Contact details of the George Municipality as the Land Owner as provided in the main form**

**APPENDIX 5**

**LIST OF LOCAL/PROVINCIAL AUTHORITIES**

**Refer to the contact details of the Provincial DEADP George office as provided in the main form.**

APPENDIX 6

DECLARATION OF THE EAP

I, Louise-Mari van Zyl on behalf of Cape EAPrac (Pty) Ltd, declare that –

- I act as the independent environmental assessment practitioner in this application;
- I have expertise in conducting environmental impact assessments, including knowledge of the Act, Regulations and any guidelines that have relevance to the proposed activity;
- I will comply with the Act, Regulations and all other applicable legislation;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I will take into account, to the extent possible, the matters listed in Regulation 14 of the Regulations when preparing the application and any report relating to the application;
- I undertake to disclose to the applicant and the Competent Authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the Competent Authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the Competent Authority, unless access to that information is protected by law, in which case it will be indicated that such information exists and will be provided to the Competent Authority;
- I will perform all obligations as expected from an environmental assessment practitioner in terms of the Regulations; and
- I am aware of what constitutes an offence in terms of Regulation 48 and that a person convicted of an offence in terms of Regulation 48(1) is liable to the penalties as contemplated in Section 49B of the Act.

**Disclosure of Vested Interest (delete whichever is not applicable)**

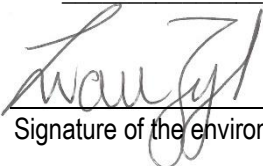
- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;
- ~~• I have a vested interest in the proposed activity proceeding, such vested interest being:~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Signature of the environmental assessment practitioner

Cape Environmental Assessment Practitioners (Pty) Ltd  
Name of Company:

10 August 2023

Date

**DECLARATION OF THE SPECIALIST**

I, Dr Jackie Dabrowski on behalf of Confluent Consultants (Pty) Ltd, declare that –

- I act as specialist practitioner in this application;
- I have expertise in conducting specialist assessments and investigations that have relevance to the proposed activity;
- I will perform the work relating to the application in an objective manner, even if this results in views and findings that are not favourable to the applicant;
- I undertake to disclose to the applicant and the Competent Authority all material information in my possession that reasonably has or may have the potential of influencing - any decision to be taken with respect to the application by the Competent Authority; and - the objectivity of any report, plan or document to be prepared by myself for submission to the Competent Authority, unless access to that information is protected by law, in which case it will be indicated that such information exists and will be provided to the Competent Authority.

**Disclosure of Vested Interest (delete whichever is not applicable)**


- I do not have and will not have any vested interest (either business, financial, personal or other) in the proposed activity proceeding other than remuneration for work performed in terms of the Regulations;
- ~~• I have a vested interest in the proposed activity proceeding, such vested interest being:~~

---

---

---

---

  
\_\_\_\_\_  
Signature of the Specialist

Confluent Consulting (Pty) Ltd  
\_\_\_\_\_  
Name of company:

14 August 2023  
\_\_\_\_\_  
Date


UNDERTAKING UNDER OATH/ AFFIRMATION

I,  Louise-Mari van Zyl on behalf of Cape Environmental Assessment Practitioners (Pty) Ltd, swear under oath/affirm that all the information submitted or to be submitted for the purposes of this application is true and correct.

  
Signature of the environmental assessment practitioner

Cape Environmental Assessment Practitioners (Pty) Ltd  
Name of company

10 August 2023  
Date

  
Signature of the commissioner of oaths

10 August 2023  
Date



**Adriaan de Waal, CFP®**  
COMMISSIONER OF OATHS (RSA)  
CERTIFIED FINANCIAL PLANNER (SA)  
FPI Membership NO 106572  
Dynarc House, 2nd Floor  
31 Courtenay Street, George, 6529  
16 Sioux Street, Mossel Bay, 6506