



EIA REFERENCE NUMBER: 16/3/1/1/A1/37/3002/14
ENQUIRIES: Ms. M. Schippers
DATE OF ISSUE: 2016-04-11

The Director
Western Cape Government: Transport and Public Works
P. O. Box 2603
CAPE TOWN
8000

Attention: Ms. D. Martheze

Tel: (021) 483 2177

Fax: (021) 483 2166

Dear Madam

**ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL
MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND THE ENVIRONMENTAL IMPACT
ASSESSMENT REGULATIONS, 2010: THE PROPOSED UPGRADE OF TRUNK ROAD 11/1 (N7)
FROM THE POTSDAM TO THE MELKBOS INTERCHANGE, CAPE TOWN.**

With reference to your application for the abovementioned, find below the outcome with respect to this application.

ENVIRONMENTAL AUTHORISATION

DECISION

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998), the Environmental Impact Assessment Regulations, 2010 and the Environmental Impact Assessment Regulations, 2014 ("NEMA EIA Regulations") the competent authority herewith **grants environmental authorisation** to the applicant to undertake the listed activities specified in section B below with respect to the preferred alternative described in the Final Basic Assessment Report ("BAR") dated October 2015.

The granting of this environmental authorisation is subject to compliance with the conditions set out in section E below.

A. DETAILS OF THE APPLICANT FOR THIS ENVIRONMENTAL AUTHORISATION

Western Cape Government: Transport and Public Works
c/o Ms. D. Martheze
P. O. Box 2603
CAPE TOWN
8000

Tel: (021) 483 2177
Fax: (021) 483 2166

The abovementioned company is the holder of this environmental authorisation and is hereinafter referred to as "the applicant".

B. LISTED ACTIVITIES AUTHORISED

Government Notice No. R544 of 18 June 2010 –

Activity Number: 11
Activity Description:

The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;
- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or
- (xi) infrastructure or structures covering 50 square metres or more

where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.

Activity Number: 18
Activity Description:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse;
- (ii) the sea;
- (iii) the seashore;
- (iv) the littoral active zone, an estuary or a distance of 100 metres inland of the highwater mark of the sea or an estuary, whichever distance is the greater –

but excluding where such infilling, depositing, dredging, excavation, removal or moving;

- (a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or
- (b) occurs behind the development setback line.

Activity Number: 22

Activity Description:

The construction of a road, outside urban areas,

- (i) *with a reserve wider than 13,5 meters or,*
- (ii) *where no reserve exists where the road is wider than 8 metres, or*
- (iii) *for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.*

Government Notice No. R546 of 18 June 2010 –

Activity Number: 4

Activity Description:

The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

(d) In Western Cape:

- i. *In an estuary;*
- ii. *All areas outside urban areas;*
- iii. *In urban areas:*
 - (aa) *Areas zoned for use as public open space within urban areas; and*
 - (bb) *Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose.*

Activity Number: 12

Activity Description:

The clearance of an area of 300 square metres or more of vegetation where 75% or more of the vegetative cover constitutes indigenous vegetation.

- (a) *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;*
- (b) *Within critical biodiversity areas identified in bioregional plans;*
- (c) *Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line or even in urban areas.*

Activity Number: 19
Activity Description:

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.

(d) In Western Cape:

- i. *In an estuary;*
- ii. *All areas outside urban areas;*
- iii. *In urban areas:*
 - (aa) *Areas zoned for use as public open space within urban areas;*
 - (bb) *Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, or zoned for a conservation purpose, within urban areas.*

On 04 December 2014, the Minister of Environmental Affairs promulgated regulations in terms of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), viz, the Environmental Impact Assessment ("EIA") Regulations 2014 (Government Notice No. R. 982, R. 983, R. 984 and R. 985 in Government Gazette No. 38282 of 04 December 2014). Please note that these regulations came into effect on 08 December 2014. The activities listed below are the similarly listed activities in terms of the NEMA EIA Regulations, 2014.

Government Notice No. R983 of 04 December 2014 –

Activity number: 12
Activity Description:

The development of-

- (i) *canals exceeding 100 square metres in size;*
- (ii) *channels exceeding 100 square metres in size;*
- (iii) *bridges exceeding 100 square metres in size;*
- (iv) *dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size;*
- (v) *weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size;*
- (vi) *bulk storm water outlet structures exceeding 100 square metres in size;*
- (vii) *marinas exceeding 100 square metres in size;*
- (viii) *jetties exceeding 100 square metres in size;*
- (ix) *slipways exceeding 100 square metres in size;*
- (x) *buildings exceeding 100 square metres in size;*
- (xi) *boardwalks exceeding 100 square metres in size; or*
- (xii) *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; or
- (ee) where such development occurs within existing roads or road reserves.

Activity Number: 19

Activity Description:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from-

- (i) a watercourse;
- (ii) the seashore; or
- (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater –

but excluding where such infilling, depositing, dredging, excavation, removal or moving -

- (a) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.

Activity Number: 24

Activity Description:

The development of-

- (i) a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or
- (ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres;

but excluding-

- (a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or
- (b) roads where the entire road falls within an urban area.

Activity Number: 27

Activity Description:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

- (i) the undertaking of a linear activity; or
- (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Activity Number: 12

Activity Description:

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.

(a) In Eastern Cape, Free State, Gauteng, Limpopo, North West and Western Cape provinces:

- 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;*
- ii. *Within critical biodiversity areas identified in bioregional management plans;*
- iii. *Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuarine functional zone, whichever distance is the greater, excluding where such removal will occur behind the development setback line on even in urban areas; or*
- 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.*

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.

(f) In Western Cape:

- i. *All 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*
- ii. *In 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 abovementioned is hereinafter referred to as "the listed activities".

The applicant is herein authorised to undertake the following alternative related to the listed activities:

The proposed development will entail the removal of indigenous vegetation and development within 32m of a watercourse to upgrade the Trunk Road ("TR") 11/1 between the Potsdam and the Melkbos interchange to freeway standards.

The proposed development will include the following:

- The realignment of Vissershok Road which will require crossing the Diep river. A bridge of approximately 11m wide and 150m long will be constructed across the Diep river;

- The realignment of the Van Schoorsdrif Road;
- The development of the Van Schoorsdrif interchange (diamond interchange) and the extension of the Van Schoorsdrif interchange to the west of the N7 to intersect with Frankdale Road; and
- The closure of at-grade access points onto the N7 (Vissershok Road, Klein Vissershok Road, Frankdale Road, Van Schoorsdrif Road and Morningstar Road).

The existing access from the Morningstar road onto the N7 will be retained for emergency purposes only as part of the Koeberg Evacuation Plan. This will be done through the implementation of a locked (chain) gate that will be located within road reserve. The realignment of the roads and the development of the Van Schoorsdrif interchange will be in accordance with figure 3 as contained in the final BAR. (herewith attached as Appendix A)

C. PROPERTY DESCRIPTION AND LOCATION

The listed activities will take place between the Potsdam and Melkbos interchange.

Co-ordinates:

Realignment of the Vissershok Road

Start:

33°	47'	11.69"	South
18°	35'	6.44"	East

Middle:

33°	46'	30.38"	South
18°	34'	0.20"	East

End:

33°	46'	6.25"	South
18°	32'	53.19"	East

Realignment of the Vanschoorsdrif Road

Start:

33°	45'	38.97"	South
18°	33'	10.28"	East

Middle:

33°	45'	50.05"	South
18°	33'	08.55"	East

End:

33°	46'	00.87"	South
18°	33'	09.23"	East

Van Schoorsdrif Interchange

Start:

33°	46'	03.73"	South
18°	32'	55.48"	East

Middle:

33° 46' 11.47" South
18° 32' 34.09" East

End:

33° 46' 17.09" South
18° 32' 11.90" East

Bridge

33° 46' 28.20" South
18° 33' 51.82" East

hereinafter referred to as "the route".

D. DETAILS OF THE ENVIRONMENTAL ASSESSMENT PRACTITIONER

Jeffares and Green (Pty) Ltd.
c/o Ms. T. Heydenrych
P. O. Box 38561
PINELANDS
7430

Tel: (021) 532 0940
Fax: (021) 532 0950

E. CONDITIONS OF AUTHORISATION

1. This environmental authorisation is valid for a period of **five years** from the date of issue. The holder must commence with the listed activities within the said period or this environmental authorisation lapses and a new application for environmental authorisation must be submitted to the competent authority, unless the holder has lodged a valid application for the amendment of the validity period of this environmental authorisation, before the expiry of this environmental authorisation. In such instances, the validity period will be automatically extended ("the period of administrative extension") from the day before this environmental authorisation would otherwise have lapsed, until the amendment application for the extension of the validity period is decided. The listed activities, including site preparation, may not commence during the period of administrative extension.
2. The listed activities, including site preparation, may not commence within 20 (twenty) calendar days of the date of issue of this environmental authorisation. In the event that an appeal notice and subsequent appeal is lodged with the competent authority, the effect of this environmental authorisation is suspended until such time as the appeal is decided.
3. The applicant must in writing, within 12 (twelve) calendar days of the date of this decision and in accordance with Regulation 10(2)–
 - 3.1. Notify all registered interested and affected parties of –
 - 3.1.1. the outcome of the application;
 - 3.1.2. the reasons for the decision as included in Annexure 1;
 - 3.1.3. the date of the decision; and
 - 3.1.4. the date of issue of the decision;

- 3.2. 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 Chapter 7 of the Environmental Impact Assessment Regulations, 2010 detailed in section F below;
- 3.3. Draw the attention of all registered interested and affected parties to the manner in which they may access the decision;
- 3.4 Provide the registered Interested and Affected Parties with-
 - 3.4.1. the name of the holder (entity) of this Environmental Authorisation;
 - 3.4.2. the name of the responsible person for this Environmental Authorisation;
 - 3.4.3. the postal address of the holder;
 - 3.4.4. the telephonic and fax details of the holder; and
 - 3.4.5. the e-mail address if any;
- 3.5. Publish a notice in the newspapers contemplated in Regulation 54(2)(c) and (d), and which newspaper was used for the placing of advertisements as part of the Public Participation Process, that –
 - 3.5.1. informs all interested and affected parties of the decision;
 - 3.5.2. informs all interested and affected parties where the decision can be accessed; and
 - 3.5.3. informs all interested and affected parties that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations.
4. A minimum of seven (7) calendar days notice, in writing, must be given to the competent authority before commencement of land clearing activities.
 - 4.1. The notice must make clear reference to the site details and EIA Reference number given above.
 - 4.2. The notice must also include proof of compliance with the following conditions described herein:

Conditions: 2, 3, 13 and 16.
5. The holder is responsible for ensuring compliance with the conditions by any person acting on his behalf, including an agent, sub-contractor, employee or any person rendering a service to the holder.
6. Any changes to, or deviations from the scope of the description set out 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 such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.
7. The applicant must notify the competent authority in writing, within 24 hours thereof if any condition herein stipulated is not being complied with.
8. The draft Environmental Management Programme ("EMP") submitted as part of the application for environmental authorisation must be implemented.

- 8.1. An application for amendment to the EMP must be submitted to the competent authority if any amendments other than those mentioned above, are to be made to the EMP and this may only be implemented once the amended EMP has been authorised by the competent authority;
 - 8.2. The EMP must be included in all contract documentation for all phases of implementation.
9. A copy of the environmental authorisation and the EMP must be kept at the site office where the listed activities will be undertaken, whereafter it must be kept at the office of the holder of the EA. Access to the route referred to in section C above must be granted and the environmental authorisation and EMP 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. The environmental authorisation and EMP must also be made available for inspection by any employee or agent of the applicant who works or undertakes work at the site.
10. The applicant must submit an application for amendment in terms of Chapter 5 of the NEMA EIA Regulations, 2014 of the environmental authorisation to the competent authority where any detail or scope with respect to the environmental authorisation must be amended, a change added, substituted, corrected, removed or updated.
11. Non-compliance with a condition of this environmental authorisation or EMP may result in suspension of this environmental authorisation and may render the holder liable for criminal prosecution.
12. Notwithstanding this environmental authorisation, the holder must comply with any other statutory requirements that may be applicable to the undertaking of the listed activities.
13. The holder must appoint a suitably experienced Environmental Control Officer ("ECO"), or site agent where appropriate to ensure compliance with the EMP and the conditions contained herein.
14. The following with respect to the protection of heritage and archaeological resources must be implemented:
 - 14.1. Should any heritage remains be exposed during excavations or any actions on the site, these must immediately be reported to the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape (in accordance with the applicable legislation). Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: archaeological remains (including fossil bones and fossil shells); coins; indigenous and/or colonial ceramics; any articles of value or antiquity; marine shell heaps; stone artifacts and bone remains; structures and other built features; rock art and rock engravings; and graves or unmarked human burials.
 - 14.2. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.

- 14.3. The following recommendations as contained in Section 9 of the Heritage Impact Assessment Report (dated 22 May 2014 and revised 27 May 2014 and compiled ASHA Consulting (Pty) Ltd.) must be implemented:
- 14.3.1. Gum trees forming part of the historic tree-lined avenues must be retained in recognition of these historic routes as far as possible;
 - 14.3.2. Where possible, gum trees along the margins of the landfill must be retained to screen it from local scenic routes.
15. The disturbance footprint of the development of the bridge across the watercourse must be kept to a minimum and the bed and banks of the watercourse must be rehabilitated as far as possible to its original state.
16. The area to be impacted upon when developing the bridge across the watercourse must be clearly demarcated before development commences.
17. Development areas and access routes must be clearly demarcated. Development activities must be limited to the demarcated development areas.
18. Landscaping of road verges and road reserves must be done with locally occurring indigenous plants.
19. The following conditions regarding the temporary storage of fuel along the route during the development phase must be complied with:
- 19.1. No storage of fuel must take place within 100m of a watercourse. All fuel storage must not have a capacity of 80 m³ or more;
 - 19.2. Any fuel storage tanks must be bunded (110% of the tank capacity) to contain any possible spills and to prevent any infiltration of fuels into the ground; and
 - 19.3. Drip trays must be used for all vehicles, construction equipment and generators that may require re-fuelling to avoid the possible spillage of fuel/oil.
20. Screening must be used to minimise the impacts of windblown sand during the development phase.
21. All noise and sounds generated during all mining activities must comply with the relevant SANS codes and standards.
22. The relevant traffic signage must be used along the road corridor during the upgrading phase to mitigate potential traffic impacts.

F. APPEALS

Appeals must comply with the provisions contained in Chapter 7 of the NEMA EIA Regulations, 2010.

1. An appellant must –
 - 1.1. submit a notice of intention to appeal to the Minister, within 20 (twenty) calendar days of the date of the decision;
 - 1.2. submit the appeal within 30 (thirty) calendar days after the lapsing of the 20 (twenty) calendar days contemplated in Regulation 60(1), for the submission of the notice of intention to appeal; and
 - 1.3. within 10 (ten) calendar days of having lodged the notice of intention to appeal, provide each person and organ of state registered as an interested and affected party in respect of the application, or the applicant, with –
 - 1.3.1. a copy of the notice of intention to appeal form; and
 - 1.3.2. a notice indicating where and for what period the appeal submission will be made available for inspection by such person, organ of state, or applicant, on the day of lodging it with the Minister, and that a responding statement may be made on the appeal within 30 (thirty) calendar days from the date the appeal submission was lodged with the Minister.
2. A person, organ of state or applicant who submits a responding or answering statement in terms of Regulation 63 must within 10 (ten) calendar days of having submitted the responding or answering statement, serve a copy of the statement on the other party.
3. If the person, organ of state or applicant fails to meet a timeframe with respect to the requirements as detailed above, the person, organ of state or applicant must immediately submit a written explanation to the Ministry providing a concise explanation for the non-compliance.
4. All notice of intention to appeal and appeal forms 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 X9086
CAPE TOWN
8000

By facsimile: (021) 483 4174; or

By hand: Attention: Mr J. de Villiers
Room 809
8th Floor Utilitas Building, 1 Dorp Street, Cape Town, 8001

A prescribed notice of intention to appeal form and appeal form as well as assistance regarding the appeal processes is obtainable from the office of the Minister at: Tel. (021) 483 3721, E-mailJaap.DeVilliers@westerncape.gov.za or URL <http://www.westerncape.gov.za/eadp>.

G. 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 development or operation subsequent to development 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



MR. ZAAHIR TOEFY
DIRECTOR: DEVELOPMENT MANAGEMENT (REGION 1)

DATE OF DECISION: 11/04/2016

Copies to: (1) Ms. T. Heydenrych (Jeffares and Green (Pty) Ltd.)
(2) Ms. P. Titmuss (City of Cape Town)
(3) Mr. A. Oosthuizen (DEA&DP: DDF)

Fax: (021) 532 0950
Fax: (021) 444 0605
Fax: (021) 483 4185

FOR OFFICIAL USE ONLY:

EIA REFERENCE NUMBER:

16/3/1/1/A1/37/3002/14

NEAS EIA REFERENCE NUMBER:

WCP/EIA/0001614/2014

ANNEXURE 1: REASONS FOR THE DECISION

In reaching its decision, the competent authority, *inter alia*, considered the following:

- a) This application was submitted in terms of the NEMA EIA Regulations, 2010, and was pending at the time of the promulgation of the Environmental Impact Assessment Amendment Regulations, 2014. Some of the listed activities herein authorised may not have been listed under the previous NEMA EIA Regulations, but are now listed in terms of the Environmental Impact Assessment Amendment Regulations, 2014. In accordance with Regulation 53(3) of GN No. R. 982, these activities may be authorised as if applied for.
- b) The information contained in the application form dated and received by the competent authority on 22 January 2014, the BAR received by the competent authority on 05 February 2016 and the EMP;
- c) The listed activities applicable in terms of the EIA Regulations (08 December 2014), and the assessment of the activities in the BAR dated October 2015;
- d) Relevant information contained in the Departmental information base, including, the Guidelines on Public Participation, Alternatives and Exemptions (dated March 2013);
- e) 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);
- f) The comments received from interested and affected parties and the responses provided thereon, as included in the BAR dated October 2015; and
- g) No site visits were conducted. The competent authority had sufficient information before it to make an informed decision without conducting a site visit.

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 which, according to the competent authority, were the most significant reasons for the decision, is set out below.

1. Public Participation

The public participation process ("PPP") included, *inter alia*, the following:

- identification of and engagement with interested and affected parties;
- giving written notice to the owners of the land and owners and occupiers of land adjacent to the route 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; and
- the placing of a newspaper advertisement in the 'Tygerburger' on 12 February 2014 and 19 February 2014, respectively.

The Department is satisfied that the PPP that was followed met the minimum legal requirements. Comments were raised with respect to the closure of Morningstar Road without the provision of an alternative access and the impacts of this in the event of an emergency at the Koeberg Nuclear Power Station. The applicant has indicated that the existing access from the Morningstar Road onto the N7 will be retained for emergency purposes only as part of the Koeberg Evacuation Plan. This will be done through the implementation of a locked (chain) gate that will be located within road reserve. All the comments raised were adequately responded to as included in the comments and response report.

Specific management and mitigation measures have been considered in this environmental authorisation and in the EMP to adequately address significant concerns raised.

2. Alternatives

The Van Schoorsdrif interchange and the realignment of Vissershok Road is being proposed along the same route that was previously approved as part of the EIA process conducted for the Bloubergstrand East-West arterial. A comprehensive study was conducted during this process to determine the most reasonable and feasible alternative. The preferred route (herewith authorised) will be aligned along Frankdale Road in the west, northwards at the Eskom Power line servitude to intersect with the N7 at the Vanschoorsdrif/N7 intersection and then along the cadastral boundaries to the east of the N7 and link into the Vissershok Road further east. The route was preferred as this would not dissect arable land, would not impact on wetlands surrounding the Diep River and the proposed bridge that will be developed across the Diep River will be at a narrow section therefore minimising impacts on the river.

"No-Go" Alternative

The preferred alternative will not result in unacceptable impacts and therefore the "no-go" alternative was not warranted.

3. Impacts, assessment and mitigation measures

3.1. Activity Need and Desirability

The applicant has identified the need to upgrade the TR11/1 between the Potsdam and the Melkbos interchange to freeway standards as this is still classified as a rural highway. In order to upgrade the TR11/1 to freeway standards, current accesses onto and off the N7, which poses a safety risk to road users, must be closed and a new interchange will be developed. The proposed upgrades will allow for safer access to and from the N7 and reduce the safety risks for road users.

3.2. Freshwater Impacts

According to the Freshwater Impact Assessment Report (dated April 2014 and compiled by Blue Science) the proposed realignment of the Vissershok Road will have an impact on the Diep river, some of its minor tributaries and its associated floodplain wetland. The Diep river and the north and south flowing tributaries are considered to be in a moderately modified state as a result of the surrounding farming activities. The freshwater specialist has indicated that the Diep river and associated floodplain wetland area is considered to be of moderate ecological importance and sensitivity while the tributaries are considered to be of low to marginal ecological importance and sensitivity.

With the implementation of effective management and mitigation measures prescribed in the EMP and this environmental authorisation, the potential environmental impacts are expected to be managed to acceptable levels.

3.3. Biophysical Impacts

According to the Ecological Impact Assessment Report (dated 22 May 2014 and compiled by Indigenous Vegetation Consultancy) the proposed development will impact on areas that have been identified as a Critical Biodiversity Area. Further the vegetation present would consist of Cape Flats Sand Fynbos and Swartland Shale Renosterveld which is classified as a critically endangered ecosystem in terms of the National Environmental Management: Biodiversity Act of 2004 ("NEM:BA"), List of Threatened Ecosystems in Need of Protection, (December 2011). The ecological specialist further indicates that the vegetation that will be impacted on as a result of the proposed development is highly degraded with very high levels of alien infestation and low species diversity.

With the implementation of effective management and mitigation measures prescribed in the EMP and this environmental authorisation, the potential environmental impacts are expected to be managed to acceptable levels.

3.4. Heritage/Archaeological Impacts

Heritage Western Cape ("HWC") in their comment (dated 10 December 2014) indicated that they support the recommendations of the Heritage Impact Assessment ("HIA") (dated 22 May 2014 and revised 27 May 2014 and compiled by ASHA Consulting (Pty) Ltd.).

3.5. Windblown sand and Noise Impacts

The impacts of windblown sand as a result of development activities will be mitigated by the implementation of the conditions of this environmental authorisation and the EMP. Screening will be implemented to minimise the impacts of windblown sand.

All noise and sounds generated during the development phase of the proposed development will comply with the relevant SANS codes and standards. Furthermore, noise impacts will be mitigated by the implementation of the conditions in this environmental authorisation and the EMP.

3.6. Impact Assessment and Significance

- 3.6.1. Pollution of watercourses as a result of the development of a bridge across the watercourse has been identified in the BAR as being of very low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMP and conditions of this environmental authorisation.
- 3.6.2. Potential loss of vegetation as a result of the proposed development has been identified in the BAR as being of medium to low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMP and conditions of this environmental authorisation.
- 3.6.3. The impact on heritage and archaeological resources has been identified in the BAR as being of low negative significance after mitigation. Potential impacts will be mitigated by the implementation of the EMP and conditions of this environmental authorisation.
- 3.6.4. Potential noise impacts as a result of development activities of the proposed development have been identified in the BAR as being of very low negative significance after mitigation. Potential noise impacts will be mitigated by the implementation of the EMP and conditions of this environmental authorisation.

National Environmental Management Act Principles

The National Environmental Management Act 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.

The development will result in both negative and positive impacts.

Negative Impacts include:

- Potential pollution of watercourses;
- Loss of indigenous vegetation;
- Generation of dust and noise as a result of the proposed development; and
- Impacts on heritage resources.

The Department is satisfied that the negative impacts of significance will be addressed by the conditions contained in this environmental authorisation and the mitigation measures contained in the EMP.

Positive impacts include:

- The proposed development will create some temporary employment opportunities;
- The proposed development will allow for the TR11/1 to be upgraded to freeway standards;
- The proposed development will reduce the potential safety risks for road users; and
- The proposed development will allow for safer access to the N7.

In view of the above, the NEMA principles, compliance with the conditions stipulated in this environmental authorisation, and compliance with the EMP, the competent authority is satisfied that 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.

-END

APPENDIX A

Figure 3: The realignment of the roads and the development of the Van Schoorsdrif interchange

Figure 3



Proposed New Roads and Accesses

PROPOSED UPGRADE OF TRUNK ROAD 11/1 TO FREEWAY STANDARDS, FROM THE POTSDAM INTERCHANGE TO THE N7/1, CAPE TOWN

