



EIA REFERENCE: 16/3/3/1/B3/28/1012/21
NEAS REFERENCE: WCP/EIA/0000877/2021
DATE OF ISSUE: 13 September 2021

The Director
Department of Transport and Public Works
Private Bag X9185

CAPE TOWN
8000

Attention: Mr M. Haider

E-mail: Mehdi.Haider@westerncape.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN ("MMP") IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE WIDENING AND UPGRADING OF MR201 (WEMMERSHOEK ROAD), THE UPGRADE OF CULVERTS, THE CONSTRUCTION OF A NEW CULVERT AND THE CONSTRUCTION OF A NEW STORMWATER MANAGEMENT SYSTEM, PAARL

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation and to **adopt the MMP**, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, (as amended), you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered Interested and Affected Parties ("I&APs") are provided with access to and reasons for the decision, and that all registered I&APs are notified of their right to appeal.
3. Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 (as amended), which prescribes the appeal procedure to be followed. This procedure is summarized in the attached Environmental Authorisation.

Yours faithfully

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

CC: (1) Ms C. Nel (Guillaume Nel Environmental Consultants)

E-mail: carina@gnec.co.za

(2) Ms C. Winter (Drakenstein Municipality)

E-mail: cindy.winter@drakenstein.gov.za

(3) Ms K. Bonile (Heritage Western Cape)

E-mail: khanyisile.bonile@westerncape.gov.za

(4) Ms P. Huntly (CapeNature)

E-mail: phuntly@capenature.co.za

(5) Mr C. van der Walt (Department of Agriculture)

E-mail: landuse.elsenburg@elsenburg.com

(6) Ms B. Mtandana (Department of Water and Sanitation)

E-mail: mtandanab@dws.gov.za

(7) Mr R. Apolles (DEA&DP: Directorate: Development Facilitation)

E-mail: ryan.apolles@westerncape.gov.za



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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN (“MMP”) IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014, (AS AMENDED): THE WIDENING AND UPGRADING OF MR201 (WEMMERSHOEK ROAD), THE UPGRADE OF CULVERTS, THE CONSTRUCTION OF A NEW CULVERT AND THE CONSTRUCTION OF A NEW STORMWATER MANAGEMENT SYSTEM, 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 Activity Alternative and Preferred Design Alternative, described in the Basic Assessment Report (“BAR”), dated 17 May 2021.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the MMP** for the future maintenance of the infrastructure within the watercourses along the upgraded MR201, Paarl, included in the BAR dated 17 May 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
% Mr M. Haider
Private Bag X9185
CAPE TOWN
8000

E-mail: Mehdi.Haider@westerncape.gov.za

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

B. ACTIVITY AUTHORISED

Listed Activities	Activity/Project Description
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<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 12</p> <p>The development of -</p> <ul style="list-style-type: none"> (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development 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>excluding -</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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. 	<p>The extent of the proposed stormwater structures and new culvert that will be located within unnamed tributaries of the Berg River and the Malan Stream, will be more than 100 square metres.</p>
<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 19</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse; but excluding where such infilling, depositing, dredging, excavation, removal or moving—</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 	<p>The infilling of more than 10 cubic metres will take place within three watercourses and two wetlands that are located on the site.</p>

<p>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.</p>	
<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 48</p> <p>The expansion of:</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</p> <p>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</p> <p>where such development occurs –</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>excluding –</p> <p>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) 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; (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; (dd) where such expansion occurs within an urban area; or (ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</p>	<p>The expansion of culverts will be more than 100 square metres within the watercourses along the upgraded MR201.</p>
<p>EIA Regulations Listing Notice 1 of 2014:</p> <p>Activity Number: 56</p> <p>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre –</p> <p>(i) where the existing reserve is wider than 13,5 metres; or (ii) where no reserve exists, where the existing road is wider than 8 metres;</p> <p>excluding where widening or lengthening occur inside urban areas.</p>	<p>The widening and upgrade of MR201 by more than 6 metres will be undertaken.</p>

<p>EIA Regulations Listing Notice 3 of 2014:</p> <p>Activity Number: 12</p> <p><i>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.</i></p> <p>(i) Western Cape:</p> <p>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;</p> <p>ii. <i>Within critical biodiversity areas identified in bioregional plans;</i></p> <p>iii. <i>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 development setback line on erven in urban areas;</i></p> <p>iv. <i>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</i></p> <p>v. <i>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.</i></p>	<p>Approximately 0.5ha of critically endangered vegetation will be cleared as a result of the proposed development.</p>
<p>EIA Regulations Listing Notice 3 of 2014:</p> <p>Activity Number: 18</p> <p><i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p>Western Cape:</p> <p>i <i>Areas zoned for use as public open space or equivalent zoning;</i></p> <p>ii All areas outside urban areas:</p> <p>(aa) Areas containing indigenous vegetation;</p> <p><i>(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</i></p> <p>iii <i>Inside urban areas:</i></p> <p><i>(aa) Areas zoned for conservation use; or</i></p> <p><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</i></p>	<p>The widening and upgrade of MR201 by more than 6 metres will be undertaken outside an urban area and within an area containing indigenous vegetation.</p>

The abovementioned 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:

1. The conversion of MR201 to a dual carriageway. The upgrade of MR201 will start approximately 145m south of the N1 Road and will end approximately 320m south of Kliprug Minor Road.
2. The re-alignment of the following access points to MR201:
 - Remainder of Portion 1 of Farm No. 838,
 - Portion 2 of Farm No. 844,
 - Remainder of Portion 2 of Farm No. 1701, and
 - Kliprug Road.
3. The construction of a new box culvert at Km 61.75.
4. The expansion of existing box culverts at Km 59.05 and Km 60.04.
5. Although the following components do not constitute listed activities in terms of the NEMA EIA Regulations, 2014 (as amended), they form part of the scope of the proposed development and the associated impacts were assessed as part of the proposed development.
 - 5.1 The decommissioning of the following pipe culverts (this does not trigger any listed activities, since no watercourses are present at these locations where work will be undertaken):
 - Km 58.956,
 - Km 58.971,
 - Km 59.22
 - Km 59.23,
 - Km 59.73,
 - Km 60.19,
 - Km 60.46,
 - Km 60.50
 - Km 60.78,
 - Km 61.06,
 - Km 61.07,
 - Km 61.12,
 - Km 61.26,
 - Km 61.62,
 - Km 61.65,
 - Km 61.83,
 - Km 61.94,
 - Km 61.95,
 - Km 61.97,
 - Km 61.99,
 - Km 62.16,
 - Km 62.21,
 - Km 62.28, and
 - Km 62.33.
 - 5.2 The construction of stormwater pipes with a diameter exceeding 0,36m. This does not trigger a listed activity, as it will be constructed mainly in the road reserve. The section that will be constructed outside the road reserve is less than 1km in length and no watercourses are present where such construction is to take place.
 - 5.3 The realignment of the following access roads (this does not trigger a listed activity, as the development of the new access roads is less than 1km in length and no watercourses are present where such construction is to take place):
 - Boschenmeer Gate 1,
 - Zandriff Estate,

- Wilde Paarde / Azalea Estates,
- Portion 3 of Farm No. 845,
- Fraaigelegen Farm,
- OP5252, and
- Portion 6 of Farm No. 841.

5.4 The upgrade of the following access roads (this does not trigger a listed activity as it will occur within the road reserve):

- OP5253, and
- Upgrading of DR1110 (Lustigan Road intersection).

5.5 Rehabilitation of the wetlands on-site will be undertaken in accordance with the Watercourse Rehabilitation and Management Plan dated February 2021, compiled by Freshwater Ecological Network (FEN) Consulting (Pty) Ltd and rehabilitation of the natural areas will be undertaken in accordance with the Rehabilitation Report dated February 2020, compiled by Guillaume Nel Environmental Consultants.

C. SITE DESCRIPTION AND LOCATION

The listed activities will be undertaken along MR201, starting approximately 145m south of the N1 Road and ending approximately 320m south of Kliprug Minor Road, Paarl at the following co-ordinates:

MR201:

	Latitude (S)	Longitude (E)
Starting point	33° 45' 31.61"	18° 59' 0.82"
Middle point	33° 46' 38.15"	18° 59' 8.39"
End point	33° 47' 33.88"	18° 59' 23.29"

Closure of access roads and re-alignment of new access roads, where applicable:

Access	Closure Co-ordinates		New Access Co-ordinates	
	Latitude (S)	Longitude (E)	Latitude (S)	Longitude (E)
Boschenmeer Gate 1	33°45'42.73"	18°59'01.63"	33°45'39.73"	18°59'01.61"
Zanddrift Estate	33°45'38.99"	18°59'02.87"	33°45'39.81"	18°59'03.83"
Wilde Paarde / Azalea Estates	33°45'36.37"	18°59'03.21"		
Portion 3 of Farm No. 845	33°46'26.82"	18°59'01.59"	33°46'27.89"	18°59'02.57"
Fraaigelegen Farm	33°46'49.88"	18°59'15.77"	33°46'44.29"	18°59'11.71"
	33°47'01.18"	18°59'21.80"	33°47'00.52"	18°59'21.58"
Remainder of Portion 2 of Farm No. 1701, Remainder of Portion 1 of Farm No. 838, Portion 2 of Farm No. 844	33°47'07.30"	18°59'24.14"	33°47'11.94"	18°59'24.42"
	33°47'18.73"	18°59'24.12"		
Kliprug Road	33°47'23.97"	18°59'22.79"	33°47'25.79"	18°59'22.82"
OP5252	33°46'35.90"	18°59'06.44"	Not applicable	
Portion 6 of Farm No. 841	33°47'17.35"	18°59'23.08"	Not applicable	

Upgrade of existing access roads within the road reserve:

	Longitude (S)	Latitude (E)
OP5253	33°46'44.39"	18°59'13.58"
Upgrading of DR1110 (Lustigan Road intersection)	33°45'48.28"	18°59'02.68"

Construction and expansion of new culverts:

	Latitude (S)	Longitude (E)
Km 59.056	33°45'41.53"	18°59'01.93"
Km 60.04	33°46'13.67"	18°58'58.87"
Km 61.75	33°47'04.38"	18°59'23.14"

Decommissioning of culverts:

	Latitude (S)	Longitude (E)
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Km 58.956	33°45'38.64''	18°59'02.96''
Km 58.971	33°45'38.92''	18°59'03.63''
Km 59.22	33°47'04.39''	18°59'23.10''
Km 59.23	33°45'48.02''	18°59'02.33''
Km 59.73	33°46'03.87''	18°59'00.35''
Km 60.19	33°46'18.50''	18°58'59.03''
Km 60.46	33°46'26.72''	18°59'01.64''
Km 60.50	33°46'27.78''	18°59'02.68''
Km 60.78	33°46'35.83''	18°59'06.57''
Km 61.06	33°46'43.76''	18°59'11.78''
Km 61.07	33°46'44.05''	18°59'13.15''
Km 61.12	33°46'45.28''	18°59'13.25''
Km 61.26	33°46'49.70''	18°59'15.69''
Km 61.62	33°47'00.19''	18°59'22.44''
Km 61.65	33°47'01.07''	18°59'21.88''
Km 61.83	33°47'06.68''	18°59'23.56''
Km 61.94	33°47'10.06''	18°59'23.28''
Km 61.95	33°47'10.08''	18°59'24.01''
Km 61.97	33°47'11.32''	18°59'23.66''
Km 61.99	33°47'11.72''	18°59'23.10''
Km 62.16	33°47'17.23''	18°59'22.98''
Km 62.21	33°47'18.62''	18°59'23.99''
Km 62.28	33°47'21.16''	18°59'23.01''
Km 62.33	33°47'22.84''	18°59'23.47''

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

Guillaume Nel Environmental Consultants
 % Ms C. Becker /Mr G. Nel
 P. O. Box 2632
PAARL
 7620

Tel.: (021) 870 1874
 E-mail: carina@gnec.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, Preferred Activity Alternative and Preferred Design Alternative described in the BAR dated 17 May 2021 at the site as described in Section C above.
2. 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.
3. The development must be concluded within **10 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. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 include proof of compliance with the following conditions described herein:
Conditions: 7, 8, 13, 20 and 21.

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; and
 - 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 notifies 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 MMP adopted as part of this Environmental Authorisation must be implemented.
11. The Rehabilitation Report dated February 2020, compiled by Guillaume Nel Environmental Consultants and the Watercourse Rehabilitation and Management Plan dated February 2021, compiled by Freshwater Ecological Network (FEN) Consulting (Pty) Ltd must be implemented.
12. The EMPr, MMP and Rehabilitation Reports must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the EMPr, MMP, Rehabilitation Reports and the conditions contained herein.
14. The ECO must conduct fortnightly compliance monitoring inspections during the construction phase. Monthly Environmental Compliance Reports must be compiled and quarterly Environmental Compliance Reports must be submitted to the Competent Authority for the duration of the construction phase. The final Environmental Compliance Report must be submitted to the Competent Authority within six months after construction has been completed.
15. A copy of the Environmental Authorisation, EMPr, MMP, Rehabilitation Reports, 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 on a publicly accessible website.
16. 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

17. 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, that is not the ECO referred to in Condition 13 and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended).

The Environmental Audit Reports must be submitted to the Competent Authority every **six (6)** months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority three months after construction is completed.

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

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

19. 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.
20. A search and rescue operation of the *Leucadendron corymbosum* seedlings that occur on the site, must be undertaken by a suitably qualified and experienced botanical/ horticulturalist

specialist prior to commencement of construction activities and must be relocated to the Wellington Industrial park where large areas have been identified to be rehabilitated.

21. The construction site must be clearly demarcated prior to the commencement of construction activities and all areas outside of the demarcated construction site 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 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 2659, 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)

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 13 SEPTEMBER 2021

CC: (1) Ms C. Nel (Guillaume Nel Environmental Consultants)
(2) Ms C. Winter (Drakenstein Municipality)
(3) Ms K. Bonile (Heritage Western Cape)
(4) Ms P. Huntly (CapeNature)
(5) Mr C. van der Walt (Department of Agriculture)
(6) Ms B. Mtandana (Department of Water and Sanitation)
(7) Mr R. Apolles (DEA&DP: Directorate: Development Facilitation)

E-mail: carina@gnec.co.za
E-mail: cindy.winter@drakenstein.gov.za
E-mail: khanyisile.bonile@westerncape.gov.za
E-mail: phuntly@capenature.co.za
E-mail: landuse.elsenburg@elsenburg.com
E-mail: mtandanab@dws.gov.za
E-mail: ryan.apolles@westerncape.gov.za

ANNEXURE 1: LOCALITY MAP





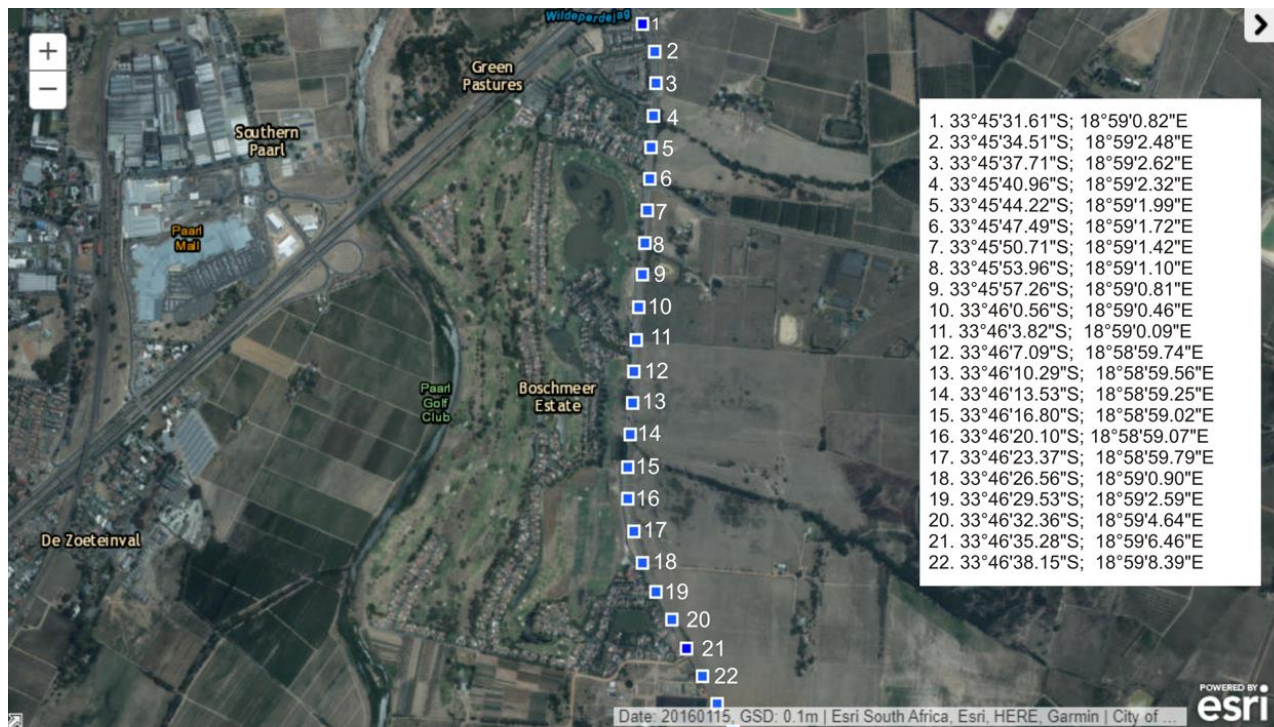


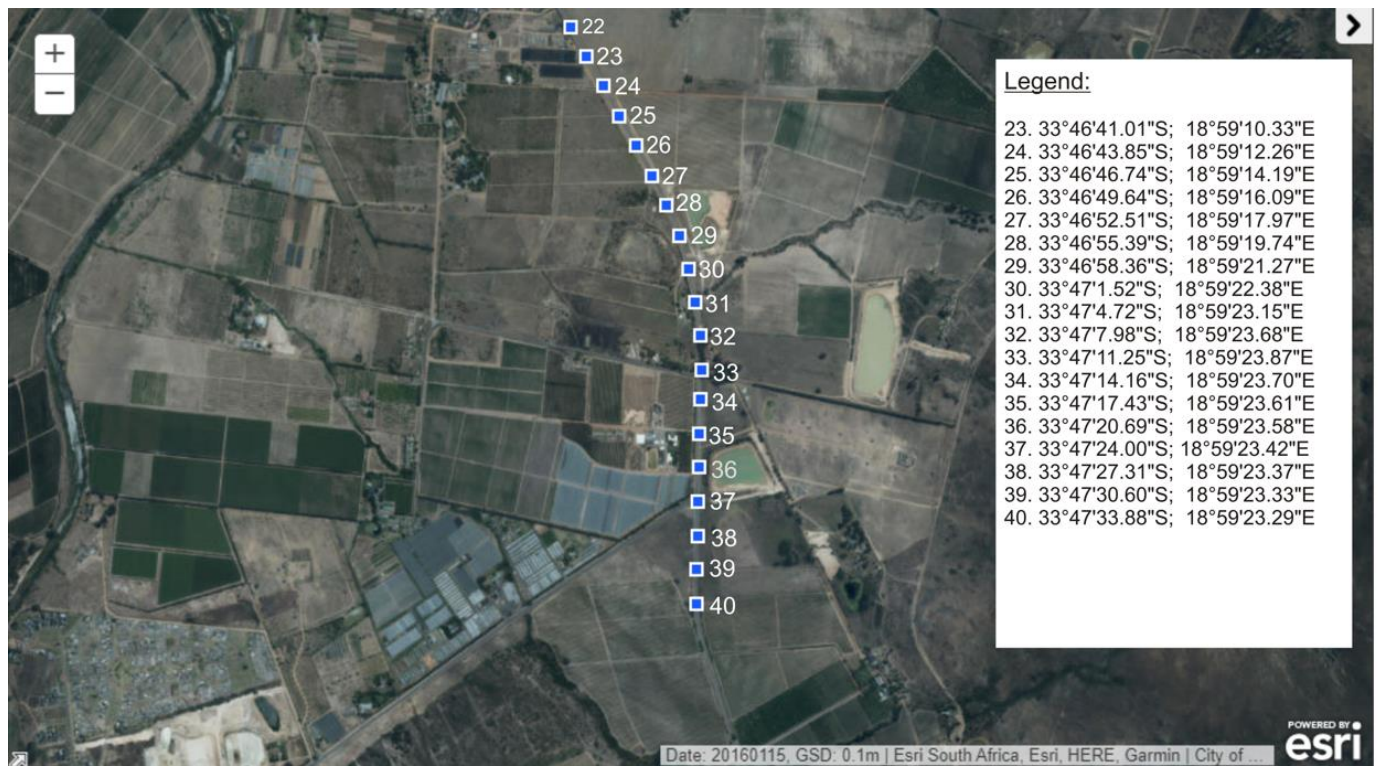
Main Road 201, Paarl	 environmental consultants Tel: (021) 870 1874 Fax: 086 6933 802 Cell: 072 1571 321	
Locality Map		

Figure 1: Locality map depicting the location of MR201, Paarl

ANNEXURE 2: SITE PLAN



Co-ordinates Map of the Proposed Alignment of Main Road 201, Paarl	 <p>Tel: (021) 870 1874 Fax: 086 6933 802 Cell: 072 1571 321</p>	
Source: Cape Farm Mapper		





Co-ordinates Map of the Proposed Alignment of Main Road 201, Paarl	 <p>Tel: (021) 870 1874 Fax: 086 6933 802 Cell: 072 1571 321</p>	
Source: Cape Farm Mapper		

Figure 2: Site plan depicting the co-ordinates of the widening and upgrades required of MR201, Paarl.

ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, amongst others, the following:

- a) The information contained in the Application Form received electronically by the Department on 8 March 2021, the final BAR dated 17 May 2021, the EMPr, MMP and Rehabilitation Reports submitted together with the final BAR and the electronic correspondence dated 1 September 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 NEMA;
- d) The comments received from I&APs and responses to these, included in the BAR dated 17 May 2021; 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 during 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;
- giving written notice to the owners and occupiers of land adjacent to the site where the listed activity is 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 24 February 2020, 18 September 2020 and 26 March 2021;
- the placing of a newspaper advertisement in the "Paarl Post" on 24 February 2020;
- fixing notice boards at the site where the listed activities are to be undertaken on 24 February 2020;
- making the first pre-application draft BAR available to I&APs for public review on 24 February 2020;
- making the second pre-application draft BAR available to I&APs for public review on 18 September 2020; and
- making the in-process draft BAR available to I&APs for public review on 26 March 2021.

The concerns raised by I&APs were responded to, and adequately addressed during the public participation process. Specific management and mitigation measures have been considered in this Environmental Authorisation, and in the EMPr, in order to adequately address the concerns raised.

2. Alternatives

2.1. Activity Alternatives:

Preferred Activity Alternative (Herewith Authorised):

This alternative entails:

1. The conversion of MR201 to a dual carriageway. The upgrade of MR201 will start approximately 145m south of the N1 Road and will end approximately 320m south of Kliprug Minor Road.
2. The re-alignment of the following access points to MR201:
 - Remainder of Portion 1 of Farm No. 838,
 - Portion 2 of Farm No. 844,
 - Remainder of Portion 2 of Farm No. 1701, and
 - Kliprug Road.

3. The construction of a new box culvert at Km 61.75.
4. The expansion of existing box culverts at Km 59.05 and Km 60.04.
5. Although the following components do not constitute listed activities in terms of the NEMA EIA Regulations, 2014 (as amended), they form part of the scope of the proposed development and the associated impacts were assessed as part of the proposed development.
 - 5.1 The decommissioning of the following pipe culverts (this does not trigger any listed activities, since no watercourses are present at these locations where work will be undertaken):
 - Km 58.956,
 - Km 58.971,
 - Km 59.22
 - Km 59.23,
 - Km 59.73,
 - Km 60.19,
 - Km 60.46,
 - Km 60.50
 - Km 60.78,
 - Km 61.06,
 - Km 61.07,
 - Km 61.12,
 - Km 61.26,
 - Km 61.62,
 - Km 61.65,
 - Km 61.83,
 - Km 61.94,
 - Km 61.95,
 - Km 61.97,
 - Km 61.99,
 - Km 62.16,
 - Km 62.21,
 - Km 62.28, and
 - Km 62.33.
 - 5.2 The construction of stormwater pipes with a diameter exceeding 0,36m. This does not trigger a listed activity, as it will be constructed mainly in the road reserve. The section that will be constructed outside the road reserve is less than 1km in length and no watercourses are present where such construction is to take place.
 - 5.3 The realignment of the following access roads (this does not trigger a listed activity, as the development of the new access roads is less than 1km in length and no watercourses are present where such construction is to take place):
 - Boschenmeer Gate 1,
 - Zandriff Estate,
 - Wilde Paarde / Azalea Estates,
 - Portion 3 of Farm No. 845,
 - Fraaigelegen Farm,
 - OP5252, and
 - Portion 6 of Farm No. 841.
 - 5.4 The upgrade of the following access roads (this does not trigger a listed activity as it will occur within the road reserve):
 - OP5253, and
 - Upgrading of DR1110 (Lustigan Road intersection).
 - 5.5 Rehabilitation of the wetlands on-site will be undertaken in accordance with the Watercourse Rehabilitation and Management Plan dated February 2021, compiled by Freshwater Ecological Network (FEN) Consulting (Pty) Ltd and rehabilitation of the natural areas will be undertaken in accordance with the Rehabilitation Report dated February 2020, compiled by Guillaume Nel Environmental Consultants.

This alternative is preferred since the widening and upgrade of MR201 will allow for the adequate accommodation of traffic and ensuring a safe roadway for all users. In addition, the active rehabilitation of the natural areas will:

- Ensure the long-term presence of the natural habitats.
- Help to reduce or minimise any erosion and degradation.
- Prevent the loss of crucial topsoil due to erosion.
- Prevent the loss of endemic vegetation due to erosion.
- Re-introduce endemic vegetation to the eroded areas.
- Improve the ecological and visual value of the area.
- Ensure the effective flow for the peak stormwater through the culverts.
- Ensure the effective flow of seepage water from the wetlands adjacent to the road, instead of overflowing over the road.

The rehabilitation will also include alien species management which will assist in the eradication of alien invasive species. From a botanical and freshwater perspective, this alternative is preferred since on-going rehabilitation of natural areas will be maintained post-construction.

Activity Alternative

This alternative is similar to the preferred alternative except that topsoil management will be implemented, instead of active rehabilitation. This alternative is not preferred due to the limited endemic vegetation remaining within the site. The area has been subject to previous disturbances and hence the endemic vegetation remaining is extremely limited. The site is also infested with alien vegetation. As such, the topsoil contains seeds of alien vegetation species and therefore re-instating topsoil will result in alien species re-establishing on-site. The activity alternative will not enhance the natural habitat post construction. The alien invasive species present on-site will also not be eradicated and controlled.

2.2. Design Alternatives:

Preferred Design Alternative (herewith authorised):

This alternative entails the road reserve to be realigned towards the east of the existing roadway in order to accommodate the widening of MR201. The initial road alignments indicated that the VGK Zion Church building, located on Portion 2 of Farm No. 844, Paarl would have to be demolished in order for the road reserve to be widened. However, upon request of the Church Council and to allow for the church building to be retained, the total width of the road reserve was reduced in this area.

This alternative is preferred since the VGK Zion Church building will not be demolished.

Alternative Design (Widening of road reserve to the west at the VGK Zion Church building)

This alternative is similar to the preferred design alternative, except that the MR201 road reserve will be widened to the west at the VGK Zion Church.

This alternative is not preferred since profitable agricultural areas will be impacted on, as well as an existing farmhouse and related structures that would have to be demolished should this alternative be implemented.

“No-Go” Alternative

The “no-go” option, not to upgrade MR201, will result in the road remaining in its current state, which is not adequate to accommodate current and future traffic volumes. It will also not allow for the construction of a proper urban drainage system/ stormwater management system that will be able to accommodate current and future residential developments in the area.

3. Impact Assessment and Mitigation measures

3.1 Activity Need and Desirability

The MR201 is an important connecting roadway between Paarl and Franschoek. The MR201 is one of two roadways which can be utilised in order to reach Franschoek. Travellers living outside of the Paarl-Franschoek valley also make use of the MR201 and the R45 as a gateway to regional areas, which include the Overberg, Cape Agulhas and Garden Route areas.

The town of Paarl supports important business and education sectors, which have led to the town experiencing a steady influx of permanent residents. Numerous large scale private residential and lifestyle estates have also been developed south of the N1, which has resulted in an increased amount of vehicular movement on the MR201. In addition, a number of residential estates that are still to be constructed, have also recently been approved in the area. Development of the approved residential estates will increase the amount of road users and hence traffic volumes. The increased traffic volumes will result in increased travelling times being experienced. In order to better accommodate the current and future traffic volumes, as well as to ensure the safety of road users, it is proposed that the MR201 be converted into a dual carriageway. The proposed works will also entail the construction of stormwater structures.

The upgrade of the road to a dual carriageway and the new culverts will result in safer utilisation of the road for motorists; more effective water flow during peak stormwater flow; and the re-introduction of endemic plant species to the areas, which will improve the ecological state at the affected areas.

3.2 Biodiversity and Biophysical Impacts

Certain sections of the road are located within Boland Granite Fynbos, which is an ecosystem classified as vulnerable in terms of Section 52 of the National Environmental Biodiversity Act 2004 (Act No. 10 of 2004) and Swartland Alluvium Fynbos, which is an ecosystem classified as critically endangered in terms of Section 52 of the National Environmental Biodiversity Act 2004 (Act No. 10 of 2004). A Botanical Assessment dated May 2019 was conducted by Dr Dave McDonald of Bergwind Botanical Surveys and Tours CC. According to the findings of the Botanical Assessment, one species of conservation concern was found at the proposed Kliprug Minor Road intersection. The assessment also confirmed that the proposed development will result in the loss of 0.5ha of critically endangered habitat. A search and rescue operation of *Leucadendron corymbosum* seedlings will take place in the affected areas. The rescued plants will be moved to the Wellington Industrial park, where large open areas have been identified to be rehabilitated. The botanist also confirmed that the construction of the dual carriageway is acceptable and supported from a botanical perspective, since much of the original vegetation and habitat along the route has changed to low sensitivity. Through the implementation of the EMPr (accepted in Condition 9), the implementation of the Rehabilitation Report dated February 2020, compiled by Guillaume Nel Environmental Consultants as mentioned in Condition 11 and the recommendations of the specialist, the impacts on the vegetation will be mitigated to acceptable levels.

Three of the twenty-seven culverts included in the proposed project are located within watercourses along the MR201. Two wetlands will be infilled due to the widening and upgrade of the MR201. A Watercourse Assessment dated February 2020 was conducted by Scientific Aquatic Services. According to the findings of Scientific Aquatic Services, the proposed development will have a medium risk to the integrity of the identified watercourses on the site. The impacts on the watercourses according to the Department of Water and Sanitation risk rating will pose a direct negative risk to the watercourses. Through the implementation of the EMPr, the implementation of the Watercourse Rehabilitation and Management Plan dated February 2021, compiled by Freshwater Ecological Network (FEN) Consulting (Pty) Ltd, as mentioned in Condition 11, to rehabilitate the wetlands that will be impacted by the proposed development and the recommendations of the specialist, the impacts on watercourses will be mitigated and the ecological state of the watercourses will be improved.

In addition, CapeNature has agreed with the findings and mitigation measures as stipulated in the Watercourse Assessment dated February 2020 and has no objection with respect to the proposed development.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation, for the proposed culverts within the watercourses and infilling of the wetlands.

An MMP has been compiled to address future maintenance activities taking place in the affected 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:

- Impacts on watercourses are anticipated but will be managed in terms of the approved EMPr and the adopted MMP.
- Traffic impacts limited to the construction phase are anticipated.

Positive impacts:

- The safety of the road for motorists will be improved.
- The dual carriageway will be able to accommodate the current and future traffic volumes.
- The new stormwater management system will accommodate the peak stormwater flow from current and future developments.
- Through the rehabilitation of the affected areas, the ecological and visual value of the areas will be improved.
- Temporary employment opportunities will be created during the construction phase.

4. National Environmental Management Act Principles

The NEMA 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 activity 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 listed activity can be mitigated to acceptable levels.

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