

**EIA REFERENCE NUMBER:** 16/3/3/5/C3/13/0012/24  
**NEAS REFERENCE:** WCP/EIA/AMEND/0000877/2024  
**DATE OF ISSUE:** 25 September 2024

## ADDENDUM TO ENVIRONMENTAL AUTHORISATION

**APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 OF 1998) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (REF: 16/3/3/1/C3/13/0015/23) ISSUED ON 28 NOVEMBER 2023 FOR 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 decision with respect to the application (submitted 13 August 2024) for the amendment to the Environmental Authorisation issued on 28 November 2023 (hereinafter referred to as an "Environmental Authorisation").

### A. DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2014 (as amended) ("NEMA EIA Regulations") the competent authority herewith **grants** the amendment of the Environmental Authorisation issued on 28 November 2023.

The Environmental Authorisation is amended as set out below:

#### 1. The deletion of Section C: Condition 19 of the Environmental Authorisation, which reads:

*"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."*

### B. REASONS FOR THE DECISION

In reaching its decision, the department took, *inter alia*, the following into consideration:

1. The Environmental Authorisation issued on 28 November 2023 is regarded to be valid.

2. According to the applicant it was not possible to develop the proposed bypass road over the Buffels River during the dry season (autumn to end of winter i.e. April to July) due to an above average rainfall received in the region during said period of 2024. This has resulted in the delay of the maintenance work on Structure B4614. The upgrade of the public road is subject to the availability of funding made available to the WCG: Department of Infrastructure. According to the information by the consulting engineers, the delay is causing significant costs being incurred and the continued delay will result in exorbitant and unsustainable costs for the project. Considering the service to the public and the budget restrictions, the project must be completed as soon as possible. Therefore, it is expected that the bypass should be completed prior to the expected higher rainfall season.
3. It is understood that conditions are now conducive to develop the bypass as the flow levels in the Buffels River are lower due to the lower rainfall received recently. Furthermore, it is understood that due to the limited variation in median rainfall between the summer and winter months, there is no perceived increase in actual risk significance.
4. The application is regarded to be for a non-substantive amendment to the environmental authorisation as it will not change the scope of the valid environmental authorisation, nor increase the level or nature of the impact, which impact was initially assessed and considered when application was made for an environmental authorisation.
5. The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the environmental authorisation.

### C. CONDITIONS

1. The applicant must in writing, within **14 (fourteen) calendar days** of the date of this decision (refer to Government Notice R.993 of 8 December 2014) –
  - 1.1. notify all registered interested and affected parties who were registered during the original application process (DEA&DP Ref. 16/3/3/1/C3/13/0015/23), of –
    - 1.1.1. the outcome of this application;
    - 1.1.2. the reasons for the decision as included in Section B (above);
    - 1.1.3. the date of the decision; and
    - 1.1.4. the date of issue of the decision.
2. draw the attention of all registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulation, 2014 detailed in Section D below.
3. The holder of the environmental authorisation must provide the Competent Authority with proof of compliance with Condition 1 described in Section C of this Addendum to the Environmental Authorisation within **thirty (30) calendar days' notice** of the issuing of this Addendum to the Environmental Authorisation.
4. All other conditions contained in the Environmental Authorisation issued on 28 November 2023 remain unchanged and in force.

## D. 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
  - 1.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za); and  
[DEADPEIAadmin.George@westerncape.gov.za](mailto: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
  - 2.3. Submit a copy of the appeal to the decision-maker (i.e. the Competent Authority that issued the decision) at:  
[Gavin.Benjamin@westerncape.gov.za](mailto:Gavin.Benjamin@westerncape.gov.za); and  
[DEADPEIAadmin.George@westerncape.gov.za](mailto: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  
8<sup>th</sup> 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>.

## **E. 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

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**DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 3)**

**WCG: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

### **FOR OFFICIAL USE ONLY:**

**ORIGINAL EA REFERENCE NUMBER:**

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**WCP/EIA/0001305/2023**

**DATE OF ISSUE:**

**28 NOVEMBER 2023**

**EA ADDENDUM #1 REFERENCE NUMBER:**

**16/3/3/5/C3/13/0012/24**

**NEAS REFERENCE NUMBER:**

**WCP/EIA/AMEND/0000877/2024**

**DATE OF ISSUE:**

**THIS AUTHORISATION**