



REFERENCE: 16/3/3/5/B5/11/1064/22
NEAS REFERENCE: WCP/EIA/AMEND/0000662/2022
DATE OF ISSUE: 12 October 2022

The Director
Western Cape: Department of Transport and Public Works
9 Dorp Street
CAPE TOWN
8001

Attention: A. November

Cell: 076 816 4564

Email: Azni.November@westerncape.gov.za

Dear Sir

APPLICATION FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 17 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/B5/11/1017/17) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED REHABILITATION OF MAIN ROAD 310 (R303) BETWEEN KM 10.0 PRINCE ALFRED'S HAMLET AND KM 50.50 OP DIE BERG, CERES

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** an amendment of the Environmental Authorisation issued on issued on 17 October 2017 (Reference No.: 16/3/3/1/B5/11/1017/17), attached herewith, together with the reasons for the decision.
2. Your attention is drawn to Chapter 2 of the Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

Zaahir Toefy

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Toefy
Date: 2022.10.12 11:37:13
+02'00'

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

CC: (1) H. Liebenberg (Guillaume Nel Environmental Consultants)
(2) J. Barnard (Witzenberg Municipality)

Email: hl@gnec.co.za
Email: joseph@witzenberg.gov.za



REFERENCE: 16/3/3/5/B5/11/1064/22
NEAS REFERENCE: WCP/EIA/AMEND/0000662/2022
DATE OF ISSUE: 12 October 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 17 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/B5/11/1017/17) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PROPOSED REHABILITATION OF MAIN ROAD 310 (R303) BETWEEN KM 10.0 PRINCE ALFRED'S HAMLET AND KM 50.50 OP DIE BERG, CERES

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

A. DECISION

By virtue of the powers conferred on me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), I herewith **grant** the amendment of the Environmental Authorisation ("EA") issued on 17 October 2017 (Reference No.: 16/3/3/1/B5/11/1017/17) in terms of Part 1 of the EIA Regulations, 2014 (as amended).

The EA is amended as set out below:

1. Section E: CONDITIONS OF AUTHORISATION

Condition 2:

The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.

is amended to read:

The holder must commence with the listed activities within the stipulated validity period for 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 ten (10) years, from 17 October 2017 (date of the original EA) until 17 October 2027, during which period the holder must commence with the authorised listed activities.

B. REASONS FOR THE DECISION

In reaching its decision, the Department took, inter alia, the following into consideration:

1. The amendment applied for is in terms of Part 1 of the NEMA EIA Regulations, 2014 (as amended) and will not change the scope of the Environmental Authorisation issued on 17 October 2017.
2. The amendment does not trigger any new listed activities in terms of the NEMA EIA Regulations, 2014 (as amended) (Listing Notices 1, 2 and 3 in Government Gazette No. 40772 of 7 April 2017) promulgated in terms of the NEMA.
3. The amendment will not result in an increased level or nature of the impacts that were considered and assessed during the initial application for Environmental Authorisation.
4. The proposed amendment, i.e., the extension of the validity period of the original EA is required as the applicant could not commence with the proposed development due to the restrictions brought about by the Covid-19 pandemic.
5. The environment and the rights and interests of interested and affected parties ("I&APs") will not be adversely affected by the decision to amend the Environmental Authorisation.

C. CONDITIONS

1. All other conditions contained in the Environmental Authorisation issued on 17 October 2017 (Attached as Annexure A), remain unchanged and in force.

D. 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; or

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
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 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 2659, E-mail DEADP.Appeals@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

E. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this EA 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

Zaahir
Toefy

Digitally signed by
Zaahir Toefy
Date: 2022.10.12
11:37:52 +02'00'

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 12 OCTOBER 2022

CC: (1) H. Liebenberg (Guillaume Nel Environmental Consultants)
(2) J. Barnard (Witzenberg Municipality)

Email: hl@gnec.co.za
Email: joseph@witzenberg.gov.za

ANNEXURE A
ENVIRONMENTAL AUTHORISATION ISSUED ON 17 OCTOBER 2017



**Western Cape
Government**

Environmental Affairs and
Development Planning

Directorate: Development Management
(Region 2)

REFERENCE: 16/3/3/1/B5/11/1017/17
NEAS REFERENCE: WCP/EIA/0000257/2017
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2017 -10- 17

The Director
Western Cape: Department of Transport and Public Works
Private Bag X9185
CAPE TOWN
8001

Attention: Mr L. Truter

Tel: (021) 483 2020
Email: Llewellyn.Truter@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 REGULATIONS, 2014 (AS AMENDED): PROPOSED REHABILITATION OF MAIN ROAD 310 (R303) BETWEEN KM 10.0 PRINCE ALFRED'S HAMLET AND KM 50.50 OP DIE BERG, CERES

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, 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, which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

MR. HENRI FORTUIN
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr J. Kilian (Guillaume Nel Environmental Consultants)
(2) Mr J. Barnard (Witzenberg Municipality)

Fax: (021) 870 1873
Fax: (086) 523 6339



REFERENCE: 16/3/3/1/B5/11/1017/17
NEAS REFERENCE: WCP/EIA/0000257/2017
ENQUIRIES: D'mitri Matthews
DATE OF ISSUE: 2017 -10- 17

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 (AS AMENDED): PROPOSED REHABILITATION OF MAIN ROAD 310 (R303) BETWEEN KM 10.0 PRINCE ALFRED'S HAMLET AND KM 50.50 OP DIE BERG, CERES

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 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in Section B below with respect to Alternative 1, described in the Basic Assessment Report ("BAR"), dated 30 June 2017.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (Government Notice ("GN") No. 324, 325, 326 and 327 in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby adopts the River Maintenance Management Plan ("RMMP") for the bridge at the Houdenberg River and the culverts at the four tributaries, included in the BAR dated 30 June 2017.

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

Western Cape: Department of Transport and Public Works

% Mr L. Truter

Private Bag X9185

CAPE TOWN

8001

Tel: (021) 483 2020

Email: Llewellyn.Truter@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 activities	Activity/Project Description
<p>Government Notice No. 327 of 7 April 2017 – Activity Number: 19</p> <p>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;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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.</p>	<p>The upgrading of culverts within watercourses will require the moving of more 10m³ of material.</p>
<p>Government Notice No. 327 of 7 April 2017 – Activity Number: 12</p> <p>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.</p> <p>i. Western Cape</p> <p>i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the</p>	<p>More than 300m² of endangered vegetation will be removed as part of the upgrading/rehabilitation of Main Road 310.</p>

<p>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;</p> <ul style="list-style-type: none"> ii. Within critical biodiversity areas identified in bioregional plans; 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 will occur behind the development setback line on erven in urban areas; iv. 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 v. 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. 	
<p>Activity Number: 14</p> <p>The development of—</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; <p>where such development occurs—</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; <p>excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. Western Cape</p> <ul style="list-style-type: none"> i. Outside urban areas: <ul style="list-style-type: none"> (aa) A protected area identified in terms of NEMPAA, excluding conservancies; (bb) National Protected Area Expansion Strategy Focus areas; (cc) World Heritage Sites; (dd) Sensitive areas as identified in an environmental management framework as 	<p>The proposal includes the development of storm water outlets, within 32m of a watercourse, within a protected area.</p>

<p>contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Core areas in biosphere reserves; or</p> <p>(hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.</p>	
<p>Activity Number: 23</p> <p>The expansion of—</p> <p>(i) dams or weirs where the dam or weir is expanded by 10 square metres or more; or</p> <p>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</p> <p>where such expansion occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback adopted in the prescribed manner; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p> <p>i. Western Cape</p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas listed in terms of an international convention;</p> <p>(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p>	<p>The proposed rehabilitation of Main Road 310 and the upgrading of the culverts will entail the expansion of structures and infrastructure, within 32m of a watercourse, within a protected area.</p>

(gg) Core areas in biosphere reserves; or (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.	
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The abovementioned list is hereinafter referred to as **"the listed activities"**.

The holder is herein authorised to undertake the following alternative:

Alternative 1:

The proposal entails the rehabilitation of Main Road 310, which will entail the following:

- Section km 10,0 to 12,5: Rehabilitation.
- Section km 12,5 to 20,0: Reseal to km 14,0 and smaller improvements (i.e. filling of cracks with bitumen) to the road surface.
- Section km 20,0 to 39,0: Reseal.
- Section km 29,0 to 50,5: Rehabilitation.
- Improvement of side drains and the installation of subsoil drains.
- Lowering of side drains over 8km along sections to be resealed and side cuts widened over more than 9km.
- Four culverts will be widened to accommodate the new cross sections.
- The upgrading of the Houdembek River Bridge.
- The replacement of approximately 23 x 450mm pipes between km 39,0 and 50,0 with 600mm pipes.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken along Main Road 310 between Prince Alfred's Hamlet, at the following co-ordinates:

Starting Point:

Latitude (S)	Longitude (E)
33° 17' 04.81"	19° 19' 34.28"

Middle Point:

Latitude (S)	Longitude (E)
33° 08' 26.45"	19° 20' 18.30"

End Point:

Latitude (S)	Longitude (E)
32° 59' 08.42"	19° 18' 39.02"

Culvert at km 43.44

Latitude (S)	Longitude (E)
33° 01' 06.39"	19° 18' 55.03"

Culvert at km 42.51

Latitude (S)	Longitude (E)
33° 01' 36.64"	19° 18' 57.29"

Culvert at km 41.58

Latitude (S)	Longitude (E)
33° 02' 06.21"	19° 19' 02.29"

Culvert at km 41.20

Latitude (S)	Longitude (E)
33° 02' 18.05"	19° 19' 07.89"

Bridge at km 39.21

Latitude (S)	Longitude (E)
33° 03' 14.89"	19° 19' 36.92"

Refer to Annexure 1: Locality Plan

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants

% Mr J. Kilian/Mr G. Nel

P. O. Box 2632

PAARL

7620

Tel.: (021) 870 1874

Fax: (021) 870 1873

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, Layout Alternative 1, described in the BAR dated 30 June 2017 at the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
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. The notice must:

5.1 make clear reference to the site details and EIA Reference number given above; and

5.2 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 (as amended) 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; and

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 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 (as amended).

7. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notifies the registered I&APs of this decision. 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 i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Management of activity

8. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.

9. The RMMP adopted as part of this Environmental Authorisation 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 EMPr and the conditions contained herein.
12. A copy of the Environmental Authorisation, 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 on a publicly accessible website.
13. Access to the site referred to in Section C 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

14. In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The ECO must conduct fortnightly site audits. Bi-monthly ECO Audit Reports must be submitted to the Competent Authority for the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction 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

15. 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.

16. 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 the listed activities 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 (as amended) 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 (as amended) 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 on which 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 on which 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 Organs 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 Organs 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 Jaap de Villiers (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 Jaap.DeVilliers@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 Jaap.DeVilliers@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. HENRI FORTUIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 2)

DATE OF DECISION: 17.10.17

CC: (1) Mr J. Kilian (Guillaume Nel Environmental Consultants)
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ANNEXURE 1: LOCALITY MAP

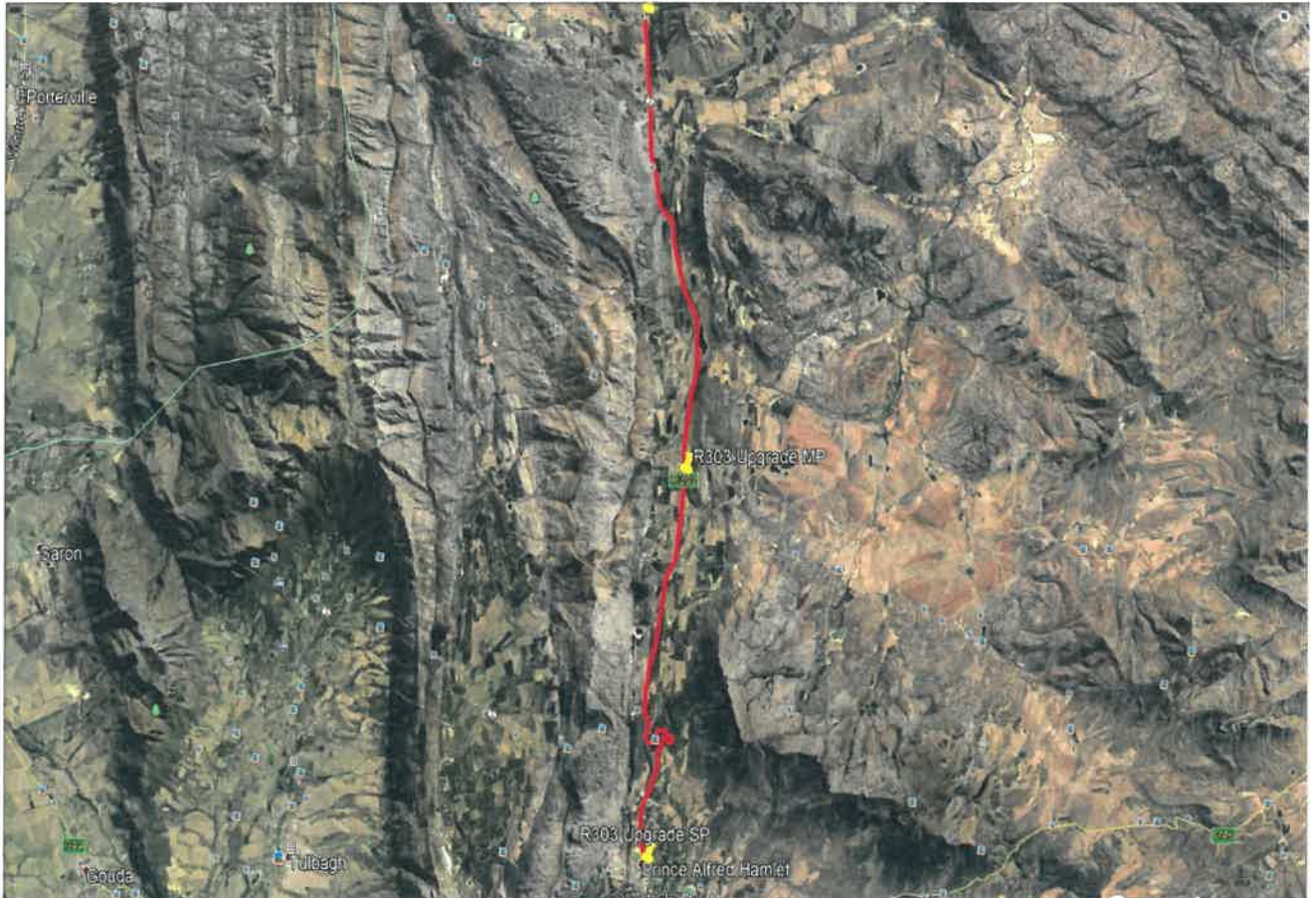


Figure 1: Locality map depicting the section of Main Road 310 to be rehabilitated.



Figure 2: Depicting the 4 culverts and the Houdenbek River Bridge, proposed to be upgraded.

ANNEXURE 2: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form dated 21 April 2017, the final BAR dated 30 June 2017 and the EMPr and RMMP submitted together with the final BAR;
- 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 30 June 2017; and
- 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.

This application was submitted in terms of the NEMA Environmental Impact Assessment ("EIA") Regulations, 2014. This decision takes into account the relevant amendments to the text of the said regulations promulgated on 7 April 2017.

All information presented to the Competent Authority was taken into account during 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 included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Worcester Standard' on 16 March 2017;
- fixing notice boards at the sites where the listed activities are to be undertaken on 17 March 2017;
- 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 councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities, on 17 March 2017; and
- making the pre-application BAR available to I&APs for public review from 17 March 2017 and the in-process BAR from 16 May 2017, respectively.

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

The Competent Authority notes the Environmental Assessment Practitioner'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

Surfacing options of different specifications were considered, however, the option of constructing two new layers on top of the existing road surface is preferred since it will minimize the risk of motor vehicle accidents currently experienced. Rehabilitation of Main Road 310 due to the current state of disrepair to the roadway is described below along with the "no-go" alternative.

Alternative 1 (Herewith Authorised):

The proposal entails the rehabilitation of Main Road 310, which will entail the following:

- Section km 10,0 to 12,5: Rehabilitation.
- Section km 12,5 to 20,0: Reseal to km 14,0 and smaller improvements (i.e. filling of cracks with bitumen) to the road surface.
- Section km 20,0 to 39,0: Reseal.
- Section km 29,0 to 50,5: Rehabilitation.
- Improvement of side drains and the installation of subsoil drains.
- Lowering of side drains over 8km along sections to be resealed and side cuts widened over more than 9km.
- Four culverts will be widened to accommodate the new cross sections.
- The upgrading of the Houdembek River Bridge.
- The replacement of approximately 23 x 450mm pipes between km 39,0 and 50,0 with 600mm pipes.

This alternative was preferred since it will improve the quality of the road surface of Main Road 310, as well as the drainage along this section during high rainfall events. Additionally, the safety of motorists utilising Main Road 310 will be improved.

"No-Go" Alternative

The "no-go" option was considered and is not preferred, since the road will continue to degrade and will continue to be a hazard for motorists during high rainfall events.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

Main Road 310 currently experiences a relatively high number of motor vehicle accidents due to the poor road surface quality, base failures, rutting and poor drainage. It is the intention to reseal and rehabilitate sections of Main Road 310 by widening of the road by an average of 1m on each side and improving the drainage along Main Road 310. The reseal and rehabilitation of Main Road 310 will improve road safety for motorists that frequently make use of the road, especially during high rainfall events.

3.2 Biodiversity and Biophysical Impacts

According to the Botanical Assessment dated March 2017, compiled by Dr David McDonald, the section of the Main Road 310 being considered for reseal and rehabilitation, traverses four vegetation types i.e. Ceres Shale Renosterveld; Kouebokkeveld Shale Fynbos; Winterhoek Sandstone Fynbos and Kouebokkeveld Alluvium Fynbos. According Section 52 of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), Winterhoek Sand Fynbos is listed as a least threatened ecosystem, Ceres Shale Renosterveld and Kouebokkeveld Shale Renosterveld are listed as vulnerable and Kouebokkeveld Shale Renosterveld is listed as endangered. Most of the roadside areas where construction is proposed are completely transformed and clearing of vegetation is only required in a few areas and would not result in loss of any intact threatened species or conservation-worthy patches of vegetation.

Furthermore, through the implementation of the EMPr (Approved as Condition 8), impacts on vegetation will be limited.

According to the Freshwater Impact Assessment, RMMP and Rehabilitation Plan dated March 2017, compiled by Mr Johann Kilian, the Houdenbek River and its first three tributaries have been classified as being largely modified and the fourth tributary as being moderately modified. The ecological importance and sensitivity of these watercourses is rated as being low as the area has been heavily impacted by surrounding agricultural activities. The culverts at the four tributaries and the bridge over the Houdenbek River are proposed to be upgraded. The in the vicinity of the four culverts along Main Road 310 proposed for upgrading, has also been identified as being largely modified with a low ecological importance and sensitivity. Through the implementation of the EMPr, the specialist recommendations, the Rehabilitation Plan and the adopted RMMP, impacts on the watercourses will be mitigated. A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, who will further investigate the watercourse related impacts.

A RMMP has been compiled to address routine maintenance activities taking place in the affected stretch of the watercourse. The maintenance of the structures authorised in this Environmental Authorisation forms part of this RMMP. It must be noted that the accepted maintenance activities only relate to the activities described in the RMMP. Should any new activities and associated infrastructure, not included in the RMMP, 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 RMMP 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 elevated noise and dust levels during the construction period.
- Impacts on indigenous vegetation and watercourses are anticipated, but will be managed in terms of the approved EMPr and RMMP.

Positive impacts:

- The safety of the road for all motorists will be improved.
- Drainage along the Main Road 310 will be improved.
- Temporary employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

The NEMA 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 NEMA and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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