

EIA REFERENCE: 16/3/3/1/E4/5/1010/21
NEAS REFERENCE: WCP/EIA/0000870/2021
DATE: 18 August 2021

Head of Department
Western Cape Government: Transport and Public Works
Private Bag X9185
CAPE TOWN
8000

For Attention: Mr. Johannes Neethling

Tel.: 021 483 5713
E-mail: Johannes.Neethling2@westerncape.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A BRIDGE OVER A RAILWAY LINE AND THE REPLACEMENT OF THE EXISTING BOX CULVERT ALONG BOONTJIESKRAAL ROAD (MR276), ON PORTIONS 3 AND 4 OF THE FARM KLIPHEUVEL NO. 416, CALEDON

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 (as amended), you are hereby instructed to ensure, within fourteen (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 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Your interest in the future of the environment is greatly appreciated.

Yours faithfully

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

CC: Mr. Christoff Dippenaar (Guillaume Nel Environmental Consultants)
Mr. Johan Viljoen (Theewaterskloof Municipality)

E-mail: christoff@gnec.co.za
E-mail: johanvi@twk.org.za



EIA REFERENCE: 16/3/3/1/E4/5/1010/21
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED DEVELOPMENT OF A BRIDGE OVER A RAILWAY LINE AND THE REPLACEMENT OF THE EXISTING BOX CULVERT ALONG BOONTJIESKRAAL ROAD (MR276), ON PORTIONS 3 AND 4 OF THE FARM KLIPHEUVEL NO. 416, CALEDON

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 that is described in the Basic Assessment Report ("BAR") received by the Department on 4 May 2021.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the Competent Authority hereby adopts the Maintenance Management Plan ("MMP") for the maintenance of the culvert and bridge along the Boontjieskraal Road (MR276) (at km 1,643) on Portions 3 and 4 of the Farm Klipheuvél No. 416, Caledon.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Western Cape Government: Transport and Public Works
c/o Mr. Johannes Neethling
Private Bag X9185
CAPE TOWN
8000

Tel.: 021 483 5713
E-mail: Johannes.Neethling2@westerncape.gov.za

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

B. LISTED ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice 1</p> <p>Activity Number: 12 Activity Description: <i>"The development of—</i></p> <ul style="list-style-type: none"> <i>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</i> <i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i> <p><i>where such development occurs—</i></p> <ul style="list-style-type: none"> <i>(a) within a watercourse;</i> <i>(b) in front of a development setback; or</i> <i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</i> <p><i>excluding—</i></p> <ul style="list-style-type: none"> <i>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</i> <i>(bb) 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> <i>(cc) 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> <i>(dd) where such development occurs within an urban area;</i> <i>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</i> <i>(ff) 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>The proposed development includes the installation of infrastructure with a development footprint that exceeds 100m² within and within 32m of a watercourse. The proposed development will extend beyond the road reserve in some areas.</p>
<p>Listing Notice 1</p> <p>Activity Number: 19 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;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</i></p> <ul style="list-style-type: none"> <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</i> <i>(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>The proposed development includes the moving and removal of more than 10m³ of material within a watercourse.</p>

The abovementioned Listed Activities are hereinafter referred to as **"the Listed Activities"**.

The holder is herein authorised to undertake the following alternative that includes the Listed Activities relating to the development:

The proposed development will entail the development of a bridge across a railway line and the replacement of the existing box culverts along the Boontjieskraal Road (MR276) (at km 1.643), on Portions 3 and 4 of the Farm Klipheuvel No. 416, Caledon. The proposed development will be located within 32m of a watercourse. The bridge will be approximately 6.8m in width (surfaced width) and approximately 28.4m in length and will include approximately 7m of road infill. The existing 2-cell 3m wide and 1.5m high box culvert will be replaced by a 2-cell box culvert with internal dimensions of 4.2m width and 4.2m in height and will include new headwalls, wing walls, apron slabs and reno-mattresses. The culvert will have a footprint of approximately 700m².

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken along Boontjieskraal Road (MR276) (at km 1.643), on Portions 3 and 4 of the Farm Klipheuvel No. 416, Caledon.

The SG 21-digit codes are: C01300000000041600003
C01300000000041600004

The co-ordinates of the site are given below:

Site	Latitude (S)	Longitude (E)
Boontjieskraal Road (MR276)	34° 12' 0.99" S	19° 19' 39.30" E

Refer to Annexure 1: Locality Map(s). Refer to Annexure 2: Site Development Plan(s).

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants
Christoff Dippenaar
P. O. Box 2632
PAARL
7620

Tel.: 021 870 1874
E-mail: christoff@gnec.co.za

E. CONDITIONS OF ENVIRONMENTAL 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 described in Section B above.
2. The holder must commence with the Listed Activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.
3. The holder must commence with the Listed Activities on site within a period of **five (5) years** from the date of issue of this Environmental Authorisation.
4. The development must be concluded within **ten (10) years** from the date of commencement of the listed activities.
5. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.

6. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, 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

7. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
 - 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 7.2. The notice must include proof of compliance with the following conditions described herein:
Conditions: 8, 15 and 24

Notification of Environmental Authorisation and Administration of Appeal

8. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
 - 8.1. notify all registered Interested and Affected Parties ("I&APs") of –
 - 8.1.1. the decision reached on the application;
 - 8.1.2. the reasons for the decision as included in Annexure 3;
 - 8.1.3. the date of the decision; and
 - 8.1.4. the date when the decision was issued.
 - 8.2. 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;
 - 8.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 8.4. provide the registered I&APs with the:
 - 8.4.1. name of the holder (entity) of this Environmental Authorisation,
 - 8.4.2. name of the responsible person for this Environmental Authorisation,
 - 8.4.3. postal address of the holder,
 - 8.4.4. telephonic and fax details of the holder,
 - 8.4.5. e-mail address, if any, of the holder,
 - 8.4.6. 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 National Appeals Regulations, 2014 (as amended).

Commencement

9. The Listed Activities, including site preparation, must not be commenced with within (20) twenty calendar days from the date the applicant notifies the registered I&APs of this decision.
10. 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 Activities

11. The draft Environmental Management Programme ("EMPr") is hereby approved and must be implemented.

12. The Maintenance Management Plan ("MMP") adopted as part of this Environmental Authorisation must be implemented.
13. The Rehabilitation Plan that forms part of the MMP for the rehabilitation works to be undertaken for the culvert and bridge at km 1.643 along the Boontjieskraal Road (MR276) must be implemented.
14. The EMPr, MMP and the Rehabilitation Plan must be included in all contract documentation for all phases of implementation.

Monitoring

15. The holder must appoint a suitably experienced Environmental Control Officer ("ECO") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein.
16. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office and must be made available to any authorised official of the Competent Authority on request.
17. 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 the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

Auditing

18. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and the updated Rehabilitation Plan. Environmental audit reports must be compiled and be submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
19. The audit reports must be compiled and subsequently submitted to the Department in the following manner:
 - 19.1. The first audit report must be submitted to the Competent Authority within three (3) months after construction commence. Thereafter, audit reports must be submitted once a year during the construction phase.
 - 19.2. A final audit report must be submitted within three (3) months after the development is completed.
20. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management;
21. The holder must, within seven (7) calendar days of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request.

Specific Conditions

22. Should any heritage remains be exposed during excavations or any other actions on the site, this 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 disturbed further until the necessary approval has been obtained from Heritage Western Cape.

Heritage remains include, *inter alia*, 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 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.

23. A qualified archaeologist and/or paleontologist 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.
24. The development area must be clearly demarcated and all areas outside the development area must be demarcated as “no-go” areas prior to the commencement of construction activities.

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 any Condition of this Environmental Authorisation or EMPr may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activities within the period referred to in Condition 3, this Environmental Authorisation shall lapse. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.
4. An application for amendment of the Environmental Authorisation must be submitted 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.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:
 - 6.1. Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (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 twenty (20) 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 twenty (20) 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 twenty (20) 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 at 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 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 successor in any instance where construction or operation subsequent to construction is temporarily or permanently stopped for reasons of non-compliance with the conditions as set out herein or any other subsequent document or legal action emanating from this decision.

Your interest in the future of our environment is greatly appreciated.

Yours faithfully

MR. ZAAHIR TOEFY

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

DATE OF DECISION: 18 AUGUST 2021

CC: Mr. Christoff Dippenaar (Guillaume Nel Environmental Consultants)
Mr. Johan Viljoen (Theewaterskloof Municipality)

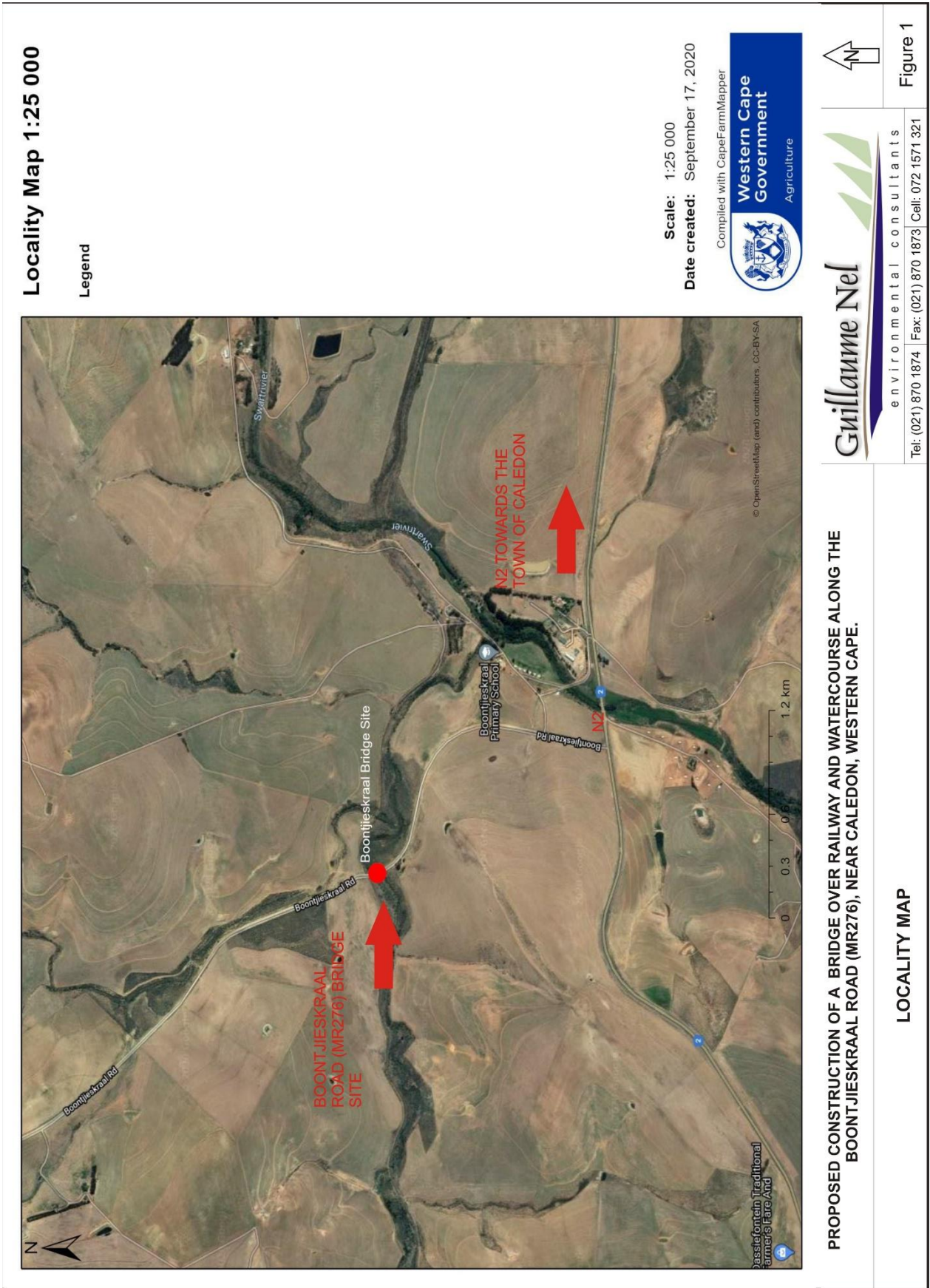
E-mail: christoff@gnec.co.za
E-mail: johanvi@twk.org.za

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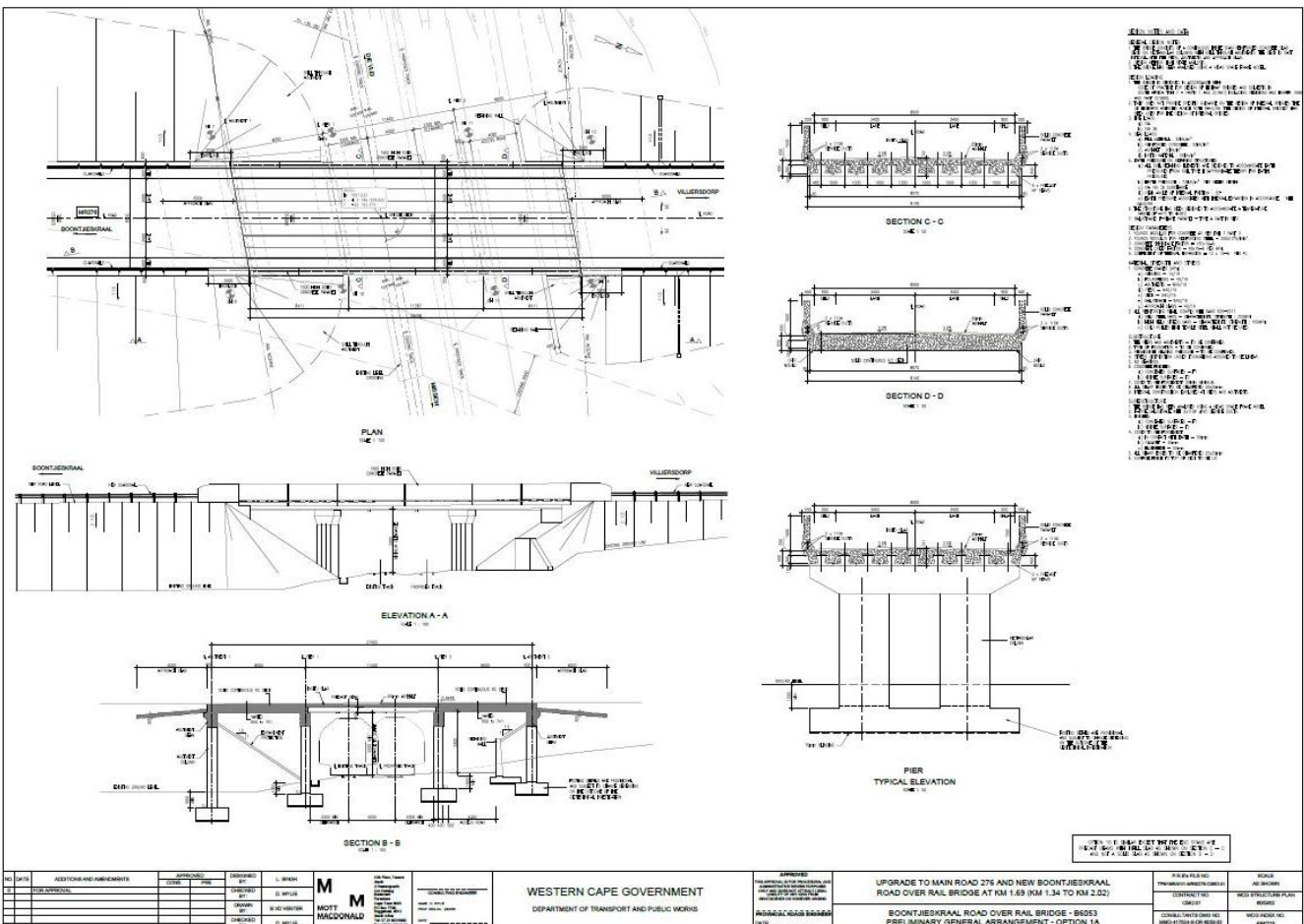
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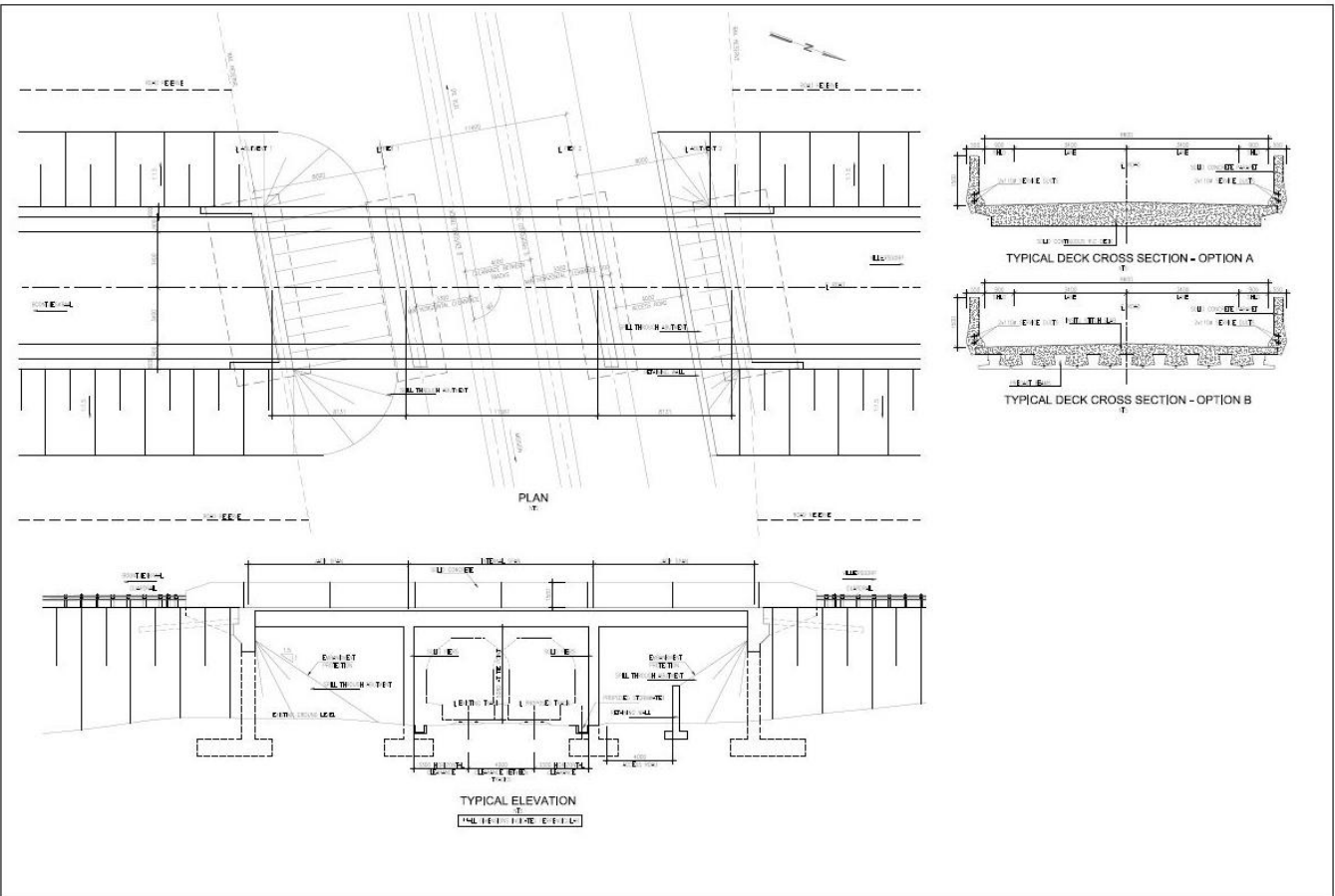
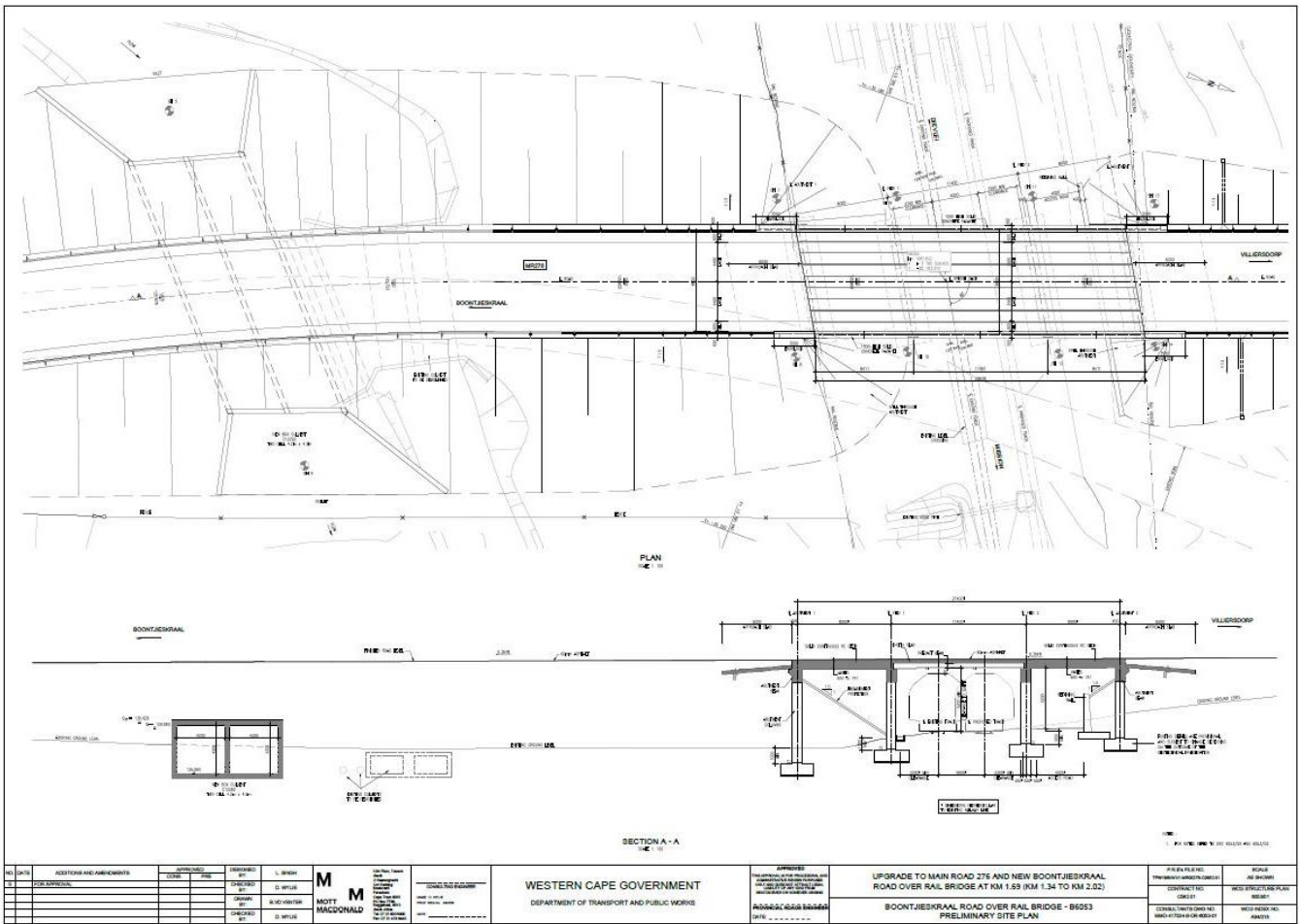
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ANNEXURE 1: LOCALITY MAP(S)



ANNEXURE 2: SITE DEVELOPMENT PLAN(S)





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 by this Department on 25 February 2021, and the EMPr submitted together with the final BAR for decision-making on 4 May 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the BAR;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) No site visit was 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

- identification of and engagement with I&APs;
- fixing three site notices at visible and accessible locations along Boontjieskraal Road (MR276) on 11 November 2020;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the site where the Listed Activities are to be undertaken, the Municipality, Organs of State and State Departments having jurisdiction in respect of any aspect of the proposed development;
- the placing of a newspaper advertisement in the '*Hermanus Times*' on 11 November 2020; and
- making the pre-application BAR available to I&APs for comment from 11 November 2020 to 11 December 2020 and the draft BAR from 10 March 2021 to 15 April 2021.

This Department is satisfied that the PPP that was followed met the minimum legal requirements and the comments raised and responses thereto were included in the comments and responses report. Specific management and mitigation measures have been considered in this Environmental Authorisation and in the EMPr to adequately address significant concerns raised.

2. Alternatives

Preferred Alternative (Herewith Authorised)

The Preferred Alternative entails the development of a bridge across a railway line and the replacement of the existing box culvert along the Boontjieskraal Road (MR276) (at km 1.643), on Portions 3 and 4 of the Farm Klipheuvel No. 416, Caledon. The proposed development will be located within 32m of a watercourse. The bridge will be approximately 6.8m in width (surfaced width) and approximately 28.4m in length and will include approximately 7m of road infill. The existing 2-cell 3m wide and 1.5m high box culvert will be replaced by a 2-cell box culvert with internal dimensions of 4.2m width and 4.2m in height and will include new headwalls, wing walls, apron slabs and reno-mattresses. The culvert will have a footprint of approximately 700m².

This alternative is preferred due to the following:

- Considerably safer road and crossing of vehicles over the railway line;
- Effective flow of peak stormwater through the upgraded culvert;
- Reduction/minimisation of any further erosion and degradation at the culvert; and
- Improvement in the ecological functioning of the wetland.

'No-Go' Alternative

The "No-Go" alternative of not proceeding with the development of the bridge and the upgrade of the culvert is not preferred, as the benefits associated with the proposed development will not be realised.

3. Key Factors Affecting the Decision

3.1 Need and Desirability

Boontjieskraal Road (MR276) is an existing road with existing road infrastructure. The Boontjieskraal Road (MR276) is currently in the process of being upgraded from a class 4 road (gravel road) to a class 3 road (tarred single lane road). The Western Cape Government: Transport and Public Works has proposed the 'Road over Rail Bridge' in response to a directive from the South African National Roads Agency SOC Ltd (SANRAL) to eliminate existing and future vehicular traffic from passing directly over the existing railway line. The existing box culvert on Boontjieskraal Road (MR276) at km 1.643 has been severely degraded and poses a safety risk for vehicles. A new box culvert will replace the existing degraded box culvert as part of the 'Road over Rail Bridge' to ensure vehicular and commuter safety on Boontjieskraal Road (MR276).

3.2 Freshwater Impacts

According to the Freshwater Impact Assessment Report (dated February 2021 and compiled by DDK Consulting), the proposed development will have an impact on the hydrological and geomorphological functioning of the wetland system and to a lesser extent on the water quality and vegetation. However, the replacement of the existing culvert infrastructure with larger structures can potentially benefit the flow and retention patterns for water and sediment through the wetland. Although the proposed development will have an impact on the wetland, the specialist indicated that should the mitigation measures, as stipulated in the BAR, be adequately managed and implemented, the impacts can be mitigated to acceptable levels. The mitigation measures have been included in the EMP.

Furthermore, an MMP has been compiled to address routine maintenance activities taking place in the affected watercourses. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. The ongoing maintenance activities may therefore only be undertaken in accordance with the accepted 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.

3.3 Botanical Impacts

According to the Botanical Impact Assessment Report (dated November 2020 and compiled by Capensis), the study area falls within an Ecological Support Area 2 and is an important biodiversity corridor, connecting terrestrial and wetland areas along the Caledon-Botrivers stream. Furthermore, the vegetation occurring on the proposed site is Western Rûens Shale Renosterveld, classified as a Critically Endangered ecosystem in terms of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004) ("NEMBA"), List of Threatened Ecosystems in Need of Protection, December 2011). However, the proposed bridge traverses a highly modified area, which is dominated by exotic weeds and contains only 25m² of indigenous vegetation. The BAR further indicates that the proposed development will not result in the loss of any significant plant species or semi-intact or intact vegetation and would not pose a threat to the Western Rûens Shale Renosterveld vegetation. The overall significance of the potential botanical impacts associated with the proposed development is expected to be of low negative significance after mitigation.

Negative impacts include:

- Some loss of wetland;
- Loss of indigenous vegetation;
- Some noise and dust impacts; and
- Potential traffic congestion during the development phase.

The Competent Authority took into consideration the abovementioned negative impacts and although some impacts cannot altogether be prevented/avoided, they can be mitigated/reduced to acceptable levels.

Positive impacts include:

- The creation of temporary employment opportunities during the development phase;
- Increased safety of vehicles crossing over the railway line;
- Effective flow of peak stormwater through the upgraded culvert;
- Increased erosion control and protection of topsoil at the culvert;
- Re-introduction of endemic vegetation in disturbed areas;
- Improvement in the ecological functioning of the wetland; and
- Visual improvement of degraded infrastructure.

4. **National Environmental Management Act, 1998 (Act No. 107 of 1998) 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 activity (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 authorised listed activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the listed activities can be mitigated to acceptable levels.

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