

## Repair and upgrade of the Existing Degraded Stormwater Infrastructure along MR269 and DR1257, Hemel and Aarde Valley, Sandbaai and Caledon - Compliance with the conditions of the Environmental Authorisation (EA) dated 31 August 2018 with DEA&DP Reference number: 16/3/3/1/E4/5/1007/16

The table below gives a summary of the conditions applicable to this environmental authorisation and discuss compliance on the hand of proof.

| EA<br>Condition<br>No. | Short description of each Condition                                                                                                                                                                                               | Comments on Compliance<br><br>(The following colours are used for ease of reference)<br><br>Compliant<br>Partial compliant<br>Non-compliant                            |
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| 1                      | The holder is authorised to undertake the listed activity specified in Section B above in accordance with and restricted to Alternative 1, described in the BAR dated 22 April 2016 at the sites as described in Section C above. | Compliant<br><br>The preferred alternative described in the BAR and the authorised listed activities was being undertaken on site as described in Section C of the EA. |
| 2                      | The holder must commence with the listed activity on site within a period of five (5) years from the date of issue of this Amended Environmental Authorisation.                                                                   | Compliant<br><br>The original EA was granted on the 4 <sup>th</sup> of August 2016, the amended EA was granted                                                         |

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|   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | on the 13 <sup>th</sup> of May 2021. The notification of commencement was sent to the Department on the 6 <sup>th</sup> of October 2021. 5 months after the amended EA was granted.                                               |
| 3 | 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.                                                                                                                                                                                                                                                                                                                 | Noted<br><br>The Applicant holds all responsibility for the actions undertaken by anyone on site.                                                                                                                                 |
| 4 | Any changes to, or deviations from the scope of the description set out in Section B above must be approved, in writing, by the competent authority before such changes or deviations may be implemented. In assessing whether to grant such approval or not, the competent authority may request such information as it deems necessary 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. | Noted<br><br>No changes to, or deviations from the scope of description set out in Section B above has been approved.                                                                                                             |
| 5 | Seven calendar days' notice, in writing, must be given to the competent authority before commencement of construction activities.<br><br>4.1. The notice must make clear reference to the site details and EIA Reference number given above.<br><br>4.2. The notice must also include proof of compliance with the following conditions                                                                                                                                                                                           | Partial Compliant<br><br>The letter of commencement was sent to the Relevant Authority on the 6 <sup>th</sup> of October 2021. The letter did however not make clear reference to the proof of compliances on condition 7 and 13. |

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|   | described herein:<br><br>Conditions: 7 and 13.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                          |
| 6 | Seven calendar days' notice, in writing, must be given to the competent Authority before commencement of operational activities specified in the EA.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Compliant<br><br>Seven calendar days notice will be given to the Competent Authority before commencement of operational activities.                                      |
| 7 | <p>The applicant must in writing, within 14 (fourteen) calendar days of the date of this decision -</p> <p>7 notify all registered I&amp;APs of -</p> <p>7.1 .1 the outcome of the application:</p> <p>7.1 .2 the reasons for the decision as included in Annexure 1:</p> <p>7.1.3 the date of the decision: and</p> <p>7.1.4 the date of issue of the decision;</p> <p>7.2 draw the attention of all registered I&amp;APs to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the Environmental Impact Assessment Amendment Regulations, 2010 detailed in section F below:</p> | <p>Compliant</p> <p>The I&amp;AP notification letter after the approval of the EA was sent on the 11<sup>th</sup> of August 2016 (3 days after the EA was granted),.</p> |

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|   | <p>7.3 draw the attention of all registered interested and affected parties to the manner in which they may access the decision;</p> <p>7.4.1 informs all interested and affected parties of the decision;</p> <p>7.4.2 informs all interested and affected parties where the decision can be accessed: and</p> <p>7.4.3 informs all I&amp;APs that an appeal may be lodged against the decision in terms of Chapter 7 of the Regulations; and</p> <p>7.5 provide the registered I&amp;APs with:</p> <p>7.5.1 the name of the holder (entity) of this Environmental Authorisation,</p> <p>7.5.2 name of the responsible person for this Environmental Authorisation,</p> <p>7.5.3 postal address of the holder,</p> <p>7.5.4 telephonic and fax details of the holder, and</p> <p>7.5.5 e-mail address, if any, of the holder.</p> |                                                                                                             |
| 8 | <p>The listed activity, including site preparation, must not commence within 20 days from the date the applicant notified the I&amp;AP's of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this EA is suspended until the appeal is decided i.e the listed activity, including site preparation, must not</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p>Compliant</p> <p>The listed activities have not commenced within 20 days from the date the applicant</p> |

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|    | commence until the appeal is decided.                                                                                                                                                                                                                                                                                                                                         | notified the I&AP's.                                                                                                                             |
| 9  | The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation is hereby approved and must be implemented.                                                                                                                                                                                                         | Compliant<br><br>The approved EMP is implemented on site.                                                                                        |
| 10 | The Maintenance Management Plan ("MMP"), included as part of the EMPr, read in conjunction with the additional information dated 10 June 2016, is herewith agreed to in terms of the NEMA EIA Regulations, 2014 relating to Activity 19 of GN No R. 983. The maintenance work specified in the MMP therefore does not require a separate EA prior to the undertaking thereof. | Compliant<br><br>The MMP is implemented on site with the EMPr.                                                                                   |
| 11 | The Rehabilitation Plan submitted as part of the Freshwater Ecosystem Assessment date November 2015 must be implemented. .                                                                                                                                                                                                                                                    | Compliant<br><br>The Rehabilitation Plan is implemented on site.                                                                                 |
| 12 | The EMPr, MMP and Rehabilitation Plan must be included in the contracto documentation for all phases of implementation.                                                                                                                                                                                                                                                       | Need proof<br><br>The ECO needs to be supplied with proof that the EMPr, MMP and Rehabilitation Plan was included in the contract documentation. |

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| 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 EMPr, MMP, Rehabilitation Plan and the conditions contained herein.                         | Compliant<br><br>Guillaume Nel Environmental Consultants have been appointed before commencement of construction activities on site. GNEC ensure compliance on the EMPr, MMP and Rehabilitation Plan. |
| 14 | A copy of the Environmental Authorisation, EMPr, MMP, Rehabilitation Plan, audit reports and compliance monitoring reports must be kept at the site of the authorised activity, and must be made available to anyone on request, including on a publicly accessible website.                                         | Supply proof<br><br>The ECO needs to be supplied with proof that the EA, EMPr, MMP, Rehabilitation Plan, audit reports and compliance monitoring reports are kept on file.                            |
| 15 | 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. | Compliant<br><br>Access to the site referred to in Section C will be granted to any authorised official representing the Competent Authority who requests to see it.                                  |
| 16 | In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the EA, EMPr, MMP and the Rehabilitation Plan, and submit                                                                                      | Noted<br><br>An Environmental Audit report will be done 3 months after the completion of                                                                                                              |

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|    | <p>Environmental Audit reports to the competent authority. The 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 (as amended).</p> <p>The holder must submit an Environmental Audit Report for the construction phase within 3 months of completion of construction to the Competent Authority and thereafter, every 3 months for a period of 1 year. The final Environmental Audit must be submitted to the Competent Authority three months after commencement of operations.</p> <p>The holder must, within 7 days of the submission of the report to the Competent Authority, notify all potential and registered I&amp;AP's of the submission and make the report available to anyone on request and on a publicly accessible website.</p> | <p>construction, and every 3 months thereafter for a year.</p>             |
| 17 | <p>Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape.</p> <p>Heritage remains include: archaeological remains (including fossil bones and fossil shells); 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; rock art and rock engravings: and graves or unmarked human burials.</p>                                                   | <p>Compliant</p> <p>No heritage remains were exposed on site thus far.</p> |

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| 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. | <p>Compliant</p> <p>A qualified archaeologist and/or palaeontologist will be contracted where necessary.</p>                                                                                                                   |
| 19 | Construction activities that will occur within or directly adjacent to the river may only take place outside the rainy season or periods of rainfall.                                                                                                                                                           | <p>Partial Compliant</p> <p>Construction activities commenced in the watercourses in the dry season but the construction did not complete within these sections in the dry months and had to be done in the winter months.</p> |