



REFERENCE: 16/3/3/5/F5/16/2050/22
NEAS REFERENCE: WCP/EIA/AMEND/0000670/2022
DATE OF ISSUE: 11 November 2022

The Municipal Manager
Swartland Municipality
Private Bag X52

MALMESBURY
7299

Attention: Mr. Louis Zikman

E-mail: Zikmanl@swartland.org.za

Dear Sir

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT TO THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/F5/16/2024/17): PROPOSED UPGRADE OF THE BOKOMO AND VOORTREKKER ROADS INTERSECTION AND THE UPGRADE OF THE DIEP RIVER BRIDGE IN MALMESBURY.

1. With reference to the above application, the competent authority hereby notifies you of its decision to **grant** the amended 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 amended 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 summarised in the attached amended Environmental Authorisation.

Yours faithfully

MR. ZAAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

CC: (1) Mr. Nicolaas Hanekom (Enviro-EAP (Pty) Ltd.)
(2) Mr. Alwyn Burger (Swartland Municipality)
(3) Mr. Wilhelm de Klerk (Innovative Transport Solutions)

E-mail: nicolaas@enviro-eap.co.za
Email: alwynburger@swartland.org.za
E-mail: wilhelm@itsglobal.co.za



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AMENDED ENVIRONMENTAL AUTHORISATION

APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED) FOR THE PART 1 AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION ISSUED ON 20 OCTOBER 2017 (REFERENCE NO.: 16/3/3/1/F5/16/2024/17): PROPOSED UPGRADE OF THE BOKOMO AND VOORTREKKER ROADS INTERSECTION AND THE UPGRADE OF THE DIEP RIVER BRIDGE IN MALMESBURY.

With reference to your application for the abovementioned, find below the amendment to the Environmental Authorisation (hereinafter referred to as an "Environmental Authorisation") with respect to this application.

ADDENDUM TO ENVIRONMENTAL AUTHORISATION

A. DECISION

By virtue of the powers conferred on it by the NEMA and the EIA Regulations, 2014 (as amended), the competent authority herewith grants the amendment of the Environmental Authorisation issued on 20 October 2017 (EIA Reference Number: 16/3/3/1/F5/16/2024/17).

Condition 3 in Section E of the Environmental Authorisation issued on 20 October 2017 reads as follows:

"The holder must commence with, and conclude, the listed activities within the stipulated validity period which this Environmental Authorisation is granted for, 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 (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and*
- (b) A period of ten (10) years, from the date the holder commenced with an authorised listed activity, during which period the authorised listed activities for the construction phase, must be concluded".*

This is herewith replaced with the following:

The holder must commence with the listed activities on site by 20 October 2027 or the Environmental Authorisation shall lapse. A new application for Environmental Authorisation must be made for the activities to be undertaken if the holder of the Environmental Authorisation does not commence by the aforementioned date. The holder must conclude development/construction activities within a period of ten (**10**) years, from the date the holder commenced with an authorised listed activity.

B. REASONS FOR THE DECISION:

In reaching its decision, the competent authority took, *inter alia*, the following into consideration:

- (a) The information contained in the application form that was received by the competent authority via electronic mail correspondence on 13 October 2022.
- (b) The application is for a non-substantive amendment to the Environmental Authorisation and will not change the scope of the Environmental Authorisation issued on 20 October 2017.
- (c) The proposed amendment, *i.e.*, the extension of the validity period of the Environmental Authorisation is required as the implementation of the proposed development has been delayed. Due to budget constraints from the Western Cape Department of Transport and Public Works, the upgrades to the intersection and bridge could not commence. The project will proceed once budget is available to fund the project.
- (d) The amendment is administrative in nature and no impacts are associated with the application for amendment.
- (e) The environment and the rights and interests of interested and affected parties ("I&APs") are not likely to be affected.
- (f) No new listed activities are triggered and the competent authority is satisfied that all potential impacts will be mitigated to acceptable levels. The conditions contained in the Environmental Authorisation issued on 20 October 2017 remain unchanged and in force.

C. CONDITION:

1. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 1.1 notify all registered I&APs of –
 - 1.1.1 the outcome of the application;
 - 1.1.2 the reasons for the decision as included in Section B;
 - 1.1.3 the date of the decision; and
 - 1.1.4 the date when the decision was issued.

- 1.2 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 Appeal Regulations, 2014 (as amended) detailed in Section D below;
- 1.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 1.4 provide the registered I&APs with:
 - 1.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 1.4.2 name of the responsible person for this Environmental Authorisation;
 - 1.4.3 postal address of the holder;
 - 1.4.4 telephonic and fax details of the holder;
 - 1.4.5 e-mail address, if any, of the holder; and
 - 1.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered Interested and Affected Parties in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).

D. APPEALS:

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

An appellant must –

- 1.1 Submit an appeal in accordance with Regulation 4 to the appeal administrator, within 20 (twenty) calendar days from the date the applicant notified registered I&APs of this decision;
- 1.2 If the appellant is the applicant, provide any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.3 If the appellant is a person other than the applicant, provide the applicant, any registered I&AP, any Organ of State and the decision-maker with a copy of the appeal lodged with the appeal administrator;
- 1.4 The applicant (if not the appellant), the decision-maker, I&APs and Organs of State must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.
- 1.5 The appeal form/s must be submitted by means of one of the following methods:

By post: Attention: Mr. Marius Venter
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

By e-mail: DEADP.Appeals@westerncape.gov.za

- 1.6 An electronic copy (word document format) of the appeal and supporting documents must also be submitted.
- 1.7 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 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 Addendum to the 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 greatly appreciated.

Yours faithfully

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

DATE OF DECISION: 11 NOVEMBER 2022

CC: (1) Mr. Nicolaas Hanekom (Enviro-EAP (Pty) Ltd.)
(2) Mr. Alwyn Burger (Swartland Municipality)
(3) Mr. Wilhelm de Klerk (Innovative Transport Solutions)

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