



**REFERENCE NUMBER:** 16/3/3/6/1/A7/20/3358/15  
**ENQUIRIES:** MS. K. ADRIAANSE  
**DATE OF ISSUE:** 2016 -04- 13

The Director  
Western Cape Government: Transport and Public Works  
Directorate: Property Partnership Unit  
Private Bag X9185

**CAPE TOWN**  
8000

**For Attention: Ms. A. Lambrechts**

Tel: (021) 483 5668

Dear Madam

**APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014 WITH RESPECT TO THE PROPOSED AERODROME ROAD EXTENSION FROM ODIN ROAD TO VOORTREKKER ROAD TO LINK TO THE FUTURE FRANS CONRADIE DRIVE EXTENSION, WINGFIELD, AS PART OF THE CONRADIE BETTER LIVING MODEL EXEMPLAR PROJECT.**

The site meeting held between officials of this Department, the Department of Water and Sanitation, the City of Cape Town and the Environmental Assessment Practitioner ("EAP") on 17 November 2015, the EAP's electronic mail correspondence received by this Directorate on 18 November 2015, this Directorate's acknowledgement thereof dated 02 December 2015, the meeting held between officials of this Department, the Department of Transport and Public Works, representatives of Turner & Townsend and a representative of WSP on 22 January 2016, your query dated and received by this Directorate on 12 February 2016, this Directorate's correspondence dated 17 February 2016, your correspondence dated and received by this Department on 06 April 2016 and the meeting held between an official of this Directorate, yourself and the EAP on 08 April 2016, refer.

1. On 04 December 2014, the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations 2014 (Government Notice No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 04 December 2014). Please note that these Regulations came into effect on 08 December 2014.
2. The information provided by you indicates the following:
  - 2.1. The proposed development entails:
    - 2.1.1. The extension of Aerodrome Road from Odin Road to Voortrekker Road; and
    - 2.1.2. The further extension of Aerodrome Road from Voortrekker Road to link to the future Frans Conradie Drive Extension, Wingfield as part of the Conradie Better Living Model Exemplar Project.

- 2.2. With respect to the proposed extension of Aerodrome Road from Odin Road to Voortrekker Road, the following is noted:
    - 2.2.1. The proposed road reserve will be approximately 25m in extent;
    - 2.2.2. The proposed extension will be a single carriage way in (one lane in both directions);
    - 2.2.3. The proposed extension will result in the re-alignment of the Elsie's River canal, which has not been deemed as a watercourse as confirmed by the Department of Water and Sanitation;
    - 2.2.4. The original Aerodrome Road Extension Transport Plan and Conceptual Design allows for a future second lane to be added to the extension up to Voortrekker Road; and
    - 2.2.5. The properties are not zoned open space.
  - 2.3. With respect to the further extension of Aerodrome Road from Voortrekker Road to link to the future Frans Conradie Drive Extension, the following is noted:
    - 2.3.1. The proposed road reserve will be approximately 32m in extent;
    - 2.3.2. The proposed extension will be a dual carriage way;
    - 2.3.3. Three route options have been identified and is proposed in the following erven:
      - 2.3.3.1. Route option 1 is proposed on Erf 24544-RE;
      - 2.3.3.2. Route option 2 is proposed on Erven 149174-RE, 168241, 21204-RE and 24544-RE; and
      - 2.3.3.3. Route option 3 is proposed on Erven 149174-RE, 167613 and 21204-RE.
    - 2.3.4. Route option 2 is proposed to be routed across Erven 168241 and 21204-RE. According to the Department's ArcReader GIS system, wetlands are mapped on portions of Erven 168241 and 21204-RE. Route option 2 will impact on wetlands located on Erf 21204-RE; and
    - 2.3.5. Route option 3 is the preferred option and is proposed to be routed parallel to 18<sup>th</sup> Avenue and will not affect any wetlands.
  - 2.4. It is further noted that the Conceptual Design for the proposed Aerodrome Road extension is currently being updated and may result in changes to the proposed extension.
3. In addition, this Directorate notes the following:
    - 3.1. This Department's ArcReader mapping system indicates that Erf 168241 and a large portion of Erf 21204-RE has been mapped as part of the City of Cape Town's Biodiversity Network; and
    - 3.2. The proposed route options have not been mapped as having critically endangered or endangered ecosystems in terms of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004): National List of Ecosystems that are threatened and in need of protection (Government Gazette No. 34809 of 09 December 2011).

4. With respect to proposed extension of Aerodrome Road from Odin Road to Voortrekker Road, please note the following:
  - 4.1. You are hereby informed that the proposed development **does not** trigger a listed activity in terms of the NEMA EIA Regulations, 2014;
  - 4.2. This determination is based on the fact that the road reserve will be approximately 25m in extent and a single lane carriage way in both directions will be developed;
  - 4.3. Written Environmental Authorisation is therefore not required from the competent authority (in this instance this Directorate) prior to the undertaking of the said development; and
  - 4.4. Once the Conceptual Design has been updated, you will be required to re-confirm the applicability of the NEMA EIA Regulations, 2014.

5. With respect to the further extension of Aerodrome Road from Voortrekker Road to link to the future Frans Conradie Drive Extension (preferred option), please note the following:

- 5.1. You are herewith informed that based on the information provided by you, your proposed development will trigger the following listed activity in terms of the NEMA EIA Regulations, 2014, namely:

GN No. R.984 of 04 December 2014

Activity Number: 27

Activity Description:

*The development of -*

- (i) *a national road as defined in section 40 of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998);*
- (ii) *a road administered by a provincial authority;*
- (iii) *a road with a reserve wider than 30 metres; or*
- (iv) *a road catering for more than one lane of traffic in both directions; but excluding the development and related operation of a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010, in which case activity 24 in Listing Notice 1 of 2014 applies.*

- 5.2. This determination is based on the fact that the road reserve will be approximately 35m in extent and a dual carriage way (two lanes in both directions) will be developed;
  - 5.3. Written authorisation is therefore **required** from the competent authority prior to the undertaking of the said activity. The onus, however, rests with the applicant and his/her environmental assessment practitioner to ensure that all applicable listed activities are applied for and assessed; and
  - 5.4. Should Route option 2 be proposed, Activity 19 of GN No. R.983 of 04 December 2014 and Activity 27 of GN No. R.984 of 04 December 2014 will be triggered.
6. Note that should any revision of your proposed development comprise any activities that constitute a listed activity as defined in GN No. R. 983; R. 984 or R. 985 of 04 December 2014, an application for environmental authorisation must be submitted to the competent authority and authorisation obtained before such activity(ies) may commence.

7. You are reminded of the general duty of care towards the environment in terms of Section 28(1) of the NEMA which states: "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."

This Department reserves the right to revise or withdraw comments or request further information based on any information received.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

  

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**HEAD OF DEPARTMENT**

Copies to: (1) Mr. R. Els / Ms. J. Fincham (WSP Environmental)  
(2) Mr. W. Dreyer (Department of Water and Sanitation)  
(3) Mr. A. Oosthuizen (WCG:EADP - Directorate: Development Facilitation)  
(4) Ms. M. Van Zyl (City of Cape Town: Environmental Resource Management)  
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