



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Private Bag X 447· PRETORIA ·0001· Environment House ·473 Steve Biko Road, Arcadia· PRETORIA

DFFE Reference: 14/12/16/3/3/2/2003

Enquiries: Mr Lunga Dlova

Telephone: (012) 399 8524 E-mail: LDlova@environment.gov.za

Mr Mogole Mphahlele
South African National Roads Agency SOC Limited
P O Box 415
PRETORIA
0001

Telephone Number: (012) 844 8080
Email Address: mphahlelem@nra.co.za

PER EMAIL / MAIL

Dear Mr Mphahlele

ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: FOR THE DEVELOPMENT OF THE NEW MONTROSE INTERCHANGE - ROAD UPGRADES INTERCHANGE AT THE EXISTING T-JUNCTION OF THE NATIONAL N4 TOLL ROUTE VIA NGODWANA BETWEEN EMGWENYA (WATERVAL BOVEN) AND MBOMBELA (NELSPRUIT) WITH THE ALTERNATIVE N4 SCHOEMANSKLOOF (R539) ROUTE WITHIN MBOMBELA LOCAL MUNICIPALITY, EHLANZENI DISTRICT MUNICIPALITY IN THE MPUMALANGA 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 EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of the decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, Act No. 3 of 2000, you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, Act No. 4 of 2013 which stipulate that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuse or compromise your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, Act No. 107 of 1998 National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribes the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

Should any person wish to lodge an appeal against this decision, he/she must submit the 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; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable.

Appeals must be submitted in writing in the prescribed form to:

The Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appeals@environment.gov.za;

By hand: Environment House
473 Steve Biko Road
Arcadia
Pretoria
0083; or

By post: Private Bag X447
Pretoria
0001

Please note that in terms of Section 43(7) of the National Environmental Management Act, Act No. 107 of 1998, as amended, the lodging of an appeal 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.

To obtain the prescribed appeal form and for guidance on the submission of appeals, please visit the Department's website at https://www.environment.gov.za/documents/forms#legal_authorisations or request a copy of the documents at appeals@environment.gov.za.

Yours faithfully



Ms Millicent Solomons
Acting Chief Director: Integrated Environmental Authorisations
Department of Forestry, Fisheries and the Environment
Date: 21/04/2021.

cc	Ms Vanessa Stippel	Prism Environmental Management Services (Pty) Ltd	Email: Vanessa@prismems.co.za
	Ms Caria Davis	Trans African Concessions (TracN4)	Email: cdavis@tracn4.co.za
	Ms Robin Luyt	Mpumalanga Department of Agriculture, Rural Development, Land & Environmental Affairs	Email: rluyt@mpg.gov.za
	Mr Sihle Mthembu	Mbombela Local Municipality	Email: sihle.mthembu@mbombela.gov.za



forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

The development of new Montrose Interchange: road upgrades interchange at the existing T-Junction of the National N4 Toll Route via Ngodwana between Emgwenya (Waterval Boven) and Mbombela (Nelspruit) with the Alternative N4 Schoemanskloof (R539) Route within Mbombela Local Municipality in the Mpumalanga Province

Ehlanzeni District Municipality

Authorisation register number:	<i>14/12/16/3/3/2/2003</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>South African National Roads Agency SOC Limited</i>
Location of activity:	<i>MPUMALANGA PROVINCE: Portion 19 of Farm Elandshoek 302; Portion 0 of Farm Montrose 573; Portion 2 of Farm Montrose 290; Portion 4 of Farm Montrose 290; and Portion 0 of Farm Montrose 574. Ward 12</i>

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, Act No. 107 of 1998, as amended and the EIA Regulations, 2014, as amended.

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, Act No. 107 of 1998, as amended and the Environmental Impact Assessment Regulations, 2014, as amended, the Department hereby authorises –

SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Mogole Mphahlele
South African National Roads Agency SOC Limited
P O Box 415
PRETORIA
0001

Telephone Number: (012) 844 8080
Email Address: mphahlelem@nra.co.za

to undertake the following activities (hereafter referred to as “the activity”) indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3 of the EIA Regulations, 2014 as amended:

Activity number	Activity description
<p><u>Listing Notice 1, Item 9 (i):</u></p> <p><i>The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water—</i></p> <p><i>(i) with an internal diameter of 0,36 metres or more; excluding where—</i></p> <p><i>(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or</i></p> <p><i>(b) where such development will occur within an urban area.</i></p>	<p>As part of the new interchange development, a section of the existing N4 Schoemanskloof (R539) Route will be re-aligned. As part of this, new stormwater drainage will be put in place and will include:</p> <ul style="list-style-type: none"> • Cut-off berms or drains on top of deep cuts; • Type of concrete side drains and grid inlets to intercept road surface runoff; • Type A concrete side drains in high fills; where runoff will be discharged by downpipes/ chutes; • A minimum of 900mm diameter cross drainage culverts (in accordance with SANRAL standards for culverts longer than 30m);
<p><u>Listing Notice 1, Item 12 (ii) (a) (c):</u></p> <p><i>The development of—</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p>	<p>The proposed interchange development involves re-aligning a section of the existing N4 Schoemanskloof (R539) Route to approximately 100 metres south of the existing road. Part of this road traverses three minor drainage lines and as such will result in infrastructure of more than 100m² within a watercourse as well as within 32m of a watercourse. An access road to re-instate access to affected properties will also be put in place.</p>
<p><u>Listing Notice 1, Item 19 (i):</u></p> <p><i>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></p>	<p>The proposed interchange development involves the upgrade of the existing bridge over the Crocodile River which will be widened to accommodate an undivided 5-lane cross-section.</p>

Activity number	Activity description
<p><i>(i) a watercourse;</i></p>	<p>An additional deck will need to be stitched to the existing to accommodate the larger cross section along with extended abutments and additional piers. An access road to re-instate access to affected properties will also be put in place.</p> <p>In addition, the re-aligned N4 Schoemanskloof (R539) Route crosses a number of small drainage lines. These activities will result in more than 10 cubic metres of material from the Crocodile River as well as unnamed drainage lines. In addition, depositing of material (concrete etc.) will be undertaken as part of the road and bridge construction.</p>
<p><u>Listing Notice 1, Item 48 (i) (a) (c):</u></p> <p><i>The expansion of –</i></p> <p><i>(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more;</i></p> <p><i>where such expansion occurs –</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p>	<p>The proposed interchange development involves the upgrade of the existing bridge over the Crocodile River which will be widened to accommodate an undivided 5-lane cross-section.</p> <p>This will result in the expansion of infrastructure by more than 100m² within a watercourse. This will result in an expansion of infrastructure within the watercourse and within 32m of the watercourse.</p>
<p><u>Listing Notice 1, Item 56 (i):</u></p> <p><i>The widening of a road by more than 6 metres, or the lengthening of a road by more than 1 kilometre –</i></p> <p><i>(i) where the existing reserve is wider than 13,5 meters;</i></p> <p><i>excluding where widening or lengthening occur inside urban areas.</i></p>	<p>The proposed new Montrose Interchange aims to replace the existing at-grade intersection of Maputo Development Corridor (MDC) sections 6N (known as N4 Schoemanskloof (R539) Route) and 6E (known as Elands Valley). As part of, a section of the existing N4 toll route via Ngodwana will be widened by more than 6m to accommodate undivided 5-lane cross-section.</p>

Activity number	Activity description
<p><u>Listing Notice 2, Item 27:</u></p> <p><i>The development of a road –</i></p> <ul style="list-style-type: none"> <i>-with a reserve wider than 30 metres; or</i> <i>-catering for more than one lane of traffic in both directions; but excluding a road—</i> <i>-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, in which case activity 24 in Listing Notice 1 of 2014 applies;</i> <i>-which is 1 kilometre or shorter; or</i> <i>-where the entire road falls within an urban area.</i> 	<p>The proposed development involves the development of a new interchange. As part of this, the existing N4 Schoemanskloof (R539) Route will be realigned to approximately 100m south of its current location. In addition, a number of new ramps will be put in place. This new section caters for more than one lane of traffic in both directions.</p> <p>Further, the minimum road reserve width requirement for the realigned N4 Schoemanskloof (R539) Route is 40 m (with the cut and fill sections resulting in a much wider road reserve). The minimum road reserve width required for all ramps is 20 metres either side of the centre of the ramp.</p>
<p><u>Listing Notice 3, Item 4 (f)(i) (ee) (gg):</u></p> <p>The development of a road wider than 4 metres with a reserve less than 13, 5 metres.</p> <p>(f) Mpumalanga</p> <p>i. Outside urban areas:</p> <p>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas, where such areas comprise indigenous vegetation.</p>	<p>The proposed development involves the development of a new interchange. As part of this, the existing N4 Schoemanskloof (R539) Route will be realigned to approximately 100m south of its current location. Additional ramps will also be put in place. These activities will take place outside an urban area in areas identified as a Critical Biodiversity Areas (CBA). Temporary access roads will also be required as well as reinstatement of access for affected landowners.</p>
<p><u>Listing Notice 3, Item 12 (f)(i)(ii):</u></p> <p><i>The clearance of an area of 300m² or more of indigenous vegetation except where such clearance</i></p>	<p>The proposed development involves the development of a new interchange. As part of this, the existing N4</p>

Activity number	Activity description
<p><i>of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i></p> <p>f. Mpumalanga</p> <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; or</i></p>	<p>Schoemanskloof (R539) Route will be realigned to approximately 100m south of its current location. Additional ramps will also be put in place. Temporary access roads will also be required as well as re-instatement of access for affected landowners. These activities will take place in areas identified as a Critical Biodiversity Areas (CBA) as well as within the historical extent of a threatened ecosystem (Legogote Sour Bushveld). This will result in the clearance of more than 300m² of indigenous vegetation,</p>
<p><u>Listing Notice 3, Item 14 (ii)(f)(i)(ff)(hh)</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>f. Mpumalanga</p> <p><i>i. Outside urban areas:</i></p> <p><i>(ff) 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><i>(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation.</i></p>	<p>An additional deck will need to be stitched to the existing to accommodate the larger cross section along with extended abutments and additional piers. Temporary access roads will also be required as well as re-instatement of access for affected landowners. In addition, the re-aligned N4 Schoemanskloof (R539) Route crosses a number of small drainage lines.</p> <p>These activities will result in the development of more than 10m² of infrastructure within a watercourse or within 32m of a watercourse in a Critical Biodiversity Area (CBA).</p>
<p><u>Listing Notice 3, Item 18 (f)(i)(ee)(gg)</u></p> <p><i>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i></p> <p>f. Mpumalanga</p> <p><i>i. Outside urban areas:</i></p>	<p>The proposed new Montrose Interchange aims to replace the existing at-grade intersection of Maputo Development Corridor (MDC) sections 6N (known as N4 Schoemanskloof (R539) Route) and 6E (known as</p>

Activity number	Activity description
<p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation.</i></p>	<p>Elands Valley). As part of, a section of the existing N4 toll route via Ngodwana will be widened by more than 6m to accommodate undivided 5-lane cross-section.</p> <p>Temporary access roads will also be required as well as reinstatement of access for affected landowners</p> <p>This widening will take place in area identified as a Critical Biodiversity Area (CBA).</p>
<p><u>Listing Notice 3, Item 23 (ii) (f)(i)(ee)(gg)</u></p> <p><i>The expansion of –</i></p> <p><i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs –</i></p> <p><i>f. Mpumalanga</i></p> <p><i>i. Outside urban areas:</i></p> <p><i>(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve, where such areas comprise indigenous vegetation.</i></p>	<p>The proposed interchange development involves the upgrade of the existing bridge over the Crocodile River which will be widened to accommodate an undivided 5-lane cross-section.</p> <p>This will result in the expansion of infrastructure by more than 100m² within a watercourse. This will result in an expansion of infrastructure within the watercourse and within 32m of the watercourse.</p> <p>This widening will take place in area identified as a Critical Biodiversity Area (CBA).</p>

as described in the final Environmental Impact Assessment Report (EiAr) dated December 2020 at:

Ward number: 12

Farm names and numbers: Portion 19 of Farm Elandshoek 302; Portion 0 of Farm Montrose 573; Portion 2 of Farm Montrose 290; Portion 4 of Farm Montrose 290; and Portion 0 of Farm Montrose 574.

SG 21 Code

T	0	J	T	0	0	0	0	0	0	0	0	0	3	0	2	0	0	0	1	9
T	0	J	T	0	0	0	0	0	0	0	0	0	5	7	3	0	0	0	0	0
T	0	J	T	0	0	0	0	0	0	0	0	0	2	9	0	0	0	0	0	2
T	0	J	T	0	0	0	0	0	0	0	0	0	2	9	0	0	0	0	0	4
T	0	J	T	0	0	0	0	0	0	0	0	0	5	7	4	0	0	0	0	0

Location of Activity	Latitude (S)	Longitude (E)
Main corner coordinates of the road upgrade and re-alignment		
Point A	25°27'28.16"S	30°41'27.81"E
Point B	25°27'9.44"S	30°42'19.04"E
Point C	25°26'41.73"S	30°43'9.46"E
Point D	25°27'7.71"S	30°43'39.73"E
Point E	25°27'38.40"S	30°42'30.91"E
Route coordinates		
1	25°27'30.75"S	30°41'48.49"E
2	25°27'8.78"S	30°42'25.33"E
3	25°26'49.35"S	30°42'43.31"E
4	25°27'21.24"S	30°42'35.74"E
Crocodile river bridge upgrade		
Coordinates	25°26'54.07"S	30°42'37.98"E

- for the development of road upgrades interchange at the existing T-junction of the National N4 Toll Route via Ngodwana between Emgwenya (Waterval Boven) and Mbombela (Nelspruit) with the Alternative N4 Schoemanskloof (R539) Route within Mbombela Local Municipality, Ehlanzeni District Municipality in the Mpumalanga Province, hereafter referred to as "the property".

The project entails:

Item	Interpretation
Stormwater	<p>As part of the new interchange development, a section of the existing N4 Schoemanskloof (R539) Route will be re-aligned. As part of this, new stormwater drainage will be put in place and will include:</p> <ul style="list-style-type: none"> • Cut-off berms or drains on top of deep cuts; • Type of concrete side drains and grid inlets to intercept road surface runoff; • Type A concrete side drains in high fills; where run-off will be discharged by downpipes/ chutes; • A minimum of 900mm diameter cross drainage culverts (In accordance with SANRAL standards for culverts longer than 30m);
N4 Schoemanskloof (R539) re-alignment.	<p>The proposed development involves the development of a new interchange. As part of this, the existing N4 Schoemanskloof (R539) Route will be realigned to approximately 100m south of its current location. In addition, a number of new ramps will be put in place. This new section caters for more than one lane of traffic in both directions.</p> <p>Further, the minimum road reserve width requirement for the realigned N4 Schoemanskloof (R539) Route is 40 m (with the cut and fill sections resulting in a much wider road reserve). The minimum road reserve width required for all ramps is 20 m either side of the centre of the ramp.</p> <p>Part of this road traverses three minor drainage lines and as such will result in infrastructure of more than 100m² within a watercourse as well as within 32m of a watercourse.</p>
N4 toll route via Ngodwana expansion	<p>The proposed new Montrose Interchange aims to replace the existing at-grade intersection of Maputo Development Corridor (MDC) sections 6N (known as N4 Schoemanskloof (R539) Route) and 6E (known as Elands Valley). As part of, a section of the existing N4 toll route via Ngodwana will be widened by more than 6m to accommodate undivided 5-lane cross-section.</p>
Crocodile Bridge Expansion	<p>The proposed interchange development involves the upgrade of the existing bridge over the Crocodile River which will be widened to accommodate an undivided 5-lane cross-section. An additional deck will need to be stitched to</p>

	the existing to accommodate the larger cross section along with extended abutments and additional piers.
Re-instatement of access	An access road to re-instate access to affected properties will also be put in place.
Ancillary Infrastructure Required for Construction	<p>A construction camp will be erected on site for the duration of the construction. This camp will be fenced for security purposes. A security guard will also be posted on site during non-operational times. A wall will be erected around the property boundary as part of the development project.</p> <ul style="list-style-type: none"> • During the construction phase of the project, chemical toilets will be placed on site for the duration of the construction phase. • Designated areas will be established during the construction phase for construction equipment and vehicles. This area will be outside all sensitive areas (delineated wetlands etc.). As far as possible these will be located within already disturbed areas or areas that will be directly impacted by the road construction footprint. • Existing roads will be used as far as possible for access during construction, however, where necessary, temporary access roads will be put in place.
Interchange Ramps	<p>Four ramps will be put in place.</p> <ul style="list-style-type: none"> • Ramp A carries the traffic movement from Mbombela to Schoemanskloof. The forecast 30th highest hour volume is 703 veh/h in 2028. Ramp A is a continuation of the left-hand lane of N4-7X and diverges from the main N4 roadway at a 1:15 taper rate. The proposed cross-section consists of two 3.7 m lanes a 2.5 m slow-lane surfaced shoulder and a 1.0 m surfaced fast-lane shoulder. • Ramp B carries the traffic movement from Schoemanskloof to Mbombela. The forecast 30th highest hour volume is 813 veh/h in 2028. Ramp B is a continuation of the eastbound core lane of N4 Schoemanskloof (R539) Route and continues on to form the left-hand lane of N4-7X. Ramp B is designed for 100 km/h as it will for part of the future prioritised N4-6Y. • Ramp C carries traffic from the Elands Valley to Schoemanskloof. The forecast traffic volume in the 30th highest hour is based on 24-hour

	<p>intersection counts done in 2017 and is estimated to be a very low 7 veh/h. This ramp is entirely in cut and may be used as a source for fill material.</p> <ul style="list-style-type: none"> • Ramp D carries traffic from Schoemanskloof to Waterval Boven. The forecast traffic volume in the 30th highest hour is based on 24-hour intersection counts done in 2017 and is estimated to be a very low 7 veh/h. The loop component of the ramp is designed for 40 km/h while the directional component is designed for 70 km/h. The loop ramp enters the N4 with a parallel acceleration lane with a length of 185 m required to accelerate from 40 km/h to 100 km/h.
<p>New Interchange Bridge B0571</p>	<p>The new Montrose Interchange Bridge (B0571) will be a new structure to accommodate the new interchange Ramps A and D over the existing N4-7X. The proposed design makes use of the existing rock faces for founding and will be approximately 47.9 m from deck end to end. As part of the design, the superstructure will consist of a 600 mm thick, continuous slender slab deck 47.9 m from expansion joint to expansion joint. The deck has substantial cantilevers and is supported by a slender arch under the deck which springs off spread footings in the rock cutting.</p> <p>The deck ends are supported on shallow abutments with spread footings on rock.</p>

Conditions of this Environmental Authorisation

Scope of authorisation

1. The **preferred alternative** for the development of road upgrades interchange at the existing T-junction of the National N4 Toll Route via Ngodwana between Emgwenya (Waterval Boven) and Mbombela (Nelspruit) with the Alternative N4 Schoemanskloof (R539) Route within Mbombela Local Municipality, Ehlanzeni District Municipality in the Mpumalanga Province is approved as per the geographic coordinates cited in the table above is 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 must 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 ten (10) 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. Construction must be completed within five (05) years of the commencement of the activity on site.

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.

Commencement of the activity

11. The authorised activity must not commence until the period for the submission of appeals has lapsed as per the National Appeal Regulations, 2014, and no appeal has been lodged against the decision. In terms

of Section 43(7), an appeal under Section 43 of the National Environmental Management Act, Act No. 107 of 1998, as amended 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

12. The Environmental Management Programme (EMPr) submitted as part of the EIAR dated December 2020 is approved and must be implemented and adhered to.
13. The EMPr must be implemented and enforced during all phases of the project. It must be seen as a dynamic document and must be included in all contract documentation for all phases of the development when approved.
14. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
15. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the EIAR be discovered.

Frequency and process of updating the EMPr

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 30 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.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of the EIA Regulations, 2014 as amended. 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.
19. 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 the EIA Regulations, 2014 as amended. 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.

20. The holder of the authorisation must apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of the EIA Regulations, 2014, as amended. 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

21. The holder of the authorisation must appoint an experienced 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.
22. The ECO must be appointed before commencement of any authorised activities.
23. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
24. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
25. 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

26. 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 this Department.
27. 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.
28. 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 the EIA Regulations, 2014 as amended.

29. 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.
30. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended 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.
31. 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

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

Operation of the activity

33. 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. 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.

Site closure and decommissioning

34. 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

35. All construction activities are to be limited to the existing access/haulage routes, the identified construction site camp and the direct footprint of the preferred alternative site.

36. All sensitive areas (i.e. watercourses and the associated buffer zones and the floral areas indicated to have a high sensitivity), must be demarcated on-site with danger tape by the ECO. Access to these demarcated areas must be strictly prohibited.
37. All necessary permits must be obtained from the relevant nature competent authority (i.e. the Mpumalanga Department of Agriculture, Rural Development, Land & Environmental Affairs (MDARDLEA) for the removal and relocation of indigenous, protected or endangered plant or animal species before commencement of construction activities and a copy of such permit/s must be submitted to the Department for record keeping. Permits must be kept on site by the ECO.
38. A search and rescue operation, undertaken by a suitably qualified person, must be undertaken before construction commences. This search and rescue should focus on the sensitive, endemic and protected species with specific focus on *Aloe species*, *Faurea saligna*, *Pterocarpus angolensis* and *Zanthadescia* species predicted to occur on site. The Mpumalanga Department of Agriculture, Rural Development, Land & Environmental Affairs (MDARDLEA) must also be informed of the search and rescue operation (prior to the operation) and any additional requirements by MDARDLEA must be implemented by the applicant and monitored by the independent ECO.
39. A translocation plan for the removal of plants and/or animals must be in place prior to construction and must be compiled by a suitably qualified botanist or similarly qualified individual. A suitably qualified botanist must identify any Species of Conservation Concern (SCC), Threatened and/or Protected Plant Species (TOPS) or Red List Data Species that require relocation or if to remain on site, these must be recorded and protected according to recommendations and consultation with on-site Contractor. Regular inspections of the site may be required with changes in season where new plant species may arise. This plan must be compiled by a suitably qualified ecologist and approved by the provincial conservation authority i.e. MDARDLEA, prior to construction.
40. 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. Any solid waste 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).
41. Alien invasive control programme must be implemented and be an effective long-term alien invasive plant control programme to minimise the threat to natural habitats.
42. Necessary permits for water use must be obtained from the Department of Water and Sanitation (DWS) prior to commencement. Permits must be kept on site by the ECO.

General

43. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 43.1. at the site of the authorised activity;
 - 43.2. to anyone on request; and
 - 43.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.
44. 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: 21/04/2021.



Ms Millicent Solomons

**Acting Chief Director: Integrated Environmental Authorisations
Department of Environment, Forestry and Fisheries**

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 22 September 2020.
- b) The information contained in the EIAr dated December 2020.
- c) The comments received from interested and affected parties as included in the EIAr dated December 2020.
- d) Mitigation measures as proposed in the EIAr and the EMPr.
- e) The information contained in the specialist studies contained within the appendices of the EIAr dated December 2020 and as appears below:

Title	Prepared by	Date
Ecological Impact Assessment	EkolInfo CC & Associates	October 2019
Aquatic Impact Assessment	Mr P. Singh	October 2019
Wetland Impact Assessment	Mr P. Singh and Mr. D. Botha	November 2019
Heritage Assessment	HCAC - Heritage Consultants	November 2019
Visual Impact Assessment	Terra Logix	January 2020
Geotechnical Assessment	SMEC South Africa (Pty) Ltd and GaGE Consulting (Pty) Ltd	December 2019
EMPr with Appendices (Wetland Rehabilitation Plan – August 2019; Construction Noise Management – August 2020)	Prism Environmental Management Services	December 2020

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) The findings of all the specialist studies conducted and their recommended mitigation measures.

- b) The need for the proposed project stems from the need to alleviate current traffic congestion and to accommodate future growth and improve road safety and efficiency.
- c) The EIA dated December 2020 identified all legislation and guidelines that have been considered in the preparation of the EIA.
- d) The methodology used in assessing the potential impacts identified in the EIA dated December 2020 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, as amended for public involvement.

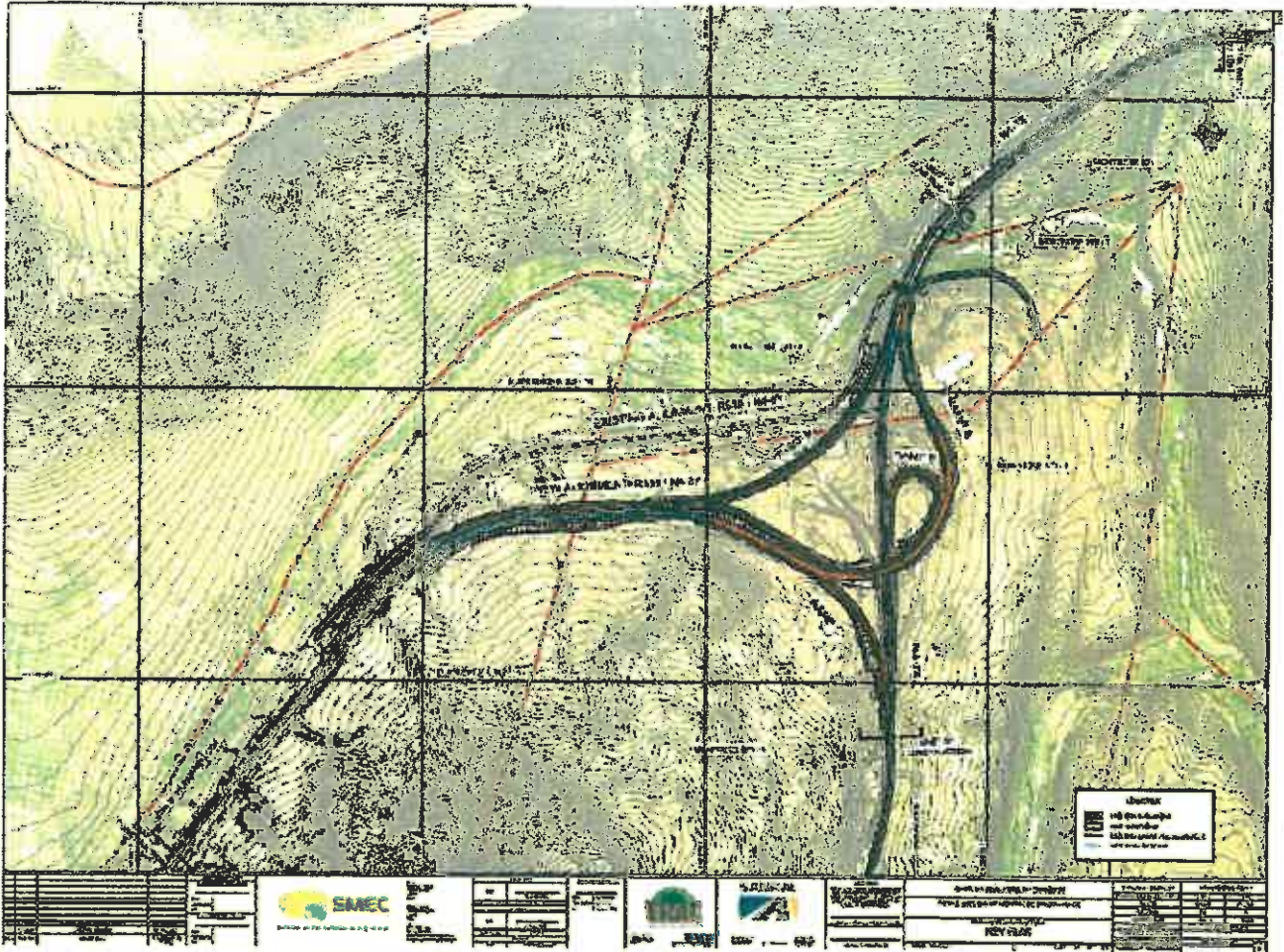
3. Findings

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

- a) The identification and assessment of impacts are detailed in the EIA dated December 2020 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The information contained in the EIA dated December 2020 is deemed to be accurate and credible.
- d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- e) EMP measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the EIA dated December 2020 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.

Annexure 2: Locality Plan





forestry, fisheries & the environment

Department:
Forestry, Fisheries and the Environment
REPUBLIC OF SOUTH AFRICA

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Enquiries: Devinagle Bendeman Tel: 012 399 9337

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Ms. Solomons
Director: Strategic Infrastructure Development

Dear Mrs. Solomons

APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 19 APRIL 2021 UNTIL 21 APRIL 2021.

This serves to confirm your appointment as Acting Chief Director: integrated environmental authorisations, from 19 April 2021 until 21 April 2021, whilst Mr Sabelo Maleza is on Sick I Leave.

You will act in this capacity with the full responsibilities and duties attached to the post, including the activities entrusted to the Acting Chief Director: integrated environmental authorisations by or in terms of the Acts administered by the Department.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standards, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of the legislations and policies and the amendments thereof. (Copies of departmental policies can be obtained from the Human Resource Office).

Yours Sincerely

Devinagle Bendeman
Acting Deputy Director-General: RCSM (Regulatory Compliance and Sector Monitoring)

Date: 19/04/2020



ACKNOWLEDGEMENT

I ~~ACCEPT / DO NOT ACCEPT~~
appointment as Acting Chief
Director: integrated environmental
authorizations

Signed:

Date: 19/04/2021