

REFERENCE: 16/3/3/1/D2/19/0012/20
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: **04 MAY 2021**

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

Attention: Mr. L. Daniels/Ms. L. Mooiman

Tel: (044) 801 9111
Email: ldaniels@george.gov.za
lc mooiman@george.gov.za

Dear Sir/Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION (EA) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED UPGRADING AND WIDENING OF THE R404 AND THE CONSTRUCTION OF A NEW MUNICIPAL SERVICE ACCESS ROAD, GEORGE

ENVIRONMENTAL AUTHORISATION

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, described in the Basic Assessment Report ("BAR") received by this Department on 15 December 2020.

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

The Municipal Manager
George Municipality
% Mr. L. Daniels
PO Box 19
GEORGE
6530

Tel: (044) 801 9111
Email: ldaniels@george.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>Listing Notice 1</p> <p><i>Activity Number: 19</i> <i>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; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (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 apply</p>	<p>The proposal will require earthworks within a watercourse or in close proximity of a watercourse for the extension of the existing culvert underneath the R404 within the watercourse.</p>

Activity Number: 56

Activity Description

The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre—

(i) where the existing reserve is wider than 13,5 meters; or

(ii) where no reserve exists, where the existing road is wider than 8 metres; excluding where widening or lengthening occur inside urban areas.

Listing Notice 3

Activity Number: 12

Activity Description

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.

a. Western Cape

- 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;
- 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 or even 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

The existing road (R404) will be widened. Depending on the mitigation alternative selected, the intersection may be widened by more than 6m.

In accordance to NBA Original and Remaining extent of threatened ecosystems (based on 2018 data) the proposed project area is mapped as falling within an endangered ecosystem (Garden Route Granite Fynbos) and as such clearance of vegetation will be required. The areas are however all transformed agricultural lands

Framework adopted by the MEC or Minister	
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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 that includes the listed activity as it relates to the development and the development footprint area:

The proposal entails the clearance of more than 300m² of endangered garden route granite fynbos vegetation, as well as the infilling and dredging of a watercourse in order to upgrade the R404. The intersection of the R404 and R102 requires upgrade to either a circle OR a signalised intersection. This EA is for either option A or B:

- Option A: 25m Road Reserve & Roundabout at R404/R102 intersection;
- Option B: 32m Road Reserve widened to each side & Signal at R404/R102 intersection

The entrances to the airport from the R404 will be upgraded to traffic circles. The upgrade of the R404 (Class 3 Road) between the R102 and the main airport entrance will increase to the preferred road reserve of a minimum of 32m to allow for the intersection upgrade (circle or signals) and a duel carriageway with a proposed sidewalk of 2m wide.

The proposal also includes the construction of a new municipal road from the airport entrance traffic circle to provide equitable municipal services and vehicular access to farm portions RE/60/208 (131/208 & 130/208 & 132/208), 4/208 and 139/208.

This EA will be implemented in accordance with the Site Development Plan attached to this EA as Annexure 2.

C. SITE DESCRIPTION AND LOCATION

The site description and location basically represents the existing provincial road (R404) within the existing road reserve (road reserve will need to be widened to meet the required standards). The listed activities will be undertaken on the preferred site for the construction of the new municipal services access road to farm Portions RE/60/208 (131/208 & 130/208 & 132/208), 139/208 and 4/208 which are located along the boundary between farm Portions RE/60/208 (131/208 & 130/208 & 132/208) and 4/208 to provide equitable access to the relevant portions.

Coordinates:

Description / Point	Latitude (S)	Longitude (E)
Starting Point	33° 59' 47.224" South	22° 22' 50.984" East
Middle Point	33° 59' 55.984" South	22° 22' 47.999" East
End Point	34° 0' 3.539" South	22° 23' 9.657" East

The SG digit code2
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C02700000000020800131
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Refer to Annexure 1: Locality Plan

The above is hereinafter referred to as “**the site**”.

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

The Director
 HillLand Environmental
 % Ms. C. Avierinos
 PO Box 590
GEORGE
 6530

Tel: 044 889 0229
 Email: cathy@hilland.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **28 April 2031**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The Holder must start with the physical implementation and exceed the threshold of all the authorised listed activities on the site by 28 April 2026.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 6-months from the date the construction activities (construction phase) are concluded; but by no later than 31 October 2031.

Note: The post-construction rehabilitation and monitoring requirements should be completed at least six (6) months prior to expiry of the validity period of an environmental authorisation to ensure the Holder is able to comply with the environmental auditing requirements in time.

Failing which, this Environmental Authorisation shall lapse, unless the environmental authorisation is amended in accordance with the relevant process contemplated in the Environmental Impact Assessment Regulations promulgated under the National Environmental Management Act, 1998 (Act no. 107 of 1998).

2. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the Preferred Alternative described in the FBAR received by this Department. The authorised activities will be executed on the site as described in Section C above in accordance with the development footprint depicted in Annexure 2 of this Environmental Authorisation.

The preferred alternative entails the clearance of more than 300m² of endangered garden route granite fynbos vegetation, as well as the infilling and dredging of a watercourse in order to upgrade the R404. The intersection of the R404 and R102 requires upgrade to either a circle OR a signalised intersection. This EA is for either option A or B:

- ***Option A: 25m Road Reserve & Roundabout at R404/R102 intersection;***
- ***Option B: 32m Road Reserve widened to each side & Signal at R404/R102 intersection***

The entrances to the airport from the R404 will be upgraded to a traffic circle. The upgrade of the R404 (Class 3 road) between the R102 and main airport entrance will increase to the preferred road reserve of a minimum of 32m to allow for the intersection upgrade (circle or signals) and a duel carriageway with a proposed sidewalk of 2m wide.

The proposal also includes the construction of a new municipal road from the airport entrance traffic circle to provide equitable municipal services and vehicular access to farm portions RE/60/208 (131/208 & 130/208 & 132/208), 4/208 and 139/208.

This EA will be implemented in accordance with the Site Development Plans attached to this EA as Annexures 2.1 and 2.2.

3. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMP").
4. 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.
5. 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.

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 –
 - (a) the decision reached on the application;
 - (b) the reasons for the decision as included in Annexure 3;
 - (c) the date of the decision; and
 - (d) 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 Appeal 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;
 - 6.4. provide the registered I&APs with the:
 - (a) name of the Holder (entity) of this Environmental Authorisation,
 - (b) name of the responsible person for this Environmental Authorisation,
 - (c) postal address of the Holder,
 - (d) telephonic and fax details of the Holder,
 - (e) e-mail address, if any, of the Holder,
 - (f) 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).
 - 6.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the applicant notified the registered I&APs of this decision.
 - 6.6. 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.

Written notice to the Competent Authority

7. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must also include proof of compliance with the following conditions described herein: **Conditions: 4, 6, 9, 10, 11 and 23.**
8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity

9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation must be amended and re-submitted for approval, subject to the following requirements:

- 9.1. The EMPr must be amended to incorporate the following —
- (a) Environmental Control Officer (“ECO”) compliance reports must be submitted monthly to this Department’s Regional Office for attention the Directorate Development Management (Region 3).
 - (b) Incorporate all the conditions contained in this Environmental Authorisation; The section dealing with the management and demarcation of the No-Go area’s (including the open space areas) must clearly state how the areas will be demarcated, prior to any earthworks / commencement of construction; and
 - (c) Incorporate an alien invasive vegetation clearing plan.
- 9.2. The amended EMPr must be submitted to the Competent Authority and be approved, prior to construction activities commencing on the site.

Note: The revised EMPr should be submitted to the Competent Authority at least 90-days, prior to the construction activities commencing on site to ensure the competent authority is able to process / review the revised EMPr, prior to the intended date of commencement.

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

Monitoring

11. The Holder must appoint a suitably experienced ECO for the duration of the construction and rehabilitation phases.
12. The ECO must—
- 12.1. be appointed prior to commencement of any works (i.e. site clearance; removal and movement of soil and / or rubble or construction activities commencing);
 - 12.2. ensure compliance with the EMPr and the mitigation measures contained herein;
 - 12.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO;
 - 12.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
13. 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 activities and be made available to anyone on request, and where the Holder has a website, such documents must be made available on such platform where it is publicly accessible.
14. 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

15. The Holder must, for the period during which the environmental authorisation and EMPr remain valid ensure that compliance with the conditions of the environmental authorisation and the EMPr is audited;
16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 16.1. During the period which the activities have been commenced with on site has been completed on site, the Holder must undertake annual environmental audit(s) and submit the Environmental Audit Report(s) to the Competent Authority.

A final Environmental Audit Report must be submitted to the Competent Authority within **three (3)** months of completion of the construction phase the post construction rehabilitation and monitoring requirements thereof.

Note: The final auditing requirements should be completed at least three months prior to the expiry of the validity period of the environmental authorisation (i.e. by no later than 31 January 2031) to ensure that the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

17. The Environmental Audit Report(s), must –
 - 17.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or EAP who conducted the EIA process;
 - 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - (a) the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - (b) the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
 - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.4. evaluate the effectiveness of the EMPr;
 - 17.5. identify shortcomings in the EMPr;
 - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;
 - 17.8. include a photographic record of the site applicable to the audit; and
 - 17.9. be informed by the ECO reports.

18. The Holder must, within 7 calendar days of the submission of the audit report 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

19. No stormwater may be discharged from the development surface area directly into the nearby watercourse.
20. The culvert extension must be constructed during a dry period or time to avoid periods of high rainfall when there is minimal or no flow, to reduce the chances of erosion and sedimentation downstream.
21. Provision must be made to partially divert the stream in the event of a storm event during installation of the culvert extension (this includes earthworks required to prepare the stream bed to an appropriate level prior to the bedding of the culvert extension) for road expansion to the west of the R404:
- A temporary holding dam should be placed upstream of the construction area to prevent water flowing through the construction area and into the existing culvert. Clean water, upstream of the dam should be diverted by means of a temporary pipe through the construction area and into the existing culvert.
 - For road expansion to the east of the R404: A temporary pipe should be fitted to the culvert outlet to divert water through the construction area and further downstream into the watercourse.
 - A temporary instream check dam should be placed downstream of the existing culvert and the construction area to trap sediment that may pass through the culvert during high rainfall events"
22. Should the row of Yellowwood trees be removed or trimmed, the relevant permit must be obtained from the Forestry Section of the Department of Forestry, Fisheries and the Environment (DEFF).
23. A search and rescue operation for indigenous plants must be done prior to commencement of construction activities.
24. Active alien invasive plant control measures must be implemented to prevent the invasion of exotic and alien invasive vegetation within the disturbed areas (including culvert areas).
25. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a landfill licensed in terms of the applicable legislation.
26. 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 may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

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.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with all listed activities and exceed the threshold of each listed activity within the period referred to in Section E, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

If the Holder wishes to extend a validity period specified in the Environmental Authorisation, an application for amendment in this regard must be made to the relevant Competent Authority, prior to the expiry date of such a period.

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of 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.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, 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.

The onus is on the Holder to verify whether such changes to the environmental authorisation must be approved in writing by the relevant competent authority prior to the implementation thereof.

Note: An environmental authorisation may be amended or replaced without following a procedural requirement contained in the Regulations if the purpose is to correct an error and the correction does not change the rights and duties of any person materially

4. The manner and frequency for updating the EMPr is as follows:
 - (a) Any further amendments to the EMPr, other than those mentioned above, must be approved in writing by the relevant competent authority.
 - (b) An application for amendment to the EMPr must be submitted to the Competent Authority if any amendments are to be made to the impact management outcomes of the EMPr. Such amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.
5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to submit the revised EMPr to the Competent Authority at least 90-days prior to the construction activities commencing on site, may result in the competent authority not being able to process / review the revised EMPr prior to the intended date of commencement.
 - ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
 - ❖ Failure to complete the auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 4, 6, 9, 10, 11 and 23.). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.

9. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
10. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

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 Appeal Administrator at 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: Appeal Administrator

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 the Appeal Administrator 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. GAVIN BENJAMIN

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)

DATE OF DECISION: **04 MAY 2021**

CC:

Ms. Cathy Avierinos
Ms. Lindsay Mooiman
Ms. Inge Delpont

EAP (Hilland Environmental)
George Municipality
Hilland Environmental

Email: cathy@hilland.co.za
Email: lcmooimaN@george.gov.za
Email: environmental2@hilland.co.za

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D2/19/0012/20

NEAS REFERENCE: WCP/EIA/0000784/2020

ANNEXURE 1: LOCALITY MAP

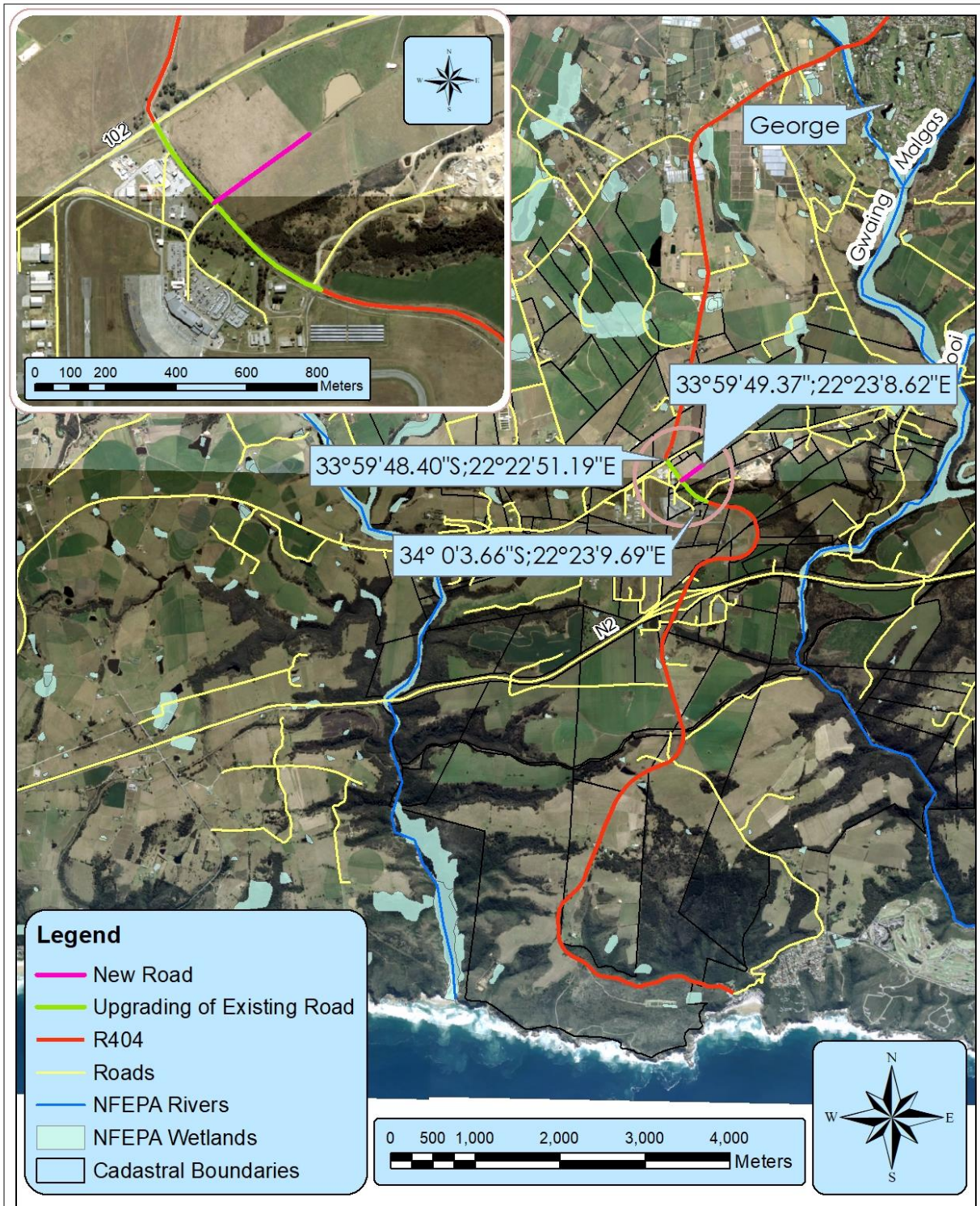


Figure 1: Locality Map of R404, George, Western Cape

Date: 23 October 2019
 Drawn By: S. Delpoit
 Project no.: 1037

Image & Cadastral data: Surveyor Genral 2016
 George Airport prevailing wind direction: ESE
 NFEPA Data SANBI 2011
 Scale: 1:40,000

HilLand Environmental
 Environmental Assessment Practitioners

155 Mount View, Victoria Heights
 7401, 606 Jans, 6240RB, 6240
 Western Cape, South Africa

Tel: +27(0)44 859 6229
 Fax: +27(0) 88 542 5248
 Email: info@hilland.co.za
 www.hilland.co.za

ANNEXURE 2.1: SITE DEVELOPMENT PLAN FOR OPTION A

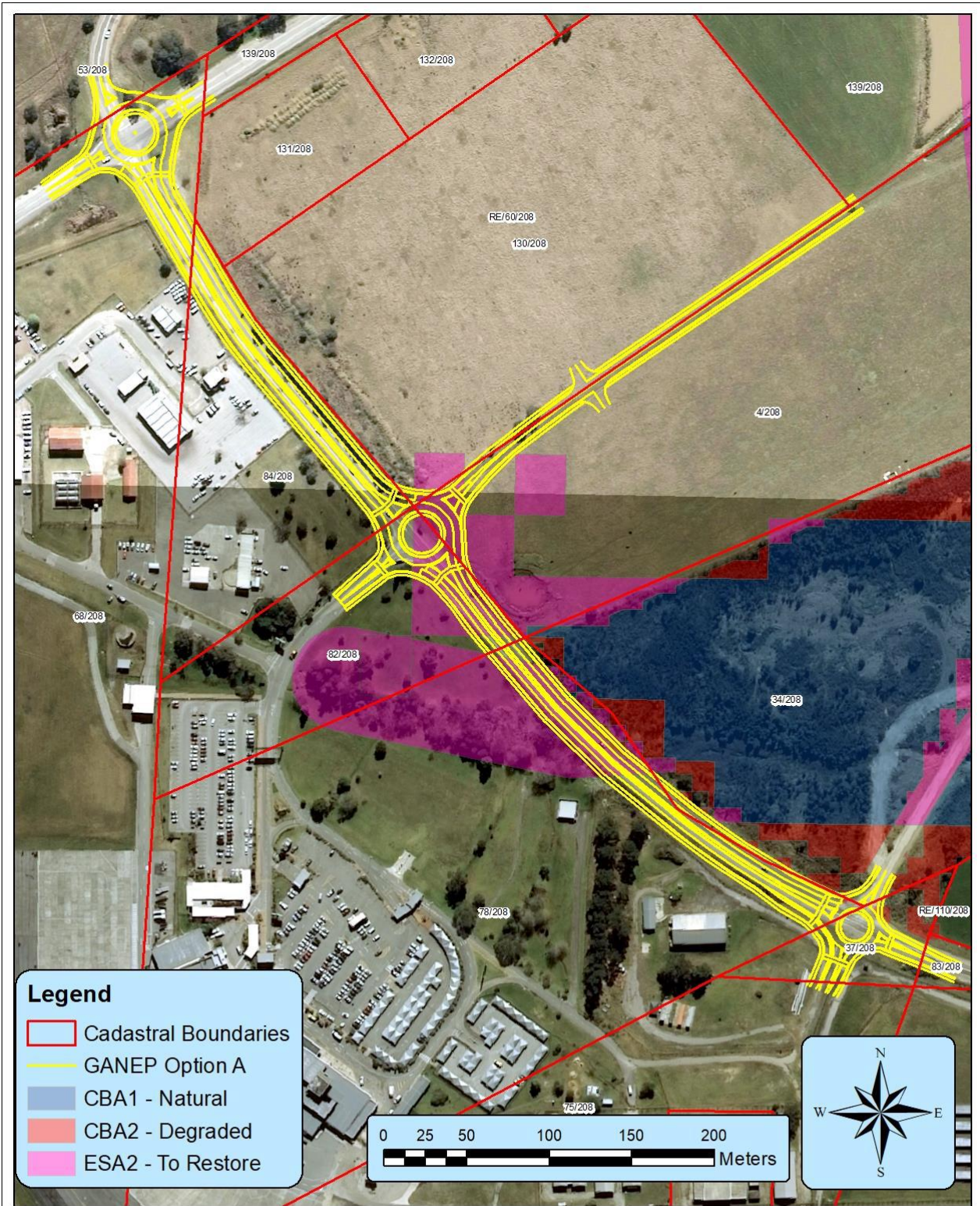


Figure 1b: GANEP Option A near R404, George, Western Cape

Date: 14 February 2020
 Drawn By: S. Delpont
 Project no.: 1037

Image & Cadastral data: Surveyor Genral 2016
 NFEPA Data SANBI 2011
 CBA Data - SANBI WCBSP 2017
 SDP - ITS 2019



HillLand Environmental
 Environmental Assessment Practitioners

165 Rensburg Street, Victoria Heights
 P.O. Box 2080, GEORGE, 6001
 Western Cape, SOUTH AFRICA
 Tel: +27(0)41 859 6229
 Fax: +27(0) 88 342 5248
 Email: info@hilland.co.za
 www.hilland.co.za

ANNEXURE 2.2: SITE DEVELOPMENT PLAN FOR OPTION B

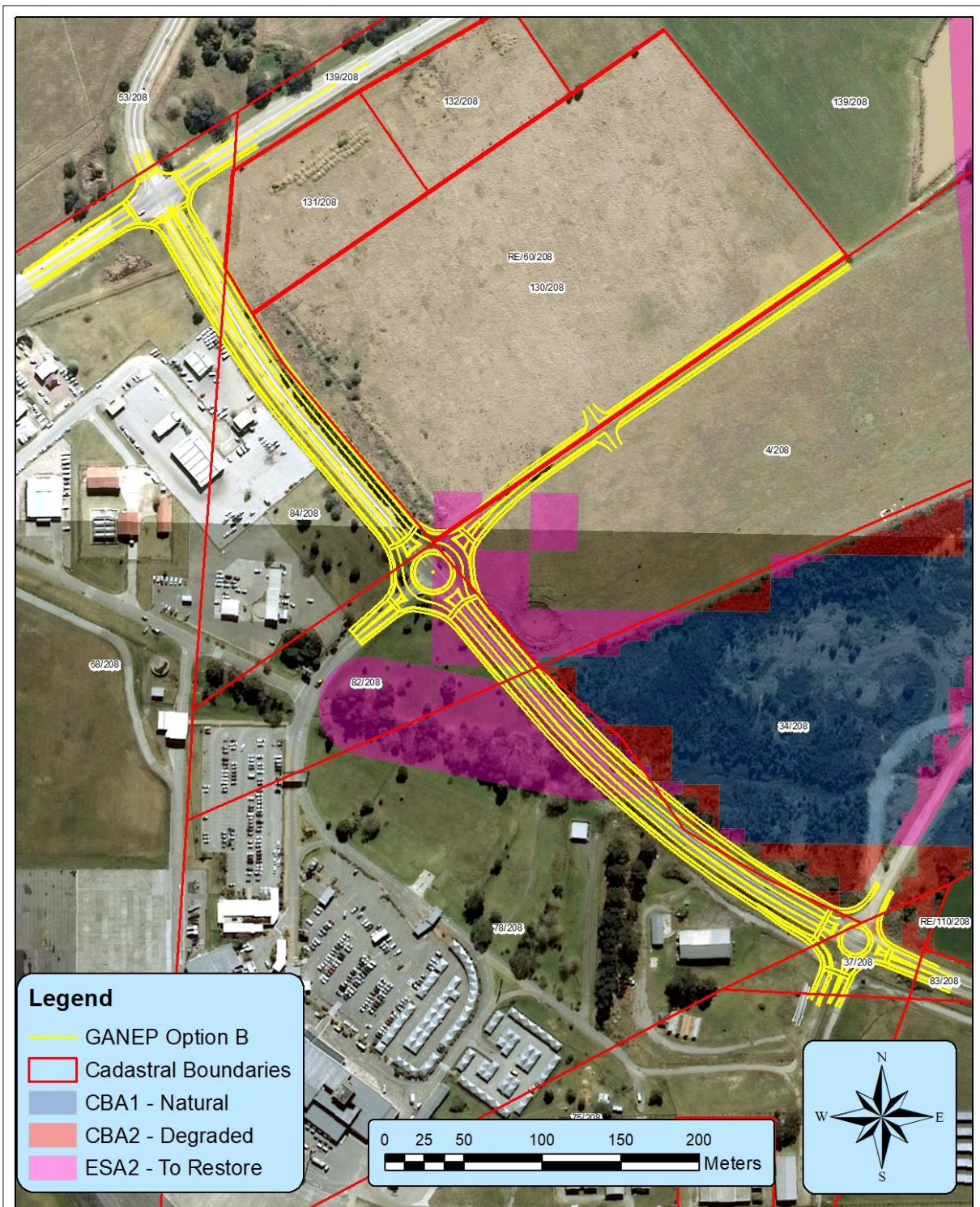


Figure 1b: GANEP Option B near R404, George, Western Cape

Date: 14 February 2020
 Drawn By: S. Delpoit
 Project no.: 1037

ANNEXURE 2.3: SITE DEVELOPMENT PLAN FOR ACCESS ALTERNATIVE OVER PORTION 4 AND THE PREFERRED EQUITABLE ACCESS

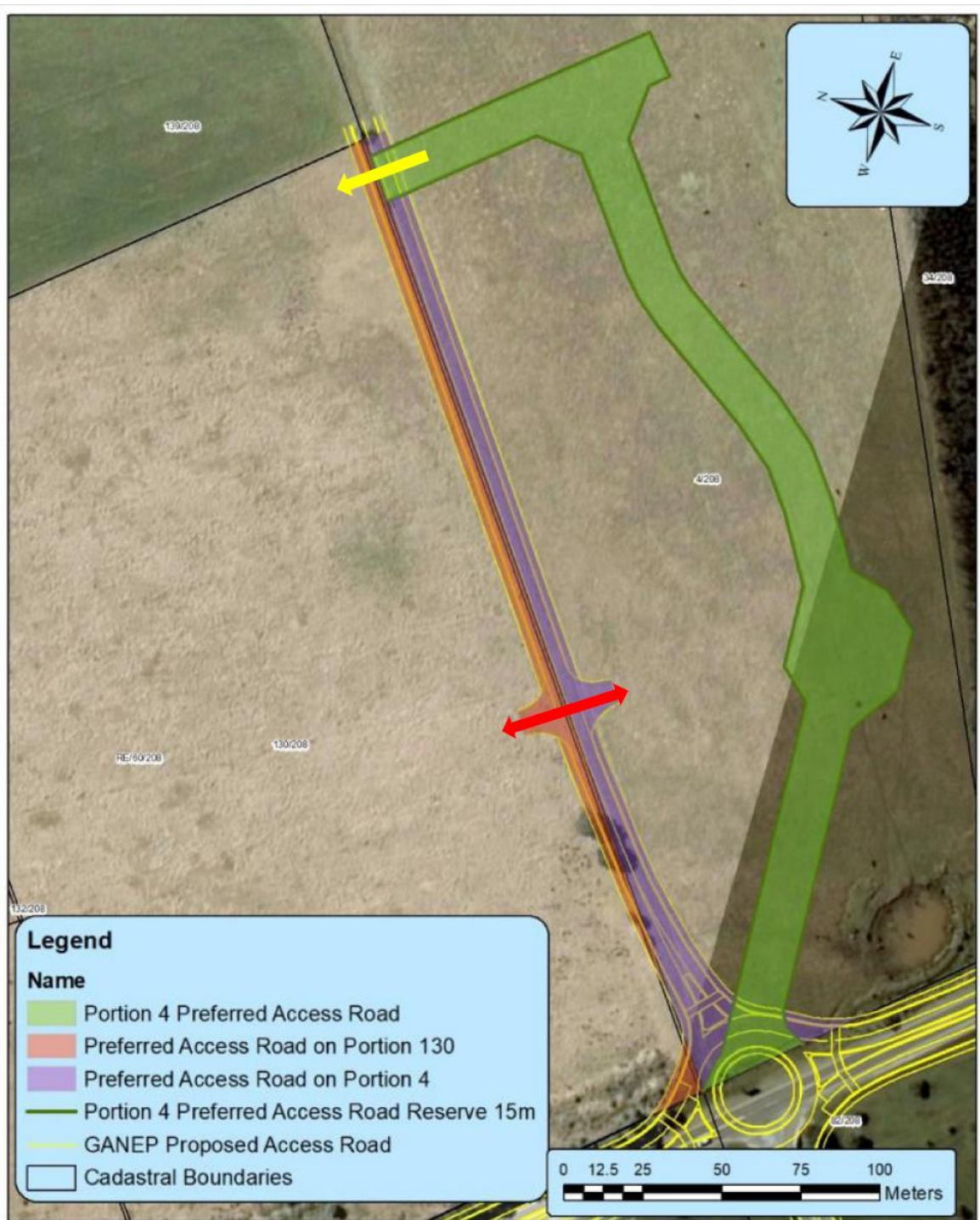


Figure 1d: New Municipal Services Access Road Comparison

Date: 14 February 2020
 Drawn By: S. Delpoit
 Project no.: 1037

Image & Cadastral data: Surveyor Genral 2016
 NFEPA Data SANBI 2011
 CBA Data - SANBI WCBSP 2017
 SDP - ITS 2019



HilLand Environmental
 Environmental Assessment Practitioners

101 Secord Street, 6001 Boksburg
 101 4th Ave, 4013 Midrand, Gauteng
 101 1st Street, 1601 Sandton, Gauteng
 Tel: +27(0)11 801 6000
 Fax: +27(0)11 801 6001
 Email: info@hiland.co.za
 www.hiland.co.za

The proposed alternative at portion 4 (in green to the required municipal road reserve width) and the preferred alternative (pink and blue) which follows the common property boundary.

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 received on 16 September 2020, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 15 December 2020;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, 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 interested and affected parties (I&APs) and responses to these, included in the FBAR received by this Department on 15 November 2020; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

In addition to the above, the Department had enough information at its disposal to understand the environmental and spatial context and the case officer is also familiar with the site and surrounding area. 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

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. The public participation process included:

- Identification of and engagement with I&APs including organs of state which have jurisdiction in respect of the activity to which the application relates;
- Fixing a notice board at the 17 February 2020;
- Giving written notice to the owners and occupiers of land adjacent to the site and any alternative 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 11 February 2020;
- The placing of a newspaper advertisement in the 'George Herald' in 19 December 2019;
- The pre-application BAR was made available from 18 February 2020 – 20 March 2020; and
- The draft BAR was made available from 08 October 2020 - 09 November 2020.

The following Organs of State provided comment on the proposal:

- ❖ *Breede Gouritz Catchment Management Agency (BGCMA)*
- ❖ *CapeNature*
- ❖ *Heritage Western Cape*
- ❖ *George Municipality*
- ❖ *Garden Route Municipality*
- ❖ *Department of Agriculture Fisheries and Forestry*
- ❖ *Department of Agriculture*
- ❖ *The Department of Transport and Public Works*

This Department requested consultation with the BGCMA due to the watercourse and existing culvert and BGCMA indicated that a Fresh Water Risk assessment was required for the proposed extension of the culvert in the watercourse. The aquatic specialist indicated that the risks associated with the widening of the stormwater culvert has a low impact and therefore, a General Authorisation is applicable to the proposal. A GA has been issued on the 4th of September 2020.

Provincial Roads (Public Works) have indicated that they prefer a signalised intersection at the R404/R102 intersection, while the George Municipality prefers a circle at the intersection between R102 and R404. To address this, the Environmental Authorisation was written to implement either a signal or a circle at the R404/R102 intersection.

HWC indicated that an NID would need to be submitted to confirm whether any other specialist studies would be required. A Heritage NID has been submitted on the 5th November 2019 and HWC indicated in a letter dated 10 February 2020 that no further action under Section 38 of the National Heritage Resources Act is required.

DAFF requested a site visit on the 17th February 2020 in order to determine the impact on the planted Protected Yellowwood trees and indicated in summary that "for the interest of the protected trees Forestry supports Option C and Option E (where the trees would be retained). However, none of the landowners are willing to expropriate portions of their land in order to protect the trees. Forestry indicated their support for option B, "but only if there are no other alternatives to protect the lane of Yellowwood trees)."

Cape Nature has indicated in their comments on the Draft BAR that they do not object to the proposal and are satisfied that the issues regarding how the proposed construction could impact CBA were addressed within the Aquatic Specialist report. Further recommendation and comments made by CapeNature are addressed in the Public Participation Report.

The Department of Agriculture confirmed that they have no objection to the proposed Project and that no additional studies were required.

The owners of Farm 208/4 objected to the proposal based on a commercial interest conflict between them and the owners of Farm 208/131 (both want to construct a fuel station) with respect to the airport support zone and specifically access to a future fuel station. The owners of Farm 208/4 suggested an alternative access. However, their alternative was considered in the process but rejected as it does not provide equitable access. All the comments and issues raised by I&APs and respective Organs of State that were captured in the Basic Assessment Report were responded to by the EAP.

2. Alternatives

The assessment process considered six alternatives to the upgrade of the R404 as well as the intersection of the R404 and R102 to either a circle OR a signalised intersection. The entrances to the airport from the R404 will be upgraded to traffic circles. The upgrade of the R404 (Class 3 road) between the R102 and main airport entrance will increase to the preferred road reserve of a minimum of 32m to allow for the intersection upgrade (circle or signals) and a duel carriageway with a proposed sidewalk of 2m wide.

Preferred alternative (Option A or B)

The preferred alternative entails the clearance of more than 300m² of endangered garden route granite fynbos vegetation as well as the infilling and dredging of a watercourse in order to upgrade the R404. The intersection of the R404 and R102 requires upgrade to either a circle OR a signalised intersection. This EA is for either option A or B:

- Option A: 25m Road Reserve & Roundabout at R404/R102 intersection;
- Option B: 32m Road Reserve widened to each side & Signal at R404/R102 intersection

Option C

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 with a 35m Road Reserve widening to the West and Signal at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Option D

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 by a 33m Road Reserve widening to West and a roundabout at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Option E

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 with a 37m Road Reserve widening to the East and Signal at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Option F

This alternative entails the upgrade of the R404 and the intersection of the R404 and R102 by a 37m Road Reserve widening to the East & Roundabout at R404/R102 intersection. This alternative was not preferred as it requires excessive expropriation.

Alternative access road to the airport support zone

This alternative entails a different access road to the Airport Support Zone as proposed by the owners and applicant of Portion 4/208. This alternative will result in all traffic first passing through Portion 4 before allowing access to any other property in the proposed airport support zone, while the preferred alternative provides equitable access directly opposite each other to portion 4 and portion 130. In terms of the municipal mandate to provide equitable access, the preferred alternative provides direct access to both competing landowners directly opposite each other and off the airport circle and equally divides the land that will need to be expropriated. The alternative on Portion 4 was therefore considered, but rejected because it does not provide equitable access to all affected properties.

"No-Go" Alternative

This alternative entails no upgrade of the R404 or the R102/R404 intersection. This is not the applicant's preferred alternative as the intersection of the R102/R404 is currently not safe. The proposed development will address this issue by providing for a safer intersection between the R404 and R102, as well as widening the R404 and providing safer access into and out of the Airport and the New Airport Support Zone. It will also result in no unlocking of economic growth and employment opportunities around the airport precinct.

3. Impact Assessment and Mitigation Measures

3.1 Planning

- ❖ *The Western Cape Spatial Development Framework (PSDF)*

PSDF which call for investing in new regional economic infrastructure to unlock the potential of the emerging George/Mossel Bay node. The PSDF focuses on implementing and improving public transport and in order to achieve this current infrastructure (roads) needs to be properly maintained and upgraded to suitable standards which the proposed project will address by improving and upgrading of the current road infrastructure. The proposed development is therefore in line with both these principles.

The BAR states that one of the challenges the PSDF takes on is the restructuring of regions and settlements to offer the benefits to all and therefore the proposed project contributes as it represents an integrated transport and land use planning proactive intervention, instead of an uncoordinated transport system and land use planning that are more of a curative intervention. The proposed development entails equitable access which will benefit the broader society with new municipal services access road located on the boundary between farm portions. This is one of the objectives highlighted in the PSDF, as biodiversity protection which is described as "Optimise the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities".

The EAP further states in the BAR that the project is in line with the Space-Economy of the PSDF to connect the regional economic infrastructure in that the proposed new services access to the airport support zone will allow for the development of the airport support zone. Amongst others this could support local agricultural industry to support import and export trade. This Department agrees with this statement as the proposed development will not only support economic growth but will also increase safety at the R404/R102 intersection.

❖ *George Spatial Development Framework (MSDF)*

Strategic Goal 1: Develop and Grow George

The BAR submits that the proposed development will assist in creating and facilitating an enabling environment for economic development in George. It will also contribute to ensuring the development of participatory, practically implementable economic development and business retention and expansion strategies.

Policy A of the theme of "Infrastructure that invests in people and their socio-economic mobility and resilience."

The BAR submits that the proposed development is in line with this policy as it provides vehicular and municipal services access to the Airport Support Area that is supportive of the airports functionality and convenience of its users. The proposed project is in line with Policy A in terms of maintaining, expanding and improving the basic service delivery and infrastructure maintenance.

Policy F of the MSDF: Direct public and private fixed investment to existing settlements reinforcing their economic development potential. In this way, the impact of public and private investment is maximised, the majority of residents benefit, and the Municipality's natural and productive landscapes are protected"

According to the BAR the widening and addition of a roundabout/signalised intersection to accommodate the increased traffic anticipated for the development of the identified airport support area as identified in, will add to the medium to long term growth of the city by reinforcing the existing accessibility and infrastructure network, it also minimises the impact on the natural landscape by having construction remain largely within the existing road reserve.

The BAR further states that the construction of the new municipal services access road will also have a minimal impact on the natural landscape and agricultural resources since the proposed road is aligned to be on the boundary between Farm Portion RE/60/208 (131/208 & 130/208 & 132/208) and 4/208 and considering that the area is set aside for development in terms of the airport support area, for which approval is in place or in the process of obtaining approval.

Policy F2 of the MSDF “Direct the medium to long term growth of the George city area, when necessary, contiguous to the existing urban footprint in a manner that reinforces existing accessibility and infrastructure networks and minimises impact on natural landscapes and agricultural resources”.

Development of the George Airport precinct is supported in so far as it relates to the development of uses ancillary to the airport's operations and should not include activities already well catered for in the built footprint of the George urban area. An airport support area is identified in this MSDF. Tourism and commercial uses of a rural nature are supported in keeping with the rural landscape along the road connecting the airport to the George city area, as set out in more detail in the Gwayang LSDF.

This project is in line with Policy F2 of the MSDF as it proposes to provide the primary access (vehicular and services) to the airport support area (George Airport precinct).

The proposed new municipal services access road is set to provide equitable access to the properties in this airport support zone. Some of these properties already have development rights or are in the process of obtaining approval.

❖ *Gwayang Local Spatial Development Framework (GLSDF)*

Section 9.3 of the Gwayang LSDF supports tourism that contributes to the convenience and experience of tourists visiting the area – “Properties around the airport are also suitably located to accommodate cargo and freight services. The development and detailed land use and infrastructure planning for this area should ideally be managed through an integrated development plan in order to co-ordinate the land uses.” The proposed project is therefore supported by the Gwayang LSDF in that it provides for the equitable municipal services and vehicular access necessary to develop the airport support area. The proposed municipal services access road therefore forms part of the George municipality's strategic planning process to ensure that any potential planning process with regards to the airport support zone (and requiring equitable access off of R404) is dealt with swiftly as and when it is needed.

The Gwayang LSDF also elaborates on the up-and-coming Agri-tourism industry. It is therefore also important to note that the node at the airport is to create a functional link between these tourism industries, the rural areas and the city of George via the air and road link. Additional pressure will be added to this road system (and the unsafe intersections between R404 and R102) as these Agri-tourism industries expands.

3.2 Activity need and desirability

The BAR submits that the current R404/R102 intersection is a known dangerous intersection and the proposal alternatives seek to improve this situation. There is a current need for the upgrade as it will provide for a safer intersection between the R404 and R102, as well as widening the R404 and safer access into and out of the Airport and the New Airport Support Zone.

3.3 Freshwater

According to the BAR a section of the R404 planned to be widened, traverses a non-perennial stream which currently flows through an existing culvert beneath the road. The culvert will need to be extended in order to accommodate the widened road. The stream is not categorised as a Freshwater Ecosystem Priority Area and originates immediately to the east of the George Airport, runs beneath the R404 and eventually discharges into the Gwaing River.

The freshwater specialist also states that the watercourse is of low ecological importance and sensitivity. This is primarily due to the fact that the watercourse is a minor, first order, highly intermittent stream, with a poorly defined channel and very low diversity of instream habitat which provides very marginal habitat for aquatic and other biota. In light thereof, this Department is of the opinion that the watercourse is not ecologically sensitive and that the proposed development will have a low negative impact on the watercourse. A General Authorisation was issued on 4 September 2020.

3.4 Yellow wood trees

According to the BSAR there is a row of planted protected Yellow wood trees that are located adjacent to the gravel shoulder on the eastern side of the R404. Several mitigation measures were investigated to try and retain these trees. The mitigation was primarily focussed on avoiding impacts to a row of yellowwood trees that line the eastern verge of the road, north of the main access road into the airport. However, these mitigation alternatives were rejected by the Department of Transport and Public Works due to the requirement of excessive expropriation of private land, which is not desirable. Therefore, the row of protected yellowwood trees will be removed/relocated to fit in the future dual carriageway. New yellowwood trees will be planted in the new design.

3.5 Stormwater

All stormwater flow will be incorporated in the design of the widening of the road and directed to the natural flow pathways as is currently the case.

3.6 Biodiversity

The site consists of a mixture of agricultural land and existing roads. The new road is proposed along a boundary fence of these agricultural pastures. According to the BAR there are no intact vegetation ecosystems along the proposed route and no sensitive species are located along the proposed routes, except for the row of protected yellowwood trees. The EAP further submits that the presence of any specimens of *Erica unicolor*, *Diosma passerinoides*, or *Lampranthus pauciflorus* is highly unlikely as the area is historically transformed for agriculture and roads. As per the EMPr, a search and rescue operation for indigenous plants should be done, prior to commencement of construction. Cape Nature has confirmed that the project is acceptable and will not impact on Biodiversity aspects. In terms of NBA remaining extent mapping, the area for the proposed expansion of the R404 and the new municipal services road is transformed agricultural land and does not support the Endangered Garden Route Granite Fynbos.

3.7 Biophysical Impacts

According to the BAR impacts are anticipated from the preferred alternative on the biophysical environment. The BAR however states that the expected impact is considered to fall within the acceptable levels. Further to this, the construction phase of the proposed development will involve earthworks for the installation of services, construction of internal roads, retirement units and the frail care centre. The BAR further submits that vegetation clearing will expose the soil, which could potentially result in soil erosion. According to the

BAR these activities will increase storm water runoff and potential sedimentation. The BAR submits that the potential risks and impacts associated with the construction can be mitigated to acceptable levels through the effective implementation of the EMPr and strict compliance with the conditions of this authorisation. This Department concurs with these findings.

4. Scope and Validity Period of Authorisation

This environmental authorisation does not define specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within a period of 10 years. The environmental authorisation's validity period has been granted for a period of ten years (10) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring, and submission of the final environmental audit. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. The Holder is required to substantially implement the proposal within a period of 5-years after the environmental authorisation is issued. Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

5. 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.

6. Conclusion

After consideration of the information and factors listed above, the Department made the following determination:

- (a) The identification and assessment of impacts were adequately described in the FBAR dated 17 August 2020 and the key identified issues and impacts have been addressed and assessed adequately.
- (b) The procedure that was followed to conduct the environmental impact assessment was considered to be adequate to inform the decision-making process.
- (c) The mitigation measures proposed in the EMPr for the pre-construction, construction and rehabilitation phase of the proposed development are deemed to be sufficient to avoid and mitigate any potential negative impacts on the receiving environment during the construction phase.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with an approved EMP, 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.

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