

25 SEPTEMBER 2024

DEA&DP Reference Number: 16/3/3/5/C3/13/0012/24

GNEC Code: 20681

Dear Interested and Affected Party,

NOTIFICATION OF DECISION: APPLICATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT 107 NO. 1998) FOR THE AMENDMENT OF THE ENVIRONMENTAL AUTHORISATION (REF: 16/3/3/1/C1/13/0015/23) 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.

EFG Engineers (Pty) Ltd., on behalf of the Western Cape Government: Department of Infrastructure (previously Transport and Public Works), appointed Guillaume Nel Environmental Consultants (GNEC) in order to facilitate the Part 1 Amendment Application for the request of lifting the environmental restrictions on the Buffels River Bridge construction works at Bridge No. 4614 on Trunk Road 16 Section 9 at km 26.94 over the Buffalo River.

This letter serves to inform you that the Department of Environmental Affairs and Development Planning (DEA&DP) has issued the Western Cape Government: Department of Infrastructure with an amendment of the Environmental Authorisation (EA) in order for the holder of the EA to continue with the activities at Structure B4614 and related bypass on of Trunk Road 16 Section 9, with the date of issue and decision being the 25th of September 2024 (and received by GNEC on the same day).

Please note that the holder of the Environmental Authorisation is:

- Western Cape Government: Department of Infrastructure
- Responsible Person: Mr. Dirk Immelman
- PO BOX 2603, Cape Town, 8000
- Email: Dirk.Immelman@westerncape.gov.za

Additionally, please refer to the contact details of the decision-maker below:

- Department of Environmental Affairs and Development Planning (DEA&DP)
- Directorate: Development Management: Region 3
- Enquiries: Steve Kleinhans
- Tel: (044) 814 4022
- Email: Steve.Kleinhans@westerncape.gov.za

ENVIRONMENTAL AUTHORISATION IS AMENDED AS SET OUT BELOW:

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

“The proposed bypass 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”.

REASONS FOR DECISION:

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.

Kindly refer to **Figure 1** below for the map of B4614.

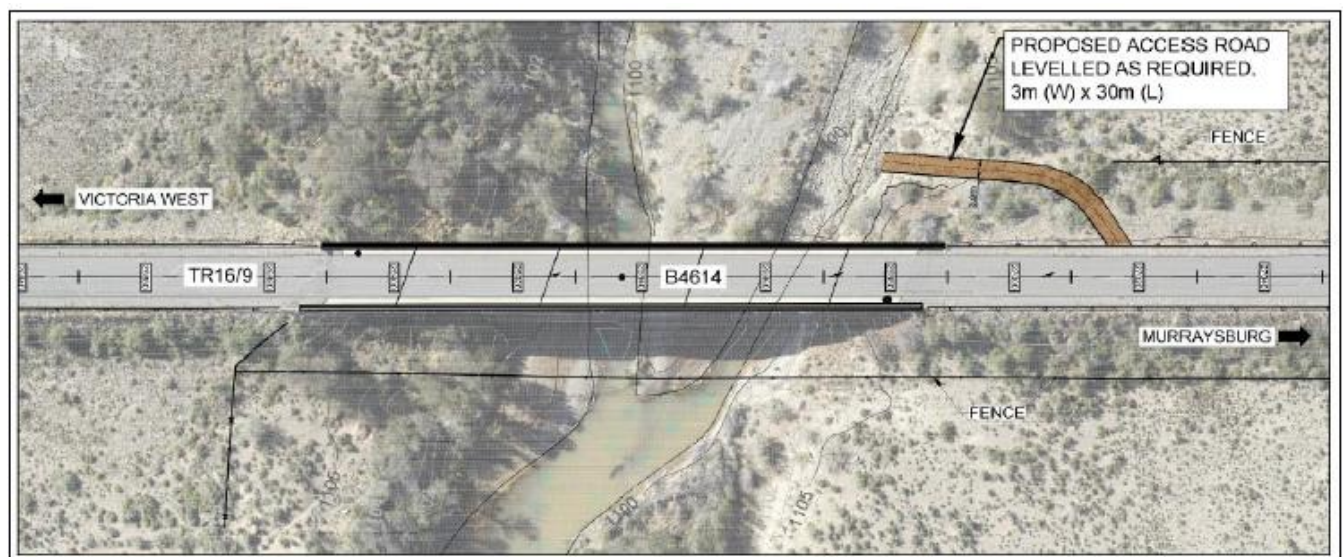


Figure 1: Proposed access road to Bridge B4614 (temporary bypass).

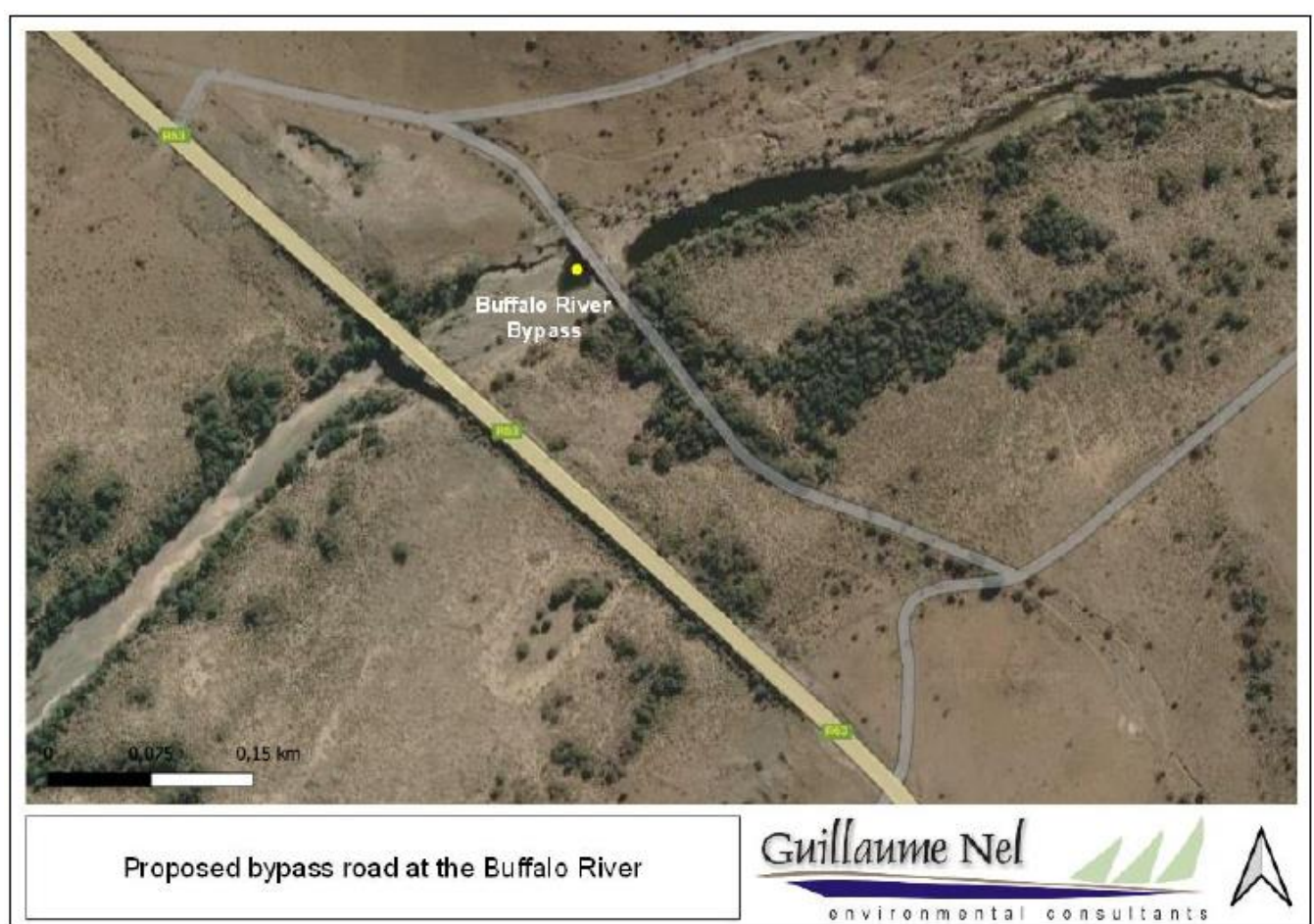


Figure 2: Proposed bypass location at the Buffels River.

Should you as an interested and Affected Party (I&AP) not agree with DEA&DP's decision herewith attached, and would like to lodge an appeal, the appeal procedure in accordance with Regulation 4 of the National Appeal Regulations 2014, detailed in Section D of the amended EA, needs to be followed.

Should you wish to appeal, an appeal must be lodged with the Appeal Administrator within 20 calendar days from the date that the notification of the decision was sent to all Registered Interested and affected parties by the applicant (*i.e.* this letter). The prescribed appeal form as well as assistance regarding the appeal process is obtainable from the office of the Appeal Authority as Fax: (021) 483 4174, email: DEADP.Appeals@westerncape.gov.za or via the URL <http://www.westerncape.gov.za/eadp>.

The appeal form must be submitted by means of one of the following methods:

- **By Post:**

Western Cape Ministry of Local Government, Environmental Affairs and Development
Planning
Private Bag X9186
Cape Town
8000

- **By facsimile:** (021) 483 4174

- **By Hand:**

Appeal Administrator

Attention: Marius Venter

Tel: (021) 483 3721)

Room 809

8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

- **By e-mail:** Gavin.Benjamin@westerncape.gov.za;

DEADP.Appeals@westerncape.gov.za; DEADPEIAadmin.George@westerncape.gov.za

Herewith please find attached a copy of the Environmental Authorisation which was issued to The Western Cape Government: Department Infrastructure. Additional information regarding the appeal procedure is available in the attached Environmental Authorisation. Please note that a copy of the Interested and Affected Party Database is also appended to this letter for your perusal.

Meanwhile, should you have any queries or further questions, please do not hesitate to contact myself at:

Tel: (021) 870 1874

Fax: (021) 870 1873

E-mail: hl@gnec.co.za / carina@gnec.co.za / divan@gndc.co.za

Yours sincerely,

Hetlie Liebenberg

For GNEC

END

Addendum A: Environmental Authorisation

Addendum B: Appeal Regulations

Addendum C: I&AP Database