



**Western Cape  
Government**  
Environmental Affairs and  
Development Planning

**DIRECTORATE: ENVIRONMENTAL GOVERNANCE  
SUB-DIRECTORATE: RECTIFICATION**

**REFERENCE:** 14/2/1/2/B2/32/0003/17

**ENQUIRIES:** Ziyaad Allie

**REGISTERED MAIL**

Tel: (023) 342 5486

Email: [johan@heliospetroleum.co.za](mailto:johan@heliospetroleum.co.za)

The Managing Director  
Feptiq (Pty) Ltd  
P.O. Box 1298  
WORCESTER  
6849

**Attention: Mr Johan Toerien**

Dear Sir

**APPLICATION IN TERMS OF SECTION 24G OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) ("NEMA"): UNLAWFUL REMOVAL OF SAND FROM A WATERCOURSE ON FARM DE MOND VAN HARTEBEEST RIVER NO. 379, SHELL ULTRA CITY, WORCESTER**

With reference to your application dated 14 December 2016 in terms of section 24G of the NEMA for the consequences of unlawful commencement of listed activities identified in terms of the NEMA, find below the decision in respect of your application.

**ENVIRONMENTAL AUTHORISATION**

**A. DECISION**

By virtue of the powers conferred by section 24G of the NEMA and the *Environmental Impact Assessment Regulations, 2014* ("EIA Regulations, 2014") (as amended), the competent authority herewith **grants environmental authorisation** to the applicant to continue with the listed activities specified in Section C below as described in the application dated 14 December 2016 and the Final Environmental Impact Assessment ("EIA") Report dated 28 August 2019.

The granting of this Environmental Authorisation is for the continuation, conducting or undertaking of the listed activities as described in Section C below and is subject to compliance with the conditions set out in Section G. This Environmental Authorisation shall only take effect from the date on which it has been issued.

The Environmental Authorisation does not exempt the holder thereof from compliance with any other applicable legislation.

## B. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Feptiq (Pty) Ltd.

C/o Mr Johan Toerien

P.O. Box 1298

WORCESTER

6849

Tel: (023)342 5486

Cell: 082 373 9100

Email: [johan@heliospetroleum.co.za](mailto:johan@heliospetroleum.co.za)

The abovementioned applicant is the holder of this Environmental Authorisation and is hereinafter referred to as "the holder".

## C. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
<p>Government Notice No. R. 983 of 4 December 2014</p> <p><b>Activity Number: 14</b></p> <p>Activity Description: "The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil,</p>	<p>An underground pipeline was installed to obtain water from a borehole situated 1.6km east of the site, thereby excavating more than 5 cubic metres of soil.</p>

<p><i>sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</i> <i>(i) a watercourse.</i></p>	
<p>As amended in <i>Government Notice No. 327 of 2014 -</i></p> <p><b>Activity Number: 14</b></p> <p>Activity Description: <i>"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."</i></p>	<p>An underground pipeline was installed to obtain water from a borehole situated 1.6km east of the site, thereby excavating more than 10 cubic metres of soil.</p> <p>The construction of a cable-stay bridge for the section of above ground pipeline that crosses the Bothaspruit river. The bridge will consist of a single cable bridge with main posts expected to stand between 3- 6m tall on each side of the river mounted on concrete footings and also two cable stays/anchors also with footings to ensure stability. The footing structures will encroach into the riparian and wetland areas.</p>

The abovementioned list is hereinafter referred to as "the listed activity".

**D. PROPERTY DESCRIPTION AND LOCATION**

The listed activity commenced on Portion 79, Portion 80, Portion 61 and Portion 17 of Farm De Mond van Hartebeest River, No. 379, Worcester

The SG digit codes are: C08500000000037900079 and C08500000000037900080

The co-ordinates for the property boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 38' 20.57" South	19° 20' 58.56" East
2	33° 38' 20.51" South	19° 21' 30.93" East
3	33° 38' 39.58" South	19° 21' 24.02" East
4	33° 39' 15.29" South	19° 21' 18.59" East

The co-ordinates for the site boundary are:

Point	Latitude (S)	Longitude (E)
1	33° 38' 3.61" South	19° 21' 37.26" East
2	33° 37' 59.12" South	19° 21' 38.49" East
3	33° 37' 58.54" South	19° 21' 29.45" East
4	33° 37' 59.52" South	19° 21' 28.59" East

Refer to Annexure 1: Locality Maps and Annexure 2: Site Plan.

Herein-after referred to as "the site".

## **E. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER ("EAP")**

Sillito Environmental Consulting

C/o Ms Chantel Muller

P.O. Box 30134

TOKAI

7945

Tel: (021) 712 5060

Fax: (021) 712 5061

Email: [chantel@environmentalconsultants.co.za](mailto:chantel@environmentalconsultants.co.za)

## F. DETAILS OF THE ACTIVITY/IES UNDERTAKEN

The activity entails the laying of an underground pipeline in order to get access to water from a borehole situated 1.6km from the filling station. The footprint of the buried section of the pipeline route is approximately 175m<sup>2</sup> taking into account that the diameter of the pipe is 80mm and that the trench width is 0.45m. The pipe is buried at a depth of 1m below ground level.

The holder further proposes the construction of a cable-stay bridge for the section of above ground pipeline that crosses the Bothaspruit river. The bridge will consist of a single cable bridge with main posts expected to stand between 3- 6m tall on each side of the river mounted on concrete footings and also two cable stays/anchors also with footings to ensure stability. The footing structures will encroach into the riparian and wetland areas, but the encroachment will be minimal.

A total of 10 concrete blocks (5 on each side of the river) each 0.8m in height/thickness which will presumably all be buried. Most of the concrete blocks will have a surface area of 0.64m<sup>2</sup> except for two rectangular blocks on each side of the river that will measure 4.4m<sup>2</sup> and 2.2m<sup>2</sup> in surface area. The total area occupied by concrete blocks would thus be 8.5m<sup>2</sup> on each side of the river or a total of 17m<sup>2</sup> for the entire bridge structure. There would be no other encroachment into riparian or wetland areas because the rest of the pipe would be suspended above the ground. Although it is anticipated that the total amount of soil to be removed is 8.5m<sup>3</sup>, the bridge construction is included in this environmental authorisation as an aspect of furtherance of the listed activity as described in Section C above.

## G. CONDITIONS OF AUTHORISATION

The following are conditions of authorisation that are set and must be implemented for this Environmental Authorisation.

### PART I

#### Scope of authorisation

1. The holder is authorised to undertake the listed activity/ies specified in Section C above in accordance with and restricted to the Alternative described section F above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of the decision to complete construction related activities.

3. 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.
4. Any changes to, or deviations from the scope of the alternative described in Section F 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 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.

## **PART II**

### **Written notice to the competent authority**

5. Seven (7) calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.
  - 5.1 The notice must make clear reference to the site details and 24G Reference number given above.

## **PART III**

### **Notification and administration of an 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 outcome of 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 Appeals Regulations, 2014* detailed in Section I 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:

6.4.1 the 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; and

6.4.6 the 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 *National Appeal Regulations, 2014*.

7. The listed activity, including site preparation, may not commence within 34 (thirty-four) calendar days from the date of issue of this Environmental Authorisation. 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.

#### **PART IV**

##### **Management of the activity/development**

8. The draft Environmental Management Programme ("EMPr") of February 2019 compiled by Sillito Environmental Consultants and submitted as part of the application for environmental authorisation is hereby approved and must be implemented.

9. The EMPr must be included in all contract documentation for all phases of implementation.

#### **PART V**

##### **Monitoring**

10. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr and the conditions contained herein.

11. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activity/ies, and must be made available to anyone on request, including a publicly accessible website (if applicable).
12. Access to the site referred to in Section D 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.

## **PART VI**

### **Auditing**

13. In terms of regulation 34 of the *EIA Regulations, 2014* the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr and submit Environmental Audit Reports to the competent authority upon receiving such request in writing from the competent authority. The Audit Report must be prepared by an independent person and must consider all the information required in Appendix 7 of the *EIA Regulations, 2014*.

## **PART VII**

### **Activity/ Development Specific Conditions**

14. 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 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; and/or graves or unmarked human burials including grave goods and/or associated burial material.



15. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

## **H. GENERAL MATTERS**

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition or term of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not continue, conduct or undertake listed activities within the period referred to in Condition 2 of Section G, this Environmental Authorisation shall lapse for that activity or activities, and a new application for Environmental Authorisation must be submitted to the competent authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment must be made on condition that the environmental authorisation is valid on the date of receipt of such amendment application.

Note that:

(1) In terms of regulation 28(1A) of the *EIA Regulations, 2014* the competent authority shall not accept or process an application for amendment of an environmental authorisation if such environmental authorisation is not valid on the day of receipt of such amendment application, but may consider an application for environmental authorisation for the same development.

(2) In terms of regulation 28(1B) of the *EIA Regulations, 2014* an environmental authorisation which is the subject of an amendment application remains valid pending the finalisation of the amendment application.

(3) It is an offence in terms of section 49A(1)(a) of the 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.

4. The holder must submit an application for amendment of the Environmental Authorisation to the competent authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the *EIA Regulations, 2014* must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the competent authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:  
Amendments to the EMPr must be done in accordance with regulations 35 to 37 of the *EIA Regulations, 2014* or any relevant legislation that may be applicable at the time.

## **I. APPEALS**

Appeals must comply with the provisions contained in the *National Appeal Regulations, 2014*.

1. An appellant (if the holder) must –
  - 1.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator and a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder was notified by the competent authority of this decision.
2. An appellant (if NOT the holder) must –
  - 2.1 submit an appeal in accordance with regulation 4 *National Appeal Regulations, 2014* to the Appeal Administrator, and a copy of the appeal to the holder, any registered I&APs, any Organ of State with interest in the matter and the decision maker within 20 (twenty) calendar days from the date the holder notified the registered I&APs of this decision.

3. The holder (if not the appellant), the decision-maker, I&APs and 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. This appeal and responding statement must be submitted to the address listed below:

By post:                   Attention: Marius Venter  
Western Cape Ministry of Local Government, Environmental Affairs &  
Development Planning  
Private Bag X9186, Cape Town, 8000; or

By facsimile:           (021) 483 4174; or

By hand:                 Attention: Mr Marius Venter (Tel: 021-483 3721)  
Room 809, 8th floor Utilitas Building  
1 Dorp Street, Cape Town, 8000; or

By e-mail:              [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za)

**Note:** You are also requested to submit an electronic copy (Microsoft Word format) of the appeal and any supporting documents to the Appeal Administrator to the address listed above and/ or via e-mail to [DEADP.Appeals@westerncape.gov.za](mailto:DEADP.Appeals@westerncape.gov.za).

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

## **J. CONSEQUENCES OF NON-COMPLIANCE WITH CONDITIONS**

Non-compliance with a condition or term of this Environmental Authorisation or EMPr may result in suspension or withdrawal of this Environmental Authorisation and may render the holder liable for criminal prosecution.

## **K. DISCLAIMER**

The Western Cape Government, the Municipality, 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.

Yours faithfully

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**ADV. CHARMAINE MARÉ**  
**DIRECTOR: ENVIRONMENTAL GOVERNANCE**

DATE OF DECISION: \_\_\_\_\_

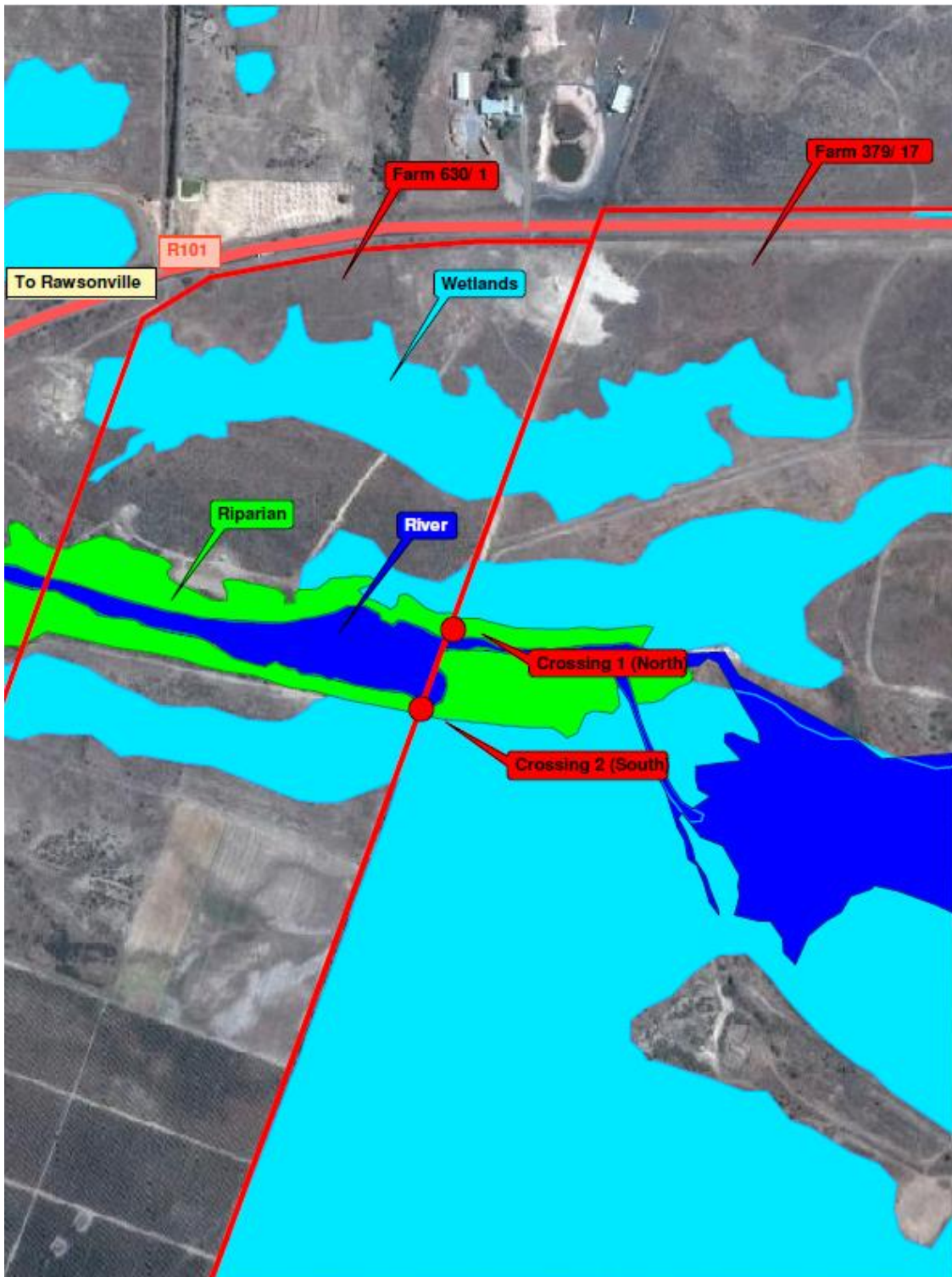
Copied to: (1) Chantel Muller (EAP)

Email: [chantel@environmentalconsultants.co.za](mailto:chantel@environmentalconsultants.co.za)

ANNEXURE 1 (a): LOCALITY MAP



**ANNEXURE 1 (b): LOCALITY MAP – River, Wetlands & Riparian areas**





**FOR OFFICIAL USE ONLY:**

**S24G REFERENCE:** 14/2/1/2/B2/32/0003/17  
**ENFORCEMENT REFERENCE :** 14/1/1/E2/1/2/1/0217/15  
**EIA REFERENCE:** E12/2/3/2-B2/33/0580/08

**ANNEXURE 3: REASONS FOR THE DECISION**

This Environmental Authorisation is in respect of the consequences of commencement of the afore-mentioned illegal activities. An Environmental Assessment Practitioner ("EAP") was appointed to submit a section 24G Environmental Impact Assessment ("EIA") to the Department to obtain this Environmental Authorisation. The EIA was considered adequate for informed decision-making. In addition, the holder paid an administrative fine of R250 000 (Fifty thousand Rand) to meet the requirements of section 24G of the *National Environmental Management Act, 1998* ("NEMA").

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) The information contained in the application form 14 December 2016, the Final Environmental Impact Assessment ("EIA") Report dated 28 August 2019 and the Environmental Management Programme ("EMPr") submitted together with the application.
- b) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation and Alternatives.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- d) The comments received from Interested and Affected Parties ("I&APs") and the responses provided thereto.
- e) The sense of balance of the negative and positive impacts and proposed mitigation measures.
- f) The site visit conducted on 11 September 2019 attended by an official from this Department.
- g) The appeal decision on the 24G administrative fine dated 15 September 2020.

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 which, according to the competent authority, were the most significant reasons for the decision is set out below.



## 1. Public Participation Process

In terms of section 24G(1)(vii)(dd) of the NEMA, "...a description of the public participation process followed during the course of compiling the report, including all comments received from interested and affected parties and an indication of how the issues raised have been addressed ...", is required.

The public participation process conducted by the EAP comprised of the following:

- An advertisement was placed in the Standard newspaper on 07 February 2019;
- A site notice was erected; and
- Letters were sent to interested and affected parties ("I&APs") and the municipal ward councillor on 07 February 2019;
- I&APs were afforded the opportunity to provide comments on the application.

### 1.1 Consultation with organs of state in terms of section 24O of the NEMA

The following organs of state provided comment on the application:

- Breede-Gouritz Catchment Management Agency ("BGCMA")
- Heritage Western Cape ("HWC")

The BGCMA stated that the project is supported and that a Water Use Licence Application was received.

The HWC stated that a Notice of Intent to Develop was submitted on 15 November 2018. HWC further stated that the development will not impact any heritage resources and no further action is required.

All the comments/concerns raised by I&APs were responded to and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address the concerns raised.

The competent authority concurs with the EAP's responses to the issues raised during the public participation process and has included appropriate conditions in this Environmental Authorisation and in the EMPr.

## 2. Alternatives

### 2.1 Alternatives

#### Alternative 1 (Herewith authorised)

This entails the laying of an underground pipeline in order to get access to water from a borehole situated 1.6km from the filling station. The footprint of the buried section of the pipeline route is approximately 175m<sup>2</sup> taking into account that the diameter of the pipe is 80mm and that the trench width is 0.45m. The pipe is buried at a depth of 1m below ground level.

In furtherance of the listed activity that has commenced, the holder proposes the construction of a cable-stay bridge for the section of above ground pipeline that crosses the Bothaspruit river. The bridge will consist of a single cable bridge with main posts expected to stand between 3-6m tall on each side of the river mounted on concrete footings and also two cable stays/anchors also with footings to ensure stability. The footing structures will encroach into the riparian and wetland areas, but the encroachment will be minimal.

A total of 10 concrete blocks (5 on each side of the river) each 0.8m in height/thickness which will presumably all be buried. Most of the concrete blocks will have a surface area of 0.64m<sup>2</sup> except for two rectangular blocks on each side of the river that will measure 4.4m<sup>2</sup> and 2.2m<sup>2</sup> in surface area. The total area occupied by concrete blocks would thus be 8.5m<sup>2</sup> on each side of the river or a total of 17m<sup>2</sup> for the entire bridge structure. There would be no other encroachment into riparian or wetland areas because the rest of the pipe would be suspended above the ground. It is anticipated that the total amount of soil to be removed is 8.5m<sup>3</sup>.

#### Route Alternatives

The applicant has advised that alternative pipeline routes were not considered as the route alternatives were found to be too expensive. This is largely due to the fact that the pipeline is not permitted to be located within the SANRAL road reserve and alternative routes, other than installed pipeline route, would be of much longer distances and therefore too expensive.

#### Activity Alternatives

The applicant has advised that for their purposes, no other activity alternatives were investigated for this application.

### Technology Alternatives

Investigations into the possibility of horizontal directional drilling in order to reduce and possibly eliminate impacts on the wetland and botanical habitats were also deemed impractical and expensive due to the presence of cobble rock in the vicinity of where the drilling would occur, thereby rendering it a high-risk operation.

### Operational Alternatives

The specialists consulted for the application provided adequate recommendations for the maintenance and upkeep of the pipeline.

### Option of not implementing the activity ("No-go" Alternative)

The applicant has advised that the service station facility cannot operate without the supply of water and that the applicant currently has no other options in terms of water supply other than the use of groundwater from a borehole.

## **3. Environmental Impact Assessment (EIA) and Mitigation Measures**

In reaching its decision, the competent authority, considered the following in respect of the EIA and mitigation measures:

### 3.1. Activity Need and Desirability

The property is zoned for agricultural use and thus the water supply pipeline is permitted within this land use, however, the two portions on which the two service stations are located have been rezoned to "Business Zone Five."

### 3.2. Regional/ Planning Context

The service station facility as well as the pipeline and boreholes are located outside of the urban edge of Worcester. The site lies beyond the Worcester Urban Edge. Land use of the site as a service station type facility is not in contention with the urban edge. In addition, the Breede Valley Municipality has indicated that the development of the facility at the site is not in conflict with any Council policy, and that service stations situated along national roads are a common occurrence in rural areas.

### 3.3. Services/ Bulk Infrastructure

Water supply to the facility, as per the initial application and authorisation (EA dated 4 November 2011) provided for a municipal supply pipeline running from the Worcester Preloads Reservoir situated just to the north of the town of Worcester. The developer advised that the Worcester Municipality was not prepared to supply water to the facility as the facility falls outside of the town's urban edge. According to the developer, SANRAL also did not approve of the water supply pipeline running in the N1 National Road reserve. The developer had no other option than laying a pipeline to obtain water from a borehole situated approximately 1.6km east of the site.

The water that was abstracted from the first borehole (located on Portion 17 of Farm 379 De Mond Van Hartebeest, Worcester) was however brackish water which is not suitable for use at the facility. A second existing borehole, which the applicant advised, is located on the same farm and has also been registered, was identified to have good quality water. This borehole is situated approximately 700m to the south of the first borehole. The pipeline stretching from the first borehole to the borehole that currently supplies the water was laid on top of the ground and not trenched.

### 3.4. Biophysical and Biodiversity Impacts

The area around the trenched pipeline and immediate surrounds comprise agricultural land which is utilised for grazing, with some intensive livestock farming such as battery chicken farming also occurring nearby. The pipeline is situated to the north of the Breede River, with various non-perennial drainage channels situated in the vicinity of the site.

The ground cover occurring in the vicinity of the pipeline comprises predominantly Alluvium Fynbos ("endangered") and Renosterveld type vegetation, which according to specialist input contains a number of highly threatened plant species. The site itself contains elements of both Alluvium Fynbos and Renosterveld, with the overall impression being that it is best classified as a form of Breede Alluvium Fynbos. In addition, the northern site was found to be fairly heavily grazed, with the southern site in better condition. There is also little evidence of woody alien invasive plants on the site, but they occur nearby the site in disturbed areas such as tracks.

The site also lies within and adjacent to an important ecological corridor which lies in a north-south orientation and connects the Breede River and its floodplains to the south with the Hex River mountains to the north.

There are potential biodiversity impacts related to the activities undertaken, these impacts can be mitigated to acceptable levels. According to the Freshwater Specialist, the routing of the proposed bridge may result number of potentially negative impacts to freshwater ecosystems. These impacts include the physical destruction of riparian areas through the storage of construction equipment and vehicles as well as through the mismanagement of such equipment/ vehicles. These potential negative impacts can be mitigated if the recommended mitigation measures are implemented.

The Botanical Assessment concluded that *“The pipeline crosses very few areas with significant remaining natural vegetation, although in some cases it is difficult to interpret whether this is as a result of disturbance associated with pipeline excavation or because the areas were disturbed by agriculture prior to this. The above ground portion of the pipeline is not likely to have had any negative botanical impact (even prior to mitigation) and traverses a previously heavily disturbed area. The buried portion of the pipeline (the whole section north of the river) is likely to have had a Low - Medium negative botanical impact (prior to mitigation), with no significant loss of habitat or plant Species of Conservation Concern. Significant passive (natural) rehabilitation has taken place in parts of the route since the pipeline was covered up. After mitigation the impact is likely to be reduced to Low negative.”* (Helme, 2016).

Furthermore, the Geohydrological Assessment concluded that the only geohydrological impact associated with the proposed bridge and the pipeline is the influx of cement runoff into groundwater through construction of the concrete footing.

#### **4. NEMA 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.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the competent authority is satisfied that the listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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