



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

## Environmental Authorisation

In terms of Regulation 36 of the Environmental Impact Assessment Regulations, 2010

UPGRADING AND REHABILITATION OF THE N10 ROAD, SECTION 4 FROM CRADOCK (KM 1.6) TO  
KNUTSFORD (KM 29) WITHIN THE INXUBA YETHEMBA LOCAL MUNICIPALITY IN THE EASTERN CAPE  
PROVINCE

Inxuba Yethemba Local Municipality

<b>Authorisation register number:</b>	14/12/16/3/3/1/522
<b>NEAS reference number:</b>	DEA/EIA/0001121/2012
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED
<b>Location of activity:</b>	EASTERN CAPE PROVINCE: within the Inxuba Yethemba Local Municipality

This environmental 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 activity specified below.

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

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

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

### **SANRAL SOC LIMITED**

with the following contact details –

Mr. Sean Strydom  
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### **GREENACRES**

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to undertake the following activity (hereafter referred to as "the activity") indicated in Listing Notices 1 (GN R.544):

Listed activities	Activity/Project description
<p>Government Notice No. R. 544 of 18 June 2010: Activity Number: 47</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 metres</i></p> <p><i>(ii) where no reserve exists, where the existing road is wider than 8 metres excluding widening or lengthening occurring inside urban areas.</i></p>	<p>Rehabilitation and upgrading of approximately 28km of the N10 road and associated infrastructure between Cradock (km 1.6) and Knutsford (km 29).</p>

as described in the Basic Assessment Report (BAR) dated August 2012 at:

Preferred Route Alternative S1	Latitude	Longitude
Starting Point	32°9.877' S	25°36.413' E
Middle Point	32°4.471' S	25°31'.498 E
End Point	31°56.952' S	25°28.209 E

- the upgrading and rehabilitation of the N10 road, Section 4 between Cradock and Knutsford within the Inxuba Yethemba Local Municipality in the Eastern Cape Province., hereafter referred to as "the property".

The proposed development entails the upgrading and rehabilitation of Section 4 of the N10 road between Cradock and Knutsford within the Inxuba Yethemba Local Municipality in the Eastern Cape Province. The proposed development will commence at km 1.6 in the Cradock Industrial Area and extend to km 29 at Farm Hetfortuin 66 (approximately 1km from the Knutsford T-junction). The existing N10 road consist of a surfaced carriageway about 7.4m wide flanked by surfaced shoulders each 2.2m



wide making the road prism width about 11.8m. The road reserve is approximately 32m wide. The material for the upgrading and rehabilitation will be sourced from the two existing borrows pits.

The proposed development will include the following:

- Geometric improvements to two intersections (i.e. the turnoff to Correctional Services located approximately 2.04 km outside of Cradock as well as the R61 turnoff to Graaff-Reinet located approximately 4.9 km outside of Cradock);
- Lengthening of the existing climbing lane located on the left hand side of the road (when travelling towards Graaff-Reinet) approximately 1.4km outside of Cradock;
- Construction of an agricultural underpass (with associated fill embankments, drainage infrastructure and temporary deviation road) at km 24.36, requiring elevation of the road by approximately 2 m;
- Designing of the road at km 26.6 in such a way that a formal access onto the N10 will be left in place to as a road safety measure;
- Repairing and resurfacing of Church Street in Cradock;
- Extension of some culverts at selected points;
- Establishment of guardrails at selected points;
- Repairing and establishment of lined side drains adjacent to the road at selected points;
- Construction of edge restraints at all farm access; and
- Associated infrastructure.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred S1 with the abovementioned co-ordinates as indicated in the BAR dated August 2012 is hereby authorised.
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 environmental authorisation.
3. The holder of the environmental authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the



holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.

4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this 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 authorisation in terms of the regulations.
6. This activity must commence within a period of five (5) years from the date of issue of this 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.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

#### **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 12 (twelve) 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 Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
  - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 10.4. give the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
  - 11.1. informing interested and affected parties of the decision;
  - 11.2. informing interested and affected parties where the decision can be accessed; and



- 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

### **Management of the activity**

12. The Environmental Management Programme (EMPr) submitted as part of the Application for EA is hereby approved. This EMPr must be implemented and adhered to.

### **Monitoring**

13. The applicant must appoint an independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
  - 13.1. The ECO must be appointed before commencement of any authorised activity.
  - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 13.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

### **Recording and reporting to the Department**

14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the *Director: Compliance Monitoring* at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.



16. The environmental audit report 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 EMPr.
17. 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.

#### **Commencement of the activity**

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
20. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

#### **Notification to authorities**

21. Fourteen (14) days written notice must be given to the Department that the activity will commence. 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. This notification period may coincide with the notice of intent to appeal period.

#### **Operation of the activity**

22. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.



## **Site closure and decommissioning**

23. Should the activity ever cease or become redundant, the applicant shall 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**

24. The operation of borrow pits will require a mining permit in terms of the Mineral and Petroleum Resources Development Act 2002, (Act 28 of 2002).
25. Construction areas must be clearly demarcated and only approved areas must be used for storage and cement mixing. Any cement or concrete mixing must be done on an impervious surface to prevent soil contamination.
26. Any solid waste must be disposed of at a landfill licensed in terms of the relevant legislation.
27. Construction vehicle movement must be limited to the existing access routes.
28. Potable water must not be used to mitigate dust nuisance.
29. The use of generators on site must include the use of drip trays.
30. Drip trays must be provided for all vehicles, construction equipment and generators that may require re-fuelling on site to avoid the possible spillage of fuel/oil.
31. A search and rescue of any transplantable conservation worthy plant species for re-use on site for rehabilitation and/or landscaping purposes must be conducted by a qualified botanist (in the appropriate season) where land clearing is to occur.
32. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008). Copies of all waste disposal certificates must be kept on site.

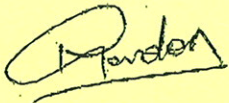
## **General**

33. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.



34. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
35. 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 applicant or his 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 applicant 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: 05 February 2013**



**Mr Mark Gordon**

**Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**



## Annexure 1: Reasons for Decision

### 1. Information considered in making the decision

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

- a) The information contained in the BAR dated August 2012;
- b) The comments received from organs of state and interested and affected parties as included in the BAR dated August 2012;
- c) The sense of balance of the negative and positive impacts and proposed mitigation measures as provided in the BAR dated August 2012 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

### 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 was well explained and the Department considered the need of the project.
- c) The BAR dated August 2012 identified the relevant legislation and guidelines that have been considered in the preparation of the BAR.
- d) The methodology used in assessing the potential impacts identified in the BAR dated August 2012 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, 2010 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 BAR dated August 2012 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 proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated August 2012 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity 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 proposed activity can be mitigated to acceptable levels. The application is accordingly granted.