

ENVIRONMENTAL IMPACT ASSESSMENT

**NOTICE OF PUBLIC PARTICIPATION PERIOD FOR THE PROPOSED
UPGRADING OF PROTEA ROAD, PAARL, WESTERN CAPE.**

**BACKGROUND INFORMATION DOCUMENT (BID)
AND INVITATION TO PARTICIPATE**

25 April 2019

**GNEC No: 20480
DEA&DP Reference No: 16/3/3/6/7/1/B3/28/1157/18**

***Please Note: A Copy of the document will be on review at the Klapmuts Public School Library from the 26th of April 2019 and on the GNEC Website.**

1. PURPOSE OF THIS DOCUMENT

The purpose of this document is to:

- Provide stakeholders with information about the proposed upgrading of Protea Road;
- Introduce and explain the Environmental Impact Assessment and Public Participation process to be followed for the proposed development, in terms of applicable environmental legislation (National Environmental Management Act (NEMA), (Act No.107 of 1998), as amended;
- Invite all stakeholders to register between the **25th of April 2019 and the 29th of May 2019** as an Interested and Affected Party for the proposed development.
- Notify all stakeholders that the Interested and Affected Party registration period is from **Thursday 25 April 2019 until Wednesday 29 May 2019.**

2. PROJECT DESCRIPTION

The Cape Winelands area have recently experienced tremendous growth; with an influx of more permanent residents being the result. This has automatically resulted in an increase in the number of vehicles utilising the public roads in the area. Consequently, road maintenance and road upgrades are important activities required in order to ensure the safety of the public roads are maintained.

Protea Road forms part of Divisional Road 1098. Protea Road (km 0.00 – 8.779) runs parallel with the N1 and extends from the intersection with the R44 West to the intersection with the R304. Protea Road is located predominantly within the Drakenstein municipal area of jurisdiction. The property is surrounded by residential and agricultural practices.

Protea Road is an existing gravel road, with numerous existing stormwater structures also being present in order to accommodate surface runoff.

It is proposed that Protea Road (km 0.00 – 8.779) be upgraded; which will result in the road being surfaced. The upgrading is necessitated in order for the road to accommodate the traffic load which is currently experienced. Furthermore, the upgrading of Protea Road will improve the local infrastructure and provide a safer road to the community. The proposed upgrading of Protea Road also relates to the upgrading of stormwater infrastructure. Numerous small watercourses traverses Protea Road (accommodated through culverts). Scientific Aquatic Services CC was therefore appointed in order to conduct a Freshwater Survey of the entirety of Protea Road; furthermore Bergwind Botanical Surveys was also appointed in to conduct a botanical survey of Protea Road.

Guillaume Nel Environmental Consultants (GNEC) have been appointed by the Western Cape Government: Department of Transport and Public Works to facilitate an Environmental Impact Assessment (EIA) process for the proposed upgrading of Protea Road. Taking the above mentioned proposal of the proposed development into account, the following legislation was considered:

NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (Act No. 107 of 1998), AS AMENDED 4 DECEMBER 2014

Environmental Assessment

The National Environmental Management Act (NEMA) (Act No. 107 of 1998) identifies construction activities within watercourses and natural vegetation as an activity that may have significant detrimental impacts on the environment with the following listed activities being triggered:

Government Notice No. R. 983 (as amended 07 April 2017):

Activity 19

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-

- (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;
- (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.

Government Notice No. R. 985 (as amended 07 April 2017):

Activity 12

The clearance of an area of 300 square metres or more of indigenous vegetation except where such indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

i. Western Cape

- 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 plans;
- iii. Within the littoral active zone or 100 metres inland from the 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 erven in urban areas;
- 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
- 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.

Activity 14

The development of –

- (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or
- (ii) infrastructure or structures with a physical footprint of 10 square metres or more;

where such development occurs –

- (a) within a watercourse;
- (b) in front of a development setback adopted in the prescribed manner; or
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the expansion of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.

i. Western Cape

i. Outside urban areas

- (aa) A protected area identified in terms of NEMPAA, excluding conservancies;
- (bb) National Protected Area Expansion Strategy Focus area;
- (cc) World Heritage Sites;
- (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;
- (ee) Sites or areas listed in terms of an international convention;
- (ff) Critical Biodiversity Areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (gg) Core areas in biosphere reserves; or
- (hh) Areas on the estuary side of the development setback line or in an estuarine functional zone where no such setback line has been determined.

Definition of an Environmental Impact Assessment (EIA)

An environmental impact assessment is a good planning tool to assist in the identification, evaluation and assessment of potential positive and negative impacts of a proposed development on the environment. It also recommends ways to avoid or reduce negative impacts, and ensure that developments are sustainable without affecting people's lives and the environment adversely.

As mentioned, an EIA is undertaken in terms NEMA (Act No 107 of 1998) as amended, and the EIA Regulations.

Water Use Authorisation

GNEC is currently busy with the process as prescribed by the Water Use Application and Appeals Regulations of 2017. GNEC will submit a Water Use Licence (WUL) application to DWS once the process allows for submission. The Section 21 (c) & (i) water uses will be registered with the DWS. The application for a Water Use Authorisation is necessitated with regards to the construction works within various watercourses traversing Protea Road.

3. POTENTIAL ENVIRONMENTAL ISSUES

The environmental issues for the proposed upgrading of Protea Road that will be addressed in the assessment include inter alia:

- Impact on fauna and flora:

It should be noted that natural vegetation are present in certain sections of the road reserve. As removal of the natural vegetation will not be avoidable, action will be aimed at the rehabilitation of the road reserve areas.

- Freshwater Sources:

A number of small watercourses traverses Protea Road. It should however be noted that appropriate mitigation measures have been provided in order to ensure that the watercourses are not adversely impacted upon during the construction activities.

- Noise pollution:

A temporary noise impact will be experienced during the construction phase of the proposed development, however this will be short lived during the construction phase during working hours (07:00 to 18:00). During the operational phase of the activity, no increase in noise levels are experienced.

- Heritage impact:

No impact on heritage resources are expected since the proposed development will be performed to an existing roadway. A Notice of Intent to Develop (NID) application was submitted to Heritage Western (HWC), and a positive Record of Decision have been issued on the 26th of June 2018, stating that *“since there is no reason to believe that the proposed road maintenance and upgrades which entails the upgrading (tarring) of Protea Road ... will impact on heritage resources, no further action under Section 38 of the National Heritage Resources Act (Act 25 of 1999) is required”*.

- Visual impact:

The proposed development will not have a visual impact due to the fact that the proposed upgrading of Protea Road entails an existing gravel road to be surfaced. Therefore, the proposed development will not have a visual impact.

- Traffic Impact:

It is not expected that the proposed development will result in congestion of traffic in the area. However, the construction team's vehicles will travel to and from the site during the construction activities.

4. PUBLIC PARTICIPATION

In terms of the NEMA, public participation forms an integral part of the Environmental Impact Assessment application process. The public participation process provides people who may be affected by the proposed development with an opportunity to provide comment and to raise issues of concern about the project or to make suggestions that may result in enhanced benefits for the project.

Comments and issues raised during the public participation process will be captured, evaluated and included in a Comments and Responses Report. These issues will be addressed and included in the final Basic Assessment Report, which will be submitted to the Department of Environmental Affairs and Development Planning (DEA&DP).

5. DELIVERABLES

The environmental assessment will culminate in the compilation of a Basic Assessment Report, and an Environmental Management Plan. These documents will be submitted to the Department of Environmental Affairs and Development Planning (DEA&DP), who are the regulatory authority responsible for the review of these reports within the Western Cape.

The DEA&DP has to reach a decision as to whether, and under what conditions, the project may proceed, based on environmental considerations. An Environmental Authorisation will be issued based on the information provided in the Basic Assessment Report and the Environmental Management Plan. Interested and Affected Parties who have registered will be notified of the decision reached by the DEA&DP.

6. TIMEFRAMES

The table below provides an indication of the proposed timeframes for the project.

Activity	Estimated Timeframe
Compilation of Notice of Intent	28 May – 01 June 2018
Submission of NOI	04 June 2018
Compilation of Notice of Intent to Develop (NID) (HWC)	28 May – 01 June 2018
Submission of NID	04 June 2018
Heritage Western Cape Review of NID	June 2018
Specialist Studies	June 2018 – March 2019
Compilation of 1 st Draft Basic Assessment Report	April 2019
Submission of 1 st Draft BAR to DEA&DP and stakeholders	25 April 2019
1 st Public Participation Process (30 days)	25 April – 29 May 2019
Possible Layout Amendments	June 2019
Compilation of Application	July 2019
Submission of Application	July 2019
Compilation of 2 nd Draft BAR & EMP	July 2019
Submission of 2 nd Draft BAR	July 2019
2 nd Public Participation Process (30 days)	August – September 2019
Amend Final BAR & EMP	September 2019
Submit Final BAR	September 2019
DEA&DP Review of Final BAR & EMP	January 2020
Authorisation	January 2020
Notification of all Interested and Affected Parties	January 2020

7. INVITATION TO PARTICIPATE

Guillaume Nel Environmental Consultants were appointed as an independent environmental consultancy by the Western Cape Government: Department of Transport and Public Works to facilitate the environmental impact assessment and public participation process for the requirements of NEMA for a Basic Assessment Report for the proposed upgrading of Protea Road. A hardcopy of the Basic Assessment Report will be available at the Klapmuts Public School Library (Ms. Roseline Herandien (Tel: 021 808 8398) and an electronic copy will also be available on GNEC's website (www.gnec.co.za).

We would like to invite and encourage all stakeholders to complete and return the enclosed registration sheet and submit any written comments to:

GNEC

Att: Carina Nel

P.O. Box 2632, Paarl, 7620

Tel: 021 870 1874

Fax: 021 870 1873

E-mail: carina@gnec.co.za

GNEC Ref No: 20480

DEA&DP Ref No: 16/3/3/6/7/1/B3/28/1157/18

Please submit the registration sheet to GNEC by no later than Wednesday, the 29th of May 2019.

Fabriek Street 45
Paarl



P.O. Box 2632 Paarl 7620

Tel: 021 870 1874

Fax: 021 870 1873

**NOTICE OF ENVIRONMENTAL IMPACT ASSESSMENT PROCESS FOR THE
 PROPOSED UPGRADING OF PROTEA ROAD, PAARL, WESTERN CAPE
 WESTERN CAPE.**

REGISTRATION AND COMMENT SHEET

25 April 2019

GNEC REF: 20480

Title _____ Name and Surname _____
 Company Name/Interest _____
 Postal-or-Residential Address _____
 Area _____ Postal Code _____
 Tel: _____ Cell Phone _____
 Fax: _____
 E-Mail Address _____

Please indicate your preferred method of communication (Please indicate with an X)					
Fax		E-Mail		Post	

Comments (You are welcome to attach more sheets if necessary (Your comments will be considered in the Basic Assessment process))

Please provide details of any other person/company whom you would like us to add to our mailing list

Title _____ Name and Surname _____
 Company Name _____
 Tel: _____ Fax No: _____
 E-Mail _____

Please complete and return to GNEC by no later than **Wednesday 29 May 2019.**
Attention Carina Nel
 P.O. Box 2632, Paarl, 7620
 Tel: 021 870 1874, Fax: 021 870 1873
 E-mail: carina@gnec.co.za
Thank you for your participation