

EIA REFERENCE NUMBER: 16/3/3/1/C3/1/0005/21
NEAS REFERENCE: WCP/EIA/0000948/2021
DATE OF ISSUE: 19 November 2021

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: THE PROPOSED PERIODIC MAINTENANCE OF BRIDGES AND CULVERTS ON ROADS TR33/5 (N12), TR3501 (R61), TR5801 (R381), MR584 AND DR2307 IN THE BEAUFORT WEST AREA

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 the **preferred alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 6 September 2021, as prepared and submitted by *Cape Chameleon Environmental Consultants*, the appointed environmental assessment practitioner ("EAP").

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

The Head of Department

% Mr. Dirk Immelman

Western Cape Government: Department of Transport and Public Works

PO Box 2603

Cape Town

8000

Tel: (021) 483 0508

E-mail: Dirk.Immelman@westerncape.gov.za

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

B. LIST OF ACTIVITY/IES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014 (as amended)	
<p>Activity Number: 12 Activity Description:</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 activity will apply to three culverts that will extend beyond the existing road reserves i.e. Structure B4035 (km 10.34 on TR33/5), Structure B4048 (km 22.78 on TR33/5) and Structure C11409 (km 7.74 on TR5801).</p> <ul style="list-style-type: none"> - Structure B4035: 20m²; - Structure B4048: 41m²; - Structure C11409: 185m² <p>Stockpile areas on disturbed areas are 8 300 m², 4 200 m², 4 200 m² and 10 000 m².</p>
<p>Activity Number: 19 Activity Description:</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;</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 harbour, in which case activity 26 in Listing Notice 2 of 2014 applies. 	<p>This listed activity will apply to all forty bridge and culvert structures as more than 10 cubic metres of soil will be removed from the structures during the rehabilitation of the structures. Please see a list attached in Appendix O with the amount of material that will be removed at each structure.</p>

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

The Holder is herein authorised to undertake the following alternative that includes the listed activity as it relates to the development:

The proposal entails the maintenance of forty (40) existing culverts and bridges on roads TR33/5 (N12), TR3501 (R61), TR5801 (R381), MR584 and DR2307 surrounding Beaufort West and Klaarstroom in terms of Contract C1183 of the Western Cape Government: Department of Transport and Public Works. Furthermore, the contract includes the proposed periodic maintenance (reseal) of TR33/5 (N12) between Klaarstroom (km 0.00) and Beaufort West (km 110.00).

The work on thirty-seven (37) of these structures entails structural repair work and reinstatement or improvement of erosion protection and are within the existing road reserves but the work on three structures extends beyond the existing road reserves [i.e. Structure B4035 (km 10.34 on TR33/5), Structure B4048 (km 22.78 on TR33/5) and Structure C11409 (km 7.74 on TR5801)].

The extent of the development footprint to be extended outside of the road reserve is as follows:

- Structure B4035: 20m² outside road reserve;
- Structure B4048: 41m² outside road reserve; and
- Structure C11409: 185m² outside road reserve.

The final design plans for each structure must be submitted to the Competent Authority prior to the commencement of the maintenance activities.

C. SITE DESCRIPTION AND LOCATION

The proposed structures are located along the following roads:

- TR33/5 (N12) – 23 major culverts and 10 bridges,
- DR2307 – 2 major culverts,
- MR584 – 1 major culverts,
- TR3501 (R61) – 2 major culverts, and
- TR5801 (R381) – 2 major culverts.

Coordinates of the site: Refer to Annexure 2 for the coordinates of each structure.

SG digit codes:

Thirty-seven structures are located within the proclaimed road reserve.

SG Codes for three structures where work extends beyond the proclaimed road reserve.

Structure No.	Property	SG digit code
B4035	Portion 3 of the Farm Middlewater No. 169	C0610000000016900003
B4048	Remainder of Farm Modderdrift No. 106	C0610000000010600000
C11409	Erf 3545	C00900010000354500000

Refer to Annexure 1 for the Locality Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

CHAMELEON ENVIRONMENTAL CONSULTANTS

% Dr. Jenine Bothma

PO Box 11788

Silver Lakes

Pretoria

0054

Tel: (012) 809 1704

Fax: (086) 685 5080

E-mail: ce.j@mwebbiz.co.za

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **31 May 2027**, the date on which the listed activities, including post construction rehabilitation, maintenance and monitoring requirements, will be deemed to be concluded at the site.
2. The non-operational component (construction phase) of the Environmental Authorisation is subject to the following:
 - 2.1. The holder must commence with the listed activities and conclude the development activities related to the structural repair and reinstatement or improvement of erosion protection (construction phase) on the site by **30 November 2023**; and
 - 2.2. The holder must finalise the post construction rehabilitation and monitoring requirements within a period of 6-months from the date the development activity (construction phase) is concluded.
3. The post-construction and maintenance component (operational phase) of this Environmental Authorisation is granted until 30 November 2026 during which period maintenance activities must be finalised.

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

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

4. The Holder is authorised to undertake the listed activities specified in Section B above in accordance with the preferred alternative described in the FBAR, dated 6 September 2021, on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the *preferred alternative* which entails:

The proposal entails the maintenance of forty (40) existing culverts and bridges on roads TR33/5 (N12), TR3501 (R61), TR5801 (R381), MR584 and DR2307 surrounding Beaufort West and Klaarstroom in terms of Contract C1183 of the Western Cape Government: Department of Transport and Public Works.

Furthermore, the contract includes the proposed periodic maintenance (reseal) of TR33/5 (N12) between Klaarstroom (km 0.00) and Beaufort West (km 110.00).

The work on thirty-seven (37) of these structures entails structural repair work and reinstatement or improvement of erosion protection and are within the existing road reserves but the work on three structures extends beyond the existing road reserves, namely Structure B4035 (km 10.34 on TR33/5), Structure B4048 (km 22.78 on TR33/5) and Structure C11409 (km 7.74 on TR5801).

The extent of the footprint outside of the road reserve is as follows:

- Structure B4035: 20m² outside road reserve,
- Structure B4048: 41m² outside road reserve,
- Structure C11409: 185m² outside road reserve

5. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
6. 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.
7. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

Notification and administration of appeal

8. The Holder must in writing, within 14 (fourteen) 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 2014 National Appeals Regulations (as amended).
 - 8.5. The listed activities, including site preparation, must not commence within 20 (twenty) calendar days from the date the holder notifies the registered I&APs of this decision.

8.6. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.

Written notice to the Competent Authority

9. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities on site.

9.1. The notice must make clear reference to the site details and EIA Reference number given above.

9.2. The notice must also include proof of compliance with the following conditions described herein:

Condition no.: 8, 11 and 12

9.3. Seven calendar days' notice, in writing, must be given to the Competent Authority on the commencement of any maintenance activities in the watercourses during the period that the environmental authorisation is valid.

10. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity/activities

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

11.1. The amended EMPr must —

11.1.1. incorporate all the conditions given in this environmental authorisation;

11.1.2. stipulate that Environmental Control Reports must be submitted monthly to the competent authority;

11.1.3. incorporate the Maintenance Management Plan for the operational maintenance of the structures. The Maintenance Management Plan must exclude all structures which did not form part of the application for environmental authorisation i.e. the maintenance management plan only applies to the forty structures assessed in the assessment;

11.1.4. include the final design layout plans for all the structures approved in this environmental authorisation; and

11.1.5. be submitted to the Competent Authority prior to the commencement of the development activities (construction phase), including site preparation commencing.

Note: 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"), for the duration of the construction and rehabilitation phases of implementation contained herein.

13. The Holder must appoint a suitably experienced Site Agent or internally appointed Environmental Officer ("Internal ECO") for the duration of the operational and rehabilitation phase of implementation contained herein.

14. The ECO or Site Agent must—
 - 14.1. be appointed prior to commencement of any works during the respective phases (i.e. removal and movement of soil and / or rubble or construction activities commencing);
 - 14.2. ensure compliance with the EMPr and the conditions contained herein;
 - 14.3. keep record of all activities on the site; problems identified; transgressions noted, and a task schedule of tasks undertaken by the ECO or Site Agent (whichever applicable);
 - 14.4. remain employed for the duration of—
 - (a) all development activities being concluded, and the post construction rehabilitation and monitoring requirements are finalised; or
 - (b) the post-construction and maintenance component (operational phase) .

Note: The Site Agent must throughout the duration of the validity period of the Environmental Authorisation, be employed before the period of any follow-up maintenance or restoration activities (should such activities be required).
15. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, closure plans, audit reports and compliance monitoring reports must be kept at the site of the authorised activities and be made available to anyone on request, and where the Holder has website, such documents must be made available on such 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.

Environmental Auditing

17. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
18. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 18.1. Auditing during the non-operational phase (construction activities):
 - 18.1.1. During the period which the activities have been commenced with on site until the construction of the major culvert(s) and post construction rehabilitation and monitoring requirements have been completed, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.
 - 18.1.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within three (3) months of completion of the post construction rehabilitation and monitoring requirements.

Note: *Should the activities (construction and the post construction rehabilitation and monitoring) be completed within a period of 12-months or less, only a single environmental audit report will need to be prepared and submitted to the Competent Authority.*

18.2. Auditing during the operational phase (post construction and maintenance activities):
During the post-construction and maintenance phase, the Holder must ensure, the frequency of the auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr **may not exceed an interval of 3-years** and the Environmental Audit Report(s) submitted to the Competent Authority.

Note: The final auditing requirements must be completed and submitted at least three months prior to expiry of the validity period of the environmental authorisation to ensure the Holder is able to comply with all the environmental auditing and reporting requirements and for the competent authority to be able to process it timeously.

19. The Environmental Audit Report(s), must—

19.1. be prepared and submitted to the Competent Authority, by an independent person with the relevant environmental auditing expertise. Such person may not be the ECO or the EAP who conducted the EIA process;

19.2. provide verifiable findings, in a structured and systematic manner, on—

19.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

19.2.2. the ability of the measures contained in the EMPr to sufficiently provide for the avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.

19.3. identify and assess any new impacts and risks as a result of undertaking the activity;

19.4. evaluate the effectiveness of the EMPr;

19.5. identify shortcomings in the EMPr;

19.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;

19.7. indicate the date on which the construction work was commenced with and completed or in the case where the development is incomplete, the progress of the development and rehabilitation;

19.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;

19.9. include a photographic record of the site applicable to the audit; and

19.10. be informed by the ECO reports.

20. The Holder must, within 7 calendar days of the submission of the audit report to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

21. The No-Go areas must be physically and clearly demarcated prior to any earthworks commencing. This area may not be used to store any materials. All construction related activities such as materials storage and site camp establishment must occur within an identified area approved by the ECO.

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

Heritage remains may only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant Heritage Resources Authority.

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

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the Holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.

Amendment of Environmental Authorisation and EMPr

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

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

Note:

- (a) Failure to lodge an application for amendment prior to the expiry of the validity period of the Environmental Authorisation will result in the lapsing of the Environmental Authorisation.
 - (b) It is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity if the competent authority has not granted an Environmental Authorisation for the undertaking of the activity.
3. The Holder is required to notify the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated.

In assessing whether to amend or correct the EA, the Competent Authority may request information to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the Holder to apply for further authorisation in terms of the applicable legislation.

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

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

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

amendment(s) may only be implemented once the amended EMPr has been approved by the competent authority.

The onus is however on the Holder to confirm the legislative process requirements for the above scenarios at that time.

5. Where an amendment to the impact management outcomes of an EMPr is required before an environmental audit is required in terms of the environmental authorisation, an EMPr may be amended on application by the Holder of the environmental authorisation.

Compliance with Environmental Authorisation and EMPr

6. Non-compliance with a condition of this environmental authorisation or EMPr is an offence in terms of Section 49A(1)(c) of the National Environmental Management Act, 1998 (Act no. 107 of 1998, as amended).
7. This Environmental Authorisation is subject to compliance with all the peremptory conditions. Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

G. APPEALS

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator;
 - 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; and
 - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAAdmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
 - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:
Gavin.Benjamin@westerncape.gov.za and copied to
DEADPEIAAdmin.George@westerncape.gov.za

3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

Note: For purposes of electronic database management, you are also requested to submit electronic copies (Microsoft Word format) of the appeal, responding statement and any supporting documents to the Appeal Authority to the address listed above and/ or via e-mail to DEADP.Appeals@westerncape.gov.za.

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

H. DISCLAIMER

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

Your interest in the future of our environment is appreciated.

Yours faithfully

MR. DANIE SWANEPOEL
ACTING DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)

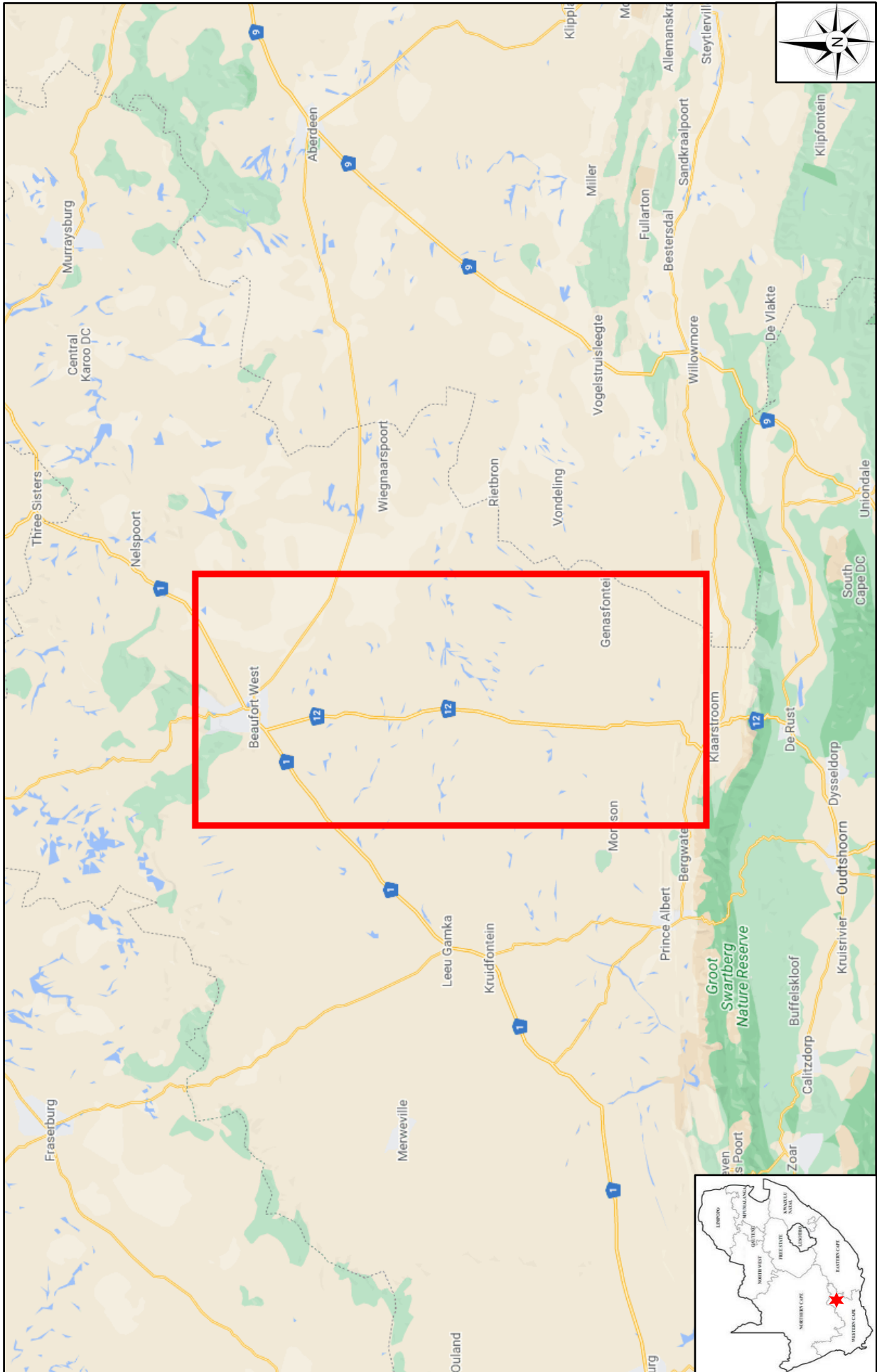
DATE OF DECISION: 19 NOVEMBER 2021

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/C3/1/0005/21

NEAS REFERENCE: WCP/EIA/0000948/2021

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: COORDINATES OF STRUCTURES AND PROPOSED WORK AT EACH STRUCTURE

CONTRACT: C1183 - ENVIRONMENTAL ACTIVITIES																		
NO	ROAD NO.	LOCAL MUNICIPALITY	KM	STRUCTURE NUMBER	COORDINATES	APPROXIMATE STRUCTURE FOOTPRINT (m ²)	APPROXIMATE FOOTPRINT OF WORKS (m ²)	ACTIVITY	WORK OUTSIDE ROAD RESERVE	TYPE OF ACTIVITY OUTSIDE ROAD RESERVE	MAJOR ACTIVITIES IN WATER COURSE							
											REMOVAL OF SILTATION, DEBRIS AND VEGETATION, EXCAVATION (m3)	REMOVAL OF TREES (m3)	EXCAVATION WITHIN WATERCOURSE (m3)	BACKFILLING WITHIN WATERCOURSE (m3)	GABIONS (m3)	CONCRETE INVERT SLAB (m3)	RIP RAP (m3)	CONCRETE RIM LINING AND INVERT SLAB (m3)
1	TR3305	Prince Albert	1,00	B4374	33°17'58.33"S 22°28'48.95"E	667	3,3	Repair Bridge	No	-		10					20	
2	TR3305	Prince Albert	3,51	B4332	33°16'56.15"S 22°29'40.91"E	693	72	Repair Bridge	No	-	20	15						
3	TR3305	Prince Albert	3,77	B4331	33°16'49.08"S 22°29'34.98"E	667	33	Repair Bridge	No	-	10							
4	TR3305	Prince Albert	4,78	B4329	33°16'27.25"S 22°29'45.75"E	1524	88	Repair Bridge	No	-	25	15						
5	TR3305	Prince Albert	6,08	C11603	33°16'33.92"S 22°30'35.68"E	235	103	Repair Culvert	No	-	31							
6	TR3305	Prince Albert	10,10	C12303	33°15'34.34"S 22°32'46.67"E	123	43	Repair Culvert	No	-	11		15	12				
7	TR3305	Prince Albert	10,29	C12304	33°15'28.75"S 22°32'49.11"E	142	80	Repair Culvert	No	-	24							
8	TR3305	Prince Albert	10,34	B4035	33°15'26.93"S 22°32'49.48"E	445	15	Repair Bridge	Yes	Gabion wall					30			
9	TR3305	Prince Albert	17,51	C12305	33°11'34.11"S 22°32'32.13"E	152	49	Repair Culvert	No	-	10				31			
10	TR3305	Prince Albert	18,71	C12306	33°11'11.46"S 22°32'31.69"E	132	40	Repair Culvert	No	-	12							
11	TR3305	Prince Albert	21,14	B4033	33°09'36.26"S 22°32'40.27"E	1338	543	Repair Bridge	No	-	163							
12	TR3305	Prince Albert	21,61	C12307	33°09'21.28"S 22°32'40.24"E	174	82	Repair Culvert	NO	-	20		15	30				
13	TR3305	Prince Albert	22,43	C12308	33°08'55.24"S 22°32'41.32"E	270	107	Repair Culvert	No	-	32							
14	TR3305	Prince Albert	22,78	B4048	33°08'44.29"S 22°32'47.50"E	355	15	Repair Bridge	Yes	Gabion wall					30			
15	TR3305	Prince Albert	23,08	C12309	33°08'35.44"S 22°32'44.14"E	150	67	Repair Culvert	No	-	20							
16	TR3305	Prince Albert	43,39	B4040	32°57'50.30"S 22°32'32.95"E	666	267	Repair Bridge	No	-	80							
17	TR3305	Beaufort West	54,97	C11607	32°51'43.31"S 22°33'49.99"E	242	40	Repair Culvert	No	-	12							
18	TR3305	Beaufort West	55,56	C11608	32°51'24.65"S 22°33'56.14"E	105	100	Repair Culvert	No	-	30							
19	TR3305	Beaufort West	57,54	C11609	32°50'22.21"S 22°34'16.71"E	78	100	Repair Culvert	No	-	30							
20	TR3305	Beaufort West	59,79	C11610	32°49'11.14"S 22°34'32.76"E	200	202	Repair Culvert	No	-	53					10		
21	TR3305	Beaufort West	59,79	C11611	32°49'10.80"S 22°34'32.80"E	200	191	Repair Culvert	No	-		18	22	17	22			
22	TR3305	Beaufort West	64,16	C11613	32°46'48.77"S 22°34'45.37"E	120	53	Repair Culvert	No	-	16							
23	TR3305	Beaufort West	69,51	C11614	32°43'55.47"S 22°34'40.05"E	280	33	Repair Culvert	No	-	10							
24	TR3305	Beaufort West	72,12	C11615	32°42'32.71"S 22°34'19.44"E	85	56	Repair Culvert	No	-	15				11			
25	TR3305	Beaufort West	74,33	C11617	32°41'26.47"S 22°33'47.48"E	630	954	Repair Culvert	No	-		36	30	30	130			
26	TR3305	Beaufort West	76,86	C12315	32°40'16.19"S 22°33'21.19"E	74	133	Repair Culvert	No	-	40							
27	TR3305	Beaufort West	79,22	C11619	32°38'51.76"S 22°33'25.57"E	123	67	Repair Culvert	No	-	20							
28	TR3305	Beaufort West	80,09	C11620	32°38'23.30"S 22°33'27.15"E	110	67	Repair Culvert	No	-	20							
29	TR3305	Beaufort West	91,18	C11623	32°32'29.75"S 22°34'03.36"E	338	436	Repair Culvert	No	-					58	61		
30	TR3305	Beaufort West	95,75	B4145	32°30'04.99"S 22°33'45.98"E	591	503	Repair Bridge	No	-		10					200	
31	TR3305	Beaufort West	97,98	C12316	32°28'53.83"S 22°33'39.45"E	215	6	Repair Culvert	No	-					11			
32	TR3305	Beaufort West	101,78	C11624	32°26'54.73"S 22°33'00.93"E	227	67	Repair Culvert	No	-	20							
33	TR3305	Beaufort West	104,86	B4131A	32°25'18.07"S 22°32'29.76"E	986	20	Repair Bridge	No	-			10					
34	DR02307	Beaufort West	3,75	C11343	32°25'53.24"S 22°33'41.81"E	70	70	Repair Culvert	No	-	60						20	
35	DR02307	Beaufort West	6,83	C11348	32°24'22.72"S 22°34'29.01"E	115	23	Replace Culvert	No	-					45			
36	MR00584	Beaufort West	4,59	C11404	32°22'39.01"S 22°26'17.39"E	85	42	Repair Culvert	No	-					8			15
37	TR03501	Beaufort West	3,29	C11301	32°21'12.74"S 22°37'01.73"E	350	20	Repair Culvert	No	-					4			7
38	TR03501	Beaufort West	7,06	C11302	32°22'44.49"S 22°38'38.12"E	155	48	Repair Culvert	No	-	10							6
39	TR05801	Beaufort West	6,80	C11408	32°16'28.23"S 22°33'52.29"E	160	867	Repair Culvert	No	-	60						100	
40	TR05801	Beaufort West	7,74	C11409	32°16'01.31"S 22°33'38.66"E	550	682	Repair Culvert	Yes	Gabion protection					30			100



ANNEXURE 3: REASONS FOR THE DECISION

In reaching its decision, the Competent Authority considered, inter alia, the following:

- a) The information contained in the Application Form received on 19 July 2021, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 6 September 2021;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR submitted on 6 September 2021;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context.
- g) A site inspection by Mr Francois Naudé and Mr. Steve Kleinhans of the Directorate: Development Management (Region 3) was undertaken on 15 September 2021.

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. Relevant legislative considerations

The application for environmental authorisation submitted on 19 July 2021 included the structural repair work and reinstatement or improvement of erosion protection at 40 existing structures which was assessed in the BAR. Although the EAP included an additional 43 structures in the maintenance management plan, these structures were not assessed as part of the BAR because the EAP is of the opinion that the work associated with these additional 43 structures does not trigger any listed activities. However, with due consideration that the structures were not assessed as part of the application for environmental authorisation and the fact that potential and registered Interested and Affected Parties (I&APs) were not specifically informed of the additional structures, this Department has not approved the maintenance of the additional 43 structures in the MMP.

In light of the above, the responsible authority may submit an application for the amendment of the MMP to the competent authority for consideration or submit a separate request for the adoption of an maintenance management (MMP). Such application / new request must follow the applicable process including a public participation process.

2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing notice boards at various locations along the applicable roads;
- giving written notice to the owners and occupiers of land adjacent to the site and any alternative site where the listed activities are to be undertaken, the municipality and ward councillor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 19 March 2021 and 30 July 2021;
- the placing of a newspaper advertisement in the "Die Courier" on 12 March 2021 and 6 August 2021; and

- making the Draft Basic Assessment Report available to I&APs for public review and comment from 4 August to 6 September 2021.

The following State Departments / Organs of State provided comment on the proposal:

- ❖ *Breede-Gouritz Catchment Management Agency; and*
- ❖ *Department of Mineral Resources.*

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

3. Alternatives

Alternative 1: Preferred Alternative ("Herewith Approved")

This alternative entails structural repair work and reinstatement or improvement of erosion protection at existing structures along the following routes:

- TR3305 (N12) – 23 major culverts and 10 bridges,
- DR2307 – 2 major culverts,
- MR584 – 1 major culverts,
- TR3501 (R61) – 2 major culverts, and
- TR5801 (R381) – 2 major culverts

The work on the structures are located within the road reserve except for three structures where the work extends beyond the proclaimed road reserve. These structures are:

- Structure B4035 located at km 10.34 on TR33/5 : 20m² outside road reserve,
- Structure B4048 located at km 22.78 on TR33/5) : 41m² outside road reserve,
- Structure C11409 located at km 7.74 on TR5801: 185m² outside road reserve

The contract also includes the reseal of Trunk Road 33 Section 5 (TR33/5) between Klaarstroom (km 0,00) and Beaufort West (km 110,00).

The site camp is proposed to be located on a disturbed portion of the existing Boeteka farm stall property near km 95.6 on the eastern side of TR3305 (N12).

"No-Go" Alternative

This alternative implies that the structural repair work and reinstatement or improvement of erosion protected at existing structures are not implemented. According to the information provided in the BAR if the structures are not repaired and cleaned, they will deteriorate further which could lead to increased unsafe driving conditions and a higher probability that the structures may be overtopped during flooding.

4. Impact Assessment and Mitigation Measures

4.1 Activity 'Need and Desirability'

The WCG Department of Transport and Public Works' responsibility is to upgrade, rehabilitate and maintain provincial roads within the Western Cape Province, provide EPWP work opportunities, develop emerging CIDB contractors and contribute towards black economic empowerment within the local communities.

The structures which form part of the proposal is deteriorating and build-up of sediment and debris in and around the structures can lead to the structures being overtopped during times of flooding. The

WCG Department of Transport and Public Works has therefore identified 40 structures which require structural repair work and reinstatement / improvement of erosion protection. The work is required to prevent the structures from deteriorating further and to minimise the probability of the structures being overtopped during times of flooding.

4.2 Socio-economic aspects

A description of the socio-economic issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each identified issue and risk of the proposed development and the levels of acceptable change have been considered. The following was considered relevant:

- ❖ the project value is an estimated R24 623 889.50;
- ❖ a total of 65 000 targeted labour days and 250 work opportunities will be created;
- ❖ 12 contracts will be earmarked for local enterprises in the Beaufort West and Prince Albert Municipal areas and five to emerging contractor development

Furthermore, the repair to the structures will prevent further deterioration of the structures and minimise the probability of the structures being overtopped during flooding. This will minimise the risks to passing motorists being affected by flood waters.

With due consideration of the above it is concluded that the socio-economic aspects associated with the proposal outweigh the negative biophysical aspects of the proposal.

4.3 Aquatic aspects

A description of the aquatic related issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

An aquatic and ecological study was undertaken to inform the proposal. The study focused on the 40 structures included in the proposal and considers the impacts with the proposed structural repair on the various watercourses. According to the information in the study all the watercourses have a Present Ecological State ("PES") of Category A (Unmodified, natural condition) except for the Kuils River which has a PES of Category C (moderately modified). The Ecological Importance and Sensitivity ("EIS") for all watercourses has been determined as High, apart from the Kuils River which has an EIS rating of Moderate.

Due consideration has been given to the fact that these are existing structures, and the proposal is to improve the hydraulic conditions at each structure. The development / maintenance phases are expected to have a low negative impact on the watercourses; however, the repairs are intended to improve the conditions at the structures in improve water flow during the operational phase of the structures.

Further to the above, an application in terms of Sections 21(c) and (i) of the National Water Act, Act No. 36 of 1998 have been submitted to the responsible authority. A Risk Matric was undertaken and submitted to the Breede-Gouritz Catchment Management Agency. The risk matrix indicates that the proposal will have a low risk. As such, the BGCMA confirmed that the application will follow the General Authorisation route. An application for an authorisation in terms of the General Authorisation in terms of Section 39 of the National Water Act (Notice 509 of 2016) has therefore been submitted to the BGCMA.

In light of the above, it is this Department's considered view that the applicant has adequately considered aquatic related impacts and that the proposed development will not result in significant negative impact on the on aquatic features.

4.4 Botanical aspects

A description of the botanical issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

According to the information the vegetation at the study sites is mostly transformed and degraded. This can be attributed to the fact that the sites are located within the existing road reserve. Furthermore, the study indicates that the least transformed and least degraded areas are located further upstream and downstream. As such, the vegetation will not be affected by the proposed works. Furthermore, the conservation status of the relevant vegetation types in the study area has been mapped as Least Threatened.

In considering the above, the view is held that the proposed repair work will not result in significant negative impacts on vegetation.

4.5 Heritage / Archaeological Aspects

A description of the heritage related issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered. A Cultural Heritage Assessment was included in the assessment report. The information concludes that the proposal will not impact on any heritage resource of cultural significance and that no further heritage related studies are required.

In considering the above and the fact that the proposal is for structural repair work and reinstatement or improvement of erosion protection of existing structures, the view is held that the applicant has adequately considered the heritage and archaeological aspects and that the proposed development will not result in significant negative impact on the on heritage and archaeological aspects.

4.6 Other Impacts

No other significant noise and visual impacts have been identified.

5. Scope and Validity of the Environmental Authorisation

This environmental authorisation defines specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within an eighteen (18) month period from the date of commencement and the post-construction maintenance activities should be completed during a three-year period thereafter.

The environmental authorisation's validity period has been granted for a period of approximately five and a half (5½) years, during which period the construction activities and maintenance activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the non-operational (construction) phase and operational phase, respectively. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. The Holder is required to substantially implement the proposal and maintenance to structures within watercourses within a period of approximately 2-years after the environmental authorisation is

issued. Where the activity has been commenced with, the EIA Regulations, 2014 allow that upon application, the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. 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.

7. Conclusion

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

----- **END** -----