

25 April 2019

**NOTIFICATION OF FIRST PUBLIC PARTICIPATION PERIOD:  
25 April 2019 – 29 May 2019**

**GNEC Code: 20480**

**DEA&DP Ref: 16/3/3/6/7/1/B3/28/1157/18**

Dear Interested and Affected Party

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

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 being 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 National Environmental Management Act, 1998 (Act No. 107 of 1998) legislation was considered:

**Government Notice No. R.983 of 2014 (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 a watercourse;

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;
- (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.

A Basic Assessment application process is therefore being facilitated in order for the necessary authorisations to be issued by the Department of Environmental Affairs and Development Planning (DEA&DP).

#### **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.

The aim of this EIA process is to ensure that:

- Public participation will be conducted, i.e. to afford stakeholders and/or the community sufficient opportunity to provide comment on the proposed development; and
- Sufficient information is submitted herewith to decision-makers to support an informed decision-making process.

The first Public Participation Process will run from the **25<sup>th</sup> of April 2019 until the 29<sup>th</sup> of May 2019.**

Please refer to GNEC's website ([www.gnec.co.za](http://www.gnec.co.za)) to access additional information pertaining to the EIA application.

Meanwhile, should you have any queries, please feel free to contact myself, at:

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Yours sincerely,

**Carina Nel**

For GNEC

**Guillaume Nel**   
environmental consultants

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