



REFERENCE: 16/3/3/1/B4/23/1005/23
NEAS REFERENCE: WCP/EIA/0001217/2023
DATE: 07 July 2023

The Head of Department
Department of Transport and Public Works
Private Bag X9185
CAPE TOWN
8000

Attention: Mr Azni November

Tel: 021 483 0536
Email: Azni.November@westerncape.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE PROPOSED STRENGTHENING OF MAIN ROAD ("MR") 205 AND UPGRADE OF RELATED STORMWATER INFRASTRUCTURE (CULVERTS) WITHIN THE ROAD RESERVE BETWEEN KLAPMUTS AND SIMONDIUM.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation ("EA") and **adopt** the Maintenance Management Plan, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the environmental authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached environmental authorisation.

Yours faithfully

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Carina Becker (Guillaume Nel Environmental Consultants) Email: guillaume@gnec.co.za
(2) Cindy Winter (Drakenstein Local Municipality) Email: Cindy.Winter@drakenstein.gov.za
(3) Schalk van der Merwe (Stellenbosch Municipality) Email: Schalk.VanderMerwe@stellenbosch.gov.za
(4) Bulelwa Mtandana (Department of Water and Sanitation) Email: MtandanaB@dws.gov.za
(5) Alana Duffel Canham (CapeNature) Email: aduffell-canham@capenature.co.za

REFERENCE: 16/3/3/1/B4/23/1005/23
NEAS REFERENCE: WCP/EIA/0001217/2023
DATE OF ISSUE: 07 July 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED STRENGTHENING OF MAIN ROAD (MR) 205 AND UPGRADE OF RELATED STORMWATER INFRASTRUCTURE (CULVERTS) WITHIN THE ROAD RESERVE BETWEEN KLAPMUTS AND SIMONDIDIUM.

With reference to your application for the abovementioned, find below the outcome with respect to this application.

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the Preferred Alternative as described in the Basic Assessment Report ("BAR"), dated 28 April 2023.

In terms of the NEMA, viz, the EIA Regulations, 2014 (Listing Notices 1 and 3 of 2014 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan** for the strengthening of Main Road ("MR") 205 and upgrade of related stormwater infrastructure (culverts) within the road reserve between Klappmuts and Simondidium. The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Department of Transport and Public Works
c/o Mr Azni November
Private Bag X9185
CAPE TOWN
8000

Tel: 021 483 0536
Email: Azni.November@westerncape.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 19</p> <p><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><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i></p> <p><i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i></p> <p><i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i></p> <p><i>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i></p> <p><i>(e) where such development is related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>More than 10m³ of material will be removed from and/or deposited into the watercourses to upgrade and repair the erosion damage to the culverts.</p>
<p>Listing Notice 3 – Activity Number: 12</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p><i>i. Western Cape</i></p> <p><i>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal</i></p>	<p>The upgrades to MR 205 will require the clearance of more than 300m² of endangered indigenous vegetation.</p>

<p><i>will occur behind the development setback line on erven in urban areas;</i></p> <p>iv. <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or</i></p> <p>v. <i>On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</i></p>	
---	--

The abovementioned list is hereinafter referred to as “**the listed activities**”.

The holder is herein authorised to undertake the following alternative that includes the listed activities as it relates to the development:

The proposal entails the widening and rehabilitation of a section of MR 205 (km 0.00 – km 8.62) and the upgrade of stormwater infrastructure (culverts from km 0.475 to km 6.748.) within the road reserve between Klappmuts and Simondium, which includes the following:

- The widening of MR 205, which will result in the clearance of indigenous vegetation within the road reserve.
- The major and minor drainage structures (culverts) will be upgraded by extending and/or upgrading existing culverts and constructing new inlet and outlet structures to accommodate the new proposed cross section.
- New apron slabs and erosion protection will be constructed at the culverts where required (according to Western Cape Government standard).
- The culvert at km 2.776 will be removed, the culvert at km 2.78 will be replaced with 3 x 900mm diameter pipe culverts, the culvert at km 4.353 will be replaced with 1 x 900mm pipe culvert, and the culvert at km 6.748 will be replaced with 2 x 600mm pipe culverts.

C. SITE DESCRIPTION AND LOCATION

The site where the authorised listed activities will be undertaken is within the road reserve of the MR 205 between Klappmuts and Simondium, and has the following co-ordinates:

Culvert Location:	Co-ordinates:	
	Latitude (S)	Longitude (E)
Km 0.475	33° 48' 22.59" South	18° 52' 43.50" East
Km 0.726	33° 48' 19.54" South	18° 52' 54.06" East
Km 2.776	33° 48' 27.80" South	18° 54' 05.87" East
Km 2.78	33° 48' 28.24" South	18° 54' 06.83" East
Km 3.445	33° 48' 39.29" South	18° 54' 28.99" East
Km 3.459	33° 48' 39.56" South	18° 54' 29.65" East
Km 3.472	33° 48' 39.86" South	18° 54' 30.19" East
Km 3.888	33° 48' 46.64" South	18° 54' 42.97" East

Km 4.354	33° 48' 54.45" South	18° 54' 58.75" East
Km 4.453	33° 48' 56.20" South	18° 55' 01.83" East
Km 6.025	33° 49' 23.25" South	18° 55' 52.95" East
Km 6.748	33° 49' 36.55" South	18° 56' 16.37" East

Refer to Annexure A: Locality Map and Annexure B: Site Plan.

The above is hereinafter referred to as "**the site**".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consulting
c/o Carina Becker
P.O. Box 2632
PAARL
7620

Tel: (021) 870 1874
Email: guillaume@gnec.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative as described in the Basic Assessment Report ("BAR"), dated 28 April 2023 on the site as described in Section C above.
2. The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the competent authority

This Environmental Authorisation is granted for-

- (a) A period of **five years** from the date of issue, during which period the holder must commence with the authorised listed activities.
 - (b) A period of **ten (10) years**, from the date the holder commenced with the authorised listed activity, during which period the authorised listed activities must be concluded.
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 B 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 in order 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.

Written notice to the Competent Authority

5. Seven 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 EIA Reference number given above.
 - 5.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 6, 7, and 11

Notification and administration of 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 G 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,
 - 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 2014 National Appeals Regulations.
7. The listed activities, including site preparation, may not commence within 20 (twenty) 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.

Management of activity

8. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
9. The Maintenance Management Plan ("MMP") accepted as part of the EMPr must be implemented.
10. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

11. 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 provisions of the EMPr and the conditions contained herein.
12. The ECO must report on compliance in writing to this Department and the relevant authorities monthly during the construction phase.
13. A copy of the Environmental Authorisation, MMP, EMPr, audit reports, and compliance monitoring reports must be kept at the site of the authorised activity and must be made available to anyone on request, including a publicly accessible website.
14. Access to the site referred to in Section C above 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.

Auditing

15. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. The Environmental Audit Report must be prepared by an independent person (other than the appointed Environmental Assessment Practitioner or Environmental Control Officer) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit and submit an Environmental Audit Report to the Competent Authority within six months of commencement of the construction phase. Thereafter, an Environmental Audit Report must be submitted to the Competent Authority once a year for the duration of the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within three months after the development is completed.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

16. 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 palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts 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.

17. 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.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, 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 in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
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 are 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.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014 (as amended).

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter, and the decision-maker i.e. the Competent Authority that issued the decision.
 2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter, and the decision-maker i.e. the Competent Authority that issued the decision.
 3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the 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. The appeal and the responding statement must be submitted to the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and
Development Planning
Private Bag X9186
CAPE TOWN
8000

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, 8001
- Note:** For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.
5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from Appeal Authority at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

H. DISCLAIMER

The Western Cape Government, the Local Authority, 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.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 07 JULY 2023

CC: (1) Carina Becker (Guillaume Nel Environmental Consultants)

Email: guillaume@gnec.co.za

(2) Cindy Winter (Drakenstein Local Municipality)

Email: Cindy.Winter@drakenstein.gov.za

(3) Schalk van der Merwe (Stellenbosch Municipality)

Email: Schalk.VanderMerwe@stellenbosch.gov.za

(4) Bulelwa Mtandana (Department of Water and Sanitation)

Email: MtandanaB@dws.gov.za

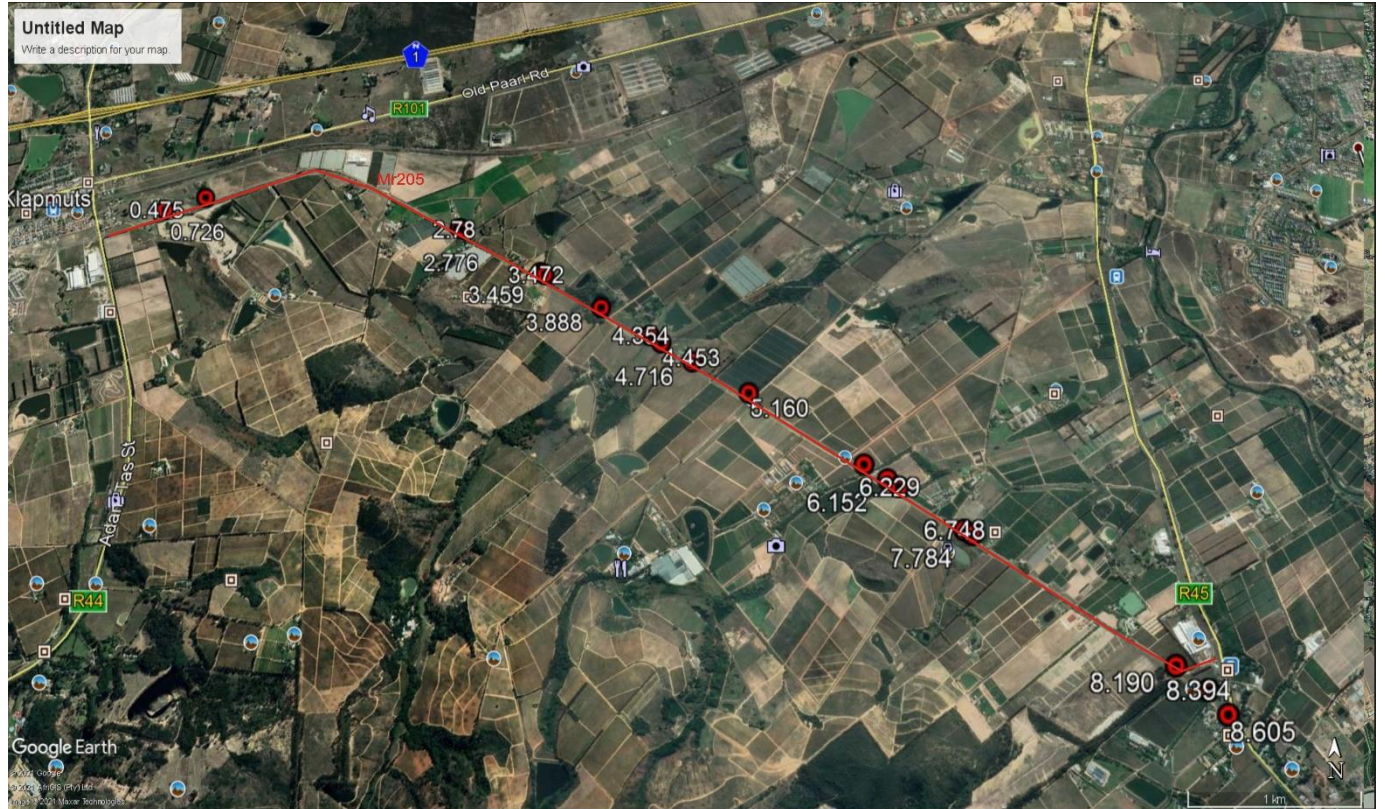
(5) Alana Duffel Canham (CapeNature)

Email: aduffell-canham@capenature.co.za

ANNEXURE 1: LOCALITY MAP



Locality Map of the existing Main Road 205, between Klapmuts and Simondium, Western Cape.



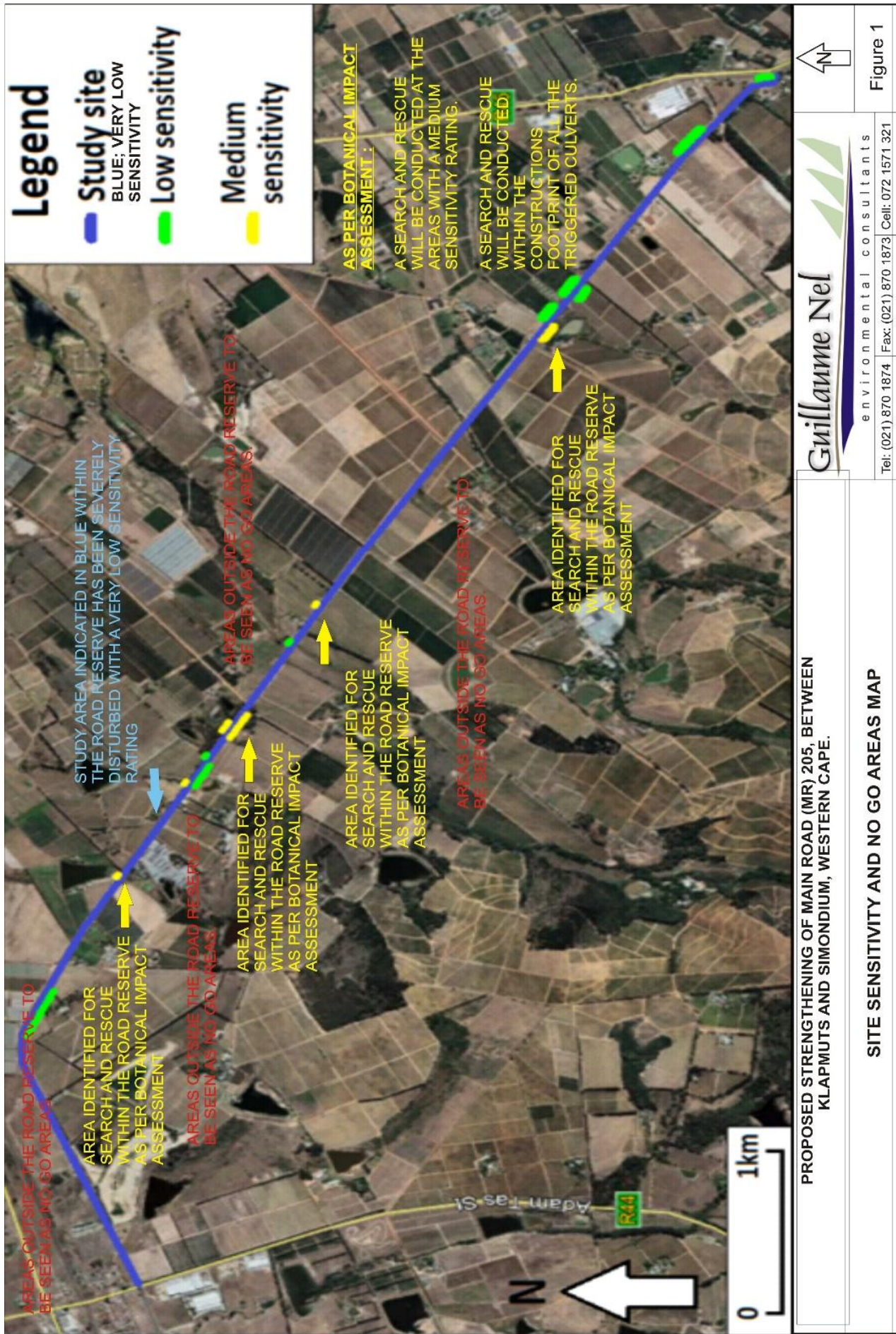
PROPOSED STRENGTHENING OF MAIN ROAD (MR) 205, BETWEEN KLAPMUTS AND SIMONDIUM, WESTERN CAPE.

CULVERTS LOCALITY MAP

Guillaume Nel environmental consultants
 Tel: (021) 870 1874 Fax: (021) 870 1873 Cell: 072 1571 321

Figure 1

ANNEXURE 2: SITE PLAN



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form, and the EMPr submitted together with the final Basic Assessment Report received on 28 April 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) 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);
- d) The comments received from I&APs and responses to these, included in the final Basic Assessment Report dated and received on 28 April 2023;
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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 that were considered to be the most significant for the decision is set out below.

1. Public Participation

The Public Participation Process ("PPP") included:

- identification of and engagement with I&APs;
- placing notice boards at the site where the listed activities are to be undertaken on 26 October 2021;
- placing of a newspaper advertisement in the 'Paarl Post Nuus' on 26 October 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 26 October 2021 and 16 February 2023; and
- circulating the pre-application draft BAR from 28 October 2021 and the in-process draft BAR to I&APs from 16 February 2023.

The Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and response report.

Specific alternatives, management, and mitigation measures have been considered in this Environmental Authorisation and EMPr to adequately address the concerns raised.

2. Alternatives

Preferred Alternative (Preferred Alternative herewith authorised):

This preferred alternative entails the widening and rehabilitation of a section of MR 205 (km 0.00 – km 8.62) and the upgrade of stormwater infrastructure (culverts from km 0.475 to km 6.748.) within the road reserve between Klapmuts and Simondium, which consists of:

- The widening of MR 205, which will result in the clearance of indigenous vegetation within the road reserve.
- The major and minor drainage structures (culverts) will be upgraded by extending and/or upgrading existing culverts and constructing new inlet and outlet structures to accommodate the new proposed cross section.
- New apron slabs and erosion protection will be constructed at the culverts where required (according to Western Cape Government standard).
- The culvert at km 2.776 will be removed, the culvert at km 2.78 will be replaced with 3 x 900mm diameter pipe culverts, the culvert at km 4.353 will be replaced with 1 x 900mm pipe culvert, and the culvert at km 6.748 will be replaced with 2 x 600mm pipe culverts.

This alternative is preferred since it will ensure improved and safer road infrastructure for road users, accommodate the increasing traffic volumes along the road, allow effective flow of peak storm water through the upgraded culverts, prevent siltation of the inlet and outlet structures, and assist in reducing any further erosion and degradation at the culverts. All activities will remain within the existing road reserve.

Design Alternatives:

The stormwater at the culverts will be channeled by means of impermeable wing-walls. Solid wing-walls are preferred, since it is proven to be the most effective design option. Wing-walls at the upstream side of the roads will be constructed with concrete. This will ensure that the structural integrity of the road, the culvert and the embankment will be better protected against the negative structural impacts of water and erosion. The alternative design option is the use of gabions, which is not preferred. Although it will assist with groundwater flow, it may have a negative impact on the structural integrity of the road, the culvert/bridge and the embankments, as gabions are permeable and could still lead to erosion.

No-go Option

The No-Go Option is not preferred since the opportunity to widen and rehabilitate the section of MR 205 (km 0.00 – km 8.62) and the upgrade of stormwater infrastructure will not be achieved. This is required to address the increased traffic volumes and ensure improved and safer road infrastructure for road users. In addition, no job opportunities will be created during the construction phase.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The MR205 between Klapmuts and Simondium has been identified for upgrades and rehabilitation since the erosion at the stormwater infrastructure (culverts), road and receiving environment is an ongoing problem that poses a safety hazard to road users and causes environmental degradation. A safer road and road infrastructure are also required as the traffic volume along this road section is increasing. The degraded storm water infrastructure (culverts) needs to be upgraded to accommodate the new proposed cross section and to ensure adequate flow of storm water through these culverts, and to eliminate/minimise further erosion to these structures and surrounding area. The proposed road upgrades are in line with the Provincial Spatial Development Framework and Integrated Development

Plan of the local municipalities as it will contribute to improved road infrastructure. The preferred alternative was informed by specialist and engineering input and comments received during the public participation period and represents the best practicable environmental option. The road and storm water infrastructure upgrade will also result in job creation during the construction phase.

3.2 Biophysical Impacts

The site is mapped to contain Swartland Granite Renosterveld and Swartland Alluvium Fynbos vegetation types that are classified as endangered in the Revised List of Terrestrial Ecosystems that are Threatened and in need of Protection, dated November 2022. Ground-truthing of the road reserve revealed that the condition of most of the vegetation is transformed with very little to no apparent indigenous plant species diversity, apart from a few opportunistic and hardy species. Based on the specialist findings in the Botanical Assessment dated July 2021, compiled by Capensis, no vegetation representative of Swartland Granite Renosterveld was identified. In some places on the outer edge of the road reserve, patches of highly degraded vegetation with some representative elements of Swartland Alluvium Fynbos occur. Two sections of road reserve were mapped as having medium sensitivity due to moderate species diversity representative of Swartland Alluvium Fynbos. These sections will be demarcated prior to construction to limit disturbance of vegetation and to conduct a search and rescue for endemic species that can be used during rehabilitation. No Species of Conservation Concern were recorded. The botanical impact associated with the proposed development is of a very low significance and with the implementation of the specialist recommendations (included in the EMP approved as part of this environmental authorisation), the proposed development is considered acceptable from a botanical perspective.

Several non-perennial watercourses traverse the MR205. It is however evident that the areas associated with the stormwater infrastructure (culverts) have been previously disturbed due to road construction, stormwater infrastructure construction, road maintenance, regular mowing, ongoing erosion activities and invasive alien vegetation infestation. Based on the findings of the Freshwater Impact Assessment and DWS Risk Assessment Matrix dated June 2021, compiled by DDK Consulting, the upgrading of the MR 205 between Klapmuts and Simondium is assessed to have a low-risk significance from a freshwater impact perspective for the majority of the culvert crossings, except at the 2400mm X 2100 box culvert located at km 4.453, which is associated with a natural channelled valley-bottom wetland. The proposed scope-of-works for the upgrading of the MR205 at this culvert location has a medium-risk significance prior to mitigation. However, with the implementation of the recommended mitigation measures (as defined in the DWS Risk Matrix) this impact significance and risk will be reduced to low. The recommended mitigation measures have been included in the EMP approved as part of this environmental authorisation and will be implemented during the construction and operational phase of the development. The proposed activities are therefore acceptable from a freshwater perspective.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) was also submitted to the Department of Water and Sanitation and a General Authorisation was issued on 28 March 2022.

Furthermore, a MMP has also been compiled to address routine maintenance activities taking place in the affected stretch of the watercourses. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of

such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general “duty of care” set out in Section 28(1) of the NEMA, which states that “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.” (Note: When interpreting their “duty of care” responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

Negative Impacts:

- The proposed development will result in the clearance of indigenous vegetation and will have an impact on the freshwater features present on the site. The impact significance has been reduced to an acceptable level with the implementation of the recommended mitigation measures, the preferred alternative, and adherence to the EMPr.
- Construction phase impacts associated with the development are likely to be present, including elevated noise, dust levels, and increased visual impacts. These nuisances will be of temporary duration and mitigation measures have been incorporated into the EMPr for implementation during the construction phase.

Positive impacts:

- The proposed road upgrades and repair works will accommodate the increased traffic volumes and will protect the culverts from further erosion and deterioration, which will ensure structural stability and road safety.
- Job opportunities will be created during the construction phase.

4. National Environmental Management Act 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.

5. Conclusion

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 proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

-----END-----