



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road, Arcadia, · PRETORIA
Tel (+ 27 12) 399 9372

DEA Reference: 14/12/16/3/3/1/1835

Enquiries: Ms Mmamohale Kabasa

Telephone: (012) 399 9420 **E-mail:** MKabasa@environment.gov.za

Mr Harry Viljoen
Provincial Government Western Cape (PGWC): Department of Transport and Public Works (DTPW)
Private Bag X9185
CAPE TOWN
8001

Telephone Number: (021) 483 2161
Email Address: Harry.Viljoen@westerncape.gov.za

PER E-MAIL / MAIL

Dear Mr Viljoen

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/985 FOR THE PROPOSED FLOOD DAMAGE REPAIRS TO THE 27 WATERCOURSE CROSSINGS/STRUCTURES ON THE MR309 ALONG THE SEWEEWEEKSPOORT PASS WITHIN THE LAINGSBURG AND THE KANNALAND LOCAL MUNICIPALITIES IN THE WESTERN CAPE PROVINCE

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 2 of Government Notice No. R.993, which prescribes the appeal procedure to be followed. An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant.

By post: Private Bag X447,
Pretoria, 0001; or

By hand: Environment House
473 Steve Biko,
Arcadia,
Pretoria, 0083

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Appeals must be submitted in writing to:

The Director: Appeals and Legal Review, of this Department at the above mentioned addresses. The Director can also be contacted at:

Tel: (012) 399 9356

Email: Appealsdirector@environment.gov.za

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998 as amended, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

For guidance on appeals submitted to the Minister in terms of NEMA and the SEMAs, please find a copy of the guideline on the administration of appeals on the Department's website: (https://www.environment.gov.za/documents/forms#legal_authorisations).

Kindly include a copy of this document with the letter of notification to interested and affected parties.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Date: 21/05/2018

cc:	D Malan	Hatch Africa (Pty) Ltd	Email: Dawie.malan@hatch.com
	D Swanepoel	Western Cape DEA & DP	Email: danie.swanepoel@westerncape.gov.za
	J Mouton	Laingsburg Local Municipality	Email: jmouton@laingsburg.gov.za
	A Theron	Kannaland Local Municipality	Email: speaker@kannaland.gov.za



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014

For the flood damage repairs to the 27 watercourse crossings/structures on the MR309 along the Seweweekspoort Pass within the Laingsburg and the Kannaland Local Municipalities in the Western Cape Province

Eden District Municipality and Karoo District Municipality

Authorisation register number:	14/12/16/3/3/1/1835
Last amended:	First issue
Holder of authorisation:	Provincial Government Western Cape (PGWC): Department of Transport and Public Works (DTPW)
Location of activity:	Portion 3 of Farm Bezemfontein No. 213, Farm De Poort No. 61, Farm Elandsfontein No. 64, Farm No. 215, Farm No. 88 and Farm Tiger Kloof No. 63. Laingsburg and Kannaland Local Municipalities, Eden District Municipality, Karoo District Municipality Western Cape Province

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this environmental authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

PROVINCIAL GOVERNMENT WESTERN CAPE (PGWC): DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (DTPW)

with the following contact details –

Mr Harry Viljoen
Private Bag X9185
CAPE TOWN
8001

Telephone Number: (021) 483 2161
Email Address: Harry.Viljoen@westerncape.gov.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983) and Listing Notice 3 (GN R. 985):

Activity number	Activity description
<p><u>GN R. 983 Activity 19:</u> <i>"The infilling or deposition 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 the watercourse..."</i></p>	<p>There will be infilling and depositing of material of more than 10 cubic metres along the route during the repair and development of river crossing structures within the watercourse as well as during temporary route diversions.</p>
<p><u>GN R. 983 Activity 27:</u> <i>"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation."</i></p>	<p>There will be clearance of an area of 1 hectare or more of indigenous vegetation during the repair and development of structures to accommodate the proposed route deviations for the traffic. A Maintenance Management Plan for vegetation clearance is included as an appendix to the EMP.</p>
<p><u>GN R. 983 Activity 30:</u> <i>"Any process or activity identified in terms of section 53(1) of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)."</i></p>	<p>Most of the proposed areas requiring repairs are located within the formally protected Towerkop Nature Reserve, with the southern portion also forming part of a Mountain Catchment Area. The portions of the study area immediately north and south of the protected areas are mapped as Critical Biodiversity Areas that should be protected. The site is also within a World Heritage Site.</p>
<p><u>GN R. 985 Activity 12:</u> <i>"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.</i> Western Cape</p>	<p>There will clearance of an area of 300 square meters or more of indigenous vegetation during the repair and development of structures to accommodate the proposed route deviations for the traffic.</p>

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<p><i>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;</i></p> <p><i>ii. Within critical biodiversity areas identified in bioregional plans;</i></p> <p><i>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</i></p> <p><i>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."</i></p>	<p>Most of the proposed areas requiring repairs are located within the formally protected Towerkop Nature Reserve, with the southern portion also forming part of a Mountain Catchment Area. The portions of the study area immediately north and south of the protected areas are mapped as Critical Biodiversity Areas that should be protected. The site is within a World Heritage Site.</p> <p>A Maintenance Management Plan for vegetation clearance is included as an appendix to the EMPr.</p>
<p><u>GN R. 985 Activity 14:</u></p> <p><i>" The development of–</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</i></p> <p><i>where such development occurs–</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>Western Cape</i></p> <p><i>i. Outside urban areas:</i></p> <p><i>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</i></p> <p><i>(bb) National Protected Area Expansion Strategy Focus areas;</i></p> <p><i>(cc) World Heritage Sites;</i></p> <p><i>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</i></p> <p><i>(ee) Sites or areas listed in terms of an international convention;</i></p>	<p>The flood damage repairs occur on Main Road 309 in the Seweweekspoort Area, Western Cape, at 27 of the proposed construction sites along the route. The site is outside urban areas.</p> <p>The design width of the structures will be 6m clear width between guide blocks and not materially wider than the gravel road which is narrower in many parts of the pass. Typical sizes for the structures will be 5 to 7m long, perpendicular to the flow of the river, and structures will be aligned with the direction of the river.</p> <p>Most of the proposed areas requiring repairs are located within the formally protected Towerkop Nature Reserve, with the southern portion also forming part of a Mountain Catchment Area. The</p>

<p>(ff) <i>Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(gg) <i>Core areas in biosphere reserves; ."</i></p>	<p>portions of the study area immediately north and south of the protected areas are mapped as Critical Biodiversity Areas that should be protected.</p>
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as described in the Basic Assessment Report (BAR) dated February 2018 at:

21 SG Code:

C	0	4	3	0	0	0	0	0	0	0	0	0	0	2	1	3	0	0	0	0	3
C	0	4	3	0	0	0	0	0	0	0	0	0	0	2	1	4	0	0	0	0	0
C	0	4	2	0	0	0	0	0	0	0	0	0	0	8	8	0	0	0	0	0	
C	0	4	2	0	0	0	0	0	0	0	0	0	0	6	1	0	0	0	0	0	
C	0	4	2	0	0	0	0	0	0	0	0	0	0	6	3	0	0	0	0	0	
C	0	4	2	0	0	0	0	0	0	0	0	0	0	6	4	0	0	0	0	0	

Site (preferred)

Alternative	Latitude	Longitude	Farm No.	SG Code
1. Causeway No. 12171_Km 40.90	33°21'41.30"S	21°24'35.42"E	213	C04300000000021300003
2. Causeway No. 12172_Km 44.10	33°22'51.38"S	21°24'31.32"E	214	C04300000000021400000
3. Causeway No. 12173_Km 44.30	33°22'55.45"S	21°24'26.95"E	214	C04300000000021400000
4. Causeway No. 12174_Km 44.50	33°23'1.12"S	21°24'21.51"E	214	C04300000000021400000
5. Causeway No. 12175_Km 44.70	33°23'8.56"S	21°24'22.03"E	214	C04300000000021400000
6. Causeway No. 12176_Km 45.05	33°23'11.26"S	21°24'31.42"E	214	C04300000000021400000
7. Causeway No. 12177_Km 45.10	33°23'13.16"S	21°24'34.38"E	214	C04300000000021400000
8. Causeway No. 12178_Km 45.50	33°23'24.84"S	21°24'37.91"E	214	C04300000000021400000
9. Causeway No. 12179_Km 45.97	33°23'27.84"S	21°24'22.06"E	214	C04300000000021400000
10. Causeway No. 12180_Km 46.35	33°23'23.57"S	21°24'7.61"E	214	C04300000000021400000
11. Causeway No. 12181_Km 46.50	33°23'26.04"S	21°24'5.27"E	214	C04300000000021400000
12. Causeway No. 12182_Km 48.00	33°24'3.53"S	21°23'55.81"E	63	C0420000000006300000

13. Causeway No. 12183_Km 50.10	33°24'42.25"S	21°24'31.50"E	63	C0420000000006300000
14. Causeway No. 12184_Km 50.30	33°24'46.14"S	21°24'29.91"E	63	C0420000000006300000
15. Causeway No. 12185_Km 50.80	33°24'56.08"S	21°24'14.54"E	63	C0420000000006300000
16. Causeway No. 12186_Km 51.10	33°24'59.11"S	21°24'7.50"E	63	C0420000000006300000
17. Gabion wall No. W214_Km 51.60	33°25'1.52"S	21°23'51.22"E	63	C0420000000006300000
18. Causeway No. 12187_Km 52.00	33°25'16.31"S	21°23'50.59"E	61	C0420000000006100000
19. Causeway No. 12188_Km 53.20	33°25'35.88"S	21°24'16.53"E	61	C0420000000006100000
20. Causeway No. 12189_Km 53.40	33°25'39.94"S	21°24'20.83"E	61	C0420000000006100000
21. Causeway No. 12190_Km 53.50	33°25'43.76"S	21°24'23.71"E	61	C0420000000006100000
22. Gabion Wall No. W215_Km 53.80	33°25'52.34"S	21°24'31.94"E	63	C0420000000006300000
23. Causeway No. 12191_Km 54.10	33°25'56.48"S	21°24'26.57"E	88	C0420000000008800000
24. Causeway No. 12192_Km 54.30	33°26'0.20"S	21°24'24.55"E	88	C0420000000008800000
25. Raising of road Km 54.40	33°26'3.00"S	21°24'24.34"E	61	C0420000000006100000
26. Causeway No. 11282_Km 57.10	33°27'14.40"S	21°25'15.08"E	64	C0420000000006400000
27. Causeway No. 12193_Km 58.10	33°27'34.98"S	21°25'43.17"E	64	C0420000000006400000

- for the upgrade of 27 structures along the Seweweekspoort Pass, located on MR309 from km 40.9 to 58.1 within the Laingsburg Local Municipality and the Kannaland Local Municipality in the Western Cape Province, hereafter referred to as "the property".

The Upgrades of the River Crossings will comprise the following:

- 25 river-crossing sites would require new culverts and causeways. The design of the structures will range from 2m long to a maximum width of 8m.
- Two sites would require new retaining walls
- The road reserve will be a total width of 25 meters.
- Construction of short bypass routes at all the 27 structures in order to allow construction vehicles to access both sides of each river crossing and to allow the road to remain in use by the public during the construction period.



Technical details of the proposed facility:

Component	Description/ Dimensions																																																								
Location of the site	Zoar 7km Ladismith 26km Laingsburg 72km																																																								
Length of road affected	17.1 km (Note: the structures to be repaired are within the 17.1 km and do not take up the full 17.1 km)																																																								
SG Codes	Portion 3 of Bezemfontein 213 << C04300000000021300003 Seweweeks Poort << C04300000000021400000 Farm De Poort 61 << C04200000000006100000 Farm Elandsfontein 64 << C04200000000006400000 Farm 88 << C04200000000008800000 Tiger Kloof 63 << C04200000000006300000																																																								
Preferred Site access	Access to the site from the R62 between Ladismith and Calitzdorp																																																								
Area required for construction camp including stockpile areas	6400m ²																																																								
Height and width of structures	<table border="1"> <thead> <tr> <th>Km Dist.</th> <th>Proposed Structure</th> </tr> </thead> <tbody> <tr><td>40.90</td><td>8m wide x 1.5m high causeway</td></tr> <tr><td>44.10</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>44.30</td><td>6m wide x 1.5m high causeway</td></tr> <tr><td>44.50</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>44.70</td><td>6m wide x 1.5m high causeway</td></tr> <tr><td>45.05</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>45.10</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>45.50</td><td>2m wide x 1.3m high causeway</td></tr> <tr><td>45.97</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>46.35</td><td>3m wide x 1.1m high causeway</td></tr> <tr><td>46.50</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>48.00</td><td>2m wide x 1.3m high causeway</td></tr> <tr><td>50.10</td><td>6m wide x 1.5m high causeway</td></tr> <tr><td>50.30</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>50.80</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>51.10</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>51.60</td><td>40m long x 2m high gabion wall</td></tr> <tr><td>52.00</td><td>6m wide x 1.5m high causeway</td></tr> <tr><td>53.20</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>53.40</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>53.50</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>53.80</td><td>25m long x 3m high gabion wall + raising of road level 100m long</td></tr> <tr><td>54.10</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>54.30</td><td>4m wide x 1.5m high causeway</td></tr> <tr><td>54.40</td><td>400m long raising of road level</td></tr> <tr><td>57.10</td><td>2.4m wide x 0.4m high drop inlet</td></tr> <tr><td>58.10</td><td>6.6m wide x 1.8m high causeway</td></tr> </tbody> </table>	Km Dist.	Proposed Structure	40.90	8m wide x 1.5m high causeway	44.10	4m wide x 1.5m high causeway	44.30	6m wide x 1.5m high causeway	44.50	4m wide x 1.5m high causeway	44.70	6m wide x 1.5m high causeway	45.05	4m wide x 1.5m high causeway	45.10	4m wide x 1.5m high causeway	45.50	2m wide x 1.3m high causeway	45.97	4m wide x 1.5m high causeway	46.35	3m wide x 1.1m high causeway	46.50	4m wide x 1.5m high causeway	48.00	2m wide x 1.3m high causeway	50.10	6m wide x 1.5m high causeway	50.30	4m wide x 1.5m high causeway	50.80	4m wide x 1.5m high causeway	51.10	4m wide x 1.5m high causeway	51.60	40m long x 2m high gabion wall	52.00	6m wide x 1.5m high causeway	53.20	4m wide x 1.5m high causeway	53.40	4m wide x 1.5m high causeway	53.50	4m wide x 1.5m high causeway	53.80	25m long x 3m high gabion wall + raising of road level 100m long	54.10	4m wide x 1.5m high causeway	54.30	4m wide x 1.5m high causeway	54.40	400m long raising of road level	57.10	2.4m wide x 0.4m high drop inlet	58.10	6.6m wide x 1.8m high causeway
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Conditions of this Environmental Authorisation

Scope of authorisation

1. The upgrade of 27 structures along the Seweweekspoort Pass, located on MR309 from km 40.9 to 58.1 within the Laingsburg Local Municipality and the Kannaland Local Municipality in the Western Cape Province as described above is hereby approved.
2. Authorisation of the activity is subject to the conditions contained in this environmental authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this environmental authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department 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 of the authorisation to apply for further environmental authorisation in terms of the regulations.
6. The holder of an environmental authorisation must apply for an amendment of the environmental authorisation with the competent authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
7. This activity must commence within a period of five (05) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
8. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
 - 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in terms of the National Appeal Regulations, 2014.

Commencement of the activity

12. The authorised activity shall not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014. In terms of section 43(7), an appeal under section 43 of the National Environmental Management Act, 1998 will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged you may not commence with the activity until such time that the appeal has been finalised.

Management of the activity

13. The final layout plan prepared by Hatch Africa (Pty) Ltd is approved.
14. The Fish Management Method Statement and the Revised Maintenance Management Plan by Hatch Africa (Pty) Ltd received on 28 March 2018 are approved.
15. The Environmental Management Programme (EMPr) by Hatch Africa (Pty) Ltd submitted with the BAR dated February 2018 is approved.

16. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
17. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

Frequency and process of updating the EMPr

18. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 25 below, indicate insufficient mitigation of environmental impacts associated with the undertaking of the activity, or insufficient levels of compliance with the environmental authorisation or EMPr.
19. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
20. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. The updated EMPr must have been subjected to a public participation process, which process has been agreed to by the Department, prior to submission of the updated EMPr to the Department for approval.
21. In assessing whether to grant approval of an EMPr which has been updated as a result of an audit, the Department will consider the processes prescribed in Regulation 35 of GN R.982. Prior to approving an amended EMPr, the Department may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.
22. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

Monitoring

23. The holder of the authorisation must appoint an experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
 - 23.1. The ECO must be appointed before commencement of any authorised activities.

- 23.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
- 23.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 23.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and reporting to the Department

24. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this environmental authorisation, must be submitted to the *Director: Compliance Monitoring* of the Department.
25. The holder of the environmental authorisation must, for the period during which the environmental authorisation and EMPr remain valid, ensure that project compliance with the conditions of the environmental authorisation and the EMPr are audited, and that the audit reports are submitted to the *Director: Compliance Monitoring* of the Department.
26. The frequency of auditing and of submission of the environmental audit reports must be as per the frequency indicated in the EMPr, taking into account the processes for such auditing as prescribed in Regulation 34 of GN R. 982.
27. The ECO will approve all the footprint of the demarcated area, the planned fish relocation plan, and the vegetation relocation plan before the contractor may commence with work.
28. The holder of the authorisation must, in addition, submit environmental audit reports to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and a final environmental audit report within 30 days of completion of rehabilitation activities.
29. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the approved EMPr.
30. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Notification to authorities

31. A written notification of commencement must be given to the Department no later than fourteen (14) days prior to the commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence, as well as a reference number.

Operation of the activity

32. A written notification of operation must be given to the Department no later than fourteen (14) days prior to the commencement of the activity operational phase.

Site closure and decommissioning

33. Should the activity ever cease or become redundant, the holder of the authorisation must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

34. A pre-construction survey of the final development footprint must be conducted by a qualified floral specialist to ascertain the identity and exact number of individuals of protected species affected by the proposed development. Prior to the commencement of construction, a rescue and rehabilitation operation for these species which could survive translocation must be conducted.
35. The following species of *Salix mucronata*, *Brachylaena neriifolia*, *Aloe ferox*, and *Cussonia paniculata* must be avoided during vegetation clearing.
36. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forest Act and from the relevant provincial department for the destruction of species protected in terms of the specific provincial legislation. Copies of the permits must be kept by the ECO.
37. No exotic plants may be used for rehabilitation purposes. Only indigenous plants occurring within a ten (10) kilometre radius of the development site must be utilised.
38. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.

39. The construction of bypass roads at the following causeways must be constructed downstream of the existing structures: KM 46.35; KM 51.6.
40. The translocation of fish from work areas to pre-determined safe pools must be in accordance with the approved method statement for the fish management plan.
41. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources as defined and protected under the National Heritage Resources Act, 1999 are found during construction, construction activities within the vicinity of the findings must immediately cease and be reported to the South African Heritage Resources Agency (SAHRA), and a professional archaeologist or palaeontologist, must be contacted to inspect the findings.
42. Any fauna directly threatened by the construction activities must be removed to a safe location by a qualified person.
43. Watercourses outside the approved footprint/layout must be treated as "no-go" areas and demarcated as such. No vehicles, machinery, personnel, construction material, fuel, oil, bitumen or waste must be allowed into these areas without the express permission of and supervision by the ECO, except for rehabilitation work in these areas.
44. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate.
45. Any solid waste, which will not be recycled, must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008). No waste material may be left on site after construction.
46. The recommendations of the EAP in the BAR dated February 2018 and the specialist studies attached must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

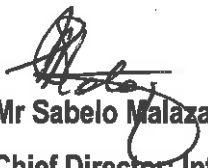
General

47. A copy of this environmental authorisation, the audit and compliance monitoring reports, the Fish Management Method Statement, the Revised Maintenance Management Plan, and the approved EMPr, must be made available for inspection and copying-
 - 47.1. at the site of the authorised activity;
 - 47.2. to anyone on request; and

47.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.

48. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the holder of the authorisation or his/her successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the holder of the authorisation with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 21/05/2018



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 17 October 2017.
- b) The information contained in the BAR dated February 2018.
- c) The comments received from the Western Cape Department of Culture Affairs and Sport: Heritage Western Cape; the Western Cape Department of Environmental Affairs and Development Planning: Environmental Impact Management Services; CapeNature: Scientific Services; CapeNature: Office of the CEO; and interested and affected parties as included in the BAR dated February 2018.
- d) Mitigation measures as proposed in the BAR, the EMPr, the Fish Management Method Statement, and the Revised Maintenance Management Plan.
- e) The site inspection conducted on 07 March 2018.
- f) The information contained in the specialist studies contained within the appendices of the BAR dated February 2018 and as appears below:

Title	Prepared by	Date
Heritage Impact Assessment	JDJ Orton of ASHA Consulting (Pty) Ltd.	February 2017
Botanical Impact Assessment	P Emms and Dr D McDonald of Bergwind Botanical Surveys & Tours CC	December 2016
Freshwater assessment.	T Belcher and D Grobler of BlueScience (Pty) Ltd	December 2016

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) Location of the development area within the Swartberg World Heritage Site in terms of Section 50(5) of the National Environmental Management Protected Areas Act (NEM:PAA) (Act 57 of 2003).

- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The BAR dated February 2018 identified all legislations and guidelines that have been considered in the preparation of the BAR dated February 2018.
- d) The methodology used in assessing the potential impacts identified in the BAR dated February 2018 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2014 for public involvement.

3. Findings

After consideration of the information and factors listed above, the Department made the following findings -

- a) On 23 March 2018, CapeNature as the managing authority for the Swartberg World Heritage Site authorised the applicant to carry out the upgrades in terms of Section 50(5) of the National Environmental Management Protected Areas Act (NEM: PAA) (Act 57 of 2003) as amended.
- b) The identification and assessment of impacts are detailed in the BAR dated February 2018 and sufficient assessment of the key identified issues and impacts have been completed.
- c) The procedure followed for impact assessment is adequate for the decision-making process.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) The information contained in the BAR dated February 2018 is deemed to be accurate and credible.
- f) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction phase.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.