



EIA REFERENCE NUMBER: 16/3/3/1/C3/13/0015/23
NEAS REFERENCE NUMBER: WCP/EIA/0001305/2023
DATE OF ISSUE: 28 NOVEMBER 2023

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: THE PROPOSED PERIODIC MAINTENANCE OF TRUNK ROAD 16/8 AND TRUNK ROAD 16/9 BETWEEN MURRAYSBURG AND THE NORTHERN CAPE BORDER

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 in respect of **the preferred alternative**, described in the Final Basic Assessment Report, dated 8 September 2023, as prepared and submitted by the appointed environmental assessment practitioner ("EAP"), Ms. Carina Becker (EAPASA No: 2021/3775), and assisted by Candidate EAP, Ms. Hetlie Liebenberg (EAPASA No: 2023/6527) of *Guillaume Nel Development Consultants*.

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
Western Cape Government: Department Infrastructure
Road Programme Management
PO Box 2603
Cape Town
8000

Attention: Mr. Dirk Immelman

E-mail: Dirk.Immelman@westerncape.gov.za

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

B. LIST OF ACTIVITIES AUTHORISED

Listed Activities	Activity/Project Description
Environmental Impact Assessment Regulations Listing Notice 1 of 2014	
Activity Number: 12 Activity Description: The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs— (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding— (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (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; (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; (dd) where such development occurs within an urban area; (ee) where such development occurs within existing roads, road reserves or railway line reserves; or (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.	The proposal includes the development of a temporary bypass road in the Buffels River for the repair of Structure B4614. The temporary bypass is calculated to be 820m² within the watercourse. The total infilling required within the watercourse is ca. 800m³ material and will be removed once the bridge is operational again.
Activity Number: 19 Activity Description: 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; but excluding where such infilling, depositing, dredging, excavation, removal or moving— (a) will occur behind a development setback;	The proposed maintenance and minor upgrades will result in more than 10 cubic meters of material being removed, moved and / or infilled in watercourses. The temporary bypass calculates 820m² within the watercourse. The total volume of infill material required within the watercourse is ca. 800m³ and this material will be removed once the bridge is operational again.

(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies; (d) occurs within existing ports or harbours that will not increase the development footprint of the port or harbour; or (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.	
Environmental Impact Assessment Regulations Listing Notice 3 of 2014, Government Notice No. 985 of 4 December 2014 (as amended)	
Activity Number: 4 Activity Description: The development of a road wider than 4 metres with a reserve less than 13,5 metres. i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	The proposed bypass road for Structure B4614 will require a new section of gravel road of ca. 100m in length and 6m wide to allow fluent alignment. The area earmarked for the section of road is located outside the urban area and contains indigenous vegetation.
Activity Number: 18 Activity Description: The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. i. Western Cape i. Areas zoned for use as public open space or equivalent zoning; ii. Areas outside urban areas; (aa) Areas containing indigenous vegetation; (bb) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined; or iii. Inside urban areas: (aa) Areas zoned for conservation use; or (bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority.	The proposed bypass road for Structure B4614 will also entail the widening of an existing gravel road by 4m over a length of ca. 220m. The road is located outside the urban area and the sections where the widening will occur contains indigenous vegetation.

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:

The Western Cape Government: Department of Infrastructure is planning routine maintenance of Trunk Road 16/8 (TR16/8) and Trunk Road 16/9 (TR16/9) between the settlement of Murraysburg and the Northern Cape border. The proposed maintenance will mainly take place within the existing road reserves from 43.48km to 48.12km of TR 16/8, and 0.00km to 42.05km of TR16/9. Maintenance on TR16/8 entails work on one bridge, two major culverts and four culvert structures. Works on TR16/9 entails work on four bridges and approximately 31 culvert structures.

In general, the work entails the *inter alia*:

- Reseal deck and seal exposed concrete shoulder at bridges;
- Install asphaltic plug joints at piers and abutments at bridges;
- Roll-over joints with glass grid at abutments ends / approach slab;
- Erosion protection works at piers / embankments;
- Concrete repairs to balustrades and apply cementitious protective coating;
- The construction of new concrete headwalls at culverts on inlet and outlets where no headwalls are present or where headwalls require reconstruction;
- The construction of new concrete wingwalls at culverts on inlet and outlet where no wingwalls are present or where wingwalls require reconstruction;
- The construction of new concrete apron slabs and cut off walls at culverts on inlet and outlet where no apron slabs are present or where apron slabs or cut off walls require reconstruction;
- The construction of new concrete culvert floor where no culvert floor is present, but required, or reconstruction of existing culvert floors;
- Installation of erosion protection works at culverts on inlet and outlet where required which include concrete, rip-rap, reno-mattresses, gabions and stone pitching;
- Shaping of existing embankments where erosion has occurred to reinstate prior to erosion;
- Sediment removal to ensure hydraulic functioning;
- Vegetation removal.

It is also proposed to develop a bypass road over the Buffels River due to the nature of the proposed activities at the bridge over the Buffels River, Structure B4614 at km26.94. The proposed bypass road will be approximately 990m in length and 6m wide upstream of the bridge. Details of the proposed bypass road are provided by site plan "Repairs to Bridge No. 4614 on Trunk Road 16 Section 9 at KM 26.94 over the Buffalo River" drafted by EFG Engineers (Pty) Ltd. Refer to Annexure 2 of this environmental authorisation.

C. SITE DESCRIPTION AND LOCATION

The proposed maintenance will be undertaken on culverts and bridges on the following roads between the settlement of Murraysburg and the Northern Cape border:

- Trunk Road 16/8: One bridge and five culvert structures; and
- Trunk Road 16/9: four bridges and approximately 60 culvert structures.

SG digit codes:

All structures are located within the proclaimed road reserve. However, the proposed bypass road for Structure B4614 will be located on private property.

Property	Surveyor General 21-digit Code
Portion 1 of the Farm Brak Fontein No. 24	C05200000000002400001

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

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

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER (EAP)

Ms. Carina Becker
EAPASA No: 2021/3775
E-mail: carina@gnec.co.za
Assisted by a Candidate EAP: Ms. Hetlie Liebenberg
EAPASA No: 2023/6527

Guillaume Nel Development Consultants
45 Fabriek Street
PAARL
7646

Tel: 021 870 1874
Web: <https://gnec.co.za/>

E. CONDITIONS OF AUTHORISATION

Scope and Validity Period of authorisation

1. This Environmental Authorisation is granted for the period from date of issue until **30 November 2028** (validity period), during which period the Holder must ensure that the—
 - (a) physical implementation of all the authorised listed activities is started with and concluded;
 - (b) construction monitoring and reporting requirements are undertaken and submitted to the Competent Authority in time to allow said authority to process such documents timeously;
 - (c) post construction rehabilitation and monitoring requirements is undertaken and completed; and
 - (d) environmental auditing requirements are complied with; and that such auditing is finalised in time to allow the competent authority to be able to process the environmental audits timeously within the specified validity period.

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 respect of the preferred alternative described in the FBAR, dated 8 September 2023, on the site as described in Section C above.

This Environmental Authorisation is for the implementation of **the preferred alternative** which entails:

The Western Cape Government: Department of Infrastructure is planning routine maintenance of Trunk Road 16/8 (TR16/8) and Trunk Road 16/9 (TR16/9) between the settlement of Murraysburg and the Northern Cape border. The proposed maintenance will take place within the existing road reserves from 43.48km to 48.12km of TR 16/8, and 0.00km to 42.05km of TR16/9. Maintenance on TR16/8

entails work on one bridge, two major culverts and four culvert structures. Works on TR16/9 entails work on four bridges and approximately 31 culvert structures.

In general, the work entails the *inter alia*:

- Reseal deck and seal exposed concrete shoulder at bridges;
- Install asphaltic plug joints at piers and abutments at bridges;
- Roll-over joints with glass grid at abutments ends / approach slab;
- Erosion protection works at piers / embankments;
- Concrete repairs to balustrades and apply cementitious protective coating;
- The construction of new concrete headwalls at culverts on inlet and outlets where no headwalls are present or where headwalls require reconstruction;
- The construction of new concrete wingwalls at culverts on inlet and outlet where no wingwalls are present or where wingwalls require reconstruction;
- The construction of new concrete apron slabs and cut off walls at culverts on inlet and outlet where no apron slabs are present or where apron slabs or cut off walls require reconstruction;
- The construction of new concrete culvert floor where no culvert floor is present, but required, or reconstruction of existing culvert floors;
- Installation of erosion protection works at culverts on inlet and outlet where required which include concrete, rip-rap, reno-mattresses, gabions and stone pitching;
- Shaping of existing embankments where erosion has occurred to reinstate prior to erosion;
- Sediment removal to ensure hydraulic functioning;
- Removal / clearance of vegetation.

It is also proposed to develop a bypass road over the Buffels River due to the nature of the proposed activities at the bridge over the Buffels River, Structure B4614 at km26.94. The proposed bypass road will be approximately 990m in length and 6m wide upstream of the bridge. Details of the proposed bypass road are provided by site plan "*Repairs to Bridge No. 4614 on Trunk Road 16 Section 9 at KM 26.94 over the Buffalo River*" drafted by EFG Engineers (Pty) Ltd. Refer to Annexure 2 of this environmental authorisation.

3. This Environmental Authorisation may only be implemented in accordance with the 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 holder notifies 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 on site.
 - 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 and 10
- 8. Seven calendar days' notice, in writing, must be given to the Competent Authority on completion of the construction activities.

Management of activity/activities

- 9. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is herewith **approved**. 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. The Holder may appoint a suitably experienced Site Agent or internally appointed Environmental Officer ("Internal EO") to assist the ECO with the tasks related to monitoring compliance with the Environmental Authorisation and EMPr.
 - 12.1. The appointment of such a Site Agent or Internal EO must be for the duration of the construction and rehabilitation phases of implementation contained herein.
13. 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.
 14. 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.

Environmental Auditing

15. The Holder must, for the period during which the environmental authorisation; and EMPr remain valid ensure the compliance with the conditions of the environmental authorisation and the EMPr, is audited.
16. The frequency of auditing of compliance with the conditions of the environmental authorisation and of compliance with the EMPr, must adhere to the following programme:
 - 16.1. During the period which the activities have been commenced with on site until the post construction rehabilitation and monitoring requirements have been completed, the Holder must ensure annual environmental audit(s) are undertaken and the Environmental Audit Report(s) submitted annually to the Competent Authority.; and
 - 16.2. A final Environmental Audit Report for the construction phase (non-operational component) must be submitted to the Competent Authority within three (3) months of completion of the post construction rehabilitation and monitoring requirements.
17. The Environmental Audit Report, must –
 - 17.1. 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;
 - 17.2. provide verifiable findings, in a structured and systematic manner, on–
 - 17.2.1. the level of compliance with the conditions of the environmental authorisation and the EMPr and whether this is sufficient or not; and

- 17.2.2. 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.
 - 17.3. identify and assess any new impacts and risks as a result of undertaking the activity;
 - 17.4. evaluate the effectiveness of the EMPr;
 - 17.5. identify shortcomings in the EMPr;
 - 17.6. identify the need for any changes to the avoidance, management and mitigation measures provided for in the EMPr;
 - 17.7. 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;
 - 17.8. indicate the date on which the operational phase was commenced with and the progress of the rehabilitation;
 - 17.9. include a photographic record of the site applicable to the audit; and
 - 17.10. be informed by the ECO reports.
18. 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

- 19. The proposed bypass road over the Buffels River required for the activities related to Structure B4614 must be constructed, operated and removed during the dry season during late autumn to the end of the winter period (i.e. between April and July) to limit the impacts on the river.
- 20. The No-Go areas must be physically and clearly demarcated prior to any earthworks commencing. This area may not be used to store any materials. All construction related activities such as materials storage and site camp establishment must occur within an identified area approved by the ECO.
- 21. 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 activity.

Amendment of Environmental Authorisation and EMPr

2. If the Holder does not start with the listed activities and exceed the thresholds of the listed activities within the period referred to in Section G, this Environmental Authorisation shall lapse for those activities, 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. This Environmental Authorisation is subject to compliance with all the peremptory conditions (6 and 10). Failure to comply with all the peremptory conditions prior to the physical implementation of the activities (including site preparation) will render the entire EA null and void. Such physical activities shall be regarded to fall outside the scope of the Environmental Authorisation and shall be viewed as an offence in terms of Section 49A(1)(a) of NEMA.
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;
 - 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; and
 - 1.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:
Zaahir.Toefy@westerncape.gov.za;
Gavin.Benjamin@westerncape.gov.za; and copied to
DEADPEIAadmin.George@westerncape.gov.za
2. An appellant (if NOT the holder of the decision) must, within 20 (twenty) calendar days from the date the holder of the decision sent notification of the decision to the registered I&APs–
 - 2.1. Submit an appeal in accordance with Regulation 4 of the National Appeal Regulations 2014 (as amended) to the Appeal Administrator; and
 - 2.2. Submit a copy of the appeal to the holder of the decision, 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.
 - 2.3. Submit a copy of the appeal to the decision-maker (*i.e.*, the Competent Authority that issued the decision) at:
Zaahir.Toefy@westerncape.gov.za; and copied to
Gavin.Benjamin@westerncape.gov.za;
DEADPEIAadmin.George@westerncape.gov.za
3. The holder of the decision (if not the appellant), the decision-maker that issued the decision, the registered I&AP and the Organ of State must submit their responding statements, if any, to the appeal authority and the appellant within 20 (twenty) calendar days from the date of receipt of the appeal submission.

4. The appeal and the responding statement must be submitted to the Appeal Administrator at the address listed below:

By post: Western Cape Ministry of Local Government, Environmental Affairs and Development Planning
Private Bag X9186
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Appeal Administrator
Attention: Mr Marius Venter (Tel: 021 483 3721)
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

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

5. A prescribed appeal form as well as assistance regarding the appeal processes is obtainable from the Appeal Administrator at: Tel. (021) 483 3721, E-mail DEADP.Appeals@westerncape.gov.za or URL <https://www.westerncape.gov.za/eadp/resource-library/forms>.

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

DIRECTOR: DEVELOPMENT MANAGEMENT

WESTERN CAPE GOVERNMENT: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING

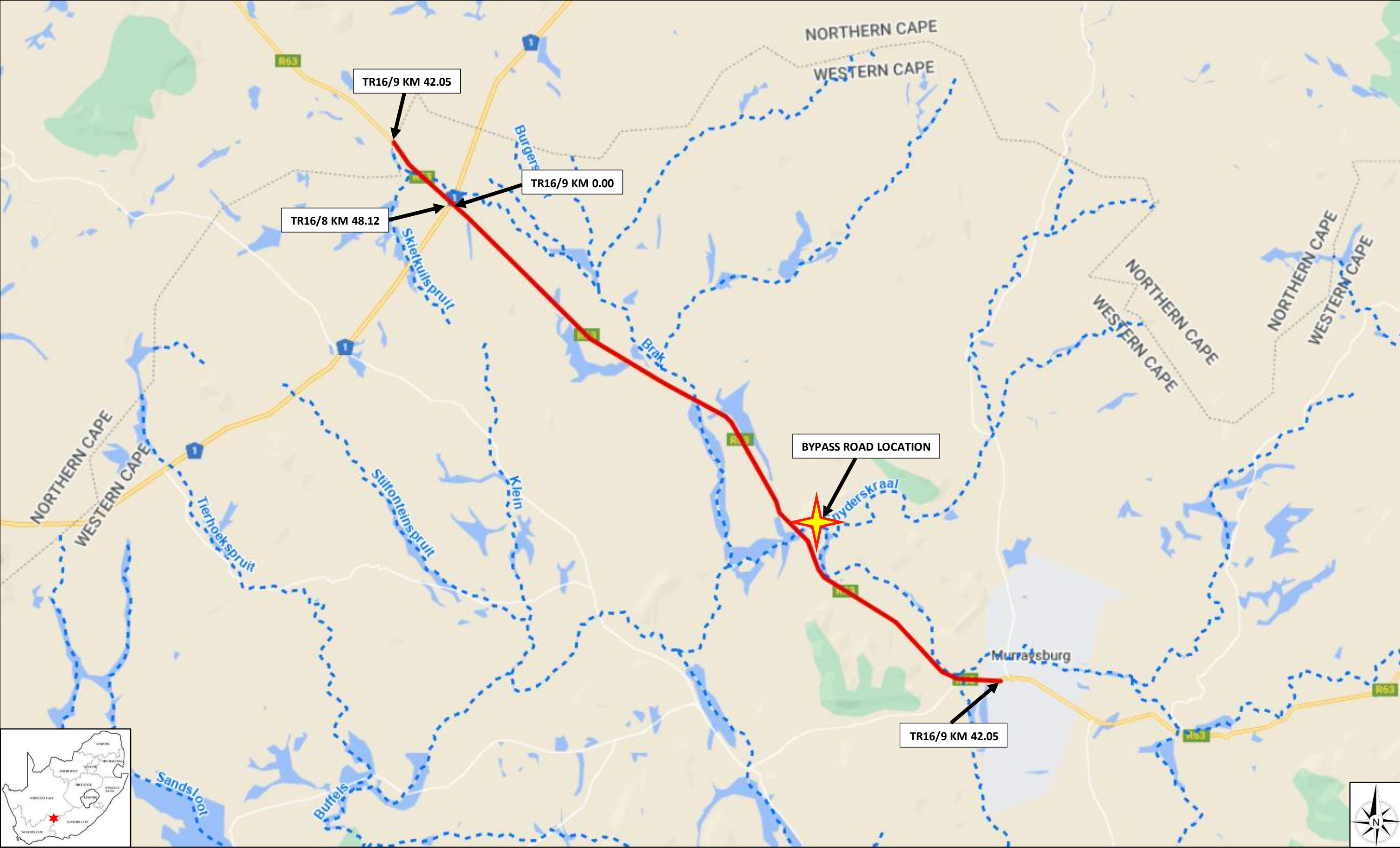
DATE OF DECISION: 28 NOVEMBER 2023

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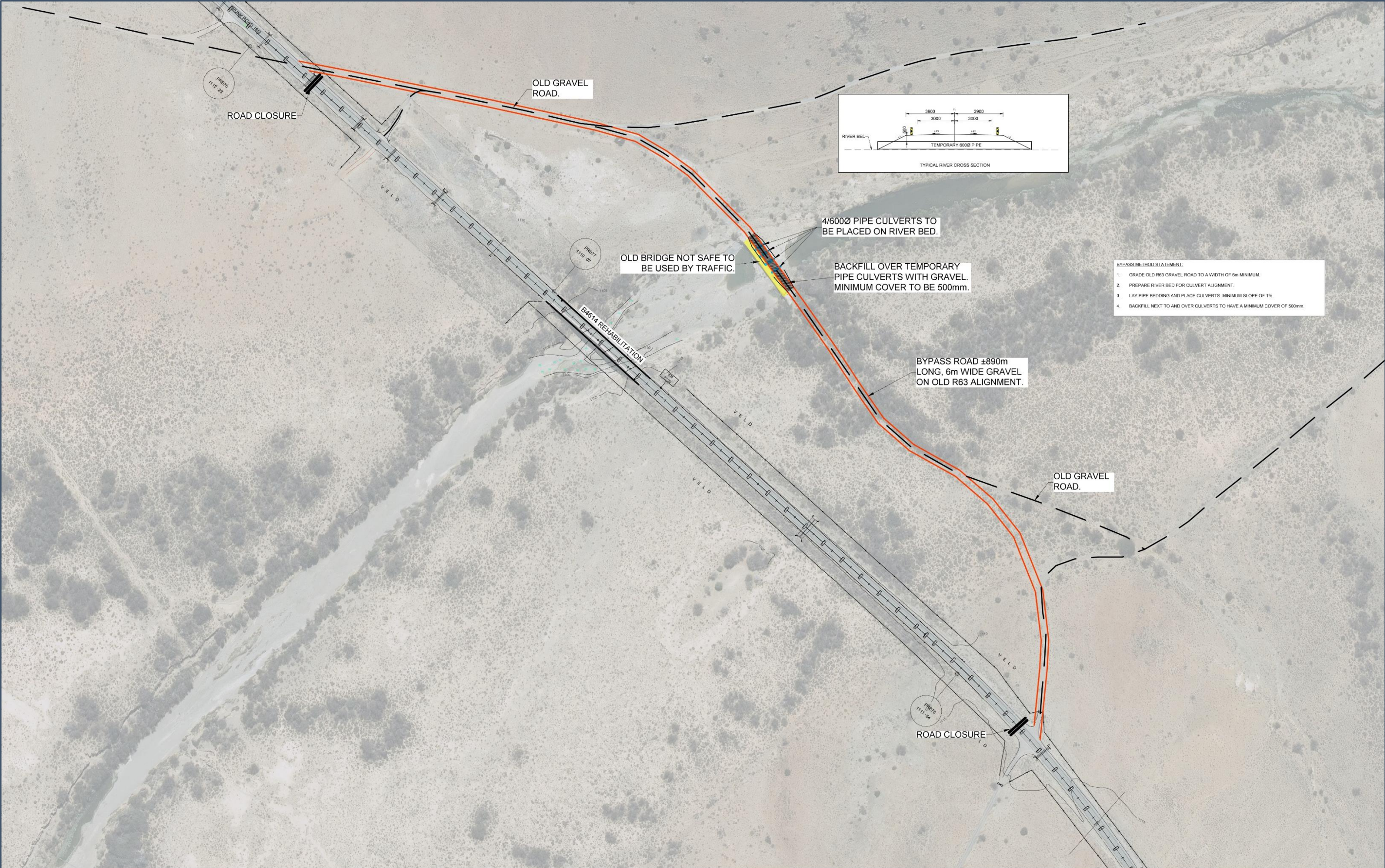
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ANNEXURE 1: LOCALITY MAP



ANNEXURE 2: SITE PLAN FOR THE PROPOSED WORK AT STRUCTURE B4614 ON TRUNK ROAD 16 SECTION 9 AT KM 26.94 OVER THE BUFFELS RIVER



NO.	DATE	ADDITIONS AND AMENDMENTS	APPROVED		DESIGNED BY:	EFG Engineers (Pty) Ltd Transport, Infrastructure, Municipal Services & Development 34 Queen Street, Durbanville 7550 P.O. Box 3800, Durbanville 7551 Tel: 021 975 3889 Fax: 021 975 3850 web: www.efg.co.za	CONSULTING ENGINEERS	 Western Cape Government Transport and Public Works	APPROVED THIS APPROVAL IS FOR PROCEDURAL AND ADMINISTRATIVE REVIEW PURPOSES ONLY AND DOES NOT ATTRACT LEGAL LIABILITY OF ANY KIND FROM WHATSOEVER OR HOWEVER ARISING PROVINCIAL ROADS ENGINEER DATE: _____	REPAIRS TO BRIDGE No. 4614 ON TRUNK ROAD 16 SECTION 9 AT KM 26.94 OVER THE BUFFALO RIVER PERIODIC MAINTENANCE OF TR16/9 B4614 - BYPASS	P.R.E.'s FILE NO. TPW16/04/14-TR01608/C1213	SCALE AS SHOWN
			CONS.	PRE							CONTRACT NO. C 1213	WCG STRUCTURE PLAN
					CHECKED BY:							
					DRAWN BY:							
					CHECKED BY:							

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 30 June 2023, the Basic Assessment Report (FBAR) and EMPr submitted together with the FBAR on 26 September 2023;
- b) Relevant information contained in the Departmental information base, including the Guidelines on Public Participation, Alternatives (dated March 2013);
- c) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- d) The comments received from I&APs and responses to these, included in the FBAR submitted on 26 September 2023;
- 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.
- g) A site inspection by Messrs. Francois Naudé and Steve Kleinhans and Ms. Jessica Chrstie of the Directorate: Development Management (Region 3) was undertaken during the pre-application phase of the EIA process on 27 February 2023.

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. Other relevant legislative considerations

■ *National Water Act, 1998 (Act No. 36 of 1998)*

The proposed periodic maintenance of the TR16/8 and TR16/9 includes activities within watercourses along the roads, *inter alia*, the moving of sand, removal of debris and vegetation. Furthermore, the proposed work at Structure B4614 at km 26.94 of Trunk Road 16 Section 9 includes a bypass road over the Buffels River. The section of the road through the watercourse (from bank to bank) will be approximately 65m long and 7.8m wide which requires ca. 800m³ of material to be placed in the river. To allow flow, it is proposed to place four 600mm diameter pipe culverts. According to the information, a low risk may be achieved if the proposed bypass is constructed and operated for a maximum of six weeks during the drier late autumn to winter months (between April and July).

In this regard, a pre-Water Use License Application enquiry was undertaken with the Department of Water and Sanitation (Ref: WU28420), which confirmed via e-mail on 22 May 2023 that the applicant may continue to apply for the registration of the water uses in terms of the General Authorisation. Furthermore, information has been provided to the competent authority that the registration documents were submitted to the DWS on 18 October 2023 (Ref: WU33346).

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 five notice boards along Trunk Road 16 Section 8 and Trunk Road 16 Section 8 on 5 April 2023;

- 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 6 April 2023 and reminders sent on 21 June 2023;
- the placing of a newspaper advertisement in the “Die Burger” on 6 April 2023; and
- making the pre-application BAR available to I&APs for public review and comment from 6 April to 15 May 2023, and the Draft Basic Assessment Report available to I&APs for public review and comment from 26 July to 28 August 2023.

All the comments and issues raised by the respective *Organs of State and Interested and Affected Parties (I&APs)* that were captured in the Basic Assessment Report were responded to by the EAP. The Competent Authority is satisfied with the responses provided by the EAP to these other organs of state and I&APs.

3. Alternatives

Alternative 1: Preferred Alternative (“Herewith Approved”)

The Western Cape Government: Department of Infrastructure is planning routine maintenance of Trunk Road 16/8 (TR16/8) and Trunk Road 16/9 (TR16/9) between the settlement of Murraysburg and the Northern Cape border. The proposed maintenance will take place within the existing road reserves from 43.48km to 48.12km of TR 16/8, and 0.00km to 42.05km of TR16/9. Maintenance on TR16/8 entails work on one bridge, two major culverts and four culvert structures. Works on TR16/9 entails work on four bridges and approximately 31 culvert structures.

In general, the work entails the *inter alia*:

- Reseal deck and seal exposed concrete shoulder at bridges;
- Install asphaltic plug joints at piers and abutments at bridges;
- Roll-over joints with glass grid at abutments ends / approach slab;
- Erosion protection works at piers / embankments;
- Concrete repairs to balustrades and apply cementitious protective coating;
- The construction of new concrete headwalls at culverts on inlet and outlets where no headwalls are present or where headwalls require reconstruction;
- The construction of new concrete wingwalls at culverts on inlet and outlet where no wingwalls are present or where wingwalls require reconstruction;
- The construction of new concrete apron slabs and cut off walls at culverts on inlet and outlet where no apron slabs are present or where apron slabs or cut off walls require reconstruction;
- The construction of new concrete culvert floor where no culvert floor is present, but required, or reconstruction of existing culvert floors;
- Installation of erosion protection works at culverts on inlet and outlet where required which include concrete, rip-rap, reno-mattresses, gabions and stone pitching;
- Shaping of existing embankments where erosion has occurred to reinstate prior to erosion;
- Sediment removal to ensure hydraulic functioning;
- Vegetation removal.

It is also proposed to develop a bypass road over the Buffels River due to the nature of the proposed activities at the bridge over the Buffels River, Structure B4614 at km26.94. The proposed bypass road will be approximately 990m in length and 6m wide upstream of the bridge. Details of the proposed bypass road are provided by site plan “Repairs to Bridge No. 4614 on Trunk Road 16 Section 9 at KM

26.94 over the Buffalo River" drafted by EFG Engineers (Pty) Ltd. Refer to Annexure 2 of this environmental authorisation.

No other alternative was considered by the applicant as the proposal is for the routine maintenance of existing structures within the road reserve of Trunk Road 16 Section 8 and Trunk Road 16 Section 9 between the settlement of Murraysburg and the Northern Cape Border. The motivation for not considering location alternatives was found to be acceptable.

"No-Go" Alternative

The "No-Go" Alternative entails not undertaking the routine maintenance as proposed in the BAR. Should this alternative be implemented the structures will not be repaired and no debris and sand, which may block the structures, especially culvert structures. Blocked structures increase the probability that overtopping will occur which will increase unsafe driving conditions. Therefore, the "No-Go" Alternative is not the applicant's preferred alternative.

4. Impact Assessment and Mitigation Measures

4.1 Activity need and desirability

It is the responsibility of the Western Cape Government: Department of Infrastructure to upgrade, rehabilitate and maintain provincial roads within the Western Cape Province.

In this regard the Department of Infrastructure has identified numerous structures along Trunk Road 16 Section 8 and Trunk Road 16 Section 9, located between the settlement of Murraysburg and the Northern Cape border which require maintenance in order to improve their hydraulic functioning and improve road safety along the identified roads. The proposed work also includes erosion protection measures where required as well as the reseal of the road surface.

4.2 Aquatic impacts

A description of the aquatic related issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

A Freshwater Assessment was undertaken as part of the EIA process to inform the BAR. According to the assessment the road traverses two primary drainage systems, namely the Brak River (along with several episodic drainage lines with riparian vegetation and two channelled valley bottom wetlands) and the Buffels River with associated episodic drainage lines with riparian vegetation.

According to assessment both the Brak and Buffels Rivers are largely natural to moderately modified, with the modifiers the road with its culvert and bridge structures, weirs, impoundments and agricultural activities. Notwithstanding these modifications, the watercourses still provide faunal habitat, particularly good vegetative cover allowing for faunal migration. Furthermore, the assessment found that the identified watercourses have a high Ecological Importance and Sensitivity ("EIS") due to their contribution to the overall ecological functioning of the area.

Due consideration has been given to the fact that these are existing structures, and the proposal is to improve the functioning of the structures. However, the work at Structure B4614 at km26.94 requires a temporary bypass road which crosses the Buffels River and, which in turn, requires the placement of approximately 800m³ of material within the river channel. According to the assessment this potentially poses a medium significance risk, albeit temporary and of short duration; however, the assessment indicates that a low-risk significance may be achieved by restricting the construction and operation of the temporary bypass to a maximum of six weeks during the dry winter period. It must be noted that a medium risk significance in terms of the National Water Act, Act 36 of 1998 ("NWA"),

requires a Water Use License, whereas a low-risk significance may be considered for approval in terms of the General Authorisation for water use activities Section 21 (c) and (i). In this regard, the applicant has provided correspondence from the Department of Water and Sanitation that the proposed maintenance activities along Trunk Road 16 Section 8 and Trunk Road 16 Section 9 falls within the ambit of a General Authorisation.

In light of the above, the Competent Authority is satisfied that the applicant has adequately demonstrated that the proposed will not have a significant impact on the aquatic features subject to the implementation if the proposed mitigation measures and recommendations in the EMPr are implemented and adhered to.

4.3 Biodiversity related aspects

Descriptions of the biodiversity issues and risks that were identified during the environmental impact assessment process, as well as an assessment of the significance of each issue and risk, cumulative impacts of the proposed development and levels of acceptable change have been considered.

According to the applicant, the site area is situated in the Central Karoo which is an arid area. The mapped ecosystems have been identified as Upper Karoo Hardeveld, Southern karoo Riviere and Eastern Upper Karoo, all of which have a conservation status of Least Concern. The applicant indicates that due to the nature of the proposal, i.e. maintenance of existing structures and infrastructure, no large areas of vegetation will be cleared for the purpose of the maintenance activities. Vegetation clearance will however be required for the construction of the temporary bypass road (ca. 1480m²), clearance at culvert structures (ca. 1000m²), clearance and culverts (ca. 1000m²) and temporary accesses at bridges (ca. 450m²).

Furthermore, the applicant has identified five possible site camp / stockpile areas along the affected roads. According to the applicant these areas are located within the road reserve and have been used as rest areas previously.

According to the applicant a total of approximately 7230m² will be required of which approximately 1930m² is related to the linear activities.

Due to the location of the roads, consideration was given to the potential occurrence of critically endangered *Bunolagus monticularis* (Riverine Rabbit). According to the information this species inhabits dense riparian growth along seasonal rivers in the Central Karoo, where it shows the greatest preference for riverine vegetation on alluvial soils adjacent to ephemeral river. The majority of the species' occupancy lies in the Upper Karoo Bioregion, which includes the subject area. According to the information the riparian areas associated with the Brak and Buffels Rivers may provide suitable habitat and that the culverts may serve as a movement corridor for the species. However, it is unlikely that the species will be found permanently or regularly inhabiting the riparian areas immediately adjacent to the road and culverts due to the movement of vehicles. Furthermore, the vegetation clearance will be limited to the minimum required footprint as specified in the Environmental Management Programme.

With due consideration of the above, the Competent Authority is of the considered opinion that the applicant has adequately addressed the biodiversity related aspects and that maintenance activities will not have a significant impact on the terrestrial biodiversity.

4.4 Heritage / Archaeological Aspects

No significant impacts on heritage / archaeological resources are expected as a result of the proposed maintenance activities along Trunk Roads 16/8 and 16/9 between the settlement of Murraysburg and the Northern Cape Border. This was confirmed in the response to the Notice of Intent to Develop (Case No: HWC23012302CM0123) issued by Heritage Western Cape, dated

31 January 2023. The competent authority is satisfied that the evaluation fulfils the requirements of the relevant heritage resources authority in terms of the National Heritage Resources Act, 1999 and the comments and recommendations of the relevant heritage resources authority with regard to the proposed development have been taken into account.

4.5 Other impacts

No other significant visual dust, noise and odour impacts have been identified.

5. Scope and Validity of the Environmental Authorisation

This environmental authorisation does not define specific operational aspects. The environmental authorisation's validity period has been granted for a period of ca. five (5) years, during which period the construction activities must commence and be concluded, including the post-construction rehabilitation and monitoring and submission of the final environmental audit reports for the construction phase. In light of the proposed implementation programme, the monitoring and post-construction rehabilitation can be adequately incorporated in the construction phase.

Where the activity has been commenced with, the EIA Regulations, 2014 allow that (upon application) the period for which the environmental authorisation is granted may be extended for a further period of 5-years.

6. National Environmental Management Act Principles

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

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

7. Conclusion

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, except for the activity that has been refused, the proposed listed activities, will not conflict with the general objectives of integrated environmental management stipulated in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the listed activities can be mitigated to acceptable levels.

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