



REFERENCE: 16/3/3/1/D5/16/0005/22
ENQUIRIES: Shireen Pullen
DATE OF ISSUE: 29 August 2022

The Director
Western Cape Government Department of Transport and Public Works
PO Box 9185
CAPE TOWN
8000

Attention: Mr. Azni November

Tel: (021) 483 0536

Email: Azni.november@westerncape.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PERIODIC MAINTENANCE OF TRUNK ROAD 83/1, KM 25.78 TO KM 34.00 AND KM 48.50 TO KM 58.00, TRUNK ROAD 83/2 FROM KM 0 TO KM 11,16 AND KM 15.25 TO KM 23.01, MAIN ROAD 365 FROM KM 0 TO KM 14.12, AND TRUNK ROAD 31/5 FROM KM 0.42 TO KM 0.90, BETWEEN RIVERSDALE TO LADISMITH, WESTERN CAPE

ENVIRONMENTAL AUTHORISATION

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

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA") and the Environmental Impact Assessment ("EIA") Regulations, 2014, the Competent Authority herewith **grants Environmental Authorisation** to the applicant to undertake the listed activities specified in section B below with respect to **the Preferred Alternative**, described in the Final Basic Assessment Report ("FBAR"), dated 09 May 2022 and **adopts** and **defines** the Maintenance Management Plan prepared and submitted by Guillaume Nel Environmental Consultants (GNEC), 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 Director
 Western Cape Government Department of Transport and Public Works
 % Mr. A. November
 PO Box 9185
CAPE TOWN
 8000

Tel: (021) 483 0536
 Email: Azni.november@westerncape.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 Government Notice No. 326 of 7 April 2017	
<p>Activity Number: 19</p> <p>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> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</p> <p>(c) falls within the ambit of activity 21 in this Notice, in 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>It is proposed that maintenance of the stormwater structures forms part of the proposed maintenance. The proposed maintenance will result in more than 10 cubic metres of material being excavated, moved and / or infilled in the watercourses. Therefore, this listed activity is triggered.</p>

<p>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>Environmental Impact Assessment Regulations Listing Notice 3 Government Notice No. 328 of 7 April 2017</p>	
<p>Activity Number: 12</p> <p>Activity Description:</p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>Western Cape</p> <ol style="list-style-type: none"> i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004; ii. Within critical biodiversity areas identified in bioregional plans; iii. Within the littoral active zone or 100 metres inland from 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; iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning; or v. On land designated for protection or conservation purposes in an Environmental Management Framework adopted in the prescribed manner, or a Spatial Development Framework adopted by the MEC or Minister 	<p>Seven vegetation types were identified along the various roads. The conservation status of the vegetation types are Least Threatened with the exception of the Muscadel Riviere (Azi8) vegetation type being classified as Endangered. As such, application is made for this listed activity as the clearance of more than 300 square metres of Muscadel Riviere (Azi8) will take place.</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 as it relates to the development and development footprint area:

The project entails repairs and maintenance of the following roads amounting to approximately 51,24 km between Ladismith and Riversdale being partially located within Kannaland Municipality and partially located within Hessequa Municipality. The development footprint of the proposed maintenance will constitute approximately 306 000m².

- Trunk Road 83/1 from km 25.78 to km 34.00;
- Trunk Road 83/1 from km 48.50 to km 58.00;
- Trunk Road 83/2 from km 15.25 to km 23.01;
- Trunk Road 83/2 from km 0.00 to km 11.16;
- Main Road 365 from km 0.00 to km 14.12 and
- Trunk Road 31/5 from km 0.42 to km 0.90.

The repairs and maintenance activities will include the following:

- Repairs and maintenance to the existing pavement (surface patching, functional patching, base repairs, rut filling, edge break repairs, crack sealing, repair of eroded shoulders, together with the necessary layer works and texture treatment with a fine slurry).
- Resealing of the roads will be applied using a bitumen rubber single seal consisting of a 14 mm stone after the maintenance is completed.
- Maintenance of the existing stormwater infrastructure located along the TR83/1, TR83/2, TR31/5 and MR365 to ensure that stormwater is adequately attenuated and dispersed.
- The repair and cleaning of all (approximately 199 minor concrete pipe culverts passing under the road of which 10 are Armco pipes of varying diameters culvert inlets and outlets) blocked culverts
- Installation of erosion protection measures on steep gradients
- Erosion protection measures will be installed on steep gradients or where erosion has taken place.
- The installation of some 600mm diameter culverts under some of the farm and local accesses (where needed) to improve longitudinal drainage.
- The installation of proper concrete headwalls, wingwalls and aprons to replace the existing masonry structures on a like for like basis,

The proposal also includes the maintenance of these watercourse crossings:

TR83/1 4 Bridges and 6 large Armco type culverts

Bridge 5090: TR 83/1 at km 52.91 (existing bridge consisting of a 4 span simply supported in-situ concrete structure of which each span is 5m in length)

- The removal of vegetation overgrowth and silt deposits to ensure the free flow of water.
- Repairs of vertical cracks, where moisture is evident, greater than 2.5mm in the abutments, wingwalls and piers by neatly cutting it open (in the form of a v-notch), sealing it by crack injection and repairing the v-notch with cementitious repair compound.
- Repairing of cracks smaller than 2.5mm by using crack injection.
- Cleaning of weep holes at both abutments.
- Installation of gabion mattresses along the foundation footprint to avoid further scouring.
- Replacement of expansion movement joints at the piers and abutments with Thorma joints.

Bridge 5007: TR 83/1 at km 54.00 (The existing bridge is a 10No. 21m span simply supported curved in-situ concrete monolithic beam and slab structure on a 45-degree skew)

- Removal of vegetation overgrowth and debris deposits on the foundations to ensure the free flow of water.

- Repairs of vertical and horizontal cracks in the abutment, piers, wingwalls and deck, exceeding 2.5mm in width by neatly cut it open (in the form of a v-notch), and sealing it by crack injection with an approved epoxy and the v-notch repaired with cementitious repair compound.
- Repairing of cracks smaller than 2.5mm by using crack injection
- Cleaning of the deck soffit surface (concrete) by using a high-pressure water jet to establish the cause of efflorescence and then sealing it with an approved cementitious repair compound.
- Repairing damaged concrete areas to piers, deck and parapets by neatly cutting out, cleaning the reinforcement of all oxidation and treating it with a noncorrosive compound, then reinstating it with a cementitious repair compound.
- Repairing of concrete spalling with an epoxy repair mortar to prevent further aggregate loss and exposure.
- Replacing the expansion movement joints at the piers and abutments with Thorma joints.

Bridge 4837: TR 83/1 at km 57.49 (An existing bridge consisting of an 8 span simply supported in-situ concrete monolithic beam and slab structure consisting of 13m spans)

- Removal of dense vegetation overgrowth and debris deposits to ensure the free flow of water.
- Repairs of vertical and horizontal cracks in the abutment, piers, wingwalls and deck, exceeding 2.5mm in width by neatly cut it open (in the form of a v-notch), and sealing it by crack injection with an approved epoxy and the v-notch repaired with cementitious repair compound.
- Repairing of cracks smaller than 2.5mm by using crack injection
- Backfilling is required with suitable imported materials and dump rock riprap shall be neatly placed around the piers and abutments to prevent further scouring and erosion.
- Damaged and spalled concrete areas to piers, abutments, wingwalls, deck and parapets are to be neatly cut-out, reinforcement will be cleaned of all oxidation and treated with a non-corrosive compound, then repaired with a cementitious repair compound.
- Joints at abutments and deck will be clearly separated at their interface.
- All concrete spalling will be repaired with an epoxy repair mortar to prevent further aggregate loss and exposure.
- Expansion movement joints at the piers and abutments will be replaced with Thorma joints.

Bridge 4838: TR 83/1 at km 57.61 (an existing bridge consisting of a 2 span simply supported in-situ concrete monolithic beam and slab structure consisting of 13m spans)

- Removal of dense vegetation overgrowth and debris deposits to ensure the free flow of water.
- Repairs of vertical and horizontal cracks in the abutment, piers, wingwalls and deck, exceeding 2.5mm in width by neatly cut it open (in the form of a v-notch), and sealing it by crack injection with an approved epoxy and the v-notch repaired with cementitious repair compound.
- Repairing of cracks smaller than 2.5mm by using crack injection.
- Backfilling is required with suitable imported materials and dumped rock riprap shall be neatly placed around the piers and abutments to prevent further scouring and erosion.

Culvert 10875: TR 83/1 at km 26.24

- Trimming and removal of dense vegetation at the inlet and outlet and removal of silt deposits inside the barrel

Culvert 10692: TR 83/1 at km 30.63 (an existing structure consisting of a single cell Armco drainage culvert with an approximate circular diameter of 1.85m and an overall length of approximately 21.3m).

- Clearance of accumulation of debris and silt deposits within the barrel and there is dense vegetation overgrowth in the waterways.
- Rehabilitation of the existing in-situ concrete apron slabs at both the inlet and outlet where there is a loss of aggregates.

Culvert 10874: TR83/1 at km 29.99 (The existing structure consisting of a double cell Armco drainage culvert with an approximate 3.7 m wide x 3.0 m high opening 35.0 m in length)

- Removal and trimming of dense vegetation at the inlet and outlet.
- Removal of silt deposits inside the barrel and carting thereof to spoil.
- Dumping of rock and packing it neatly at the inlet to prevent further scouring and erosion.

Culvert 10089: TR 83/1 at 50.82 (an existing structure consisting of a single cell Armco drainage culvert with an approximate 4.9m wide x 4.9 high and is approximately 25.85m long).

- Clearance of dense vegetation and debris from the culvert.
- Installation of gabion baskets along the waterway and embankments to prevent further scouring and erosion.
- Clearance of the Armco barrel walls and the painting of affected corroded areas with a cold galvanized paint and the entire internal surface area is to be painted with a mastic asphalt coating to prevent further corrosion.
- The cracks less than 2.5mm in the sloping headwall will be sealed by injection and cracks greater than 2.5mm are to be cut back with a v-notch and sealed with cementitious repair compound.
- New guardrails as per the WCG Standard Plans manual are to be installed for safety requirements.

Culvert 10867: TR 83/1 at km 52.61 (an existing single cell consisting of an Armco drainage culvert that is 3.2m wide x 2.1m high structure in very poor condition).

- There is significant chemical attack and corrosion evident in the walls and roof of the Armco structure.
- Repairing of culvert by placing a new prefabricated concrete pipe within the existing culvert and the remaining space to be filled with self-compacting concrete.
- The construction of a new headwall, apron slab and wingwalls are to be constructed at the outlet and new gabion mattresses are to be installed to prevent further scouring and erosion.

Culvert 10867: TR 83/1 at 55.19 The existing structure consisting of a single cell, in-situ portal drainage culvert with an approximate opening of 3.2m wide x 2.0m high and approximately 12.8m long).

- Clearance of vegetation and removal of debris from the culvert.
- The existing deck at both the inlet and outlet are to be demolished and reconstructed with a raised headwall. New guardrails as per the WCG Standard Plans are to be installed for safety requirements.

TR 83/2: 2 Bridge and 4 concrete culverts:

Bridge 5359: TR 83/2 at km 6.73 (an existing bridge consisting of a 4 span simply supported in-situ concrete deck slab structure of with 10.6m spans).

- Clearance of vegetation and removal of all debris from the waterway.
- Cleaning of all scuppers and abutment weep holes.
- Replacement of existing expansion joints with Thorma joints.
- Repair of compound cracks greater than 2.5mm by cutting back and repairing it with a cementitious repair compound.
- Repairing of cracks less than 2.5mm by sealing it by injection with an approved epoxy.

Bridge 5490: TR83/2 at km 15.56 (an existing bridge consisting of a 7-span prestressed, continuous concrete deck slab consisting of 12.5m spans).

- Sealing of crack in deck slab by injection with an approved epoxy.
- Sealing of all damaged concrete with epoxy repair mortar.
- Unblocking and cleaning of all road drains and existing joints.

Culvert 10972: TR 83/2 at km 9.32 (an existing structure consisting of a single portal, cast in-situ concrete structure with a deck slab supported on in-situ RC walls. The culvert opening is 3.0m wide with an approximate height of 1.7m and the structure has an overall length of approximately 20.7m).

- Clearance of dense vegetation and removal of the debris from the waterway.
- Regrading of the banks at a slope of 1:1.5 to prevent material spill over.
- Clearance of all scuppers and weepholes.

Culvert 10976: TR83/2 at km 19.93 (an existing culvert consisting of a single portal, cast in-situ concrete structure. The culvert opening is approximately 3.9m wide and 2.0m high).

- Removal of vegetation at wingwalls and the installation of gabion boxes to prevent further scour.
- Installation of gabion mattresses in outlet waterway to prevent further scour and erosion.
- cut out of spalled and damaged concrete areas to deck and reinforcement and cleaning it from all oxidation and treated with a non-corrosive compound and then reinstating it with a cementitious repair compound.
- All weepholes will be either entirely or partially buried and must be fully exposed and cleared.
- Cracks greater than 2.5mm will be cut back and repaired with a cementitious repair compound and cracks less than 2.5mm are to be sealed by injection with an approved epoxy.
- Installation of new guardrails as per the WCG Standard Plans for safety requirements.

Culvert un-numbered: TR83/2 at km 20.37 (an existing culvert consisting of a minor single portal, cast in-situ concrete structure. The culvert opening is approximately 2.0m wide and 2.0m high).

- Clearance of vegetation overgrowth is at the inlet as well as removal of sediment build up in the waterway.
- Installation of new gabion boxes in the outlet waterway to prevent further scour.
- Damaged concrete areas to deck are to be neatly cut out, reinforcement cleaned of all oxidation and treated with a non-corrosive compound, then reinstated with a cementitious repair compound.

- All weepholes are either entirely or partially buried and must be fully exposed and cleared.
- Cracks greater than 2.5mm are to be cut back and repaired with a cementitious repair compound and cracks less than 2.5mm are to be sealed by injection with an approved epoxy.

Culvert 10977: TR83/2 at km 22.25 (an existing structure that consists of a double cell portal, cast in-situ concrete structure. Each cell's openings are approximately 2.9m wide and 2.9m high).

- New guardrails as per the WCG Standard Plans will be installed for safety requirements. Vegetation overgrowth will be cleared at the inlet.
- Excessive erosion is evident in the eastern cell due to the rerouting of the waterway by a vagrant living in the western cell. The eastern cell is to be partially backfilled and the natural waterway reinstated. The vagrant is to be removed from the western cell. Damage and spalling of deck edge to be neatly cut out, reinforcement cleaned of all oxidation and treated with a noncorrosive compound, then reinstated with a cementitious repair compound or concrete. Crack at deck/abutment interface to be sealed and joint to be reinstated to allow for movements.
- Cracks greater than 2.5mm are to be cut back and repaired with a cementitious repair compound and cracks less than 2.5mm are to be sealed by injection with an approved epoxy.

MR 365 2 Bridges and 3 large in- situ concrete culverts

Bridge 9061: MR 365 at km 3.30 (an existing bridge is a single cellular cast in-situ concrete structure with a deck slab supported on abutment walls. The opening is 7.8m wide with an approximate height of 3.5m).

- Clear vegetation adjacent the wingwalls and remove debris in the waterway.
- Damaged deck edge to be neatly cut out, reinforcement cleaned of all oxidation and treated with a non-corrosive compound, then reinstated with a cementitious repair compound or concrete.
- Cracks greater than 2.5mm are to be cut back and repaired with a cementitious repair compound and cracks less than 2.5mm are to be sealed by injection with an approved epoxy. Regrade existing backs to a slope of 1:1.5 to avoid material spill over.
- Damaged area at abutment and wingwall to be demolished, reinforcement to be exposed and portion to be recast. Joint between crack and abutment to be reinstated to ensure cracking does not reoccur.
- New guardrails as per the WCG Standard Plans are to be installed for safety requirements.
- Roadway cracks to be sealed. The replacement of the wingwalls relates to the Like f

Culvert 10969: MR 365 at km 4.54 (an existing structure is a single cell, in-situ portal drainage culvert with an approximate 5.5m wide x 2.1m high opening. The overall length is approximately 12.0m).

- Vegetation is to be cleared and carted to spoil.
- Repair all vertical cracks in walls, wingwalls and deck in excess of 2.5mm, are to be neatly cut open (in the form of a v-notch), sealed by crack injection with an approved epoxy and the v-notch repaired with cementitious repair compound.
- Seal all cracks less than 2.5mm in with, with an approved epoxy by crack injection. Remove damaged deck edge and repair with approved cementitious repair compound. Crack between abutment and slab to be reinstated to avoid further restraint cracking.
- New guardrails as per the WCG Standard Plans are to be installed for safety requirements.

Culvert 10970: MR 365 at km 5.57 (an existing structure is a single cell, in-situ portal drainage culvert with an approximate 5.2m wide x 2.7m high opening. The overall length is approximately 12.0m.

- Clear all vegetation from the waterway and cart to spoil.
- Repair all cracks in walls, wingwalls and deck in excess of 2.5mm, are to be neatly cut open (in the form of a v-notch), sealed by crack injection with an approved epoxy and the v-notch repaired with cementitious repair compound.
- Seal all cracks less than 2.5mm in with, with an approved epoxy by crack injection. Install new guardrails as per the WCG Standard Plans for safety requirements.

Culvert 10971: MR 365 at km 8.33 (an existing structure is a single cell, in-situ portal drainage culvert with an approximate 3.7m wide x 3.0m high opening. The overall length is approximately 11.2m.

- Remove all debris from the waterway.
- Install new gabion boxes and mattresses in the waterway and embankments. The new gabion boxes and mattresses will exceed 10 m³ and therefore a listed activity is triggered. Deviate existing services.
- Missing culvert number to be replaced.
- Repair all cracks in walls and wingwalls in excess of 2.5mm, are to be neatly cut open (in the form of a v-notch), sealed by crack injection with an approved epoxy and the v-notch repaired with cementitious repair compound.
- Seal all cracks less than 2.5mm in with, with an approved epoxy by crack injection. Install new guardrails as per WCG Standard Plans for safety requirements.

Bridge 4515: MR 365 at km 13.10 (an existing bridge is a 3 span simply supported cast in-situ concrete deck slab structure consisting of 9.8m spans.

- Clear vegetation in the waterway and cart to spoil. Excavate, shape and remove boulders from within the waterway to match original design level.
- Replace existing deck movement joints with thorma joints, at piers and at abutments. Spalling of parapet to be neatly cut out, reinforcement cleaned of all oxidation and treated with a non-corrosive compound, then reinstated with a cementitious repair compound or concrete.
- Remove damaged deck edge and repair with approved cementitious repair compound. Cracks in excess of 2.5mm, are to be neatly cut open (in the form of a v-notch), sealed by crack injection with an approved epoxy and the v-notch repaired with cementitious repair compound.
- Seal all cracks less than 2.5mm in with, with an approved epoxy by crack injection.
- All weep holes in the abutments to be cleared.

TR31/5

Culvert Unknown Number: TR31/5 at km 0.7

- Vegetation clearing and removal of debris from the culvert.

A final design plan as well as specific maintenance method statements must be submitted to this Directorate as part of the EMPr.

C. SITE DESCRIPTION AND LOCATION

The proposed periodic maintenance of Trunk Road 83/1, Trunk Road 83/2, Trunk Road 31/5 and Main Road 365 is located between Riversdale and Ladismith in the Oudtshoorn area. The dominant land-use along the routes is Agriculture.

Coordinates:

TR83/1 from km 25.78 – km 34.00	Starting point co-ordinates for all alternatives			
	Latitude (S)	33°	54'	59.91"
	Longitude (E)	21°	13'	13.13"
	Middle point co-ordinates for all alternatives			
	Latitude (S)	33°	52'	58.05"
	Longitude (E)	21°	12'	44.59"
	End point co-ordinates for all alternatives			
	Latitude (S)	33°	50'	42.86"
	Longitude (E)	21°	12'	08.74"

TR83/1 from km 48.50 – km 58.00	Starting point co-ordinates for all alternatives			
	Latitude (S)	33°	45'	21.14"
	Longitude (E)	21°	09'	10.56"
	Middle point co-ordinates for all alternatives			
	Latitude (S)	33°	42'	41.99"
	Longitude (E)	21°	09'	46.59"

	End point co-ordinates for all alternatives			
	Latitude (S)	33°	40'	45"
	Longitude (E)	21°	10'	30.24"

TR83/2 from km 0.00 – km 11.16	Starting point co-ordinates for all alternatives			
	Latitude (S)	33°	34'	27.07"
	Longitude (E)	21°	12'	40.45"
	Middle point co-ordinates for all alternatives			
	Latitude (S)	33°	32'	37.07"
	Longitude (E)	21°	10'	30.02"
	End point co-ordinates for all alternatives			
	Latitude (S)	33°	30'	53.45"
	Longitude (E)	21°	07'	22.13"

TR83/2 from km 15.25 – km 23.01	Starting point co-ordinates for all alternatives			
	Latitude (S)	33°	30'	12.59"
	Longitude (E)	21°	05'	04.15"
	Middle point co-ordinates for all alternatives			
	Latitude (S)	33°	30'	06.60"
	Longitude (E)	21°	02'	39.50"
	End point co-ordinates for all alternatives			
	Latitude (S)	33°	29'	22.08"
	Longitude (E)	21°	00'	25.32"

MR365 from km 0.00 – km 14.12	Starting point co-ordinates for all alternatives			
	Latitude (S)	33°	30'	48.79"
	Longitude (E)	21°	07'	22.00"
	Middle point co-ordinates for all alternatives			
	Latitude (S)	33°	30'	10.15"
	Longitude (E)	21°	11'	43.36"
	End point co-ordinates for all alternatives			
	Latitude (S)	33°	29'	34.59"
	Longitude (E)	21°	15'	46.36"

TR31/5 from km 0.42 – km 0.90	Starting point co-ordinates for all alternatives			
	Latitude (S)	33°	29'	49.49"
	Longitude (E)	21°	15'	56.96"
	Middle point co-ordinates for all alternatives			
	Latitude (S)	33°	29'	51.10"
	Longitude (E)	21°	16'	05.51"
	End point co-ordinates for all alternatives			
	Latitude (S)	33°	29'	53.92"
	Longitude (E)	21°	16'	14.39"

Refer to Annexure 1: Locality Plan of this Environmental Authorisation.

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Guillaume Nel Environmental Consultants (GNEC)
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 7620

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E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **29 August 2027**:
2. The non-operational component of the Environmental Authorisation is subject to the following:
 - 2.1 The holder must commence with all the listed activities and conclude the development activities (construction phase) by **29 August 2026**.
 - 2.2 The holder must finalise the post construction rehabilitation and monitoring requirements within a period of 6-months from the date the development activities (construction phase) is concluded.
3. The Maintenance Management Plan dated 11 May 2022 prepared by Guillaume Nel (GNEC) is adopted for a period of 10 years (until 29 August 2032) during which period all maintenance activities, monitoring requirements and reporting must be finalised.

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 11 May 2022 on the site as described in Section C above.
5. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr"). A final design plan as well as specific maintenance method statements must be submitted to this Directorate as part of the 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 applicant notified 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.
 - 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: **Conditions: 8, 11, 13 and 21**
 - 9.3. Seven calendar days' notice, in writing, must be given to the Competent Authority on the commencement of any maintenance activities to be undertaken during the period that the environmental authorisation is valid.
10. Seven calendar days' written notice must be given to the Competent Authority on completion of the construction activities.

Management of activity

11. The draft or Environmental Management Programme (“EMPr”) submitted as part of the application for Environmental Authorisation must be amended to incorporate the following —
- 11.1 All ECO monthly compliance monitoring reports **must** be submitted to this Directorate on a monthly basis.
 - 11.2 Incorporate all the conditions of this Environmental Authorisation;
 - 11.3 Include the final design and specific maintenance method statements.
 - 11.4 The amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.
12. The EMPr 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”), for the duration of the construction and rehabilitation phases of implementation contained herein.
14. The ECO must—
- 14.1. be appointed prior to commencement of any works (i.e. removal and movement of soil);
 - 14.2. ensure compliance with the provisions contained in the EMPr and conditions of the EA;
 - 14.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 14.4. remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
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.

Auditing

17. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure that 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 provisions of 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 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 **six (6) months** of completion of the post construction rehabilitation and monitoring requirements.

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 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 maintenance/ rehabilitation 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 storage of materials and site camp establishment must occur within an identified demarcated area approved by the ECO.

22. Species of Conservation Concern must be rescued and translocated to an appropriately suitable habitat identified as identified in the EMPr.

23. Maintenance and construction activities must be undertaken during the drier summer months in order to mitigate the impact of the proposed development on the hydrological and geomorphological receiving environment.

24. Concrete works must be carefully controlled, and no concrete may be spilled within the watercourses.

25. All footprint areas must immediately be revegetated after the maintenance activities are completed to expedite the recovery of the watercourse crossings post maintenance activities.

26. A final design plan of the structures and the specific method statements for the maintenance works must be submitted to the Competent Authority prior to the commencement of the maintenance activities. This final design plan and detailed method statements for maintenance must be included in the amended EMPr that must be submitted to the competent authority.

27. 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 activities.

Amendment of Environmental Authorisation and EMPr

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

Where a validity period has been specified for operational aspects, the onus is on the Holder to ensure the activities are always undertaken in terms of a valid environmental authorisation.

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 granted for a set period from date of issue, during which period all the listed activities must be commenced with and concluded, including the post-construction rehabilitation; monitoring requirements and environmental auditing requirements which must be concluded.

The validity period and conditions of the environmental authorisation has been structured to promote the effective administration of the environmental authorisation and guidance has been provided to ensure the compliance thereof within the validity period, for example:

- ❖ Failure to complete the post construction rehabilitation and monitoring requirements at least six months prior to expiry of the validity period of an environmental authorisation may result in the Holder not being able to comply with the environmental auditing requirements in time.
 - ❖ Failure to complete the final auditing requirements at least three months prior to expiry of the validity period of the environmental authorisation may result in the Holder not being able to comply with all the environmental auditing and reporting requirements and may result in the competent authority not being able to process the audit timeously.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. Conditions: 8, 11, 13 and 21 under Section E of this EA). 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.

9. 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.
10. 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; and
 - 1.2. Submit a copy of the appeal to any registered I&APs including any Organ of State with interest in the matter; 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 and any registered I&AP including any Organ of State with an interest in the matter; and
 - 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. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT
WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

DATE OF DECISION: 29 AUGUST 2022

Copies to:

Ms. Carina Becker

Mr. Hyrin Ruiters

Mr. Hendrik Visser

Ms. Hetlie Liebenberg

Guillaume Nel Environmental Consultants

Kannaland Municipality

Hessequa Municipality

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Email: carina@gnec.co.za

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Email: hendrik@hessequa.gov.za

Email: gn@gnec.co.za / intern@gnec.co.za

FOR OFFICIAL USE ONLY:

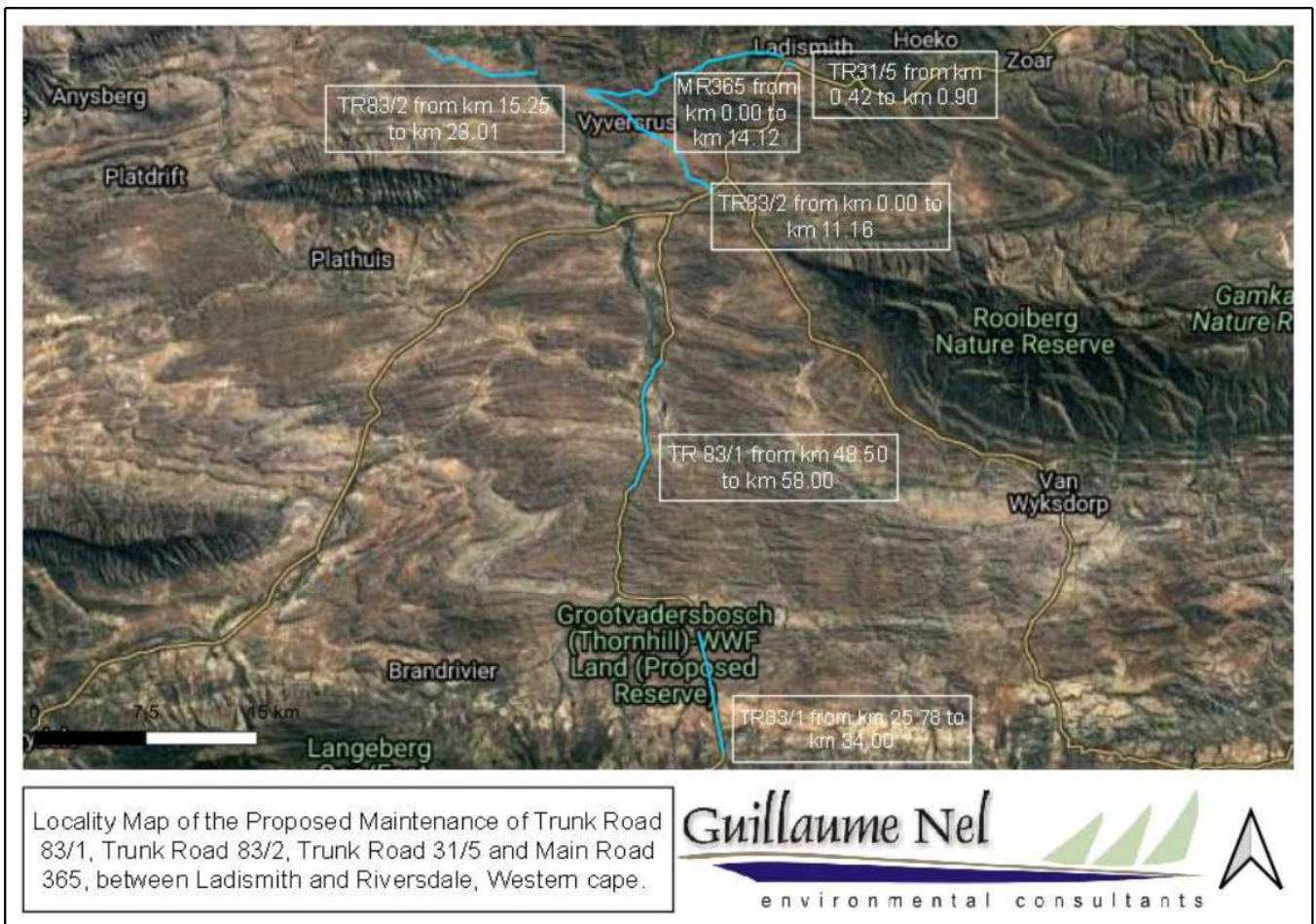
EIA REFERENCE NUMBER:

16/3/3/1/D5/16/0005/22

NEAS REFERENCE:

WCP/EIA/0001052/2022

ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: 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 23 February 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 11 May 2022;
- b) The information contained in the Maintenance Management Plan dated 11 May 2022;
- c) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- d) 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);
- e) The comments received from I&APs and responses to these, included in the FBAR dated 11 May 2022;
- f) The balancing of negative and positive impacts and proposed mitigation measures; and

The Department had sufficient information at its disposal to understand the environmental and spatial context and the case officer is also familiar with the site and surrounding area. 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. Legislated Requirements

The majority of the maintenance works will be undertaken within the proclaimed road reserve on existing structures, however, the upgrades to structures will result in the infilling of more than 10 cubes inside a watercourse and will thus trigger Activity 19 of Listing Notice 1. The cleaning of the culverts will also result in the clearance of more than 300m² of critically endangered vegetation. As part of this Authorisation, the Maintenance Management Plan that was included in the Basic Assessment Process is approved as part of the EMPr in this Environmental Authorisation.

2. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulation 2014 for public involvement. 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 a notice board at the sites on 25 October 2021;
- 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 22 February 2021;
- The pre-app BAR was made available for comment from 25 October 2021 until 26 November 2021;

- The draft BAR was made available for comment from 11 March 2022 until 12 April 2022;
- the placing of a newspaper advertisement in the 'Die Burger' on 25 October 2021; and

The following Organs of State provided comment on the proposal:

- ❖ *Civil Aviation Authority (CAA)*
- ❖ *Breede Gouritz Catchment Management Agency (BGCMA); and*
- ❖ *CapeNature*

The Gouritz Cluster Biosphere Reserve and adjacent landowners also provided comment on the proposal.

All the comments and issues raised by the respective Organs of State that were captured in the Basic Assessment Report and were adequately responded to by the EAP. BGCMA issued a General Authorisation for the proposed development, the CAA sent an email of no objection and CapeNature indicated that they have no objection to the proposal subject to recommendations made and incorporated into this authorisation. The Competent Authority is satisfied with the responses obtained from the EAP and the additional consultation with the Organs of State.

3. Alternatives

Since the proposed project relates to road maintenance, no site alternatives or activity alternatives were considered as the existing roads and infrastructure requires site specific maintenance actions.

Preferred site alternative

This alternative entails the works as described and approved under section B above.

"No-Go" Alternative

This alternative entails no maintenance of the existing road and infrastructure. This is not preferred because of the impacts relating mostly to the safety of the road, that would result if the roads are left in the current state. This is not the preferred alternative.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

According to the BAR there is currently a need to maintain this road to prevent any future safety risk which can be associated with unmaintained roads and other infrastructure. This Directorate is therefore of the opinion that the time and place factor of need and desirability is duly satisfied.

4.2 Integrated Development Plan (IDP)

According to the Kannaland and Hessequa Municipality's Integrated Development Plan (IDP) the site is located within a core agricultural area. This mostly includes farms/agricultural

activities alongside the roads. The proposed maintenance of the existing TR83/1, TR83/1, TR31/5 and MR365 will be in line with the Garden Route District Municipality's Integrated Development Plan as the use and zoning of the proposed site will remain the same.

4.3 Spatial Development Framework (SDF)

The land use rights of the proposed project are supported. Therefore, the proposed operations are in line with the Spatial Development Framework of the Local Municipality.

4.4 Biophysical Impacts

□ *The site*

According to the BAR the proposed site has been historically transformed from its natural state. A large portion of the area adjacent to the study site is mapped as a Critical Biodiversity Area ("CBA"). Although the CBA 1 sites are excluded from the road reserve itself, it does not imply that the road reserve is insignificant in terms of biodiversity and ecological infrastructure. The reason for this mapping as a CBA is that these are areas in a natural condition that are required to meet biodiversity targets. The overall Terrestrial Sensitivity for the roads is mapped as being of Very High sensitivity. Although the road upgrade falls within CBAs, ESAs, a vulnerable ecosystem and Focus Areas for land-based protected areas, the scale of the proposed project and, therefore, the impact is expected to be less significant and unlikely to alter the function, objectives and targets from these unique landscapes, with the implementation of the proposed mitigation measures. Thus, the surrounding natural vegetation within the local region is unlikely to be impacted by the proposed maintenance.

□ *Terrestrial Biodiversity*

According to the Screening Tool Report, the vegetation types along the route where the maintenance are proposed is a mixture of Eastern Rûens Shale Renosterveld, Swellendam Silcrete Fynbos, South Langeberg Sandstone Fynbos, Central Coastal Shale Band vegetation, North Langeberg Sandstone Fynbos, Montagu Shale Fynbos, Little Karoo Quartz Vygieveld, Montagu Shale Renosterveld, Muscadel Riviere, Western Little Karoo, and Western Gwarrieveld. However, due to the fact that this is an existing road the vegetation and habitat has been extremely fragmented. According to Scientific Terrestrial Services ("STS") the conditions within the road reserve are suboptimal for Species of Conservation Concern (SCC) fauna and flora due to a lack of suitable habitat and habitat fragmentation. STS found that the direct impact of the proposed maintenance on the floral ecology of the site is anticipated to vary between low and very low with the implementation of the mitigation measures. Additionally, the proposed maintenance is anticipated to have a very low impact on faunal communities.

□ *Aquatic environment:*

According to the freshwater study conducted by FEN Consulting (Pty) Ltd, the watercourses identified on site are interconnected and identified as predominantly ephemeral drainage lines (EDLs) with riparian vegetation and larger river systems with smaller associated tributaries. However, because of the construction of the roads requiring maintenance activities and current surrounding agricultural land uses, these watercourses have been heavily impacted upon and is in a degraded ecological state. The existing road crossings (minor and major culverts and bridges) were the most prevalent impact affecting the hydrology of the watercourses, second to the invasion of alien vegetation

species, erosion of the embankments of the watercourses (only applicable to some watercourses) and the disposal of litter in the watercourses.

In applying the DWS Risk Assessment Matrix (2016), the risk class was identified to be and can be allowed under a Generally Authorisation (GA). The proposed maintenance works to these structures is deemed positive for efficient long-term watercourse functionality. The severity scoring allocated took cognisance of the existing impacts in relation to those required as part of the upgrade. Furthermore, the risks associated with the construction of the new inlet/outlet structures and the construction of gabions/rip rap in certain watercourses was determined to be of Medium risk significance. A manual amendment of the scoring was implemented to classify these activities as Low risk significance. The following rationale behind this was motivated because if the maintenance would be undertaken during drier months, impacts to the hydrological and geomorphological regime of the watercourses can be considered Low; concrete works will be carefully controlled and no concrete may be spilled within the watercourses; and the footprint will be immediately re-vegetated to minimize the impact.

The specialist assessment concluded that the long-term impact of the proposed maintenance and upgrade activities is considered positive since the watercourses will be cleared of debris, and the implementation of suitable erosion control and scouring protection will prevent future instability of stream banks. This will aid in improving the ecological drivers of the watercourses as well as ecological service provision to downstream reaches of the watercourses during the operational phase.

It further concluded that because the proposed periodic maintenance activities will occur within the existing road reserve and the fact that the watercourses are degraded, there is no anticipated irreplaceable loss to the watercourses already traversed by the identified roads. Similarly, no cumulative impacts on the downstream watercourses, should the recommended mitigation measures be applied, are expected.

4.5 Heritage / Archaeological Aspects

A Notification of Intent to Develop (NID) was submitted to Heritage Western Cape (HWC), outlining the project, as well as the history of the area. HWC confirmed: "since there is no reason to believe that the proposed maintenance and upgrades of various roads: 1. Trunk Road 83/1 from km 25.78 to km 34.00, 2. Trunk Road 83/1 from km 48.50 to km 58.00, 3. Trunk Road 83/2 from km 0.00 to km 11.16, 4. Trunk Road 83/2 from km 15.25 to km 23.01, 5. Main Road 365 from km 0.00 to km 14.12, 6. Trunk Road 31/5 from km 0.42 to km 0.90, Riversdale and Ladismith will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required". In addition hereto, no historically or culturally significant elements, to be impacted on by the proposed project, have been identified.

In considering the above, 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 these. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the

relevant heritage resources authority with regard to the proposed development have been taken into account.

4.6 Other Impacts

No other impacts of significance are anticipated.

5. **Scope and Validity Period of Authorisation**

This environmental authorisation defines specific operational aspects. The applicant has indicated that the construction activities (non-operational aspects) should be completed within 15 months 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 (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit. 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 5 years after the environmental authorisation is issued. The maintenance activities are granted for a period of 10 years. 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**

After consideration of the information and factors listed above, the Department made the following findings:

- (a) The identification and assessment of impacts which are detailed in the FBAR dated 11 May 2022 is regarded to be a sufficient assessment of the key identified issues and impacts.

- (b) The procedure followed for the impact assessment is adequate for the decision-making process.
- (c) The proposed mitigation of impacts identified and assessed, curtails the identified negative impacts.
- (d) The proposed mitigation measures in the EMPr for the pre-construction, construction and rehabilitation phases of the development and included in the FBAR is deemed sufficient.
- (e) The proposed mitigation measures in the Maintenance Management Plan.

The Holder must also take due consideration of the duty of care principle as described in Section 28 of NEMA:

“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment”.

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** -----