



Western Cape  
Government

Department of Environmental Affairs and Development Planning  
Development Management (Region 3)  
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Private Bag X6509, George, 6530  
4<sup>th</sup> Floor, York Park Building, 93 York Street, George, 6529

**REFERENCE:** 16/3/3/1/D2/20/0012/19  
**ENQUIRIES:** Ms Jessica Christie  
**DATE OF ISSUE:** 30 SEP 2019

The Head of Department  
DEPARTMENT OF TRANSPORT AND PUBLIC WORKS  
P.O. Box 2603  
**CAPE TOWN**  
8000

Attention: Mr. J. Neethling

Tel: 021 483 0537  
Fax: 021 483 2205  
E-mail: Johannes.Neethling2@westerncape.gov.za

Dear Sir

**ACKNOWLEDGEMENT OF RECEIPT OF THE BASIC ASSESSMENT REPORT FOR THE PROPOSED WIDENING OF THE MAALGATE RIVER BRIDGE NO. 2221 AT KM15.1 ON TRUNK ROAD SECTION 9 NEAR THE GEORGE AIRPORT, WESTERN CAPE**

1. The abovementioned report, dated 25 September 2019 and received by this Directorate on 25 September 2019, refers.
2. This letter serves as an acknowledgment of receipt of the aforementioned document by this Department.
3. This Department will consider the Basic Assessment Report in accordance with the prescribed timeframes and advise you accordingly.
4. Please note that the activity may not commence prior to an environmental authorisation being granted by the Department. It is an offence in terms of Section 49A(1)(a) of the 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. Failure to comply with the requirements of Section 24F of the NEMA will result in the matter being referred to the Environmental Compliance and Enforcement Directorate of this Department. A person convicted of an offence in terms of the above is liable to a fine not exceeding R10 million or to imprisonment for a period not exceeding 10 years, or to both such fine and imprisonment.
5. This Department reserves the right to revise or withdraw any comments or request further information from you based on any information received.

Yours faithfully



**HEAD OF COMPONENT**

**ENVIRONMENTAL IMPACT MANAGEMENT SERVICES: REGION 3**

**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

CC: Mr Michael Bennet (EAP) E-mail: michael@sescc.net



Western Cape  
Government

Department of Environmental Affairs and Development Planning  
Development Management (Region 3)  
Jessica.Christie@westerncape.gov.za  
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**EIA REFERENCE NUMBER:** 16/3/3/1/D2/20/0012/19  
**NEAS REFERENCE:** WCP/EIA/0000618/2019  
**ENQUIRIES:** Jessica Christie  
**DATE OF ISSUE:** 31 JAN 2020

The Head of Department  
DEPARTMENT OF TRANSPORT AND PUBLIC WORKS  
P.O. Box 2603  
CAPE TOWN  
8000

Attention: Mr. J. Neethling

Tel: 021 483 0537  
Fax: 021 483 2205  
E-mail: Johannes.Neethling2@westerncape.gov.za

Dear Sir

**NOTICE OF DECISION: APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) AND THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED UPGRADE OF BRIDGE NO. 2221 ON TRUNK ROAD 2/9 AT KM 15.1 OVER THE MAALGATE RIVER, WESTERN CAPE**

1. With reference to the aforementioned application, the Department hereby notifies you of its decision to **grant Environmental Authorisation in respect of all of the activity applied for**, attached herewith together with the reasons for the decision.
2. In terms of Regulation 4 of the Environmental Impact Assessment Regulations, 2014, you are instructed to ensure, within 14 days of the date of the Environmental Authorisation, that all registered interested and affected parties ("I&APs") are provided with access to 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 summarised in the attached Environmental Authorisation.

Yours faithfully

**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**  
**DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: Ms. Adri la Meyer (DEA&DP: DDF) E-mail: Adri.LaMeyer@westerncape.gov.za  
Ms. Lindsay Mooiman (George Municipality) E-mail: LCMooiman@george.gov.za  
Mr. Michael Bennet (EAP) E-mail: Michael@sesc.net



**EIA REFERENCE NUMBER:** 16/3/3/1/D2/20/0012/19  
**NEAS REFERENCE:** WCP/EIA/0000618/2019  
**ENQUIRIES:** Ms Jessica Christie  
**DATE OF ISSUE:** 31 JAN 2020

## 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: PROPOSED UPGRADE OF BRIDGE NO. 2221 ON TRUNK ROAD 2/9 AT KM 15.1 OVER THE MAALGATE RIVER, WESTERN CAPE

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 as **Alternative B/Option 4b** in the Final Basic Assessment Report ("FBAR"), dated 19 September 2019 as prepared and submitted by *Sharples Environmental Services*, the appointed environmental assessment practitioner ("EAP").

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

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

The Head of Department  
Department of Transport and Public Works  
% Mr. J. Neethling  
Private Bag X53  
CAPE TOWN  
8000

Tel: (021) 483 0537  
Fax: (021) 483 2205  
E-mail: Johannes.Neethling2@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
<b>Environmental Impact Assessment Regulations Listing Notice 1 of 2014, Government Notice No. 983 of 4 December 2014</b>	
<p>Activity Number: 12 Activity Description:</p> <p>The development of—</p> <ul style="list-style-type: none"> <li>(i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or</li> <li>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</li> </ul> <p>where such development occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; —</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> <li>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</li> <li>(dd) where such development occurs within an urban area;</li> <li>(ee) where such development occurs within existing roads, road reserves or railway line reserves; or</li> <li>(ff) the development of temporary infrastructure or structures where such infrastructure or structures will be removed within 6 weeks of the commencement of development and where indigenous vegetation will not be cleared.</li> </ul>	<p>The development of structures and infrastructure with a physical footprint of more than 100 square metres within the Maalgate River and 32-metres from the edge of the watercourse (including <i>inter alia</i> the construction of: temporary access routes; working platforms; cofferdams)</p>
<p>Activity Number: 19 Activity Description:</p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse;</p> <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving—</p> <ul style="list-style-type: none"> <li>(a) will occur behind a development setback;</li> <li>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan;</li> <li>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies;</li> <li>(d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or</li> <li>(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</li> </ul>	<p>The expansion of the bridge will require the infilling of material as well as the moving, excavation and removal of soil, sand or rock of more than 10 cubic metres, within the Maalgate River. This will include amongst other the widening the piers and abutments and excavating and draining the footing area of the structures; access to the downstream side of the bridge; construction of temporary access routes and working platforms within the riverbed; managing and impeding waterflow).</p>

<p>Activity Number: <b>48</b> Activity Description:</p> <p>The expansion of—</p> <ul style="list-style-type: none"> <li>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more; or</li> <li>(ii) dams or weirs, where the dam or weir, including infrastructure and water surface area, is expanded by 100 square metres or more;</li> </ul> <p>where such expansion occurs—</p> <ul style="list-style-type: none"> <li>(a) within a watercourse;</li> <li>(b) in front of a development setback; or</li> <li>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</li> </ul> <p>excluding—</p> <ul style="list-style-type: none"> <li>(aa) the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</li> <li>(bb) where such expansion activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</li> <li>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</li> <li>(dd) where such expansion occurs within an urban area; or</li> <li>(ee) where such expansion occurs within existing roads, road reserves or railway line reserves.</li> </ul>	<p>The expansion of structures and infrastructure with a physical footprint of more than 100 square metres within the Maalgate River (including <i>inter alia</i> the expansion of: bridge infrastructure; bridge piers and footing; abutments; abutment footing; approach embankments and associated riverbank protection).</p>
<p><b>Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014</b></p>	
<p>Activity Number: 12 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><b>i. Western Cape</b></p> <ul style="list-style-type: none"> <li>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;</li> <li>ii. Within critical biodiversity areas identified in bioregional plans;</li> <li>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 or even in urban areas;</li> <li>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</li> <li>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.</li> </ul>	<p>More than 300 square metres (but less than 1 hectare) of Endangered Garden Route Granite Fynbos will be removed prior to construction.</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:</p> <p>(aa) Areas containing indigenous vegetation;</p> <p>(bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or</p> <p>iii. Inside urban areas:</p> <p>(aa) Areas zoned for conservation use; or</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.</p>	<p>The widening of the R102 Road / Maalgate bridge (and approaches) by 5.85 metres will occur in an area containing indigenous vegetation.</p>
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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 proposed upgrade of the Maalgate River Bridge will include the widening of the downstream side of the bridge by extending the abutments and piers with similar dimensions and construction to match the aesthetics of the existing bridge. The upgrades will further result in the construction of new and expansion of existing structures and infrastructure with a footprint of 100 m<sup>2</sup> or more within 32 metres of the watercourse (Maalgate River). In addition, more than 10 m<sup>3</sup> of soil and rock will be removed and excavated from the river.

### C. SITE DESCRIPTION AND LOCATION

The bridge and the proposed upgrades will be undertaken over three properties whose boundaries intersect in the vicinity of the current bridge and these properties are Farm 322, Remainder Portion 14 of the Farm Knoetse Kama 234 and Portion 15 of the Farm Knoetse Kama 234. The bridge is on the R102 in the George area and directly west of the George Airport.

Coordinates of the site:

Description / Point	Latitude (S)	Longitude (E)
Western extent of the road R102	34° 0' 23.88" South	22° 20' 46.07" East
Northern point upstream of bridge	34° 0' 21.63" South	22° 20' 58.51" East
Southern point downstream of bridge	34° 0' 18.78" South	22° 21' 12.29" East
Eastern extent of the R102	34° 19' 23.64" South	22° 21' 00.34 East

SG digit codes: Farm 322: C02700000000032200000  
Portion 14 of the Farm Knoetse Kama 234: C02700000000023400014  
Portion 15 of the Farm Knoetse Kama 234: C02700000000023400015

Refer to Annexure 1: Locality Plan and Annexure 2: Site Development Plan of this Environmental Authorisation.

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

#### **D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)**

SHARPLES ENVIRONMENTAL SERVICES CC

% Mr. Michael Bennet

P.O. Box 9087

GEORGE

6530

Tel: 044 873 4923

Fax: 044 874 5953

E-mail: michael@sescs.net

Website: www.sescs.net

#### **E. CONDITIONS OF AUTHORISATION**

##### ***Scope and Validity Period of authorisation***

1. This Environmental Authorisation is granted for the period from date of issue until **3 February 2025**, the date on which all the listed activities, including post construction rehabilitation and monitoring requirements, will be deemed to be concluded at the site.

Further to the above, the Environmental Authorisation is subject to the following:

- 1.1. The Holder must start with the physical implementation of all the authorised listed activities on the site by 3 February 2023.
- 1.2. The post construction rehabilitation and monitoring requirements must be finalised at the site within a period of 6-months from the date the activities (construction phase) are concluded; but by no later than 3 February 2025.

**Note:** Failure to complete the post construction rehabilitation and monitoring requirements at least three 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.

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).

2. 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 19 September 2019 on the site as described in Section C above.

This Environmental Authorisation is only for the implementation of the Preferred Alternative for the site which entails:

The proposed upgrade of the Maalgate River Bridge will include the widening of the downstream side of the bridge by extending the abutments and piers with similar dimensions and construction to match the aesthetics of the existing bridge. The upgrades will further result in the construction of new and expansion of existing structures and infrastructure with a footprint of 100 m<sup>2</sup> or more within 32 metres of the watercourse (Maalgate River). In addition, more than 10 m<sup>3</sup> of soil and rock will be removed and excavated from the river.

The proposed activities will be implemented approximate to the Site Development Plans developed by SNA Civil and Structural Engineers (Pty) Ltd (UNDATED Plans no. SNA/C1047/B2221/02 General Arrangement 1 and 2) as depicted in Annexure 2 of this Environmental Authorisation.

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

#### **Notification and administration of appeal**

6. The Holder must in writing, within 14 (fourteen) calendar days of the date of this decision–
  - 6.1. notify all registered Interested and Affected Parties ("I&APs") of –
    - 6.1.1. the decision reached on the application;
    - 6.1.2. the reasons for the decision as included in Annexure 3;
    - 6.1.3. the date of the decision; and
    - 6.1.4. the date when the decision was issued.
  - 6.2. draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended) detailed in Section G below;
  - 6.3. draw the attention of all registered I&APs to the manner in which they may access the decision;
  - 6.4. provide the registered I&APs with the:
    - 6.4.1. name of the Holder (entity) of this Environmental Authorisation,
    - 6.4.2. name of the responsible person for this Environmental Authorisation,
    - 6.4.3. postal address of the Holder,
    - 6.4.4. telephonic and fax details of the Holder,
    - 6.4.5. e-mail address, if any, of the Holder,
    - 6.4.6. contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all registered I&APs in the event that an appeal is lodged in terms of the 2014 National Appeals Regulations (as amended).
  - 6.5. 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.
  - 6.6. 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**

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



- 7.1. The notice must make clear reference to the site details and EIA Reference number given above.
- 7.2. The notice must also include proof of compliance with the following conditions described herein:  
**Condition no.: 6, 8 and 10.**

### **Management of activity**

8. The draft or Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is hereby **approved**, subject to the following requirements:
  - 8.1. The EMPr must be amended to incorporate the following —
    - 8.1.1. All ECO monthly compliance reports **must** be submitted to the Competent Authority (the Directorate Development Management, Region 3) on a monthly basis.
    - 8.1.2. Incorporate all the conditions given in this Environmental Authorisation;
  - 8.2. One (1) hardcopy and one (1) digital copy (saved to CD/DVD) of the amended EMPr must be submitted to the Competent Authority prior to the construction activities commencing on site.
9. The EMPr must be included in all contract documentation for all phases of implementation.

### **Monitoring**

10. The Holder must appoint a suitably experienced environmental control officer ("ECO"), for the duration of the construction and rehabilitation phases of implementation contained herein.
11. The ECO must—
  - 11.1. be appointed prior to commencement of any works (i.e. removal and movement of soil and / or rubble or construction activities commencing);
  - 11.2. ensure compliance with the EMPr and the conditions contained herein;
  - 11.3. keep record of all activities on the site; problems identified; transgressions noted and a task schedule of tasks undertaken by the ECO;
  - 11.4. remain employed until all development activities are concluded and the post construction rehabilitation and monitoring requirements are finalised.
12. 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.
13. 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**

14. The Holder must, for the period during which the environmental authorisation and EMPr remain valid—
  - 14.1. ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited;

14.2. a final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of completion of the expansion activities (construction phase) and the post construction rehabilitation and monitoring requirements.

15. The Environmental Audit Report, must –

15.1. 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;

15.2. provide verifiable findings, in a structured and systematic manner, on–

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

15.2.2. 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.

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

15.4. evaluate the effectiveness of the EMPr;

15.5. identify shortcomings in the EMPr;

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

15.7. 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;

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

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

15.10. be informed by the ECO reports.

16. 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**

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 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.

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. Failure to comply with all the peremptory conditions (i.e. 6, 7, 8 or 10) prior to the physical implementation of the activities (including site preparation) is an offence. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and may be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
8. In the event that the Environmental Authorisation should lapse, it is an offence in terms of Section 49A(1)(a) of NEMA for a person to commence with a listed activity, unless the competent authority has granted an Environmental Authorisation for the undertaking of the activity.
9. Offences in terms of the NEMA and the Environmental Impact Assessment Regulations, 2014, will render the offender liable for criminal prosecution.

#### **G. APPEALS**

1. An appellant (if the holder of the decision) must, within 20 (twenty) calendar days from the date the notification of the decision was sent to the holder by the Competent Authority –
  - 1.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; 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 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](mailto: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](mailto:DEADP.Appeals@westerncape.gov.za) or URL <http://www.westerncape.gov.za/eadp>.

#### H. DISCLAIMER

The Western Cape Government, the Local Authority, committees or any other public authority or organisation appointed in terms of the conditions of this Environmental Authorisation shall not be responsible for any damages or losses suffered by the Holder, developer or his/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



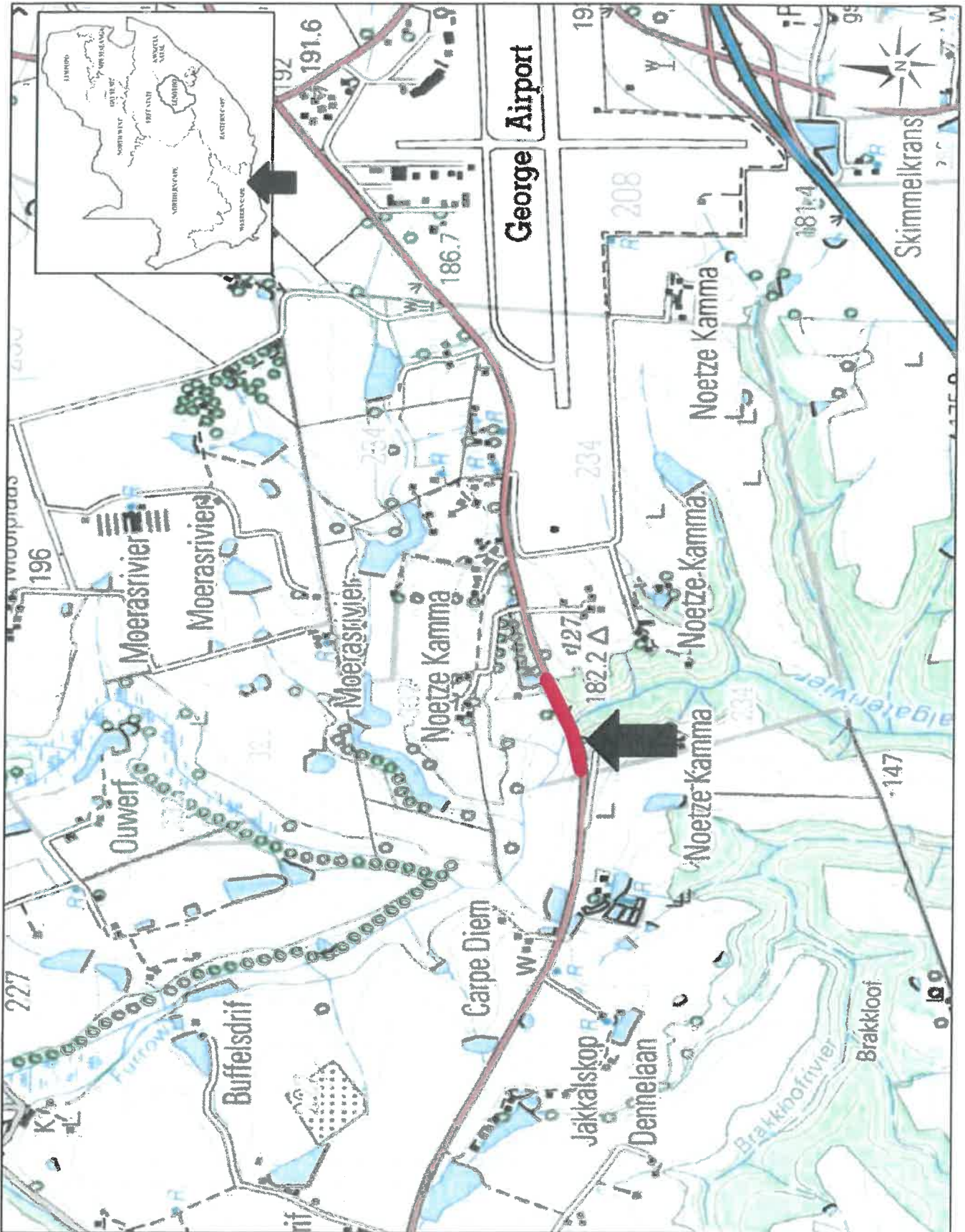
**MR. GAVIN BENJAMIN**  
**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION3)**

DATE OF DECISION: 31/01/2020

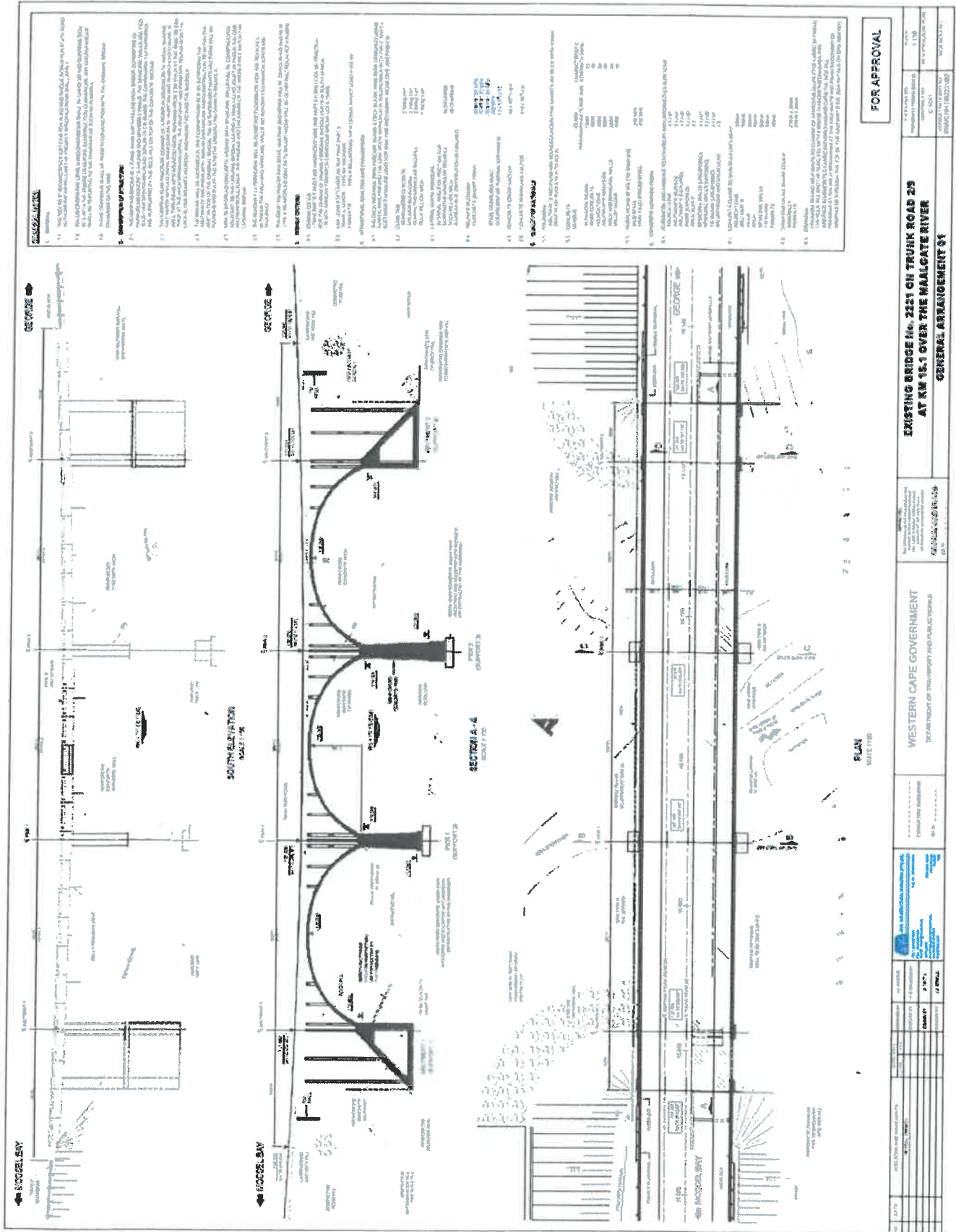
**FOR OFFICIAL USE ONLY:**

**EIA REFERENCE NUMBER:** 16/3/3/1/D2/20/0012/19  
**NEAS REFERENCE:** WCP/EIA/0000618/2019

ANNEXURE 1: LOCALITY MAP



# ANNEXURE 2: SITE DEVELOPMENT PLAN FOR THE UPGRADE OF THE MAALGATE BRIDGE



FOR APPROVAL	
DATE OF ISSUE	11 FEB 2010
PROJECT NUMBER	1111111111
SCALE	AS SHOWN
DESIGNER	WESTERN CAPE GOVERNMENT
PROJECT NAME	UPGRADE OF MAALGATE BRIDGE

**EXISTING BRIDGE NO. 2231 ON TRUNK ROAD 219 AT KM 15.1 OVER THE MAALGATE RIVER**

**GENERAL ARRANGEMENT 01**

WESTERN CAPE GOVERNMENT  
DEPARTMENT OF TOURISM AND ENTERTAINMENT

SCALE 1:50

NO.	REVISION	DATE
1	ISSUED FOR TENDER	11 FEB 2010
2	ISSUED FOR TENDER	11 FEB 2010
3	ISSUED FOR TENDER	11 FEB 2010
4	ISSUED FOR TENDER	11 FEB 2010
5	ISSUED FOR TENDER	11 FEB 2010
6	ISSUED FOR TENDER	11 FEB 2010
7	ISSUED FOR TENDER	11 FEB 2010
8	ISSUED FOR TENDER	11 FEB 2010
9	ISSUED FOR TENDER	11 FEB 2010
10	ISSUED FOR TENDER	11 FEB 2010
11	ISSUED FOR TENDER	11 FEB 2010
12	ISSUED FOR TENDER	11 FEB 2010
13	ISSUED FOR TENDER	11 FEB 2010
14	ISSUED FOR TENDER	11 FEB 2010
15	ISSUED FOR TENDER	11 FEB 2010
16	ISSUED FOR TENDER	11 FEB 2010
17	ISSUED FOR TENDER	11 FEB 2010
18	ISSUED FOR TENDER	11 FEB 2010





## 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 27 June 2019, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 25 September 2019;
- 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) and section 63 of National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008);
- d) The comments received from I&APs and responses to these, included in the FBAR dated September 2019;
- e) The balancing of negative and positive impacts and proposed mitigation measures; and
- f) Appropriate information was made available in the report to understand the environmental and spatial context and the case officer is familiar with the area.

No site inspection was conducted as the case officer is familiar with the site.

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. Legislative Aspects

Although the following listed activities were applied for, these activities have not been authorised as the assessment has not provided conclusive proof that the respective thresholds of the respective activities will be exceeded by the expansion of the bridge and approach roads, namely:

- ❖ Activity no. 24 of Listing Notice 1 (GN. R.983 of 4 December 2014, as amended 7 April 2017);
- ❖ Activity no. 27 of Listing Notice 1 (GN. R.983 of 4 December 2014, as amended 7 April 2017);
- ❖ Activity no. 14 of Listing Notice 3 (GN. R.983 of 4 December 2014, as amended 7 April 2017);
- ❖ Activity no. 23 of Listing Notice 3 (GN. R.983 of 4 December 2014, as amended 7 April 2017);

### 2. Public Participation

The public participation process included:

- identification of and engagement with interested and affected parties (I&APs) including organs of state which have jurisdiction in respect of the activity to which the application relates;
- fixing a notice board at the site and at the site on 3 July 2019;
- 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 5 June 2019;
- the placing of a newspaper advertisement in the 'George Herald' on 4 July 2019; and
- making the draft Basic Assessment Report available to I&APs for public review from 3 July 2019 to 3 August 2019.

The following Organs of State provided comment on the proposal:

- ❖ Breede Gouritz Catchment Management Agency

- ❖ CapeNature
- ❖ Heritage Western Cape
- ❖ George Municipality
  
- ❖ General Public / Interested & Affected Parties (I&APs) included:
  - Neighbouring property owner – Tim Bruyns
  - Neighbouring Property Owner – Louis Lategan

All the comments and issues raised by the respective *Organs of State* that were captured in the Basic Assessment Report were responded to by the EAP. The Directorate: Development Management (Region 3) is satisfied with the responses provided by the EAP to these other organs of state.

### 3. Alternatives

#### Preferred Alternative (Herewith Approved):

The proposed upgrade of the Maalgate River Bridge will include the widening of the downstream side of the bridge by extending the abutments and piers with similar dimensions and construction to match the aesthetics of the existing bridge. The upgrades will further result in the construction of new and expansion of existing structures and infrastructure with a footprint of 100 m<sup>2</sup> or more within 32 metres of the watercourse (Maalgate River). In addition, more than 10 m<sup>3</sup> of soil and rock will be removed and excavated from the river.

The main advantages of this alternative:

- A Class 1 road-cross section is obtained; therefore, no future widening will be required.
- The existing bridge will remain open for traffic during construction, with intermittent stop-go traffic control
- The bridge widening will match the existing bridge aesthetics
- Minimal alterations are required to the existing bridge to accommodate the widening.

#### Alternatives considered:

The other alternatives for the proposed upgrade of the Maalgate River Bridge are very similar to the preferred alternative except for the following main differences:

- Alternative 4a includes separate pedestrian sidewalks;
- Alternative 4c is proposed to be a Class 2 road without a sidewalk; and
- Alternative 5 is proposes to widen the bridge equally on both sides.

The reason why the above-mentioned alternatives are not preferred mainly relates to the associated development costs. The design of the preferred alternative is expected to adequately address the socio-economic aspects (i.e. traffic growth; pedestrian and cyclist access).

#### "No-Go" Alternative

This means that the current situation will remain. There are numerous accidents on this section of the bridge and road as the width of the road decreases along this section. The volume of traffic on this road also necessitates an upgrade. This No-Go alternative is therefore not preferred.

### 4. Impact Assessment and Mitigation Measures

#### 4.1 Activity need and desirability

The George Spatial Development Framework 2019, indicates that "Scenic routes provide public access to the enjoyment of these landscapes. The routes and the land use alongside these routes should be managed in such a way as to not compromise the views offered but to mark and celebrate the landscapes and the origins or nature of their significance. Significant scenic routes in the Greater George Area includes the Maalgate River Pass.

Although the SDF does not make special mention of the proposed widening of the Maalgate R102 bridge, the above extract does highlight the importance of our scenic landscape and our access to these locations, it can therefore be said that to ensure access to this scenic route it is essential to provide safe infrastructure to accommodate the public and commercial users of the bridge.

#### 4.2 Biophysical Impacts

The physical aspects of all the alternatives are similar that the impact variation is indistinguishable. In all alternatives and due to the proposal being for the upgrading of an existing bridge, excavations will be undertaken on the banks of the Maalgate River to tie in with the existing abutments in addition to excavations within the riverbed to tie in the expanded piers to the existing piers. Physical disturbance of the natural environment surrounding the structure will also result from the activities, these will include access routes, laydown areas, coffer dams all of which will be temporary in nature and will be rehabilitated in accordance with the EMPr.

According to the Freshwater Habitat Impact Assessment, it is only the Maalgate River and a severely degraded wetland that will be impacted by the project. The reach assessed of the Maalgate River was determined to have a 'Fair' (C) category habitat integrity score. It is 'Moderately modified' as a loss and change of natural habitat and biota have occurred, but the basic ecosystem functions are still predominantly unchanged. The EIS category of the reach assessed was determined as being 'Moderate' (C category). The REC 'C' category recommends the maintenance of the river in its present state; however, it is the professional opinion of the author that the Maalgate River be improved. The PES of the degraded seep wetland is however substantially worse and resulted in an 'F' (Critical) category. Modifications have reached a critical level and the ecosystem processes have been modified completely with an almost complete loss of natural habitat and biota. It is not ecologically important and sensitive at any scale.

#### 4.3 Biodiversity

The site has been mapped as both CBA 1, CBA 2 and ESA 2. In terms of the WC Biodiversity Spatial Plan Handbook, the proposal will result in a negligible loss of CBA's for all options. However, the site is infested with alien vegetation which will be removed for construction activities to be undertaken and once construction conclude the disturbed areas will be rehabilitated which will allow for those species which resulted in the classification of the site as CBA and ESA to re-establish in those areas as a result of removing the alien vegetation. Once rehabilitated if alien regrowth is periodically removed, the biodiversity of the site can therefore possibly increase. Therefore, there is a potential for the proposal to positively impact on the site's mapped CBA and ESA areas.

#### 4.4 Socio-Economic Aspects

The proposed widening of the road and bridge (preferred alternative) proposal, once completed, will essentially provide for a safer space to travel in. In addition, it is expected to accommodate the next 30 years of traffic growth.

Although the preferred alternative will not provide for separate pedestrian walkways; the widening of the bridge and approaches thereto, will provide for increased safety to pedestrians and vehicles. It is recommended that the road markings optimise the space for pedestrian and cyclists and that no vehicles may be permitted to stop on the bridge itself.

#### 4.5 Heritage / Archaeological Aspects

Section 38 is applicable to the proposal due to age of the bridge (1940) and in terms of (b) and (c). However, the proposal is for the expansion of the existing bridge and not a new one. As such, the entire site has been previously disturbed for the construction of the existing bridge and it is highly unlikely that any Heritage Resources will be disturbed or impacted on by the proposal. In addition, the proposed expansion will be undertaken in the same style and methods as the existing bridge. A HWC NID was

submitted to HWC to obtain comment in this regard and a record of decision (RoD) was issued by HWC on 7 June 2019. The RoD indicated that there is no reason to believe that the proposal will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required.

#### 4.6 Other Impacts

No significant noise and visual impacts have been identified.

### 5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase. The environmental authorisation's validity period has been granted for a period of 5-years from date of issue of the Environmental Authorisation, during which period the expansion activities must commence and be concluded. A period of 6-months is specified for the final monitoring and post-construction rehabilitation to be completed after the construction phase is finalised. It is expected of the Holder to have substantially implemented the proposal within a period of 48-months after the environmental authorisation has been issued.

### 6. National Environmental Management Act Principles

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

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

### 7. Conclusion

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

----- END -----