



REFERENCE: 16/3/3/1/B3/28/1049/21
NEAS REFERENCE: WCP/EIA/0000959/2021
DATE: 23 November 2021

The Head of Department
Department of Transport and Public Works
9 Dorp Street
CAPE TOWN
8001

Attention: Mr Johannes Neethling

Tel: 021 483 0537
Email: Johannes.neethling2@westerncape.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: PROPOSED EROSION REPAIR WORKS AT CULVERT C10552 AT KM 5.98 ON THE DU TOITSKLOOF PASS (TRUNK ROAD 9/2, OR THE R101), PAARL

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 EIA Regulations, 2014, 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 Appeal Regulations, 2014, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Cc: (1) M De Villiers (Cornerstone Environmental Consultants)
(2) C Winter (Drakenstein Municipality)
(3) A Duffel-Canham (CapeNature)

Email: mari@cornerstoneenviro.co.za
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REFERENCE: 16/3/3/1/B3/28/1049/21
NEAS REFERENCE: WCP/EIA/0000959/2021
ENQUIRIES: Samornay Smidt
DATE OF ISSUE: 23 November 2021

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 EROSION REPAIR WORKS AT CULVERT C10552 AT KM 5.98 ON THE DU TOITSKLOOF PASS (TRUNK ROAD 9/2, OR THE R101), PAARL

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 the Preferred Alternative, as described in the Basic Assessment Report ("BAR"), dated October 2021.

The applicant for this Environmental Authorisation is required to comply with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Department of Transport and Public Works
c/o Mr J Neethling
9 Dorp Street
CAPE TOWN
8001

Tel: 021 483 0537

Email: Johannes.neethling2@westerncape.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>EIA Regulations Listing Notice 1 of 2014 -</p> <p>Activity Number: 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse –</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <p><i>(a) will occur behind a development setback;</i> <i>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> <i>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</i> <i>(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 applies.</i></p>	<p>More than 10m³ of material will be removed from and/or deposited into the watercourse to repair the erosion damage to the culvert.</p>
<p>EIA Regulations Listing Notice 3 of 2014 –</p> <p>Activity Number: 23</p> <p><i>The expansion of -</i></p> <p><i>(i) dams or weirs where the dam or weir is expanded by 10 m² or more; or</i> <i>(ii) infrastructure or structures where the physical footprint is expanded by 10 m² or more;</i></p> <p><i>where such development occur;</i></p> <p><i>(a) within a watercourse; or</i> <i>(b) in front of a development setback adopted in the prescribed manner; or</i> <i>(c) if no development setback has been adopted, within 32 m of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>(i) Western Cape:</i></p> <p><i>i. Outside urban areas:</i></p> <p><i>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</i> <i>(bb) National Protected Area Expansion Strategy Focus areas;</i> <i>(cc) World Heritage Site;</i> <i>(dd) Sensitive areas as identified in an environmental management framework as contemplated in</i></p>	<p>The repairs to the culvert will exceed 10 m² and the site is located within a watercourse inside a formally protected area.</p>

<p>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>	
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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 activities as it relates to the development:

The proposal entails the repair of Culvert C10552 comprising the following remedial works:

- The extension of the existing apron slab and construction of a new stilling basin at the outlet of the culvert. The stilling basin will require rockfill underneath a reinforced concrete slab (rocks for the rockfill will predominantly be sourced along the downstream river section).
- Repairs to the wingwalls and the damaged section of the culvert barrel.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken at km 5.98 on the Du Toitskloof Pass, in the Klein Drakenstein Forest Reserve on Farm No. 584, Paarl.

The SG21 digit code: C05500000000058400000

Co-ordinates:

Latitude	Longitude
33° 45' 16.12"	19° 04' 06.10"

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Cornerstone Environmental Consultants (Pty) Ltd.
c/o Mari De Villiers
PO Box 12606
Die Boord
STELLENBOSCH
7613

Tel: (021) 887 9099

Email: mari@conrenerstoneenviro.co.za

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative, as described in the BAR dated October 2021 on 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 development must be concluded within **ten years** from the date of commencement of the listed activities.
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.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activity.
 - 6.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 6.2 The notice must also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 11.

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.

- 7.2 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;
- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
- 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the holder,
 - 7.4.4 telephonic and fax details of the holder,
 - 7.4.5 e-mail address, if any, of the holder, and
 - 7.4.6 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).
8. 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. 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

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and 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") before commencement of any land clearing or construction activity 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 activities, and must be made available to anyone on request, including 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** (other than the ECO appointed in terms of condition 12 above or the appointed Environmental Assessment Practitioner) and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The holder must undertake one environmental audit and submit the Environmental Audit Report to the Competent Authority within three months after completion of the construction phase.

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 palaeontological remains (including fossil shells and trace fossils); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material.

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.
17. The relevant requirements with respect to occupational health and safety must be adhered to at all times.
18. All works should be undertaken during the dry period (December to March) to minimise the risk of contaminated runoff and sediment washing into the adjacent aquatic habitat.

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 activities, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment 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 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 e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the holder, developer or his/her successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

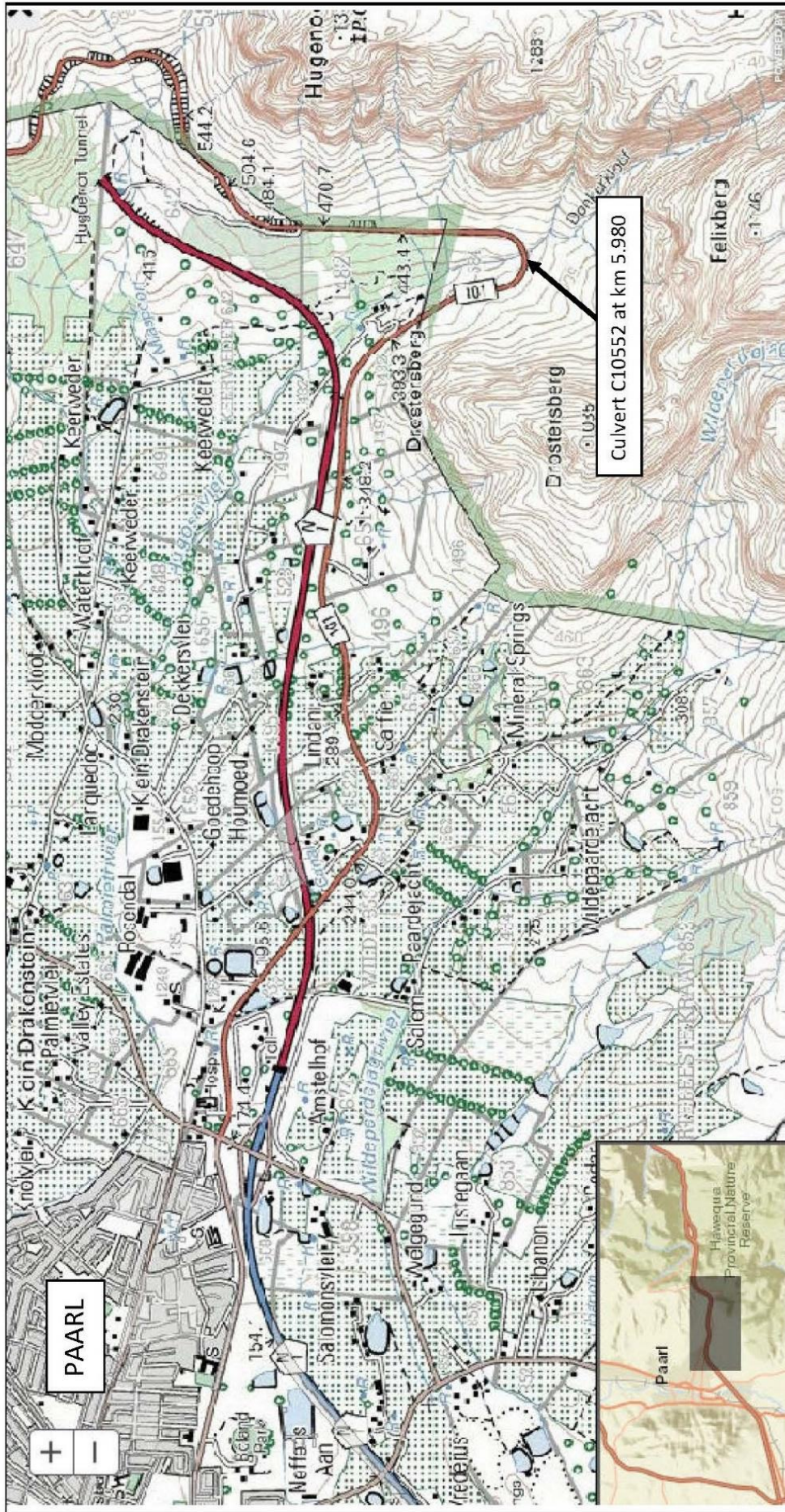
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 23 NOVEMBER 2021

Cc: (1) M De Villiers (Cornerstone Environmental Consultants)
(2) C Winter (Drakenstein Municipality)
(3) A Duffel-Canham (CapeNature)

Email: mari@cornerstoneenviro.co.za
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ANNEXURE 1: LOCALITY MAP



Postal: PO Box 12606, Die Boord,
Stellenbosch, 7613
Tel: 021 887 9099
Email: info@cornerstoneenviro.co.za
Web: www.cornerstoneenviro.co.za



BASIC ASSESSMENT PROCESS FOR THE PROPOSED EROSION REPAIR WORKS AT CULVERT C10552 AT KM 5.98 ON THE DU TOITSKLOOF PASS (TRUNK ROAD 9/2, OR THE R101), PAARL, WESTERN CAPE PROVINCE

Locality Map

ANNEXURE 2: SITE PLAN

SCHEDULE OF REMEDIAL WORK FOR MAJOR CULVERT C10552 AT KM 5.980

ITEM NO.	ADDITIONS AND AMENDMENTS	APPROVED	IN TOLERANCE	DISAPPROVED	REASON	DATE	PHOTOS
1.	Remove concrete from existing culvert structure.	READY	DISAPPROVED	DISAPPROVED	CONCRETE IS CRACKED AND WEARING.		
2.	Remove concrete from existing culvert structure.	READY	DISAPPROVED	DISAPPROVED	CONCRETE IS CRACKED AND WEARING.		
3.	Remove concrete from existing culvert structure.	READY	DISAPPROVED	DISAPPROVED	CONCRETE IS CRACKED AND WEARING.		
4.	Remove concrete from existing culvert structure.	READY	DISAPPROVED	DISAPPROVED	CONCRETE IS CRACKED AND WEARING.		
5.	Remove concrete from existing culvert structure.	READY	DISAPPROVED	DISAPPROVED	CONCRETE IS CRACKED AND WEARING.		
6.	Remove concrete from existing culvert structure.	READY	DISAPPROVED	DISAPPROVED	CONCRETE IS CRACKED AND WEARING.		

EXISTING CONDITIONS

PLAN
NOT TO SCALE

REHABILITATION DETAILS

REPAIR OF CRACKS - GROOVING (v/s. Sump)
REPAIR OF CRACKS - CRACK FILLING (v/s. Sump)
REPAIR OF CRACKS - CRACK INJECTION (v/s. Sump)
INVERT SLAB REHABILITATION - MINOR EROSION
INVERT SLAB REHABILITATION - SEVERE EROSION

NOTES

1. All work shall be done in accordance with the relevant standards and specifications.
2. The contractor shall be responsible for the safety of the site during the construction.
3. The contractor shall ensure that the work is completed within the specified time frame.
4. The contractor shall provide regular progress reports to the client.
5. The contractor shall ensure that the work is done in a safe and sound manner.
6. The contractor shall ensure that the work is done in a professional and ethical manner.
7. The contractor shall ensure that the work is done in a sustainable and environmentally friendly manner.
8. The contractor shall ensure that the work is done in a cost-effective manner.
9. The contractor shall ensure that the work is done in a high-quality manner.
10. The contractor shall ensure that the work is done in a timely manner.

FOR TENDER PURPOSES ONLY

LOCATION PLAN
NOT TO SCALE

NO.	DATE	REVISIONS	BY	CHKD BY	APPD BY	SCALE
1.	15/05/2019	ISSUED FOR TENDER				1:1

Western Cape Government
Transport and Public Works

MAJOR CULVERT No. C10552 ON TRUNK ROAD (TR) 92 - DU TOITSKLOOF PASS AT KM 5.98 OVER THE DONKERKLOOF STREAM

C10552 - REHABILITATION DETAILS

A95/201

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 dated 13 August 2021 and the EMPr submitted together with final BAR on October 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the BAR dated October 2021; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

All information presented to the Competent Authority was taken into account in the consideration of the application for Environmental Authorisation. A summary of the issues that were considered to be the most significant for the decision is set out below.

1. Public Participation

The public participation process included:

- identification of and engagement with I&APs;
- the placing of a newspaper advertisement in the 'Paarl Post' on 12 August 2021,
- fixing notice boards at the site where the listed activities are to be undertaken and public areas on 13 August 2021;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various Organs of State having jurisdiction in respect of any aspect of the listed activities between 13 August 2021; and
- circulating the in-process draft BAR to I&APs from 19 August 2021.

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

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

2. Alternatives

Preferred Alternative (Herewith authorised)

The proposal entails the repair of Culvert C10552 comprising the following remedial works:

- The extension of the existing apron slab and construction of a new stilling basin at the outlet of the culvert. The stilling basin will require rockfill underneath a reinforced concrete slab (rocks for the rockfill will predominantly be sourced along the downstream river section).
- Repairs to the wingwalls and the damaged section of the culvert barrel.

The repairs are required to enable the continued safe use of the road. No other alternatives were considered, and the preferred alternative was informed by specialist and engineering input. The freshwater specialist confirmed that with implementation of the recommended mitigation measures, the proposed repair work will pose a low risk to the receiving environment. The engineers also indicated that the preferred design is the most feasible option for long term protection of the infrastructure and would allow ongoing use of the road. Other design options would result in over-or-under design of the required repair work and was therefore not considered further.

“No-Go” Alternative

The no-go alternative was considered. However, if the repair work is not undertaken, the apron slab and wingwall would continue to be undermined by ongoing erosion. Ultimately, the culvert and associated section of the road would fail and become unsafe for road users and very likely completely impassable over time.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The Department of Transport and Public Works needs to undertake urgent repair works at Culvert C10552 on TR9/2 (Du Toitskloof Pass) between Paarl and Rawsonville due to extensive damage at the culvert outlet and to enable the continued and safe use of the road. Without the required repairs, the consequent further deterioration of the culvert will compromise the roadway and pose a safety risk to the road users. The proposed project therefore aims to strengthen the failing infrastructure in order to improve public safety on TR9/2. The associated short-term biophysical impacts can be adequately managed, mitigated and rehabilitated during and at the end of the construction period. The maintenance work on the culvert forms part of a larger project to upgrade TR9/2, which will ensure that the road remains safe and available for public use well into the future.

3.2 Biophysical Impacts

Culvert C10552 is located within the upper reaches of the Hugos River where the watercourse is crossed by the Du Toitskloof Pass. The site lies within the formally protected Hawequa Catchment Management Area / Hawequa Nature Reserve, which forms part of the Limietberg Nature Reserve (managed by CapeNature). The study area will primarily be located within the road reserve, downstream of the culvert at km 5.980 on the pass. The area surrounding the site is mapped to contain endangered Boland Granite Fynbos vegetation. A pocket of Southern Afrotropical Forest occurs within the valley immediately upstream of the road culvert. According to the Freshwater Assessment compiled by BlueScience, dated June 2021, the site is located in an area of very high aquatic sensitivity, which relates to its location in or near a Strategic Water Source Area for ground and surface water, a Fish FEPA, a formally protected area and Critical Biodiversity Areas (“CBAs”). Some hillslope seeps are mapped upslope and on adjacent hillslopes, but no wetlands are located at the site. No CBAs or Ecological Support Areas (“ESA”) are mapped at the designated site, but an aquatic CBA is mapped along the river downstream of the site, outside of the protected area. The proposed repair works are intended to address the erosion of the watercourse, which would benefit the river downstream. The watercourse at the site is in a largely natural to moderately modified condition (B/C Ecological state). The Ecological Importance and Sensitivity of the Hugos River is Moderate to High as it is an important river corridor in the area. The

potential impacts associated with the proposed repair works include aquatic habitat modification and disturbance, water quality impairment and flow modification. The proposed repair works are however limited in extent and with the implementation of the recommended mitigation measures the cumulative impact on the aquatic habitat will be of a low to very low significance. The recommendations made in the specialist study were taken into consideration and included in the Environmental Management Programme ("EMPr") approved as part of this environmental authorisation. Due to the low risk of impacting the integrity of the upper Hugos River, the Department of Water and Sanitation also confirmed that the proposed water use activities fall within the ambit of a General Authorisation.

Negative Impacts:

- The development will have a limited negative biophysical impact due to the potential impacts on the watercourse present on the site. These impacts will however be mitigated to a satisfactory level with the implementation of the recommended mitigation measures and adherence to the EMPr.

Positive impacts:

- The proposed repair works will protect the culvert from further erosion and deterioration, which will ensure structural stability and that the road remains safe and available for public use well into the future.
- The proposed works will provide temporary employment opportunities.

4. National Environmental Management Act Principles

The National Environmental Management Principles (set out in section 2 of the NEMA, which apply to the actions of all organs of state, serve as guidelines by reference to which any organ of state must exercise any function when taking any decision, and which must guide the interpretation, administration and implementation of any other law concerned with the protection or management of the environment), *inter alia*, provides for:

- the effects of decisions on all aspects of the environment to be taken into account;
- the consideration, assessment and evaluation of the social, economic and environmental impacts of activities (disadvantages and benefits), and for decisions to be appropriate in the light of such consideration and assessment;
- the co-ordination and harmonisation of policies, legislation and actions relating to the environment;
- the resolving of actual or potential conflicts of interest between organs of state through conflict resolution procedures; and
- the selection of the best practicable environmental option.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activities will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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