



REFERENCE: 16/3/3/1/B4/45/1045/22
ENQUIRIES: BERNADETTE OSBORNE
DATE OF ISSUE: 25 January 2023

The Municipal Project Manager
Stellenbosch Municipality: Cape Winelands District
PO Box 17
STELLENBOSCH
7600

Attention: Mr Johan Fullard

Tel: (021) 808 207
E-mail: Johan.Fullard@stellenbosch.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014: THE UPGRADE OF THE LANQUEDOC ACCESS ROAD AND BRIDGE ON PORTION 2 OF FARM NO. 1647, BOSCHENDAL AND THE REMAINING EXTENT OF FARM NO. 1730, STELLENBOSCH.

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, 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

MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Cc: (1) Ms Monique Sham (Monique Sham Environmental Consultants)
(2) Mr Schalk van der Merwe (Stellenbosch Municipality)

E-mail: monique@ms-ec.co.za
E-mail: schalk.vandermerwe@stellenbosch.gov.za



REFERENCE: 16/3/3/1/B4/45/1045/22
NEAS REFERENCE: WCP/EIA/0001133/2022
ENQUIRIES: Bernadette Osborne
DATE OF ISSUE: 25 January 2023

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE UPGRADE OF THE LANQUEDOC ACCESS ROAD AND BRIDGE ON PORTION 2 OF FARM NO. 1647, BOSCHENDAL AND THE REMAINING EXTENT OF FARM NO. 1730, STELLENBOSCH.

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 1 described in the Basic Assessment Report ("BAR"), dated September 2022.

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

Stellenbosch Municipality: Cape Winelands District
c/o Mr Johan Fullard
PO Box 17
STELLENBOSCH
7600
Tel: (021) 808 207
E-mail: Johan.Fullard@stellenbosch.gov.za

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

B. ACTIVITY AUTHORISED

Listed Activity	Project Description
<p>Listing Notice 1 – Activity Number: 12 <i>The development of—</i></p> <p>(i) <i>dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i></p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p><i>where such development occurs—</i></p> <p>(a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</p> <p><i>excluding—</i></p> <p>(aa) <i>the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i></p> <p>(bb) <i>where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</i></p> <p>(cc) <i>activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</i></p> <p>(dd) <i>where such development occurs within an urban area;</i></p> <p>(ee) <i>where such development occurs within existing roads, road reserves or railway lines; or</i></p> <p>(ff) <i>the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</i></p>	<p>The physical footprint of the new bridge and associated infrastructure exceeds 100m² in extent, within a watercourse.</p>
<p>Listing Notice 1 – Activity Number: 19 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 or more than 10 cubic metres from a watercourse;</p>	<p>Approximately 1810m³ of material will be excavated from and adjacent to the Dwars River, with approximately 1575m³ of fill material to be used as infill along the riverbanks beneath the road, adjacent to the bridge, as well as up and downstream.</p>

<p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <ul style="list-style-type: none"> (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 harbor, in which case activity 26 in Listing Notice 2 of 2014 applies. 	
<p>Listing Notice 1 –</p> <p>Activity Number: 48</p> <p>The expansion of-</p> <ul style="list-style-type: none"> (i) canals where the canal is expanded by 100 square metres or more in size; (ii) channels where the channel is expanded by 100 square metres or more in size; (iii) bridges where the bridge is expanded by 100 square metres or more in size; (iv) dams, where the dam, including infrastructure and water surface area, is expanded by 100 square metres or more in size; (v) weirs, where the weir, including infrastructure and water surface area, is expanded by 100 square metres or more in size; (vi) bulk storm water outlet structures where the bulk storm water outlet structure is expanded by 100 square metres or more in size; or (vii) marinas where the marina is expanded by 100 square metres or more in size; <p>where such expansion or expansion and related operation occurs-</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; 	<p>The new bridge is an expansion of the existing road infrastructure and existing adjacent bridge. The physical footprint of the new bridge and associated infrastructure exceeds 100m² in extent, within a watercourse.</p>

<p>excluding-</p> <ul style="list-style-type: none"> (a) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (b) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (c) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (d) where such expansion occurs within an urban area; or (e) where such expansion occurs within existing roads or road reserves. 	
<p>Listing Notice 3 – Activity Number: 12 The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>(i) Western Cape:</p> <ul style="list-style-type: none"> 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 the high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the 	<p>More than 300m² of critically endangered vegetation will be cleared.</p>

<p>development setback line on even in urban areas;</p> <p>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</p> <p>v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister.</p>	
<p>Listing Notice 3 – Activity Number: 18 The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>(i) Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. All areas outside urban areas:</p> <p>(aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The road will be widened by more than 4 m for the bridge section.</p>

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

The holder is herein authorised to undertake the following alternative that includes the listed activities:

The proposed development will entail the upgrade of the Lanquedoc access road, the rehabilitation of the existing bridge and the development of a new bridge and associated infrastructure across the Dwars River from the R310 (Helshoogte) road, Pniel, to the start of the Lanquedoc urban area.

The existing single lane bridge will be re-purposed for non-motorised transport and pedestrian usage. The footings of the existing bridge will be rehabilitated and will include the replacement/repair of bank stabilisation structures.

The new dual lane vehicular bridge with a cantilevered pedestrian walkway and associated infrastructure will be approximately 50m long and approximately 12m wide.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken on Portion 2 of Farm No. 1647, Boschendal and the Remaining extent of Farm No. 1730, Stellenbosch and has the following co-ordinates:

	Latitude (S)	Longitude (E)
Co-ordinates of starting point:	33° 53' 18.60" South	18° 58' 07.19" East
Co-ordinates of middle point:	33° 53' 19.81" South	18° 58' 08.53" East
Co-ordinates of end point:	33° 53' 21.34" South	18° 58' 09.08" East

The SG digit codes are: C055 0000 00001730 00000
C055 0000 00001647 00002

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

Monique Sham Environmental Consultants
Ms Monique Sham
71 Kommetjie Road
VISHOEK
7975
Cell: 072 989 5119
Email: monique@ms-ec.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 1 described in the BAR dated September 2022 on the site as described in Section C above.

2. The holder must commence with the listed activities on the site within a period of **five years** from the date issue of this Environmental Authorisation.
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 activities.
 - 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, 12 and 18

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 detailed in Section F 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,
 - 7.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

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

Monitoring

12. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein. The ECO must conduct site visits and must submit ECO reports on a monthly basis to the competent authority.
13. A copy of the Environmental Authorisation, EMPr, MMP audit reports and compliance monitoring reports which must be submitted quarterly to the Competent Authority during the construction phase must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.

14. Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.

Auditing

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

The Audit Reports must be compiled and subsequently submitted to the Department in the following manner:

- The holder must undertake an environmental audit and submit an Environmental Audit Report to the competent authority within 6 (six) months of commencement of construction; and
- A final Environmental Audit Report must be submitted within 3 (three) months of completion of the proposed development.

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

Specific Conditions

16. Should any heritage remains be exposed during excavations or any other actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.

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

17. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
18. The development areas must be clearly demarcated prior to the commencement of construction activities. All areas outside the demarcated areas must be regarded as "no-go" areas.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activities.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.
3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr, must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations 2014.

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 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 to the Appeal Administrator; and
 - 2.2 Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr Marius Venter (Tel: 021 483 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

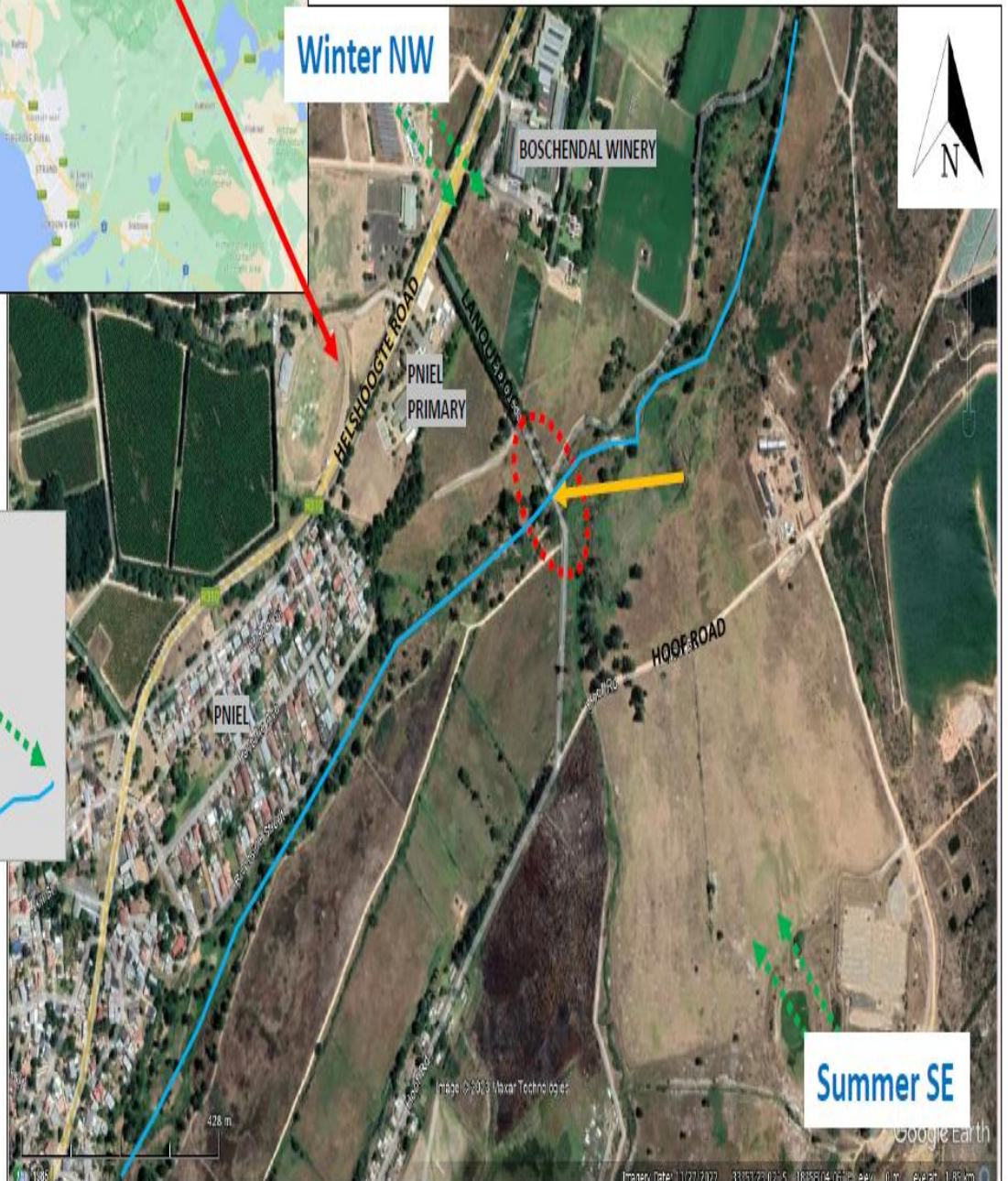
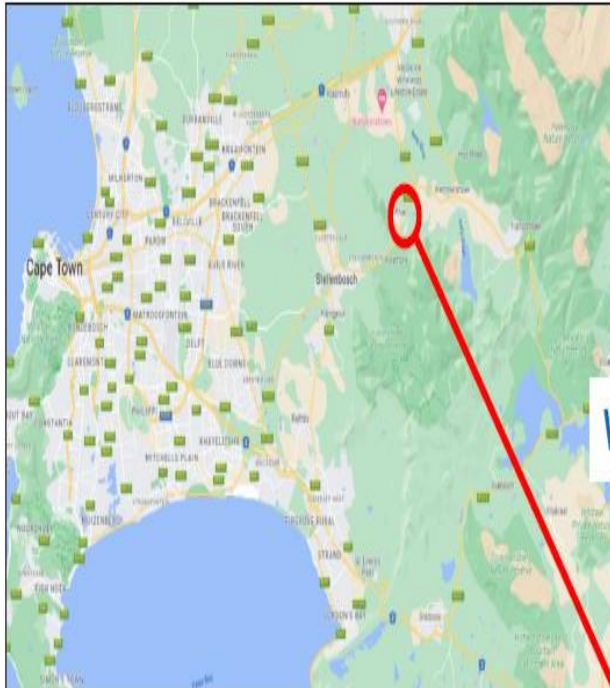
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 25 JANUARY 2023

Cc: (1) Ms Monique Sham (Monique Sham Environmental Consultants)
(2) Mr Schalk van der Merwe (Stellenbosch Municipality)

E-mail: monique@ms-ec.co.za
E-mail: schalk.vandermerwe@stellenbosch.gov.za

ANNEXURE 1: LOCALITY MAP



Legend:

Bridge location:

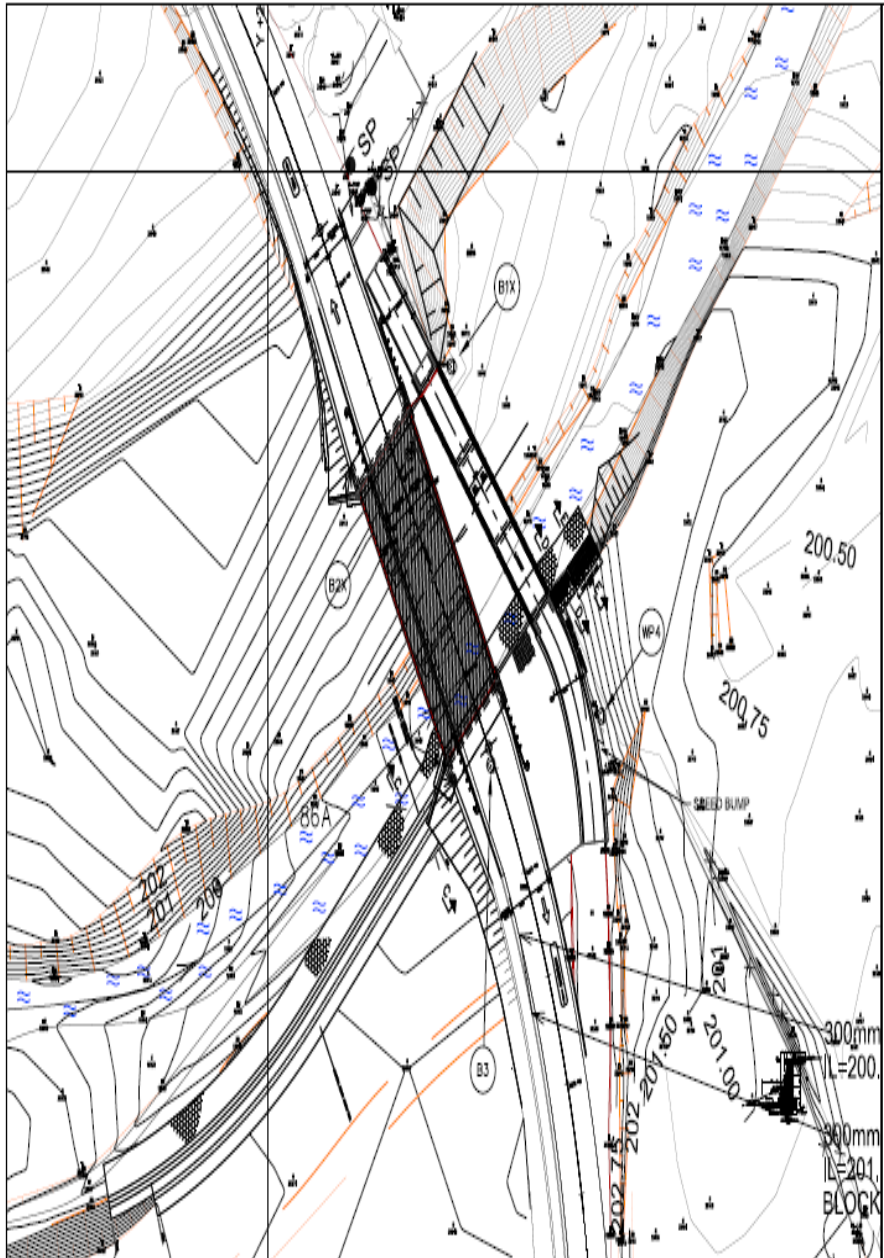
Prevailing wind direction:

Dwers (Banghoek) River:

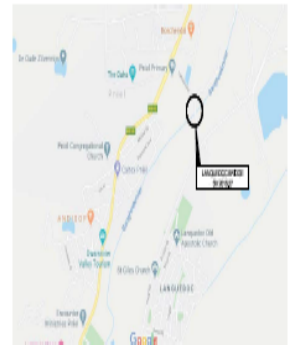
Latitude (S): 33°53'19.23" Longitude (E) 18°58'07.58"

Site Locality Map – Lanquedoc Bridge, Pniel

ANNEXURE 2: SITE PLAN



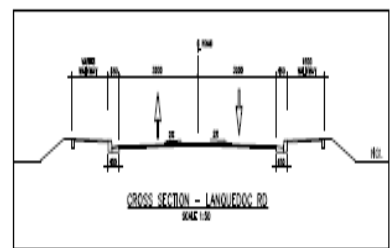
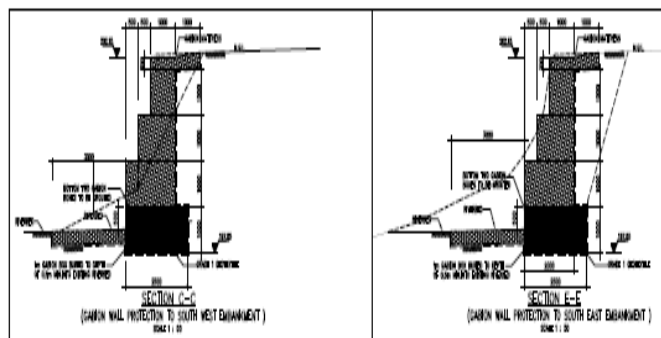
LAYOUT PLAN
SCALE 1:500



KEY PLAN
SCALE 1:5000

L - E - G - E - N - D			
TOP	SPRINKLER	WATER	SHED/ROOF
BOREHOLE	FLAG POLE	WIND PUMP	TREE
FIRE HYDRANT	ORANGE	ANN BOARD	RECES
STOP VALVE	MOUNTMENT	WIND BULLET	STEPS
MANHOLE	IN-GATE	LAMP POLE	II BOARD
WATER METER	SEWAGEPOST	POLE	SHEDBOARD
ELECTRICAL BOX	TRAFFIC SIGNAL	ROCK	WEDGE
ELECTRICAL CABLE	STANDARD FENCE		
STEAMWATER PIPE	SECURITY FENCE		
FUEL BURNER PIPE	OVERHEAD POWER LINE		
WATER MAIN PIPE	CONCRETE STONE WALL		
TELECOM CABLE	DRAINAGE FURNISH		
RETAINING WALL	EDGES OF BERGDAAM		
WALL	OVERHEAD POWER LINE		

RECORD BOOK (S-DESK) TABLE WITH (A 1:1)				
POINTS	Y	X	SEMI-M (M)	DESCRIPTION
B1X	2 470.054	2 751 347.000	200.824	
B2X	2 470.842	2 751 354.800	200.880	
B3	2 463.619	2 751 353.004	202.746	
W4	2 465.565	2 751 347.000	202.452	



OBJECT NO	LET OF PLANS	CONS. PLAN NO.
1	SITE PLAN	CD0000101
2	GENERAL SECTION	CD0000102
3	LOCAL ARRANGEMENT - SHEET 1 OF 2	CD0000103
4	LOCAL ARRANGEMENT - SHEET 2 OF 2	CD0000104
5	FOUNDATION LAYOUT	CD0000105
6	RETAINING WALL - CONCRETE DETAILS	CD0000106
7	CAST AIRRAIL - CONCRETE DETAILS	CD0000107
8	RETAINING WALL REINFORCING DETAILS	CD0000108
9	RETAINING WALL REINFORCING DETAILS	CD0000109
10	REINFORCING DETAILS	CD0000110
11	REINFORCING DETAILS	CD0000111
12	REINFORCING DETAILS	CD0000112
13	REINFORCING DETAILS	CD0000113
14	REINFORCING DETAILS	CD0000114
15	REINFORCING DETAILS - SHEET 1	CD0000115
16	REINFORCING DETAILS - SHEET 2	CD0000116
17	REINFORCING DETAILS	CD0000117
18	REINFORCING DETAILS - SHEET 1 OF 2	CD0000118
19	REINFORCING DETAILS - SHEET 2 OF 2	CD0000119

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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 26 July 2022, the EMPr and the MMP submitted together with the final BAR dated September 2022;
- 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 September 2022; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

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

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;
- fixing notice boards at the site, at the Pniel primary school, Stellenbosch municipal premises in Pniel and at two nearby stores on 3 December 2020;
- the placing of a newspaper advertisement in the 'Eikestadnuus' on 3 December 2020;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 3 December 2020;
- making the pre-application Draft BAR available for comment from 4 December 2020; and
- making the in-process Draft BAR available for comment from 10 August 2022.

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

Alternative 1: (Preferred alternative and herewith authorised)

This alternative entails the upgrade of the Lanquedoc access road, the rehabilitation of the existing bridge and the development of a new bridge and associated infrastructure across the Dwars River from the R310 (Helshoogte) road, Pniel, to the start of the Lanquedoc urban area.

The existing single lane bridge will be re-purposed for non-motorised transport and pedestrian usage. The footings of the existing bridge will be rehabilitated and will include the replacement/repair of bank stabilisation structures.

The new dual lane vehicular bridge with a cantilevered pedestrian walkway and associated infrastructure will be approximately 50m long and approximately 12m wide.

This alternative is preferred since access will continue via the existing bridge until the new bridge is complete. An alternative access route will therefore not be required.

Alternative 2:

This alternative entails the development of a new bridge and associated infrastructure. The existing bridge will not be re-used and rehabilitated. This alternative was not preferred since an alternative route will be required to gain vehicular access to area.

Alternative 3:

This alternative entails the widening of the existing bridge. The top structure of the existing bridge will be removed in its entirety and new footings will be installed upstream to support the widened bridge deck with the southern terminus further upstream than the existing bridge footprint. The bridge approaches would need to be widened over the current situation. The alternative was not preferred since an alternative access route will be required during the construction phase.

No Go Alternative:

This alternative represents the current status quo, where the access road and bridge to Lanquedoc will not be upgraded. This alternative was not preferred, since the existing bridge is too small and potentially unsafe to service the community of Lanquedoc. Access to Lanquedoc will be limited and will continue to present a hazard for large vehicles e.g., emergency vehicles and waste collection trucks.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The development addresses the need to service communities that has been using unsafe and inadequate infrastructure. The existing bridge is deemed to be narrow, unsafe and

inappropriate in terms of its traffic capacity as it is not ideal for the movement of pedestrian traffic, and larger vehicular traffic (e.g. buses, municipal service-, emergency-, and agricultural vehicles). The proposed development will allow non-motorised traffic between Lanquedoc and Pniel, especially for children to access the Pniel Primary school, and older children accessing transport to high schools. The proposed development will also allow larger vehicles to access the area. The proposed development is in line with the Provincial Spatial Development Framework and the Stellenbosch Municipality Integrated Development Plan.

3.2 Biophysical Impacts

Based on the findings of the Botanical Impact Assessment (dated 27 May 2020, compiled by Dr Christopher Cupido), Swartland Alluvium Fynbos and Boland Granite Fynbos communities no longer exist on the site. The site has been replaced by degraded flora that is dominated by exotic species. The potential botanical impacts are regarded to be of low negative significance.

Both the new and existing bridges cross the Dwars River and will impact on the bed and banks of the river. According to the Freshwater Impact Assessment (dated 5 June 2022, compiled by KC Phyto Enterprises), the Dwars River has been significantly transformed from its natural state. The impacts on the watercourse as a result of the proposed development have been identified as being of low negative significance after mitigation. Furthermore, a General Authorisation in terms of the National Water Act, 1998 (Act 38 of 1998) was issued by the Department of Water and Sanitation on 17 August 2021.

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

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting their "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA). The development will result in both negative and positive impacts.

Negative Impacts:

- Disturbance to the beds and banks of the watercourse during construction.

Positive impacts:

- Safe pedestrian movement for the nearby communities; and
- Improved access for larger vehicles.

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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