



**EIA REFERENCE:** 16/3/3/1/F5/16/2024/22  
**NEAS REFERENCE:** WCP/EIA/0001082/2022  
**DATE OF ISSUE:** 17 October 2022

The Head of Department  
Western Cape Government: Transport and Public Works  
Private Bag X 9185  
**CAPE TOWN**  
8000

**For Attention: Azni November**

Tel.: (021) 483 3999  
E-mail: [Azni.November@westerncape.gov.za](mailto:Azni.November@westerncape.gov.za)

Dear Sir/Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED COMPLETION OF THE R45 REGIONAL ROAD CORRIDOR, MALMESBURY**

1. With reference to the above application, the Department hereby notifies you of its decision to **grant** Environmental Authorisation, attached herewith, together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014 (as amended), you are instructed to ensure, within 14 days of the date of the decision on the application, that all registered Interested and Affected Parties ("I&APs") are provided with access to the decision 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 Environmental Authorisation below.

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

Yours faithfully

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: (1) Mrs. W. Cordier (GNEC (Pty) Ltd)

E-mail: [willene@gnec.co.za/](mailto:willene@gnec.co.za)

[Guillaume@gnec.co.za](mailto:Guillaume@gnec.co.za)

(2) Mr. A. J. Burger (Swartland Municipality)

E-mail: [alwynburger@swartland.org.za /](mailto:alwynburger@swartland.org.za)

[swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)



**EIA REFERENCE:** 16/3/3/1/F5/16/2024/22  
**NEAS REFERENCE:** WCP/EIA/0001082/2022  
**DATE OF ISSUE:** 17 October 2022

## ENVIRONMENTAL AUTHORISATION

### APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) ("NEMA") AND THE ENVIRONMENTAL IMPACT ASSESSMENT ("EIA") REGULATIONS, 2014 (AS AMENDED): THE PROPOSED COMPLETION OF THE R45 REGIONAL ROAD CORRIDOR, MALMESBURY

With reference to your application for the abovementioned, find below the outcome with respect to this application.

#### DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014 (as amended), the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the Listed Activities specified in section B below with respect to the Preferred Alternative, described in the final Basic Assessment Report ("BAR"), dated 13 July 2022.

In terms of the NEMA and the EIA Regulations, 2014 (as amended), the Competent Authority hereby **adopts the River Maintenance Management Plan ("RMMP"), inclusive of an Alien Clearing Management Plan**, dated 13 July 2022, for the proposed completion of the R45 Regional Road Corridor, Malmesbury.

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

#### A. DETAILS OF THE HOLDER FOR THIS ENVIRONMENTAL AUTHORISATION

The Head of Department  
Western Cape Government: Department of Transport and Public Works  
C/O Azni November  
Private Bag X 9185  
**CAPE TOWN**  
8000

Tel.: (021) 483 3999  
E-mail: [Azni.November@westerncape.gov.za](mailto:Azni.November@westerncape.gov.za)

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

## B. LISTED ACTIVITIES AUTHORISED

Listed Activity	Activity/Project Description
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12 Activity Description: “The development of—</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(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;</li> <li>(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;</li> <li>(dd) where such development occurs within an urban area;</li> <li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li> <li>(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.” </li></ul>	<p>The proposed development includes the installation of infrastructure/structures with a development footprint that exceeds 100m<sup>2</sup> within and within 32m of a watercourse.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 19 Activity Description: “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"> <li>(a) will occur behind a development setback;</li> <li>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>(c) falls within the ambit of activity 21 in this Notice, in</li> </ul>	<p>The proposed development includes the infilling or depositing, the dredging, excavation, removal or moving of more than 10m<sup>3</sup> of material within a watercourse for the installation of infrastructure/structures (culverts and bridges).</p> <p>No peat soil is present in the wetlands to be traversed by the road.</p>

<p>which case that activity applies;</p> <p>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</p> <p>(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>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 24 Activity Description: "The development of a road—</p> <p>(i) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;</p> <p>but excluding a road—</p> <p>(a) which is identified and included in activity 27 in Listing Notice 2 of 2014;</p> <p>(b) where the entire road falls within an urban area; or</p> <p>(c) which is 1 kilometre or shorter."</p>	<p>The proposed R45 Regional Road Corridor will have a road reserve wider than 13.5 meters.</p>
<p>Listing Notice 1 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 56 Activity Description: "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 meters; or</p> <p>(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>Certain road intersections will be widened by more than 6 metres with a reserve wider than 13.5 meters.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 4 Activity Description: "The development of a road wider than 4 metres with a reserve less than 13,5 metres.</p> <p><b>i. Western Cape</b></p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. Areas outside urban areas;</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p>	<p>The proposed development entails the development of roads wider than 4m on land containing indigenous vegetation outside an urban area.</p>

<p>iii. <i>Inside urban areas:</i>  (aa) <i>Areas zoned for conservation use; or</i>  (bb) <i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</i></p>	
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 12  Activity Description:  <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><b>i. Western Cape</b></p> <p>i. <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;</i></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 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>The proposed development will result in the clearance of more than 300 square metres of Critically Endangered indigenous vegetation.</p>
<p>Listing Notice 3 of the EIA Regulations, 2014 (as amended)–</p> <p>Activity Number: 18  Activity Description:  <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><b>i. Western Cape</b></p> <p>i. <i>Areas zoned for use as public open space or equivalent zoning;</i></p> <p>ii. <i>All areas outside urban areas:</i>  (aa) <i>Areas containing indigenous vegetation;</i>  (bb) <i>Areas on the estuary side of the development setback line or in an estuarine functional zone where no such</i></p>	<p>The proposed development entails the widening of a road by more than 4 metres on land containing indigenous vegetation outside an urban area.</p>

<p style="text-align: right;"><i>setback line has been determined; or</i></p> <p>iii. <i>Inside urban areas:</i></p> <p style="padding-left: 20px;"><i>(aa) Areas zoned for conservation use; or</i></p> <p style="padding-left: 20px;"><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority."</i></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 Activities relating to the completion of the R45 Regional Road Corridor, Malmesbury.

The completion of the R45 Regional Road Corridor, Malmesbury, a proclaimed and registered as a road reserve, comprises the following:

- A grade-separated interchange constructed at the intersection of the new road with the existing R45 Regional Road and R46 Regional Road, with off-ramps;
- The construction of a bridge over the new road for the R46 Regional Road leading towards Riebeeck Kasteel;
- The construction of a new underpass over the existing DR1150 Divisional Road (a gravel road); and
- The realignment of the southern-most section of the DR1150 Divisional Road (south of the new road) to meet the existing R45 Regional Road, approximately 600m south of the intersection with the existing R45/R46 Regional Roads.

The associated works over watercourse crossings and within wetlands comprises the following:

- The construction of minor and major culverts;
- The construction of bridges, associated piers/columns and viaduct structures; and
- The installation of erosion protection measures.

The associated upgrades at existing roads comprises the following:

- R45/R46 Regional Roads at-grade intersection will be upgraded to a grade-separated interchange;
- The construction of an underpass structure to accommodate the new road over the existing DR1150 Divisional Road;
- The construction of an underpass structure to accommodate the new road over the existing over the DR1149 Divisional Road (Piketberg Street); and
- The termination of the existing R45 Regional Road/N7 National Road Interchange (also known as the Hopefield Interchange).

The proposed R45 Regional Road Corridor will be approximately 7km long with a road reserve of approximately 30m wide, although this may vary in areas where earth shaping, cut and fill and/or bank stabilisation are required. The route will comprise an approximately 11m wide single carriageway with a typical geometric Class 1 rural road cross section.

### C. ROUTE DESCRIPTION AND LOCATION

The Listed Activities will be undertaken on the R45 Regional Road Corridor located between the N7 National Road and R46 Regional Road at Malmesbury in the Western Cape.

The SG 21-digit codes of all properties along the route are given below:

Property Details	Farm / Unit	SG 21-digit Code
RE/1/689	Rheeboksfontein	C04600000000068900001
Farm Eenfontein 1178	Eenfontein	C04600000000117800000

Farm Tweefontein 696 Portion 2 Remainder	Tweefontein	C0460000000069600002
Farm Tweefontein 696 Portion 3 Remainder	Tweefontein	C0460000000069600002
Farm Tweefontein 690 Portion 1	Rustfontein	C0460000000069000001
Farm Kwepersfontein 686	Rustfontein	C0460000000068600000
Farm 690 Portion 2	Klipfontein Development	C0460000000069000002
Farm Klipfontein 688 Remainder	Klipfontein Development	C0460000000068800000
Farm 1138	Kweperfontein	C04600000000113800000
Farm Kwepersfontein 1133	Kweperfontein	C04600000000113300000
Farm Doornkuil 679 Portion 1	Miernes	C0460000000067900001
Farm Doornkuil 679 Portion 2	Miernes	C0460000000067900002
Farm De Gunst 677 Portion 2	Miernes	C0460000000067700002
Farm De Gunst 677 Portion 13	Miernes	C0460000000067700013
Farm Hartebeestfontein 678 Portion 3	Miernes	C0460000000067800003
Farm Doornkuil A Remainder Miens 1 / 679	Doornkuil	C0460000000067900001
Farm 1214	n/a	C04600000000121400000

The co-ordinates of three points along the route are given below:

	<b>Latitude (S)</b>	<b>Longitude (E)</b>
<b>Starting Point</b>	33° 26' 53.85" South	18° 46' 05.98" East
<b>Middle Point</b>	33° 26' 04.58" South	18° 44' 48.19" East
<b>End Point</b>	33° 24' 51.01" South	19° 42' 52.61" East

Refer to **Annexure 1**: Locality Maps. Refer to **Annexure 2**: Layout Plans and the cross sections of the underpasses for the route.

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER**

Guillaume Nel Environmental Consultants ("GNEC")

C/O Mrs. Willene Cordier

P. O. Box 2632

**PAARL**

7620

Tel.: (021) 870 1874

E-mail: [willene@gnec.co.za](mailto:willene@gnec.co.za) / [Guillaume@gnec.co.za](mailto:Guillaume@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 the Preferred Alternative described in Section B above.
2. The holder must commence with, and conclude, the Listed Activities within the stipulated validity period which this Environmental Authorisation is granted for, or this Environmental

Authorisation shall lapse and a new application for Environmental Authorisation must be submitted to the Competent Authority.

This Environmental Authorisation is granted for –

- (a) A period of five (**5**) years, from the date of issue, during which period the holder must commence with the authorised Listed Activities.
  - (b) A period of ten (**10**) years, from the date the holder commenced with the authorised Listed Activities, during which period the authorised Listed Activities must be concluded.
3. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his behalf, including an implementing agent, sub-contractor, employee or any person rendering a service to the holder.
  4. Any changes to, or deviations from the scope of the alternative described in section B above must be approved in writing by the Competent Authority before such changes or deviations may be implemented. In assessing whether or not to grant such approval, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

#### **Written Notice to the Competent Authority**

5. A written notice of seven (7) calendar days must be given to the Competent Authority before construction work can be commenced with.
  - 5.1. The notice must make clear reference to the route details and EIA Reference number given above.
  - 5.2. The notice must include proof of compliance with the following conditions described herein:

Conditions: 6, 7, 13, and 22

#### **Notification of Environmental Authorisation and Administration of Appeal**

6. The holder must in writing, within fourteen (14) calendar days of the date of this decision–
  - 6.1. notify all registered Interested and Affected Parties (“I&APs”) of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 4;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.
  - 6.2. 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;
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. provide the registered I&APs with the:
    - 6.4.1. name of the holder (entity) of this Environmental Authorisation;
    - 6.4.2. name of the responsible person for this Environmental Authorisation;
    - 6.4.3. postal address of the holder;
    - 6.4.4. telephonic and fax details of the holder;
    - 6.4.5. e-mail address, if any, of the holder; and



- 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the National Appeals Regulations, 2014 (as amended).

### **Commencement**

7. The Listed Activities, including any preparation of the route, must not be commenced with within (20) twenty calendar days from the date the holder notifies the registered I&APs of this decision.
8. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

### **Management of Activity**

9. The draft Environmental Management Programme ("EMPr") (dated 13 July 2022), submitted as part of the final BAR, is hereby approved and must be implemented.
10. The RMMP, inclusive of an Alien Clearing Management Plan, adopted as part of this Environmental Authorisation must be implemented.
11. The Rehabilitation Plan (dated 6 July 2022), must be implemented.
12. The Environmental Authorisation, EMPr, RMMP and Rehabilitation Plan 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") before the Listed Activities can be commenced with, to ensure compliance with the EMPr and the conditions contained herein. The ECO must submit ECO reports on a quarterly basis for the duration of the construction phase.
14. A copy of the Environmental Authorisation, EMPr, ECO reports, audit reports and compliance monitoring reports must be kept at the contractor's site office during the construction phase and thereafter the said documents must be kept at the office of the holder and must be made available to any authorised official of the Competent Authority on request.
15. Access to the route referred to in Section C must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see the reports for the purposes of assessing and/or auditing compliance with the conditions contained herein.

### **Auditing**

16. In terms of Regulation 34 of the EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and the EMPr. Environmental audit reports must be compiled and submitted to the Competent Authority. Environmental audit reports must be prepared by an independent person and must contain all the information required in Appendix 7 of the EIA Regulations, 2014 (as amended).
17. The environmental audit reports must be compiled and subsequently submitted to the Competent Authority in the following manner:
  - 17.1. An environmental audit report must be submitted to the Competent Authority within **six (6) months** of the commencement of the construction phase;

- 17.2. The holder of this environmental authorisation must submit an environmental audit report every five (5) years while his environmental authorisation remains valid; and
- 17.3. A final audit report must be submitted within **three (3) months** of the proposed expansion being completed.
18. The audit report must indicate compliance status with the conditions of this Environmental Authorisation, and the EMPr and make recommendations for improved environmental management.
19. The holder must, within **seven (7) calendar days** of the submission of the audit report to the Competent Authority, notify all registered I&APs of the submission and make the audit report available to any registered I&AP on request and, where the holder has such a facility, place on a publicly accessible website.

### Specific Conditions

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

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

21. A qualified archaeologist and/or paleontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.
22. The development area must be clearly demarcated, and all areas outside the development area, including any identified high sensitivity areas, must be demarcated as “no-go” areas, prior to the commencement of construction activities.
23. The development and associated construction activities must not restrict any agricultural/farming activities in the surrounding area.
24. An integrated waste management approach, which is based on waste minimisation and incorporates reduction, recycling, re-use and disposal, where appropriate, must be employed. Any solid waste must be disposed of at a waste disposal facility licensed in terms of the applicable legislation.

## F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the Listed Activities.
2. Non-compliance with any Condition of this Environmental Authorisation, or the provisions of the EMPr and RMMP may render the holder liable for criminal prosecution.
3. If the holder does not commence with the Listed Activities within the period referred to in Condition 2, this Environmental Authorisation shall lapse. If the holder wishes to extend the

validity period of the Environmental Authorisation, an application for amendment in this regard must be lodged with the Competent Authority.

4. An application for amendment of the Environmental Authorisation must be submitted to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 (as amended) must be submitted.
5. Please note that an amendment of the Environmental Authorisation is not required for a change in the contact details of the holder. In such a case, the Competent Authority must only be notified of such changes.
6. The manner and frequency for updating the EMPr must be as follows:

Amendments to the EMPr must be made in accordance with Regulations 35 to 37 of GN No. R.982 (as amended) or any relevant legislation that may be applicable at the time.

## G. APPEALS

Appeals must comply with the provisions contained in the National Appeal Regulations, 2014 (as amended).

1. An appellant (if the holder of the decision) must, within twenty (20) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
2. An appellant (if not the holder of the decision) must, within twenty (20) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
  - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations, 2014 (as amended) to the Appeal Administrator; and
  - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker, *i.e.*, the Competent Authority that issued the decision.
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the Appeal Authority and the appellant within twenty (20) calendar days from the date of receipt of the appeal submission.
4. The appeal and the responding statement must be submitted to the address listed below:

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

By facsimile: (021) 483 4174; or

By hand: Attention: Mr. Marius Venter (Tel.: 021 483 2659)  
Room 809  
8<sup>th</sup> Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

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

## H. DISCLAIMER

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

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

Yours faithfully

---

**MR. ZAAHIR TOEFY**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)**  
**WESTERN CAPE GOVERNMENT: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

**DATE OF DECISION: 17 October 2022**

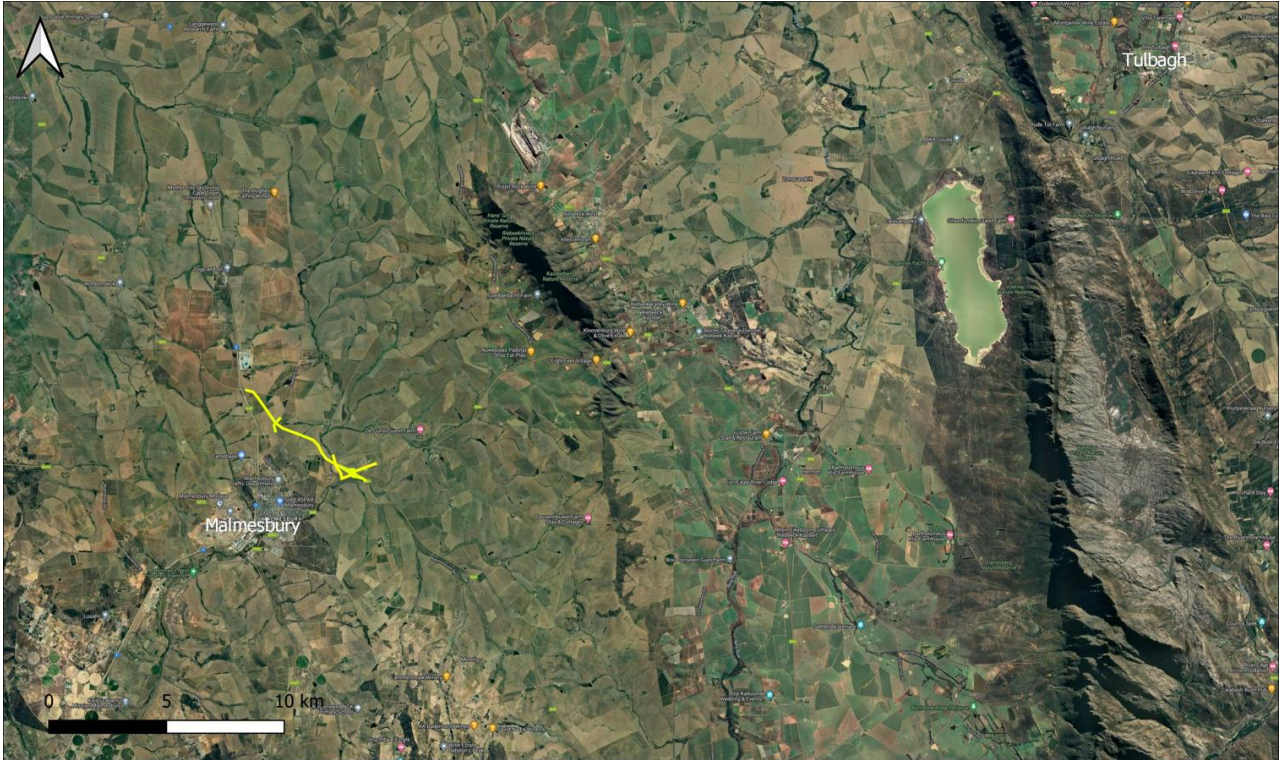
Copied to: (1) Mrs. W. Cordier (GNEC (Pty) Ltd)

E-mail: [willene@gnec.co.za](mailto:willene@gnec.co.za)/  
[Guillaume@gnec.co.za](mailto:Guillaume@gnec.co.za)

(2) Mr. A. J. Burger (Swartland Municipality)

E-mail: [alwynburger@swartland.org.za](mailto:alwynburger@swartland.org.za) /  
[swartlandmun@swartland.org.za](mailto:swartlandmun@swartland.org.za)

**ANNEXURE 1: LOCALITY MAPS**



LOCALITY MAP: R45 CORRIDOR BETWEEN THE N7 AND R46 AT MALMESBURY, WESTERN CAPE





**ANNEXURE 3: ROUTE CO-ORDINATES (AT 100M INTERVALS ALONG THE ROUTE)**

<b>Malmesbury Bypass - Alignment co-ordinates every 100m</b>				
<b>Stake Value</b>	<b>WGS84 Lo19</b>		<b>Lat</b>	<b>Long</b>
	<b>Y</b>	<b>X</b>		
0	21361,891	3702569	-33 26 56.3690	18 46 12.8845
100	21450,292	3702522	-33 26 54.8454	18 46 09.4657
200	21538,693	3702475	-33 26 53.3217	18 46 06.0470
300	21627,095	3702428	-33 26 51.7980	18 46 02.6282
400	21715,496	3702382	-33 26 50.2743	18 45 59.2095
500	21803,897	3702335	-33 26 48.7505	18 45 55.7909
600	21892,298	3702288	-33 26 47.2268	18 45 52.3723
700	21980,700	3702241	-33 26 45.7030	18 45 48.9537
800	22069,101	3702195	-33 26 44.1791	18 45 45.5351
900	22157,502	3702148	-33 26 42.6553	18 45 42.1166
1000	22245,903	3702101	-33 26 41.1314	18 45 38.6981
1100	22334,305	3702054	-33 26 39.6075	18 45 35.2797
1200	22422,706	3702008	-33 26 38.0836	18 45 31.8612
1300	22511,107	3701961	-33 26 36.5596	18 45 28.4429
1400	22599,508	3701914	-33 26 35.0357	18 45 25.0245
1500	22687,909	3701867	-33 26 33.5117	18 45 21.6062
1600	22776,311	3701821	-33 26 31.9876	18 45 18.1879
1700	22864,712	3701774	-33 26 30.4636	18 45 14.7697
1800	22953,113	3701727	-33 26 28.9395	18 45 11.3515
1900	23041,383	3701680	-33 26 27.4075	18 45 07.9384
2000	23124,956	3701625	-33 26 25.6231	18 45 04.7079
2100	23200,505	3701560	-33 26 23.4944	18 45 01.7891
2200	23266,690	3701485	-33 26 21.0592	18 44 59.2337
2300	23322,334	3701402	-33 26 18.3609	18 44 57.0872
2400	23367,426	3701313	-33 26 15.4616	18 44 55.3499
2500	23410,387	3701223	-33 26 12.5272	18 44 53.6952
2600	23453,420	3701132	-33 26 09.5940	18 44 52.0377
2700	23503,539	3701046	-33 26 06.7841	18 44 50.1056
2800	23564,705	3700967	-33 26 04.2145	18 44 47.7451
2900	23635,833	3700897	-33 26 01.9308	18 44 44.9982
3000	23715,660	3700837	-33 25 59.9735	18 44 41.9136
3100	23802,769	3700788	-33 25 58.3774	18 44 38.5461
3200	23895,330	3700750	-33 25 57.1450	18 44 34.9666

3300	23988,939	3700715	-33 25 55.9958	18 44 31.3462
3400	24082,548	3700680	-33 25 54.8465	18 44 27.7258
3500	24176,157	3700644	-33 25 53.6972	18 44 24.1055
3600	24269,766	3700609	-33 25 52.5479	18 44 20.4852
3700	24363,375	3700574	-33 25 51.3985	18 44 16.8650
3800	24456,984	3700539	-33 25 50.2491	18 44 13.2447
3900	24550,593	3700504	-33 25 49.0997	18 44 09.6245
4000	24644,202	3700468	-33 25 47.9502	18 44 06.0043
4100	24737,812	3700433	-33 25 46.8007	18 44 02.3841
4200	24831,421	3700398	-33 25 45.6512	18 43 58.7640
4300	24924,919	3700363	-33 25 44.4923	18 43 55.1482
4400	25016,044	3700322	-33 25 43.1502	18 43 51.6249
4500	25103,431	3700273	-33 25 41.5668	18 43 48.2470
4600	25186,472	3700217	-33 25 39.7531	18 43 45.0382
4700	25264,593	3700155	-33 25 37.7217	18 43 42.0205
4800	25337,250	3700086	-33 25 35.4868	18 43 39.2149
4900	25403,939	3700012	-33 25 33.0637	18 43 36.6411
5000	25464,198	3699932	-33 25 30.4695	18 43 34.3166
5100	25520,225	3699849	-33 25 27.7762	18 43 32.1564
5200	25576,188	3699766	-33 25 25.0815	18 43 29.9987
5300	25632,151	3699683	-33 25 22.3868	18 43 27.8410
5400	25688,114	3699601	-33 25 19.6920	18 43 25.6833
5500	25744,077	3699518	-33 25 16.9973	18 43 23.5257
5600	25800,040	3699435	-33 25 14.3025	18 43 21.3681
5700	25856,003	3699352	-33 25 11.6078	18 43 19.2106
5800	25911,967	3699269	-33 25 08.9130	18 43 17.0530
5900	25967,930	3699186	-33 25 06.2182	18 43 14.8956
6000	26023,893	3699103	-33 25 03.5234	18 43 12.7381
6100	26079,856	3699020	-33 25 00.8286	18 43 10.5807
6200	26135,819	3698938	-33 24 58.1338	18 43 08.4234
6300	26194,043	3698856	-33 24 55.4927	18 43 06.1784
6400	26268,139	3698790	-33 24 53.3191	18 43 03.3176
6500	26356,450	3698743	-33 24 51.8066	18 42 59.9045
6600	26453,451	3698720	-33 24 51.0407	18 42 56.1527
6700	26552,407	3698705	-33 24 50.5640	18 42 52.3243
6800	26651,362	3698691	-33 24 50.0873	18 42 48.4960
6900	26750,318	3698677	-33 24 49.6105	18 42 44.6676
7000	26849,273	3698662	-33 24 49.1337	18 42 40.8393
7100	26948,228	3698648	-33 24 48.6568	18 42 37.0110
7200	27047,184	3698633	-33 24 48.1800	18 42 33.1827
7300	27146,139	3698619	-33 24 47.7031	18 42 29.3544



## ANNEXURE 4: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form dated 20 April 2022, the EMPr dated 13 July 2022, the RMMP dated 13 July 2022 and the Rehabilitation Plan dated 6 July 2022, submitted together with the Final BAR dated 13 July 2022 and the additional information received on 30 September 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Need and Desirability and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA;
- d) The comments received from I&APs and the responses thereto, included in the final BAR; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visit of the route was conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit of the route.

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

### 1. Public Participation

The Public Participation Process ("PPP") included:

- Identification of and engagement with I&APs;
- Giving written notice to stakeholders having jurisdiction in respect of any aspect of the proposed development via electronic mail correspondence on 17 May 2022;
- Giving written notice (including a hand-delivered executive summary) to landowners located within a 100m radius of the proposed route on 12 May 2022;
- The placing of a newspaper advertisement in the "Swartland Gazette" newspaper on 10 May 2022;
- Fixing notices (three (3) sets, three (3) Afrikaans and three (3) English) at strategic locations along the route on 12 May 2022; and
- Making the draft BAR available to I&APs for comment from 17 May 2022 to 15 June 2022.

The Department is satisfied that the PPP that was followed met the minimum legal requirements. All the comments raised, and responses thereto were included in the comments and responses report.

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

### 2. Alternatives

#### Preferred Alternative (Herewith Authorised)

The Preferred Alternative entails the completion of the R45 Regional Road Corridor, Malmesbury.

The completion of the R45 Regional Road Corridor, Malmesbury, a proclaimed and registered as a road reserve, comprises the following:

- A grade-separated interchange constructed at the intersection of the new road with the existing R45 Regional Road and R46 Regional Road, which will off-ramp;
- The construction of a bridge over the new road for the R46 Regional Road leading towards Riebeek Kasteel;

- The construction of a new underpass over the existing DR1150 Divisional Road (a gravel road); and
- The realignment of the southern-most section of the DR1150 Divisional Road (south of the new road) to meet the existing R45 Regional Road, approximately 600m south of the intersection with the existing R45/R46 Regional Roads.

The associated works over watercourse crossings and within wetlands comprises the following:

- The construction of minor and major culverts;
- The construction of bridges, associated piers/columns and viaduct structures; and
- The installation of erosion protection measures.

The associated upgrades at existing roads comprises the following:

- R45/R46 Regional Roads at-grade intersection will be upgraded to a grade-separated interchange;
- The construction of an underpass structure to accommodate the new road over the existing DR1150 Divisional Road;
- The construction of an underpass structure to accommodate the new road over the existing over the DR1149 Divisional Road (Piketberg Street); and
- The termination of the existing R45 Regional Road /N7 National Road Interchange (also known as the Hopefield Interchange).

The proposed R45 Regional Road Corridor will be approximately 7km long with a road reserve of approximately 30m wide, although this may vary in areas where earth shaping, cut and fill and/or bank stabilisation are required. The route will comprise an approximately 11m wide single carriageway with a typical geometric Class 1 rural road cross section.

This preferred alternative was informed by the route's constraints (although minimal), specialist input and the fact that the road is proposed entirely within an already proclaimed and registered road reserve. The preferred alternative was therefore deemed to be the best practicable environmental option.

#### 'No-go' Alternative

The 'No-Go' Alternative of not proceeding with the completion of the R45 Regional Road Corridor, Malmesbury was considered. However, maintaining the status quo, *i.e.*, no completion of the R45 Regional Road Corridor, was rejected by the holder, as it means that heavy traffic loads and road users will have to continue to reroute to existing roads passing through towns, such as Malmesbury, Moorreesburg and Riebeeek Kasteel. The positive impacts of the completion of the R45 Regional Road Corridor, Malmesbury include the provision of temporary employment opportunities (during the construction phase) and the benefits of improved road safety in the region, more efficient traffic flow and reduced travel times, which are benefits that will not be realised with the 'No-Go' Alternative. Furthermore, due to predicted increases in traffic volumes and the high proportion of heavy vehicles on the road, road conditions and safety in the region, on the road and in towns, are likely to further deteriorate with the 'No-Go' Alternative.

In light of the above, the 'No-Go' Alternative was therefore deemed undesirable.

### **3. Impact Assessment and Mitigation measures**

#### 3.1 Need and Desirability

The R45 Regional Road Corridor comprises a greenfield route. The wider area comprises agricultural land, watercourses and associated drainage lines, wetland areas and remnants of natural vegetation. The R45 Regional Road Corridor will link the R45 Regional Road / N7 National Road intersection and the R45 Regional Road / R46 Regional Road intersection in order to provide an alternative route for road users, specifically for freight

truck drivers currently making use of the Malmesbury internal road network. The R45 Regional Road Corridor will alleviate pressure on existing road infrastructure in Malmesbury and on the R311 Regional Road passing through Moorreesburg and Riebeek Kasteel.

The proposed development forms part of a larger transport infrastructure project for the West to East freight route, linking the West Coast region to the hinterland and the N1 National Road / N2 National Road further east. It is also anticipated that the R45 Regional Road Corridor will alleviate the increased west-east freight traffic generated by the Saldanha Industrial Development Zone. More specifically, freight movement will be facilitated from the Saldanha Bay area to major inter-regional transport routes (N7 National Road, N1 National Road and N2 National Road) and thereby strengthen regional economic linkages.

The proposed development is overall consistent with the forward planning context of the greater Swartland region and forms part of the infrastructure planning of the Swartland Local Municipality.

### 3.2 Aquatic Impacts

According to the Freshwater Impact Assessment Report (compiled by Freshwater Ecological Network (FEN) Consulting (Pty) Ltd dated), approximately six (6) Channelled Valley Bottom ("CVB") wetlands and four (4) drainage lines associated with the Diep and Riebeeks Rivers will be traversed by the R45 Regional Road Corridor. The watercourses and wetlands have been significantly transformed, as a result of land use changes. Consequently, a large change in ecosystem processes and loss of natural habitat has taken place, and which has resulted in the proliferation of alien and invasive species. However, the wetland features remained largely uncultivated and still support various wetland species, indigenous flora and SCC as well as providing essential ecosystem services.

It should be noted that CapeNature in correspondence (dated 4 June 2021), stated that the full delineation of the identified CVB wetlands along the route as 'no-go' areas, is a critical mitigation measure that must be implemented (*i.e.*, should not be optional). CapeNature regards this mitigation measure (along with the road designed and constructed as such), as pertinent to ensure avoidance of any SCC, especially in the case of SCC being found during a botanical walkthrough prior to the commencement of the construction phase.

Consequently, an RMMP has been compiled to address routine maintenance activities taking place in the affected watercourses. It must be noted that the accepted maintenance activities only relate to the activities described in the RMMP. The ongoing maintenance activities may therefore only be undertaken in accordance with the accepted RMMP. Should any new activities and associated infrastructure, not included in the RMMP, 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 holder to determine if any other Listed Activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

In light of the above, the proposed development is deemed to pose a moderate risk significance to the overall integrity of the CVB wetlands and drainage lines, whereas the operational phase impacts are deemed to pose an overall low risk significance. It is therefore the opinion of the freshwater ecologist that, only if the recommended mitigation measures are implemented and the watercourses suitably rehabilitated, the proposed development is considered acceptable, and will ensure a long-term positive impact to the watercourses due to ongoing maintenance undertaken in accordance with the accepted RMMP.

The National Department of Water and Sanitation confirmed (in the correspondence dated 20 June 2022), that the necessary Water Use Licence Application has been lodged.

The potential impacts on water resources that may result from the proposed development will be mitigated by the implementation of the conditions of this Environmental Authorisation, provisions of the EMPr, the RMMP and Rehabilitation Plan, inclusive of an Alien Clearing Management Plan.

### 3.3 Botanical Impacts

According to the Botanical Impact Assessment Report (compiled by Capensis Ecological Consulting (Pty) Ltd, dated March 2022), the proposed route is located within an area that historically contained Critically Endangered Swartland Granite Renosterveld and Critically Endangered Swartland Shale Renosterveld. The condition of the vegetation within the development footprint is deemed to be transformed across the majority of the route. Relatively small areas of highly degraded and degraded aquatic and terrestrial habitat were documented within the development footprint (that includes two SCC). An area of degraded, but representative renosterveld vegetation (including one confirmed SCC) was identified in close proximity to the development footprint. No Intact or Semi-intact condition vegetation exists in close proximity to the development footprint.

The Botanist recommended that the alignment of the R45 Regional Road Corridor be shifted slightly west where it was found to intersect and impact two species of conservation concern (SCC), and disturbance restricted to within the road reserve, so as not to impact the SCC populations. In addition to the above, the botanist also stated that if it is not possible to change the road alignment, then the said SCC populations must be propagated and established within the riparian Corridor east of their current locality before the commencement of the construction phase.

It should be noted that CapeNature in correspondence (dated 4 June 2021), stated that the re-alignment of the route to avoid the crossing containing populations of two SCC; as well as the demarcation of the high sensitivity area as a 'no-go' area, are critical mitigation measures that must be implemented (i.e., should not be optional). CapeNature regards the translocation, as an unsuitable mitigation measure, as translocation does not negate or decrease the net habitat and biodiversity loss, and since there remains uncertainty regarding the success of translocation.

It was determined by the applicant's project team that this mitigation measure (the re-alignment of the route) cannot be implemented for two reasons, *namely*:

- It will not be economically viable to re-align a multi-million-rand road to accommodate the said SCC populations; and
- The re-aligned road will fall outside of the proclaimed road reserve, which makes this mitigation measure unfeasible.

Considering the alternative mitigation measure proposed by the botanist (in the event that a re-alignment was not deemed feasible), a Rehabilitation Plan was compiled, which states that a 'Search and Rescue' exercise must be conducted prior to the commencement of construction activities. The Rehabilitation Plan accommodates the translocation to a suitable area as well as the revegetation of disturbed road verges within non-transformed habitat with appropriate locally indigenous hardy shrub species. In addition, an Alien Clearing Plan has been compiled in order to prevent erosion and invasion by weedy alien species, which will be implemented for the proposed development.

The completion of the R45 Regional Road Corridor will result in the loss of approximately 20ha of indigenous vegetation within the current road reserve along its length. Impacts

on vegetation will have a Medium Negative impact at a local scale in the long term. It is the botanical specialist opinion that with the recommended mitigation measures effectively implemented for the construction and operational phases of the project, the overall impacts would be reduced to Low Negative (from Medium Negative).

In the context of much of the route being transformed, but still containing patches of highly degraded to degraded Swartland Granite Renosterveld, Swartland Shale Renosterveld and associated wetland habitats, as well as three SCC, the botanist supports the proposed development from a botanical perspective, only if the above mitigation measures are adhered to.

The potential impacts on botanical resources that may result from the proposed development will be mitigated by the implementation of conditions of this Environmental Authorisation and the provisions of the EMP, RMMP and Rehabilitation Plan, inclusive of an Alien Clearing Management Plan.

### 3.4 Heritage Impacts

According to the Heritage Impact Assessment Report (compiled by ACO Associates CC, dated Revised April 2015 (revised)), there are no archaeological heritage sites of high significance reported in the study area. The landscapes through which the R45 Regional Road Corridor will pass have been heavily transformed, meaning that any in-situ archaeological material that did exist, is unlikely to have survived in context. A map and google earth review did not find any grave sites indicated along the bypass alternatives. However, there may be informal and prehistoric graves that will only be apparent when surveyed or during construction.

In light of the above, the significance of the heritage impact of the R45 Regional Road Corridor is deemed to be of Low significance.

A Notice of Intent to Develop was submitted to Heritage Western Cape, whereupon Heritage Western Cape indicated (in their comment dated 20 April 2022) that since there is no reason to believe that the proposed expansion will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) is required.

Additionally, the holder will comply with Conditions 20 and 21 of this Environmental Authorisation. This will help to ensure the protection of any heritage resources that may be encountered along the route.

### 3.5 Traffic Impacts

Loud Consulting Engineers in their correspondence (dated 1 July 2022), stated that no additional traffic studies for the R45 Regional Road Corridor are warranted, as the majority of the original Traffic Report remains relevant and does not require updating. The proposed route is expected to have an Average Annual Daily Traffic of approximately 710 vehicles per day, which is expected to grow to approximately 2 020 vehicles per day in the long term.

According to the Traffic Report (compiled by AECOM SA (Pty) Ltd, dated August 2014), the completion of the R45 Regional Road Corridor is expected to result in the removal of regional traffic, and significantly heavy vehicles, from the internal road networks of Malmesbury, Moorreesburg, Riebeeck Kastel and Riebeeck Wes, which will contribute to improved safety for both the regional traffic and the local traffic within those built environments. The proposed development will therefore provide a significant contribution to the movement of east/west freight, improve safety for both regional and local traffic and contribute to the improvement of the built environment of Malmesbury, Moorreesberg, Riebeeck Kasteel and Riebeeck Wes.

### 3.6 Visual Impacts/Sense of Place

The completion of the R45 Regional Road Corridor is expected to result in temporary visual impacts during the construction phase and minimal visual impacts during the operational phase, which will be managed in accordance with the relevant provisions of the EMPr.

The R45 Regional Road Corridor will change the character of the immediate area from a largely agricultural character to a modified rural landscape. However, there are already a number of higher order roads in the larger area, and the design and character of the proposed link road will be in keeping with the character of these, *i.e.*, a single carriageway with a similar capacity to the existing road network that the R45 Regional Road Corridor will connect to. As such, the R45 Regional Road Corridor will not significantly alter the Sense of Place and character of the broader area.

Alterations to the Sense of Place may be more pronounced at farm level, where the R45 Regional Road Corridor traverse's farms and where the R45 Regional Road Corridor will pass in close proximity to residential units. However, this is the case for several farms in the broader area. The route also has a moderate potential to conceal visual impacts due to the undulating topography, which includes mountains.

In view of the above, the overall visual impact of the R45 Regional Road Corridor is deemed to be of low significance. The impact will also be further reduced with the implementation of the mitigation measures included in the EMPr.

### 3.7 Noise Impacts

Safetech in their correspondence (dated 05 July 2022), stated that an additional Noise Impact Assessment is not warranted, as the original Noise Impact Assessment Report is still valid based on the traffic counts and impacts.

According to the Screening Noise Impact Assessment Report (compiled by Demos Dracoulides, dated April 2015), the vehicular traffic that will be generated by the completion of the R45 Regional Road Corridor will not generate noise levels that exceeded the South African National Standards ("SANS") daytime and night-time rural district guidelines of 45 dB(A) and 35 dB(A), respectively, at the scattered farmhouses in the immediate surrounds.

The noise impact of the proposed development on the adjacent farms is therefore deemed to be of very low significance.

### 3.8 Socio-economic Impacts

The proposed development will create some temporary employment opportunities during the construction phase as well as skills acquisition.

The development proposal will result in both negative and positive impacts.

Negative Impacts include:

- Some loss of indigenous vegetation; and
- Some loss of wetland;
- Some loss and subdivision of agricultural land; and
- Construction related impacts, such as dust, noise and visual intrusion during the construction and operational phases.

Positive Impacts include:

- The creation of employment opportunities during the construction phase;
- Improved transport infrastructure;

- Economic benefits from reduced travel times; and
- Improved road safety during the operational phase.

#### **4. National Environmental Management Act, 1998 (Act No. 107 of 1998) Principles**

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

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

#### **5. Conclusion**

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the authorised Listed Activities will not conflict with the general objectives of Integrated Environmental Management stipulated in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the undertaking of the Listed Activities can be mitigated to acceptable levels.

-----END-----