



REFERENCE: 16/3/3/1/E4/5/1035/19
NEAS REFERENCE: WCP/EIA/0000630/2019
ENQUIRIES: Ms. S. Adams
DATE OF ISSUE: 2019 - 11 - 04

The Director: Road Design
Western Cape Government: Department of Transport and Public Works
Private Bag X9185
CAPE TOWN
8000

Attention: Ms. Melanie Hofmeyr

Tel: 021 483 3999

Fax: 021 483 2205

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE PROPOSED UPGRADE OF AN EXISTING PIPE CULVERT AT SV 3.230 INCLUDING THE UPGRADE AND EXTENSION OF AN EXISTING BOX CULVERT AT SV 1.643 ALONG BOONTJIESKRAAL ROAD (MR276), FARM BRUINKLIP NO. 355 AND PORTION 3 OF FARM KLIPHEUWEL NO. 41, CALEDON

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

Yours faithfully

MR ZAAHR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

Copies to:

- | | |
|---|---------------------|
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REFERENCE: 16/3/3/1/E4/5/1035/19
NEAS REFERENCE: WCP/EIA/0000630/2019
ENQUIRIES: Ms. S. Adams
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ENVIRONMENTAL AUTHORISATION

APPLICATION FOR ENVIRONMENTAL AUTHORISATION AND THE ADOPTION OF A MAINTENANCE MANAGEMENT PLAN IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 (AS AMENDED): THE UPGRADE OF AN EXISTING PIPE CULVERT AT SV 3.230 INCLUDING THE UPGRADE AND EXTENSION OF AN EXISTING BOX CULVERT AT SV 1.643 ALONG BOONTJIESKRAAL ROAD (MR276), FARM BRUINKLIP NO. 355 AND PORTION 3 OF FARM KLIPHEUWEL NO. 41, CALEDON

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 activity specified in section B below with respect to the Preferred Alternative Design as described in the Basic Assessment Report ("BAR"), dated 19 July 2019.

In terms of the NEMA, viz, the EIA Regulations, 2014 (as amended) (in Government Gazette No. 40772 of 7 April 2017) the Competent Authority hereby **adopts the Maintenance Management Plan ("MMP")** for the maintenance of storm water infrastructure along Boontjieskraal Road (MR276), Farm Bruinklip No. 355 and Portion 3 of Farm Klipheuwel No. 41, Caledon, included in the BAR dated 19 July 2019.

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

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Department of Transport and Public Works
Directorate: Road Design
c/o Ms. Melanie Hofmeyr
P. O. Box 9185
CAPE TOWN
8001

Tel: (021) 483 3999
Fax: (021) 483 2205

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Project Description
<p>Listing Notice Activity Number: 19 <i>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 or more than 10 cubic metres from a watercourse;</i></p> <p><i>but excluding where such infilling, depositing, dredging, excavation, removal or moving-</i></p> <p>(a) <i>Will occur behind a development setback;</i> (b) <i>Is for maintenance purposes undertaken in accordance with a maintenance management plan;</i> (c) <i>Falls within the ambit of activity 21 in this Notice, in which case that activity applies.</i> (d) <i>Occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</i> (e) <i>Where such development is related to the development of a port or harbor, in which case activity 26 in Listing Notice 2 of 2014 applies.</i></p>	<p>The upgrade of existing culverts will require the infilling of more than 10m³ of material within a watercourse.</p>

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

The holder is herein authorised to undertake the following alternative:

- a. The upgrade of the existing degraded pipe culvert at SV 3.230 located within the road reserve with a small section located outside the road reserve on Farm Bruinklip No. 355, Caledon. This includes the upgrade and extension of the existing degraded box culvert

at SV 1.643 mostly within the road reserve with a small section located outside the road reserve on Portion 3 of Farm Klipheuwel No 41, along the Boontjieskraal road, MR276, Caledon, Western Cape.

- b. The existing degraded pipe culvert will be removed and replaced with two new 1050mm diameter pipe culverts that will be installed with wing-walls, an apron slab and reno mattresses with a development footprint size of 45 square metres.
- c. The existing degraded box culvert will be upgraded and extended by 12m with new headwalls, wing-walls, apron slabs and reno mattresses with a development footprint size of 150 square metres.
- d. The storm water at the culverts will be channelled by means of impermeable wing-walls. Solid wing-walls has proved to be the most effective way to channel storm water. Wing-walls at the upstream side of the roads will be constructed with concrete. This will ensure that the structural integrity of the road, the culvert and the embankment will be protected against the negative structural impacts of water and erosion.

C. SITE DESCRIPTION AND LOCATION

The authorised listed activity will be undertaken along Boontjieskraal Road, MR276, Caledon at the following co-ordinates:

Culvert	Latitude (S)			Longitude (E)		
	°	'	"	°	'	"
Pipe Culvert to be upgraded at SV 3.230	34°	11'	20.54"	19°	19'	06.64"
Box Culvert to be upgraded and extended at SV 1.643	34°	12'	02.48"	19°	54'	40.00"

The SG codes are: C01300000000035500000
C01300000000041600003

Refer to Annexure 1: Locality Map and Annexure 2: Site Layout Map, which indicates the culverts locations along Boontjieskraal Road MR276, Caledon

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Guillaume Nel Environmental Consultants (Pty) Ltd.
c/o Christoff Dippenaar
P. O. Box 2632
PAARL
7620

Tel: (021) 870 1874
Fax: (021) 870 1873

E. CONDITIONS OF AUTHORISATION

Scope of authorisation

1. The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to the Preferred Alternative Design as described in the Basic Assessment Report ("BAR"), dated 19 July 2019 on the site as described in Section C above.
2. The Environmental Authorisation is valid for a period of **five years** from the date of issue within which commencement must occur.
3. The development must be concluded within **ten years** from the date of commencement of the listed activity.
4. The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
5. Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations, and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.

Written notice to the Competent Authority

6. Seven calendar days' notice, in writing, must be given to the Competent Authority before commencement of construction activities. The notice must:
 - 6.1 make clear reference to the site details and EIA Reference number given above; and
 - 6.2 also include proof of compliance with the following conditions described herein:

Conditions: 7, 8 and 13

Notification and administration of appeal

7. The holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
 - 7.1 notify all registered Interested and Affected Parties ("I&APs") of –
 - 7.1.1 the outcome of the application;
 - 7.1.2 the reasons for the decision as included in Annexure 3;
 - 7.1.3 the date of the decision; and
 - 7.1.4 the date when the decision was issued;
 - 7.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014 detailed in Section F below;

- 7.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and
- 7.4 provide the registered I&APs with:
 - 7.4.1 the name of the holder (entity) of this Environmental Authorisation;
 - 7.4.2 name of the responsible person for this Environmental Authorisation;
 - 7.4.3 postal address of the holder;
 - 7.4.4 telephonic and fax details of the holder;
 - 7.4.5 e-mail address, if any, of the holder; and
 - 7.4.6 the 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.
8. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days from the date of issue of this Environmental Authorisation. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided.

Management of activity

9. The draft Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.
10. The Rehabilitation Plan that forms part of the MMP for the Proposed Rehabilitation of the Culverts to be upgraded at SV 3.230 and SV 1.643 located along Boontjieskraal Road (MR276), Caledon, Western Cape, must be implemented.
11. The MMP adopted as part of this Environmental Authorisation must be implemented.
12. The EMPr and MMP must be included in all contract documentation for all phases of implementation.

Monitoring

13. The holder must appoint a suitably experienced environmental control officer ("ECO"), or site agent where appropriate, before commencement of any land clearing or construction activities to ensure compliance with the provisions of the EMPr and the conditions contained herein.
14. A copy of the Environmental Authorisation, EMPr, audit reports and compliance monitoring reports must be kept at the site of the authorised activities, and must be made available to anyone on request, including a publicly accessible website.
15. Access to the site referred to in Section C above 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. In terms of Regulation 34 of the NEMA EIA Regulations, 2014, the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation, the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014.

The holder must undertake an environmental audit quarterly for the duration of the construction phase and submit Environmental Audit Reports to the Competent Authority once every six months during the construction phase. The final Environmental Audit Report must be submitted to the Competent Authority within six months after operation commenced.

The holder must, within 7 days of the submission of each of the above-mentioned reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the report available to anyone on request and on a publicly accessible website (if applicable).

Specific Conditions

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

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

18. A qualified archaeologist and/or palaeontologist must be contracted where necessary (at the expense of the holder) to remove any heritage remains. Heritage remains can only be disturbed by a suitably qualified heritage specialist working under a directive from the relevant heritage resources authority.

F. GENERAL MATTERS

1. Notwithstanding this Environmental Authorisation, the holder must comply with any other statutory requirements that may be applicable when undertaking the listed activity.
2. Non-compliance with a condition of this Environmental Authorisation or EMPr may render the holder liable to criminal prosecution.

3. If the holder does not commence with a listed activity within the period referred to in Condition 2, this Environmental Authorisation shall lapse for that activity, and a new application for Environmental Authorisation must be submitted to the Competent Authority. If the holder wishes to extend the validity period of the Environmental Authorisation, an application for amendment in this regard must be made to the Competent Authority prior to the expiry date of the Environmental Authorisation.
4. The holder must submit an application for amendment of the Environmental Authorisation to the Competent Authority where any detail with respect to the Environmental Authorisation must be amended, added, substituted, corrected, removed or updated. If a new holder is proposed, an application for Amendment in terms of Part 1 of the EIA Regulations, 2014 must be submitted.

Please note that an amendment is not required if there is a change in the contact details of the holder. In this case, the Competent Authority must only be notified of such changes.

5. The manner and frequency for updating the EMPr is as follows:
Amendments to the EMPr must be done in accordance with Regulations 35 to 37 of the EIA Regulations 2014 or any relevant legislation that may be applicable at the time.

G. APPEALS

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

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
 - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 1.2. Submit a copy of the appeal to any registered I&APs, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision. -
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, any registered I&AP, any Organ of State with interest in the matter and the decision-maker i.e. the Competent Authority that issued the decision.
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 address listed below:
- By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000
- By facsimile: (021) 483 4174; or
- By hand: Attention: Mr Marius Venter (Tel: 021 483 2659)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Authority 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. ZAHIR TOEFY

DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 04/11/2017

Cc: (1) Mr. C. Dippenaar (Guillaume Nel Environmental Consultants)
(2) Ms. P. Aplon (Overstrand Municipality)
(3) Ms. F. Kotze (Overberg District Municipality)
(5) Mr. R. le Roux (BGCMA)
(6) Ms. C. Rampartab (CapeNature)

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ANNEXURE 1: LOCALITY MAP





	
	
Tel: (021) 870 1874 Fax: 086 6933 802 Cell: 072 1571 321	
Boontjieskraal Road, Caledon	
Locality Map	

Figure 1: Locality Map Indicating Boontjieskraal Road (In Red)

ANNEXURE 2: SITE LAYOUT MAP

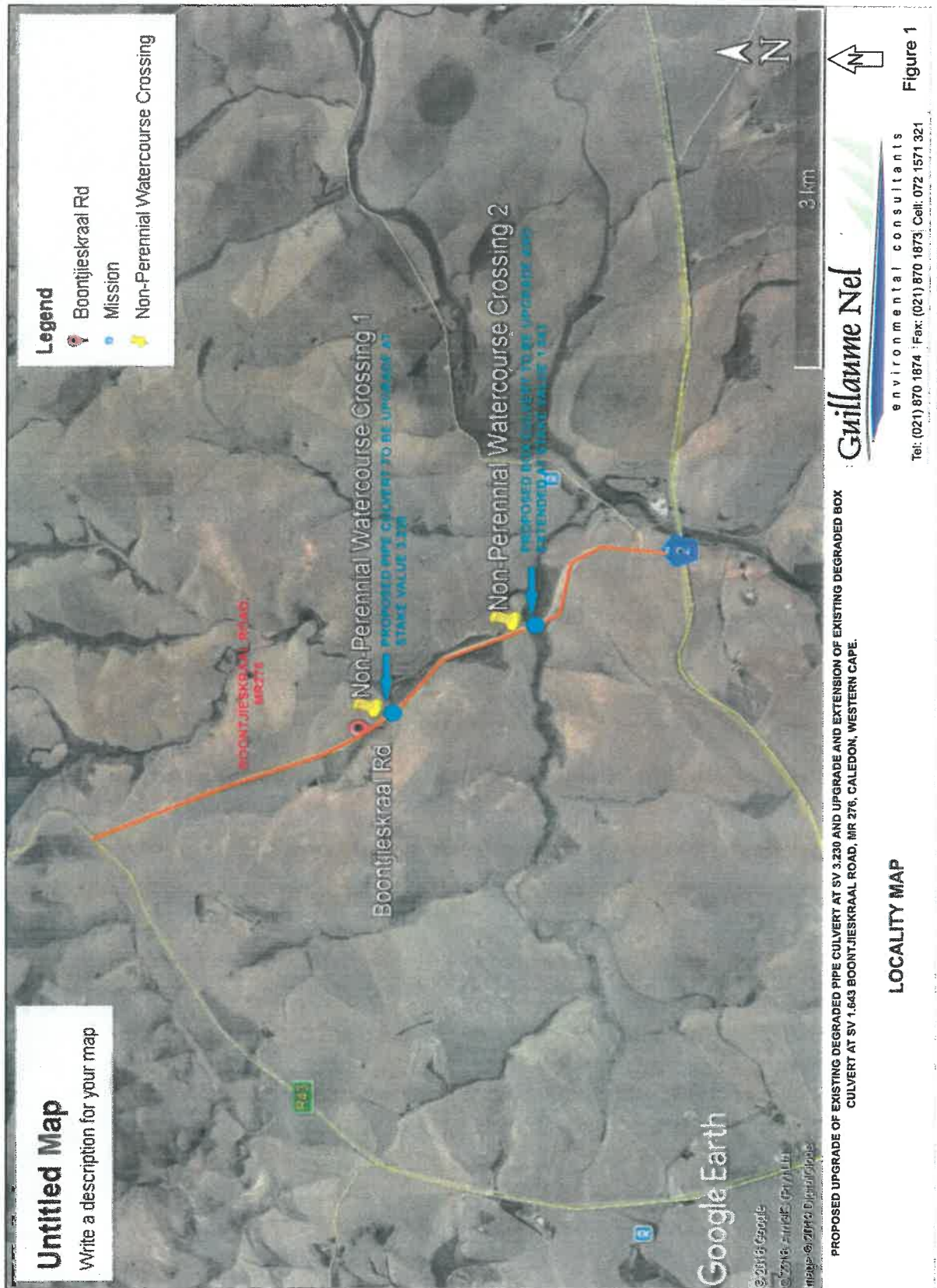


Figure 2: The locality map that indicates the location of the culverts along Boontjieskraal Road MR276, Caledon.

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 dated 17 May 2019, the draft Basic Assessment Report ("BAR") submitted on 31 May 2019, the final BAR submitted on 19 July 2019 and the EMPr and MMP submitted together with the final BAR;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation and Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of 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 final BAR received on 19 July 2019; and
- e) The balancing of negative and positive impacts and proposed mitigation measures.

No site visits were conducted. The Competent Authority had sufficient information before it to make an informed decision without conducting a site visit.

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

1. Public Participation

The public participation process included:

- identification of and engagement with I&AP's;
- the placing of a newspaper advertisement in the 'Caledon Gazette' on 2 April 2019;
- three notice boards were placed along the route where the listed activity is to be undertaken on 5 April 2019;
- giving written notice to the owners and occupiers of land adjacent to the route where the listed activities are to be undertaken, the municipality and ward councilor, and the various organs of state having jurisdiction in respect of any aspect of the listed activities on 5 April 2019; and
- making the draft BAR available to I&APs for public review on 5 April 2019 and 31 May 2019.

The Department is satisfied that the Public Participation Process that was followed met the minimum legal requirements and all the comments raised and responses thereto were included in the comments and response report.

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

2. Alternatives

Design Preferred Alternative (herewith authorized)

This alternative entails:

- a. The upgrade of the existing degraded pipe culvert at SV 3.230 located within the road reserve with a small section located outside the road reserve on Farm Bruinklip No. 355,

Caledon. This includes the upgrade and extension of the existing degraded box culvert at SV 1.643 mostly within the road reserve with a small section located outside the road reserve on Portion 3 of Farm Klipheuwel No 41, along the Boontjieskraal road, MR276, Caledon, Western Cape.

- b. The existing degraded pipe culvert will be removed and replaced with two new 1050mm diameter pipe culverts that will be installed with wing-walls, an apron slab and reno mattresses with a development footprint size of 45 square metres.
- c. The existing degraded box culvert will be upgraded and extended by 12m with new headwalls, wing-walls, apron slabs and reno mattresses with a development footprint size of 150 square metres.
- d. The storm water at the culverts will be channelled by means of impermeable wing-walls.

This alternative is preferred as impermeable concrete wing-walls are able to channel storm water more effectively during high rainfall events. This will ensure that the structural integrity of the road, the culvert and the embankment will be better protected against the structural impacts caused by the flow of storm water and erosion.

- Alternative Design:

This alternative entails the construction of permeable gabion wing-walls at the upstream side of the road instead of solid concrete wing-walls.

This alternative design is not preferred as it will compromise the structural integrity of the road, the culvert and the embankment. Even though, the gabions will assist with groundwater flow, the permeable nature of the gabions may exacerbate the erosion of the embankments and area at the wing-walls.

The No-Go Option

By implementing the no-go option, the road with degraded storm water infrastructure will remain unsafe for motorists. The continued inability of the current culverts to convey storm water during high rainfall events will also result in the continued erosion of the watercourse and degradation of the culverts. Further, the hydrological connectivity of the natural East Coast Shale Renosterveld Floodplain Wetland system, will be compromised due to water not being effectively channelled at SV 3.23 and SV 1.643. This option is therefore not preferred.

3. Impact Assessment and Mitigation measures

3.1 Activity need and desirability

The degradation of the culverts along Boontjieskraal Road MR276, Caledon poses a safety hazard to motorists using this road, therefore necessitating the proposed upgrade. The upgrade of the existing culverts, as well as the subsequent rehabilitation of the wetlands will ensure safer utilisation of the road for motorists, improved storm water flow and the improvement of the ecological state of the affected areas through the re-introduction of endemic species to the affected areas.

3.2 Biophysical Impacts

Even though the storm water infrastructure upgrade and construction falls within Ecological Support Areas (according to the Western Cape Biodiversity Spatial Plan), work will be undertaken within the road reserve with only a minor portion undertaken outside thereof. The road reserve has been disturbed by construction and maintenance of the road. The areas at the culverts are highly disturbed and infested with alien vegetation. However, a Search and

Rescue for seeds, plants and geophytes will be conducted within the construction footprint before the commencement of construction activities. After construction, all disturbed areas will be rehabilitated in accordance with the Rehabilitation Plan that forms part of the MMP.

Based on the Freshwater Impact Assessment Report, dated 28 February 2019, compiled by Dietmar de Klerk from DDK Consulting, it is noted that the nature of the watercourses on site is severely disturbed. This is emphasised by the fact that the Swart River, located approximately 2km east of the SV1.643 box culvert is a watercourse classified as being "seriously modified". Due to the limited construction works associated with the development, it is noted that the development will have a minimal impact on the surrounding aquatic features. Through the implementation of the EMP, inclusive of a rehabilitation plan for the areas at the culverts, and the recommendations made by the specialists, impacts on the wetlands will be mitigated and the hydrological functioning of the aquatic features on site will be improved.

A Water Use Licence Application ("WULA") in terms of the National Water Act, 1998 (Act 38 of 1998) has been submitted to the Department of Water and Sanitation with regard to construction works within a wetland.

A MMP has been compiled to address future maintenance activities taking place in the affected wetlands. The maintenance of the structures authorised in this Environmental Authorisation forms part of this MMP. It must be noted that the accepted maintenance activities only relate to the activities described in the MMP. Should any new activities and associated infrastructure, not included in the MMP, require maintenance and if any of the applicable listed activities are triggered, an Environmental Authorisation must be obtained prior to the undertaking of such activities. It remains the responsibility of the proponent to determine if any other listed activities are triggered and to ensure that the necessary Environmental Authorisation is obtained.

The fact that the MMP is adopted by the Competent Authority does not absolve the applicant from its general "duty of care" set out in Section 28(1) of the NEMA, which states that *"Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment."* (Note: When interpreting the "duty of care" responsibility, cognisance must be taken of the principles of sustainability contained in Section 2 of NEMA).

The development will result in both negative and positive impacts.

Negative Impacts:

- The development will result in impacts such as noise, dust and traffic delays during the construction phase.
- Impacts on wetland are anticipated but will be mitigated to an acceptable level and managed in terms of the EMP.

Positive impacts:

- The safety of the road for motorists will be improved.
- The upgrade of the culverts will allow the channelling of storm water more effectively.
- The wetland's hydrological functioning will be improved.

- Through the rehabilitation at the culverts, the ecological and visual value of the affected areas will improve.

4. 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.

5. Conclusion

In view of the above, the NEMA principles, compliance with the conditions stipulated in this Environmental Authorisation, and compliance with the EMPr, the Competent Authority is satisfied that the proposed listed activity will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activity can be mitigated to acceptable levels.

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