



REFERENCE: 16/3/3/1/D2/19/0015/22
ENQUIRIES: Dorien Werth
DATE OF ISSUE: 28 October 2022

ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED STRENGTHENING OF TRUNK ROAD SECTION 1 (TR1/1) FROM 19.36 TO KM 24.55 BETWEEN GEORGE AND OUDTSHOORN AND MINOR ROAD OP06878 FROM 0.00 TO KM 1.98 TOWARDS WABOOMSKRAAL, 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 04 August 2022 as prepared and submitted by Zutari (Pty) Ltd, 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. 327 of 7 April 2017	
<p>Activity Number: 19 Activity Description:</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <ul style="list-style-type: none"> (a) will occur behind a development setback; (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or 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. (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>The proposed works relating to the widening of the road prism and lengthening of the culverts will result in more than 100m³ of material being excavated and backfilled inside defined watercourses or within 32m of watercourses.</p>
Environmental Impact Assessment Regulations Listing Notice 3 Government Notice No. 324 of 7 April 2017	
<p>Activity Number: 12 Activity Description:</p> <p>The clearance of an area of 300 square metres or more indigenous vegetation except where such clearance of indigenous vegetation as</p>	<p>A portion of TR1/1 runs through an area which is indicated as CBA. Works inside and outside of the existing road reserve (where expropriation of the land will take place) is in excess of 300m² in areas containing indigenous</p>

<p>required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>i. Western Cape</p> <p>i. Within critically endangered ecosystems 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; Within critical biodiversity area identified in bioregional plans.</p> <p>ii. Within critical biodiversity areas identified in bioregional plans;</p> <p>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;</p> <p>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</p> <p>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>	<p>vegetation. The total area of indigenous vegetation inside CBAs and outside of the existing road reserve is ±310m².</p>
<p>Activity Number: 18 Activity Description:</p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p>i. Western Cape</p> <p>i. Areas zoned for use as public open space or equivalent zoning;</p> <p>ii. All areas outside urban areas: (aa) Areas containing indigenous vegetation; (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>iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>Strengthening of TR1/1 will entail widening the road by more than 4m and up to 6m in localised sections where indigenous vegetation is present inside the road reserve.</p>

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

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 the widening of TR1/1 from an existing cross-sectional width of 11.2m to a Class 1 cross section with a width of 12.6m. The widening of the cross section will result in the footprint of the road prism to be widened up to 15m along localised sections of the road. The existing road reserve is 30m wide and, as a result of the widened footprint of the road prism, will be widened along localised sections of the road. OPO6878 will be repaired and resurfaced within the existing road reserve.

The project entails strengthening and widening of the following roads amounting to approximately 7.17km between George and Oudtshoorn being located within George Municipal area.

- Trunk Road TR1/1 from km 19.36 to km 24.55;
- Minor Road OP06878 from 0.00km to 1.98km;

Structures to be upgraded:

There are 9 existing drainage structures. The existing major structures will be upgraded by lengthening the culverts to the width of the wider road prism. Culverts will be upgraded to culverts with a minimum width of 600mm. Road OP06878 do cross over the Klip River and will be repaired and resurfaced.

TR1/1 upgrades

Location	Existing structure	Upgrade
A1, at 19.03km	Unknown	To be expanded
A2, at 19.50 km	Box culvert 2.43 x 2.43 m	To be expanded
A3, at 19.95 km	Box culvert 3.66 x 2.25 m	To be expanded
A4, at 20.13 km	Box culvert 1.55 x 1.84 m	To be expanded
A5, at 21.07 km	Box culvert 2.4 x 1.39 m	To be expanded
A6, at 22.21 km	Box culvert 3.7 x 2.10 m	To be expanded
A7, at 22.65 km	Box culvert 1.5 x 1.2 m	To be expanded
A8, at 23.45 km	Box culvert 1.8 x 1.55 m	To be expanded
A9, at 23.62 km	Box culvert 1.84 x 1.5 m	To be expanded

OP06878 Upgrades

Location	Existing structure	Upgrade
OP 06878	Tar road crossing river	Road resurfacing

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

C. SITE DESCRIPTION AND LOCATION

Trunk Road (TR1/1) is a road between George and Oudtshoorn and the proposed works will take place between 19.36km to 24.55km and will stretch over a distance of ±5.19km. OP06878 is a minor road off Trunk Road (TR1/1) towards Waboomskraal and stretch over a distance of 1.98km. Both roads for which the proposed works are proposed are situated within the George Municipal area.

Site Coordinates:

TRUNK ROAD 1 SECTION 1: ALTERNATIVE 1 (PREFERRED):

Starting point co-ordinates for all alternatives			
Latitude (S)	33°	51'	46,26"
Longitude (E)	22°	21'	36,14"
Middle point co-ordinates for all alternatives			
Latitude (S)	33°	50'	26.5362"
Longitude (E)	22°	20'	58.8439"
End point co-ordinates			
Latitude (S)	33°	49'	10.0674"
Longitude (E)	22°	21'	13.5240"

OP06878:

Starting point co-ordinates			
Latitude (S)	33°	50'	29.28"
Longitude (E)	22°	20'	59,46"
Middle point co-ordinates			
Latitude (S)	33°	50'	51.9"
Longitude (E)	22°	20'	45.36"
End point co-ordinates			
Latitude (S)	33°	51'	15.78"
Longitude (E)	22°	20'	55.2"

SG Digit codes of the Farms: Preferred Alternative

SG Code	Farm Name	Farm Portion / Number
C02700000000009400000	Smuts Kloof	RE/94
C02700000000009400007	Smuts Kloof	7/94
C02700000000009000005	Farm 90	5/90
C02700000000008800050	Kouwdouw	50/88
C02700000000008800051	Kouwdouw	51/88
C02700000000009000007	Farm 90	7/90
C02700000000009000004	Farm 90	4/90
C02700000000008000002	Palmiet Drift	2/80

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Zutari (Pty) Ltd
 Mr Wynand Loftus
 PO Box 509
 George
 6529

Tel: (044) 805 5458

Email: wynand.loftus@zutari.com

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from the date of issue until **30 November 2030**.
2. The holder must commence with the listed activity and conclude the development activity (construction phase) by 30 November 2030. All rehabilitation and post construction rehabilitation and monitoring requirements must be completed by the said date.
3. 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 01 August 2022 on the site as described in Section C above.

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

The proposal entails the widening of TR1/1 from an existing cross-sectional width of 11.2m to a Class 1 cross section with a width of 12.6m. The proposed widening of the cross section will result in the footprint of the road prism to be widened up to 15m along localised sections of the road. The existing road reserve is 30m wide and, as a result of the widened footprint of the road prism, will require to be widened along localised sections of the road. Telkom services will be relocated along the sections where the road reserve is widened to the east. The generated cut and fill volumes for the project is estimated as 80 000m³ and 25 000m³ respectively. All of the existing drainage structures within the watercourses that cross the road will be lengthened and/or upgraded, which will result in more than 100m³ of material being excavated and backfilled inside defined watercourses.

OP06878 will be repaired and resurfaced as part of this project and all works associated with OP06878 will be carried out within the footprint of the existing road and will therefore remain within the road reserve.

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

4. This Environmental Authorisation may only be implemented in accordance with an approved Environmental Management Programme ("EMPr").
5. 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.

6. 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

7. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties (“I&APs”) of –
 - 7.1.1 the decision reached on the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued.
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
 - 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision;
 - 7.4 provide the registered I&APs with the:
 - 7.4.1 name of the Holder (entity) of this Environmental Authorisation,
 - 7.4.2 name of the responsible person for this Environmental Authorisation,
 - 7.4.3 postal address of the Holder,
 - 7.4.4 telephonic and fax details of the Holder,
 - 7.4.5 e-mail address, if any, of the Holder,
 - 7.4.6 contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
 - 7.5 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.
 - 7.6 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

8. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of any activities.
 - 8.1 The notice must make clear reference to the site details and EIA Reference number given above.
 - 8.2 The notice must also include proof of compliance with the following conditions described herein: Conditions: 7, 11, 12, and 20.
9. Seven calendar days' written notice must be given to the Competent Authority on completion of the construction activities.

Management of activity

10. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby **approved**, subject to the following requirements:
 - 10.1 The EMPr must be amended to incorporate the following —
 - 10.1.1 All ECO monthly compliance monitoring reports **must** be submitted to this Directorate on a monthly basis.
 - 10.1.2 Incorporate all the conditions given in this Environmental Authorisation;
 - 10.1.3 Include the final design and specific maintenance method statements.
 - 10.2 The amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.
11. The EMPr must be included in all contract documentation for all phases of implementation.

Monitoring

12. The Holder must appoint a suitably experienced Environmental Control Officer ("ECO"), for the duration of the construction and rehabilitation phases.
13. The ECO must—
 - 13.1 be appointed prior to commencement of any works (i.e. removal of vegetation or movement of soil);
 - 13.2 ensure compliance with the EMPr and the conditions contained herein;
 - 13.3 keep record of all activities on the site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO;
 - 13.4 remain employed until all development activities are concluded, and the post construction rehabilitation and monitoring requirements are finalised.
14. A copy of the Environmental Authorisation, EMPr, any independent assessments of financial provision for rehabilitation and environmental liability, 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.

15. Access to the site 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

16. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and provisions of the EMPr, is audited.
17. The frequency of auditing of compliance with the conditions of the environmental authorisation and compliance with the provisions of the EMPr, must adhere to the following programme:
 - 17.1 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 environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted at least every five years to the Competent Authority.
 - 17.2 A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within three (3) months of completion of the post construction rehabilitation and monitoring requirements.
18. The Environmental Audit Report(s), must –
 - 18.1 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;
 - 18.2 provide verifiable findings, in a structured and systematic manner, on–
 - 18.2.1 the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and
 - 18.2.2 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.
 - 18.3 identify and assess any new impacts and risks as a result of undertaking the activity;
 - 18.4 evaluate the effectiveness of the EMPr;
 - 18.5 identify shortcomings in the EMPr;
 - 18.6 identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 18.7 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;

- 18.8 indicate the date on which the maintenance/ rehabilitation was commenced with and the progress of the rehabilitation;
- 18.9 include a photographic record of the site applicable to the audit; and
- 18.10 be informed by the ECO reports.

19. 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

- 20. The No-Go areas must be physically and clearly demarcated prior to any vegetation clearance, earthworks or construction activities commences. This area may not be used to store any materials. All construction related activities such as materials storage and site establishment must occur within an identified area approved by the ECO.
- 21. Species of Conservation Concern must be rescued and translocated to an appropriately suitable habitat previously identified in the EMPr, before construction activities commence.
- 22. Equipment and material lay down areas must be located at least 50m from any watercourses.
- 23. Concrete or cement mixing is not permitted within 50m of the watercourses.
- 24. A bunded area around the cement mixing area must be established in such a way that cement slurry will not run off into the surrounding environment.
- 25. Concrete works must be carefully controlled, and no concrete may be spilt into the watercourses.
- 26. All footprint areas must immediately be revegetated after the maintenance activities are completed to fast track or expedite recovery of the watercourse crossings post maintenance activities.
- 27. After completion of construction, all disturbed areas at all watercourse crossings and the Klip River must be:
 - 27.1 cleared of construction debris and blockages,
 - 27.2 cleared of alien invasive vegetation,
 - 27.3 re-vegetated with indigenous vegetation suitable to the area.
- 28. 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.

29. 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 G, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the relevant Competent Authority.

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 any provision of the 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.
8. This Environmental Authorisation is subject to compliance with all the peremptory conditions (i.e. 7, 11, 12, 20 and 28). 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: 28 OCTOBER 2022

Copies to:

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FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER: 16/3/3/1/D2/19/0015/22

NEAS REFERENCE: WCP/EIA/0001095/2022

ANNEXURE 1: LOCALITY MAP



- Legend**
- TR1/1 - km 19.360 to km 24.550 (extent of works)
 - OP 06878 - km 0.00 to km 1.98

Date: 2022/05/11

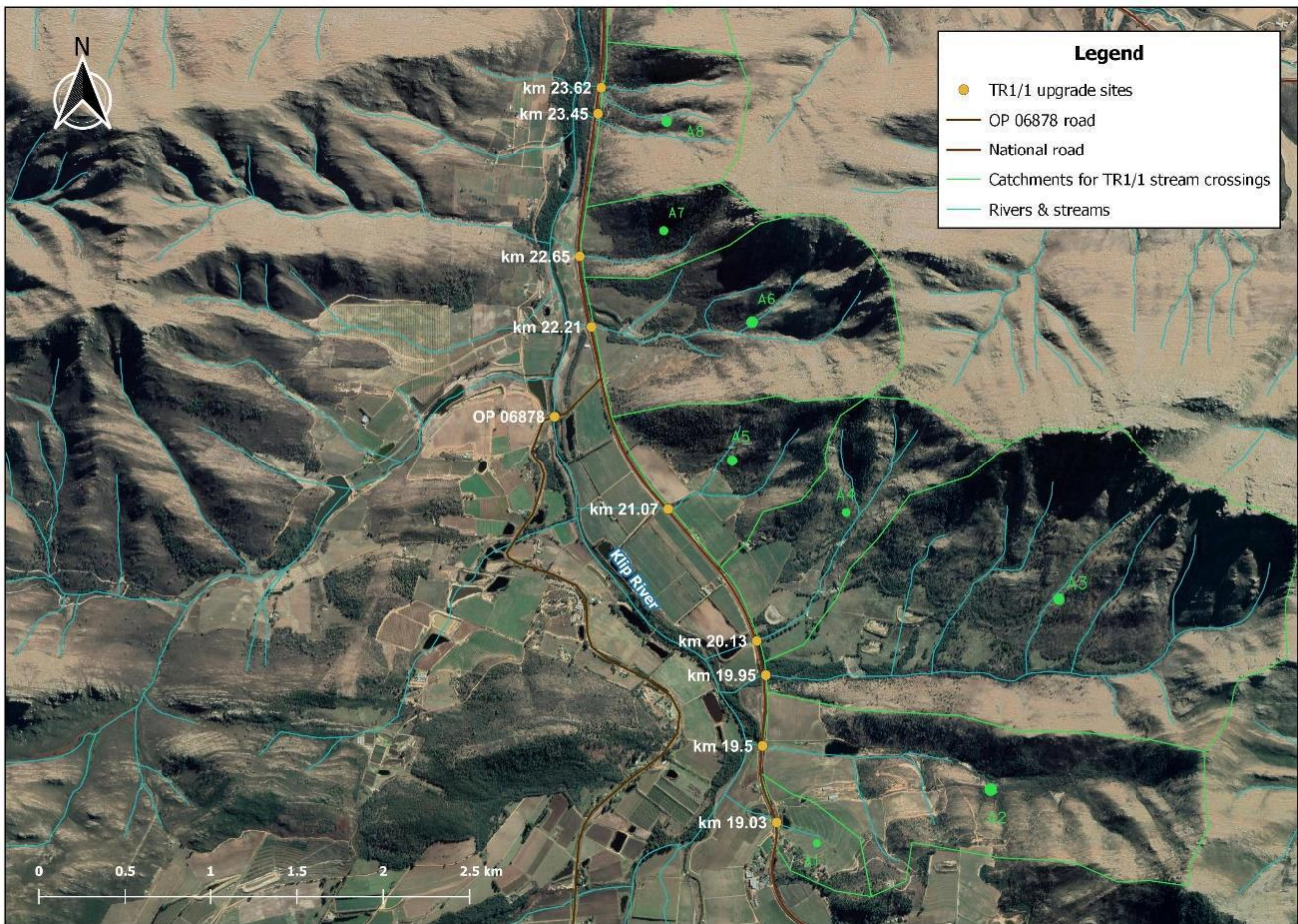
Strengthening TR1/1 - km 19.360 to km 24.550
 Locality Plan



1:75,000
 0 1 2 3 4 Kilometers

Job No: 503169 Map by: WL
 Projection: WGS_1984_UTM_Zone_34S

ANNEXURE 2: SITE PLAN TR1/1 UPGRADE SITES



ANNEXURE 3: REASONS FOR THE DECISION

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

- a) The information contained in the Application Form received on 05 May 2022, the Final Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 01 August 2022;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR dated 04 August 2022;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) 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.
- g) The Site Inspection that was conducted on 30 August 2022 and attended by This Directorate (Malcolm Fredericks and Dorien Werth) and Zutari Engineer (Wynand Loffes).

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 into a watercourse and thus will trigger Activity 19 of Listing Notice 1. The widening of the road will result in the clearance of more than 300m² of critically endangered vegetation and will trigger Activity 12 of Listing Notice 3 and the widening of TR1/1 with more than 4 metres will entail the clearance of indigenous vegetation which is present within the road reserve and thus will trigger Activity 18 of Listing Notice 3.

2. Public Participation

A sufficient public participation process was undertaken, and the applicant has satisfied the minimum requirements as prescribed in the NEMA EIA Regulations 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 proposed sites on 24 June 2022;
- 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 24 June 2022;

- the draft BAR was made available for comment from 27 June 2022 until 26 July 2022;
- the placing of a newspaper advertisement in the 'George Herald' on 23 June 2022; and

The following Organs of State provided comment on the proposal:

- *Western Cape Department of Agriculture: Land Use Management*
- *Breede Gouritz Catchment Management Agency (BGCMA); and*
- *Cape Nature*

The Western Cape Department of Agriculture: Land Use Management stated that there are no objections against the proposal.

The Breede Gouritz Catchment Management Agency (BGCMA) stated that the proposal will trigger water uses in terms of the National Water Act, 1998 (Act 36 of 1998) (NWA), however it is noted that a General Authorisation has been issued for the proposed project (August 2016).

Cape Nature stated that they have no objection against the proposed road upgrade as there will be no significant impact on biodiversity.

All the comments and issues raised by the respective Organs of State that were captured in the Basic Assessment Report were adequately responded to by the EAP. The BGCMA issued a General Authorisation for the proposed development. The Competent Authority is satisfied with the responses obtained from the EAP as to how the potential issues and concerns will be addressed and the additional consultation with Organs of State.

3. Alternatives

Since the proposed project relates to the upgrade of an existing road, the two alternatives that have been considered relates to the centreline of the road.

Alternative 1 – Preferred Alternative (Herewith Approved):

Optimised centreline with a road speed of 100km/h.

According to the FBAR the proposed widening of the cross section will result in the footprint of the road prism to be widened up to 15m along localised sections of the road. The existing road reserve is 30m wide and, as a result of the widened footprint of the road prism, will require to be widened along localised sections of the road. Telkom services will be relocated along the sections where the road reserve is widened to the east. The generated cut and fill volumes for the project is estimated as 80 000m³ and 25 000m³ respectively. All of the existing drainage structures within the watercourses that cross the road will be lengthened, which will result in more than 100m³ of material being excavated and backfilled inside defined watercourses. Upgrade will take place from 19.36km to 24.55km. See Annexure 2. This alternative has the following advantages over Alternative 2:

- The pavement strategy allows for the shifting of the centreline.
- This alternative will generate enough cut material to supply the required fill volume.
- Lengthening of all the drainage structures in the main water courses in each catchment area to the requirements for the widened cross section.
- Replace all the nominal culverts (with a diameter of less than 600mm) by 600mm diameter pipe culverts for maintenance purposes.
- Optimising the centreline allows for better distribution of earthworks.
- There will be minimal impact on Telkom services.
- None of the existing buildings will be affected by the widening.

Alternative 2

Existing centreline with road speed of 100km/h.

The existing centreline with a road speed of 100km/h and the road prism will be widened by up to 6m along localised section of the road. If the existing centreline is maintained, this alternative will require construction works to be done on both sides of the existing road prism. In the case of Alternative 1 (Preferred Alternative) it is possible to shift the horizontal centreline of the road to limit the required works to be done on one side of the road. Limiting the works to one side of the road will benefit traffic during construction, which will reduce construction duration and will be more cost effective.

"No-Go" Alternative

According to the FBAR this alternative entails that the current state of the road and transport management will remain. Strengthening and upgrading of the road is in line with the provincial upgrade of roads and will link in with the upgrade works that have already been undertaken for the road between George and Oudtshoorn. The vertical geometry of the existing road was found to be insufficient, and the pavement structure is considered to have reached the end of its design life and is showing signs of distress. Not upgrading the road will thus result in the status quo to persist and the road would experience further degradation resulting in decreased user safety and on-going maintenance.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

The FBAR submits that the WCG's responsibility is to upgrade, rehabilitate and maintain provincial roads within the Western Cape Province, provide EPWP work opportunities, develop emerging CIDS contractors and contribute towards black economic empowerment within the local communities.

There is a currently a need to maintain this road to prevent any future safety risks which can be associated with unmaintained roads and other infrastructure. The Competent Authority 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 Garden Route District Municipality IDP (November 2017) one of the Strategic Focus Areas of the Directorate: Civil Engineering Services includes "Sustainable living and quality environment with efficient infrastructure: and improving quality of life and social wellbeing", with Safe Roads being the "Focus Area/Performance Indicator". Therefore, the proposed operations are in line with Garden Route District Municipality IDP.

4.3 Spatial Development Framework (SDF)

The Western Cape's SDF (2014-2019) was framed to take forward the National SDP agenda which identifies improving infrastructure as a spatial priority and invest in public infrastructure and opening up new economic opportunities and developing the space economy. The proposed operations are in line with the Spatial Development Framework of the Local Municipality.

4.4 Biophysical Impacts

According to the FBAR the proposed upgrade of the TR1/1 would mainly affect natural vegetation (North Outeniqua Sandstone Fynbos) in the zone towards the northern end of the respective road section. A small section near the southern end of the road is indicated as South Outeniqua Sandstone Fynbos. The FBAR further submits that the impact would not be of high negative significance and the proposed mitigation measures in the EMPr should promote re-establishment of the vegetation in the road reserves where it has been lost. Long distance of the road reserves of the TR1/1 has vegetation of very low quality and the impacts there would be Low Negative with no mitigation necessary. The FBAR states that the grassy vegetation would rapidly recolonize the disturbed areas. The resurfacing of OP06878 would result in limited impacts on natural vegetation since most of the vegetation in the road reserves is secondary, of poor quality and not sensitive. The Competent Authority is of the opinion that the proposal will not have a significant negative impact on the biophysical receiving environment and can therefore be supported.

4.5 Freshwater

According to the FBAR the roads that require maintenance crosses a total of 8 ephemeral drainage lines. At these crossings the proposed road expansion will include the extension of the existing culverts and resurfacing of the road crossing at the Klip River at OP06878. The present Ecological State of the drainage lines that flow beneath TR1/1 ranges from C (Moderately Modified) to D (Largely Modified) and the Ecological Importance and Sensitivity of drainage lines was collectively assessed as being Low. The FBAR states that the impacts affecting the ecological state of the drainage lines were similar and dominated by instream dams, extensive alien vegetation and disconnection from the Klip River. The PES of the Klip River was C, Moderately Modified, and the Ecological Importance and Sensitivity (EIS) was determined to be High. Impacts associated with the Construction and Operational Phase were assessed collectively for the drainage lines and the Klip River. Based on the findings in the FBAR all the anticipated impacts can be mitigated to a Negligible level of significance. The risks to the watercourses were also Low provided that all mitigation measures are strictly implemented. The implementation of mitigation measures must be complied with by the holder of the EA and the appointed Environmental Control Officer must ensure compliance thereof. Given the

aforementioned, the Competent Authority is of the opinion that the proposal will not have a significant negative impact on the freshwater systems and can therefore be supported.

4.6 Botanical

The FBAR submits that the proposed upgrade of the TR1/1 would mainly affect natural vegetation (poor quality North Outeniqua Sandstone Fynbos) in the zone towards the northern end of the respective road section. According to the findings in the FBAR the impact would not be of high negative significance and the proposed mitigation measures should promote re-establishment of the vegetation in the road reserves where it has been lost. The FBAR further states that long distances of the road reserves of the TR1/1 have vegetation of very low quality and the impacts there would be Low Negative with no mitigation necessary. The grassy vegetation would rapidly recolonize the disturbed areas. Upgrading of the OP06878 would result in limited impacts on natural vegetation since most of the vegetation in the road reserve is secondary, of poor quality and not sensitive. The upgrade of the respective road sections is supported by the Competent Authority without any special conditions

4.7 Agricultural

None of the proposed project area can be used for agricultural production, regardless of the impact of the proposed development. The proposed development will therefore have no negative impact on the agricultural capacity of the site. The Competent Authority is therefore of the opinion that the proposal will not impact negatively on any agricultural resources.

4.8 Heritage

A NID was compiled and submitted to Heritage Western Cape. In a letter dated 15 March 2022 the following was stated: *"There is no reason to believe that the proposed road widening on Trunk Road 1/1 and Minor Road OP06878, George, will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required (CASE NUMBER: 21020101NK0224E)"*, as per letter dated 7 March 2022 from Heritage Western Cape. However, should any heritage resources, including evidence of graves and human burials, archaeological material and paleontological material be discovered during the execution of the activities above, all works must be stopped immediately, and Heritage Western Cape must be notified without delay. 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.

4.9. Terrestrial Biodiversity

It is concluded that the Terrestrial Biodiversity Sensitivity is no more than Medium in the northern part of the TR1/1 section investigated and Low in the southern part. As for the biodiversity along the Minor Road OP06878, field observations indicate a generally Low Terrestrial Biodiversity Sensitivity. This translates to the high probability that the proposed upgrades of the TR1/1 and

OP06878 would not result in unacceptable levels negative impacts on terrestrial biodiversity. Despite the Low to Medium sensitivity regarding the road upgrade sections, it is still very important that the precautionary principle should be invoked since the road reserves harbour important remnants of the natural habitat. As much of the natural habitat within the road reserves should be preserved and this should be a guiding principle in the EMPr

4.10 Other Impacts

No other impacts of significance are anticipated for the area that has been authorised in this Environmental Authorisation.

5. Scope and Validity Period of authorisation

The environmental authorisation has been granted for a period of eight (8) years, during which period the construction (non-operational) phase must commence and conclude within 8 years from the date of the environmental authorisation. The final environmental audit must be submitted to the Competent Authority within three (3) months prior to the expiry of the validity period of an environmental authorisation. 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 Competent Authority made the following findings:

- (a) The identification and assessment of impacts are detailed in the FBAR dated 20 June 2022 and sufficient assessment of the key identified issues and impacts have been completed.
- (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 is considered adequate

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.

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