



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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NEAS Reference: DEA/EIA/0000066/2011

DEA Reference: 12/12/20/2080

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Ms Meera Mban  
Eskom – Primary Energy Division  
3 Simba Road, Lebedu House  
Sunninghill  
**JOHANNESBURG**  
2157

Tel: (011) 800 3350  
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### **PER FACSIMILE / MAIL**

Dear Ms. Mban

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/546: WORK PACKAGE 4 – BETHAL: RECONSTRUCTION OF ROAD P30/1 (R35N) FROM D622 TO BETHAL AND P30/1 (R35N) FROM R544 TO D622, WITHIN GOVAN MBEKI LOCAL MUNICIPALITY, 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 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: 012 320 7561;  
By post: Private Bag X447,  
Pretoria, 0001; or

By hand: 2nd Floor, Fedsure Building, North Tower,  
cnr. Van der Walt and Pretorius Streets,  
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Environmental Impact Evaluation*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

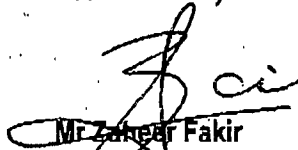
Mr T Zwane, Senior Legal Administration Officer (Appeals) of this Department at the above mentioned addresses or fax number. Mr Zwane can also be contacted at:

Tel: 012-310-3929

Email: [tzwane@environment.gov.za](mailto:tzwane@environment.gov.za)

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours sincerely



Mr Zakeer Fakir

Acting Deputy Director-General: Environmental Quality and Protection

Department of Environmental Affairs

Date: 03.08.2011

CC:	Ms V Napier	SEF Environmental Focus	Tel: 012-349-1307	Fax: 012-349-1229
	Mr. B. Mndawe	Provincial MDEDET	Tel: 017-811-3944	Fax: 017-819-2072
	Mr S.Zikalala	Goven Mbeki Local Municipality	Tel: 017-620-6209	Fax:017-634-5373
	Mr T Zwane	Appeals Authority (DEA)	Tel: 012-310-3929	Fax: 012-320-7561

**APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)**

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA])	1. Receive EA from Applicant/Consultant
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection.</li> </ul>	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> <li>• a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.</li> </ul>
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

**NOTES:**

1. **An appeal against a decision must be lodged with:-**
  - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
  
2. **An appeal lodged with:-**
  - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
  - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;
  
3. **An appeal must be:-**
  - a) submitted in writing;
  - b) accompanied by:
    - a statement setting out the grounds of appeal;
    - supporting documentation which is referred to in the appeal; and
    - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

Work Package 4 – Bethal: Reconstruction of Road P30/1 (R35N) from D622 to Bethal and P30/1  
(R35N) from R544 to D622

Gert Sibande District Municipality

<b>Authorisation register number:</b>	<i>12/12/20/2080</i>
<b>NEAS reference number:</b>	<i>DEA/EIA/0000066/2011</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>Eskom – Primary Energy Division</i>
<b>Location of activity:</b>	<i>Mpumalanga Province: Within Govan Mbeki Local Municipality</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 activities.

## 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.

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 No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

### **ESKOM – PRIMARY ENERGY DIVISION**

with the following contact details –

Ms Meera Mban  
Eskom – Primary Energy Division  
3 Simba Road, Lebedu House  
Sunninghill  
**JOHANNESBURG**  
2157

Tel: (011) 800 3350  
Fax: (086) 601 2304  
Cell: (083) 270 0659  
E-mail: [MbanM@eskom.co.za](mailto:MbanM@eskom.co.za)

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

Listed activities	Activity/Project description
<p><i>GN R. No. 544; Item 9</i> - The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water:</p> <ul style="list-style-type: none"> <li>(i) with an internal diameter of 0.36 meters or more; or</li> <li>(ii) with a peak throughput of 120 litres per second or more, excluding where:                             <ul style="list-style-type: none"> <li>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</li> <li>b. where such construction will occur within urban areas but further than 32 meters from a watercourse, measured from the edge of the watercourse.</li> </ul> </li> </ul>	<p>This portion of the road from its commencement to the 0100R 544 turn-offs will require heavy rehabilitation. The portion of road is proposed for re-construction. In addition, it involves the cleaning of existing culverts and culvert inlets and outlets, the construction of new inlet and outlet structures to existing culverts and the installation of subsoil drains and the construction of erosion protection measures where required.</p>
<p><i>GN R. No. R544; Item 11</i> - The construction of:</p> <ul style="list-style-type: none"> <li>(i) canals;</li> <li>(ii) channels;</li> <li>(iii) bridges;</li> <li>(iv) dams;</li> <li>(v) weirs;</li> <li>(vi) bulk storm water outlet structures;</li> <li>(vii) marinas;</li> <li>(viii) jetties exceeding 50 square metres in size;</li> <li>(ix) slipways exceeding 50 square metres in size;</li> <li>(x) buildings exceeding 50 square metres in size; or</li> <li>(xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 meters of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</li> </ul>	<p>The project includes the widening of bridges (i.e. bridge over the spruit, rivers, etc)). It will also include the widening of existing deck slabs and the construction of new and extensions to the existing bridge headwalls and wingwalls.</p>

<p><i>GN R. No. 544: Item 37</i> - The expansion of facilities or infrastructure for the bulk transportation of water, sewage or storm water where –</p> <p>(a) the facility or infrastructure is expanded by more than 1000 meters in length; or</p> <p>(b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more excluding where such expansion:</p> <p>(i) relates to transportation of water, sewage or storm water within a road reserve; or</p> <p>(ii) where such expansion will occur within urban areas but further than 32 meters from a watercourse, measured from the edge of the watercourse.</p>	<p>The project will also involve the upgrading of existing lined and unlined side drains. The lengthening and / or limited replacement of the existing pipe culverts, fill drains and downchutes on high fills.</p>
<p><i>GN R. No. 544: Item 39</i> - The expansion of</p> <p>(i) canals;</p> <p>(ii) channels;</p> <p>(iii) bridges;</p> <p>(iv) weirs;</p> <p>(v) bulk storm water outlet structures;</p> <p>(vi) marinas;</p> <p>within a watercourse or within 32 meters of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion occur behind the development setback line.</p>	<p>The project includes the widening of bridges (i.e. bridge over the spruit, rivers, etc)). It will also include the widening of existing deck slabs and the construction of new and extensions to the existing bridge headwalls and wingwalls.</p>
<p><i>GN R. No. 544: Item 47</i> - The widening of a road by more than 6 meters, or the lengthening of a road by more than 1 kilometre, where the existing reserve is wider than 13.5 meters; or</p> <p>(ii) where no reserve exists, where the existing road is wider than 8 meters, excluding widening or lengthening occurring inside urban areas.</p>	<p>The existing single-carriageway road has a surfaced width of approximately 7.4m comprising two 3.7m wide lanes. The total width of the existing formation is 9.0m wide. The existing pavement surface is in a very poor condition. Block cracking, crocodile cracking and pumping of fines are also evident along the length</p>

	of the road. The re-design of the road will be executed with a 20 year design horizon. Widening of the road prism and localized horizontal and vertical realignment of the road will take place to bring it to current provincial road standards. It is proposed that the upgraded road sections will consist of two lanes, surfaced shoulders and gravel shoulders on either side.
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as described in the Basic Assessment Report (BAR) dated April 2011 at:

Alternative S1	Latitude	Longitude
Starting point of activity	26° 21' 7.47"	29° 27' 25.23"
Middle point of activity	26° 24' 16.69"	29° 27' 50.71"
End point of activity	26 27' 12.41"	29 27' 56.01"

- for the proposed construction of Work Package 4 – Bethal: Reconstruction of Road P30/1 (R35N) from D622 to Bethal and P30/1 (R35N) from R544 to D622 as described on pages 8 and 9 of the Basic Assessment Report dated April 2011

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The preferred alternative (Alternative 1): construction of road widening along the existing alignment to allow half width construction without limiting traffic flow is approved.
2. Authorisation of the activity is subject to the conditions contained in this 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 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 three (3) 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. 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.
  9. Relevant legislation that must be complied with by the holder of this authorisation includes, *inter alia*:
    - The National Heritage Resources Act, 1999 (Act 25 of 1999) protecting the archaeological remains, artificial features and structures older than 60 years. Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
    - Relevant provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
    - Relevant provisions of the National Water Act, 1998 (Act 36 of 1998).
    - Relevant provisions of the National Forests Act, 1998 (Act 84 of 1998).
    - Relevant provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).

- Relevant provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
  - Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Mineral Resources.
10. 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**

11. 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.
12. The notification referred to must –
- 12.1 specify the date on which the authorisation was issued;
  - 12.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
  - 12.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 12.4 give the reasons of the competent authority for the decision.
13. The holder of the authorisation must publish a notice –
- 13.1 informing interested and affected parties of the decision;
  - 13.2 informing interested and affected parties where the decision can be accessed; and
  - 13.3 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 activities**

14. 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

15. The applicant must appoint a suitably experienced (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.
- 15.1 The ECO must be appointed before commencement of any authorised activities.
- 15.2 Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
- 15.3 The ECO must keep a daily record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 15.4 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.
- 15.5 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.

## Recording and reporting to the Department

16. 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.
17. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction and rehabilitation activities.
18. 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.
19. 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.
20. All compliance monitoring and audit reports must be submitted to the *Director: Compliance Monitoring*.

### **Commencement of the activities**

21. The authorised activities shall not commence within twenty (20) days of the date of signature of the authorisation.
22. 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.
23. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activities until such time that the Minister allows you to commence with such an activity in writing.

### **Notification to authorities**

24. Fourteen (14) days written notice must be given to the Department that the activities 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 period contemplated in 30 above.

### **Operation of the activities**

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

### **Site closure and decommissioning**

26. Should the activities 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**

27. No new roads must be constructed to access the site, existing roads must be used.
28. All construction rubble must be removed from the site, covered during transportation to prevent dust pollution, and disposed off at the nearest registered landfill site.
29. No construction rubble must be present within the top 1.5m of any embankment.
30. Mitigation measures recommended in the Faunal Assessment dated December / January 2011 must be fully complied with.
31. An emergency plan must be in place in case of spillage into a wetland system. This must be submitted to the department for approval prior to construction activities
32. Portable septic tanks must be located outside the 1:100year floodline.
33. Velocity breaking structures must be placed on the downstream side of all culverts and piping and gabions' mattresses must be constructed where erosion potential has been identified.
34. Should any work be conducted on the present culverts, box culverts must be used.
35. The bed of the river must be rehabilitated to the correct height following culverts installation.
36. After completion of all construction activities, a wetland monitoring programme must be initiated that ensures that all wetland protection infrastructure and storm water systems are properly installed and that all wetlands affected by the proposed development are adequately rehabilitated and also to ensure that the infrastructure is not eroding. The monitoring programme must last two years.
37. The proposed road upgrading and rehabilitation must remain within the existing road reserve.
38. If any endangered, protected and CITES listed plant species found within the site footprint must be trans-located. A permit must be obtained from the relevant authority before this is undertaken.
39. Construction areas must be demarcated in order to control movements of personnel and vehicles as well as providing boundaries for construction sites in order to limit dilution or spread of peripheral impacts.
40. All borrow pits must be located outside the 1:100 year floodline of any water cause, including wetlands.
41. Care must be taken to prevent unnecessary damage to vegetation adjacent to the borrow pit areas.
42. No mining related activities and operations must be conducted below the 1:100 year floodline of rivers, streams or drainage lines. All wetland and seepage areas must be excluded from the mining programme.

43. Road widening activities must be done with the minimum amount of damage to existing natural vegetation and adjacent landforms. Construction of V-drains must be done with narrow gauge digging tools and not bulldozers, to minimize scarring of the landscape and subsequent rehabilitation.
44. The areas where vegetation will be removed as a result of the construction must be re-vegetated immediately upon completion of construction activities.
45. Approval must be obtained from the Department of Mineral Resources (DMR) before any excavation can commence on any borrow pit site.
46. Upon receipt of approval from the relevant authority (DME) the site should be fenced off and all excavation, machine and vehicle activity must be limited to the fenced off, surveyed and defined borrow pit area.
47. The surface of the worked out borrow pit must be levelled to distribute water evenly and roughened by ripping and pitting to trap seed and retain water.
48. The rivers and wetlands opposite the site must not under any circumstances be polluted or affected by the excavation activities.
49. No surface or groundwater must be polluted due to any activity on the properties/sites.
50. Unplanned material storage or driving in the veld beyond the designated areas is not permitted.
51. Drop height or tipping of material at storage piles must be kept as low as possible.
52. A safe crossing as stated in page 5 of the comments and Response section in relation to cattle and trailers crossing the N11 must be incorporated as part of the road detailed design.
53. The storage piles that consist of fine material must be covered or enclosed to reduce airborne particulate impacts.
54. No burning of any waste material must take place on site during the construction phase.
55. No burial of any material whatsoever will be allowed on or near the site.
56. The contractor must make sure that no "ready-mix" concrete or oil is spilled or disposed of on site. Any spills must be cleaned up by collecting the spill and placing it on an impermeable surface where it can dry and then be removed a relevant and appropriate waste disposal site
57. Stockpiles of any sand or stone must be secured against rain run-off and erosion. No cement may be stored on site.
58. A water use License application will be required as per section 21 of the National Water Act (Act 26 of 1998), for working on wetlands and the rehabilitation of bridges and culverts. This must be submitted to the department for record purposes before commencement of construction.

59. During and after construction, storm water control measures must be implemented especially around construction material, stockpiled soil, excavated areas, and trenches etc. so that the export of soil into the watercourse is avoided.
60. The road must be rehabilitated and designed in such a way that it allows for surface water run-off to move and not collect on the road surface.
61. Strict measures must be taken not to impede the flow of any water courses during the upgrade of the bridges and culverts.
62. Temporary traffic signs warning the road users of the construction activities must be always on site and clearly visible.
63. All mitigation measures proposed in the Basic Assessment Report and Environmental Management Plan for the proposed project must be fully complied with during pre construction, construction and operational phases.
64. Measures must be implemented to ensure the management of surface run-off during the construction phase of the development. Embankments must be established around excavation areas and stockpiles to divert surface run-off away from these areas to avoid water pollution
65. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water Affairs.
66. The borrow pit activities must not impact on the wetland area on site.
67. No wild animals may be under any circumstances be hunted, snared, capture, injure or killed.
68. All stockpiles must be protected from erosion, stored on flat areas where run-off will be minimized, and be surrounded by bunds.
69. Imported fill material must be monitored during and after construction for presence of any alien species. Any such species should be removed immediately.
70. It should be ensured that the road construction and operation has minimal impacts on the flow of water through the wetland by use of a bridge or box culverts rather than pipes.
71. All construction material including fuels and oils should be stored in a demarcated area that is contained within bunded impermeable surface to avoid spread of contamination to wetlands or wetland buffer zones.
72. Cement and plasters should only be mixed within mixing trays.
73. No construction must be executed closer than nine metres from any of Eskom's structure or the middle of the power line servitude and no squatting is to be allowed in the servitude area.
74. Machinery that is leaking fuels and oils must not be operated on site.
75. Parked machinery that is leaking fuels and oils must have a drip tray that is big enough to ensure that no spillage of oils occurs on site.

76. All workers in this project must be educated of their environmental responsibilities via an induction programme.
77. This Environmental Authorization and the approved EMPr must form part of all contract documents for all contractors working on this project.

#### General

78. A copy of this authorisation and the approved EMPr must be kept at the property where the activities 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.
79. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
80. The holder of the authorisation must notify 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. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
81. 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: 03.08.2011

  
Mr. Zahed Fakir

Acting Deputy Director-General: Environmental Quality and Protection  
Department of Environmental Affairs



## Annexure 1: Reasons for Decision

### 1. Background

The applicant, Eskom – Primary Energy Division, applied for the following activities:

Listed activities	Activity/Project description
<p>GN R. No. 544: Item 9 - The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water:</p> <p>(i) with an internal diameter of 0.36 meters or more; or</p> <p>(ii) with a peak throughput of 120 litres per second or more, excluding where:</p> <p>a. such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or</p> <p>b. where such construction will occur within urban areas but further than 32 meters from a watercourse, measured from the edge of the watercourse.</p>	<p>This portion of the road from its commencement to the 0100R 544 turn-offs will require heavy rehabilitation. The portion of road is proposed for re-construction. In addition, it involves the cleaning of existing culverts and culvert inlets and outlets, the construction of new inlet and outlet structures to existing culverts and the installation of subsoil drains and the construction of erosion protection measures where required.</p>
<p>GN R. No. R544; Item 11 - The construction of:</p> <p>(i) canals;</p> <p>(ii) channels;</p> <p>(iii) bridges;</p> <p>(iv) dams;</p> <p>(v) weirs;</p> <p>(vi) bulk storm water outlet structures;</p> <p>(vii) marinas;</p> <p>(viii) jetties exceeding 50 square metres in size;</p> <p>(ix) slipways exceeding 50 square metres in size;</p> <p>(x) buildings exceeding 50 square metres in size; or</p> <p>(xi) infrastructure or structures covering 50 square metres or more</p>	<p>The project includes the widening of bridges (i.e. bridge over the spruit, rivers, etc)). It will also include the widening of existing deck slabs and the construction of new and extensions to the existing bridge headwalls and wingwalls.</p>

<p>where such construction occurs within a watercourse or within 32 meters of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	
<p><i>GN R. No. 544: Item 37</i> - The expansion of facilities or infrastructure for the bulk transportation of water, sewage or storm water where –</p> <p>(a) the facility or infrastructure is expanded by more than 1000 meters in length; or</p> <p>(b) where the throughput capacity of the facility or infrastructure will be increased by 10% or more excluding where such expansion:</p> <p>(i) relates to transportation of water, sewage or storm water within a road reserve; or</p> <p>(ii) where such expansion will occur within urban areas but further than 32 meters from a watercourse, measured from the edge of the watercourse.</p>	<p>The project will also involve the upgrading of existing lined and unlined side drains. The lengthening and / or limited replacement of the existing pipe culverts, fill drains and downchutes on high fills.</p>
<p><i>GN R. No. 544: Item 39</i> - The expansion of</p> <p>(i) canals;</p> <p>(ii) channels;</p> <p>(iii) bridges;</p> <p>(iv) weirs;</p> <p>(v) bulk storm water outlet structures;</p> <p>(vi) marinas;</p> <p>within a watercourse or within 32 meters of a watercourse, measured from the edge of a watercourse, where such expansion will result in an increased development footprint but excluding where such expansion occur behind the development setback line.</p>	<p>The project includes the widening of bridges (i.e. bridge over the spruit, rivers, etc)). It will also include the widening of existing deck slabs and the construction of new and extensions to the existing bridge headwalls and wingwalls.</p>
<p><i>GN R. No. 544: Item 47</i> - The widening of a road by more than 6 meters, or the lengthening of a road by more than 1 kilometre, where the existing reserve is wider than 13.5 meters; or</p>	<p>The existing single-carriageway road has a surfaced width of approximately 7.4m comprising two 3.7m wide lanes. The total width of the existing formation is 9.0m</p>

<p>(ii) where no reserve exists, where the existing road is wider than 8 meters, excluding widening or lengthening occurring inside urban areas.</p>	<p>wide. The existing pavement surface is in a very poor condition. Block cracking, crocodile cracking and pumping of fines are also evident along the length of the road. The re-design of the road will be executed with a 20 year design horizon. Widening of the road prism and localized horizontal and vertical realignment of the road will take place to bring it to current provincial road standards. It is proposed that the upgraded road sections will consist of two lanes, surfaced shoulders and gravel shoulders on either side.</p>
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- for the proposed construction of Work Package 4 – Bethal: Reconstruction of Road P30/1 (R35N) from D622 to Bethal and P30/1 (R35N) from R544 to D622 as described on pages 8 and 9 of the Basic Assessment Report dated April 2011.

The applicant appointed S.E.F (Strategic Environmental Focus) to undertake an environmental assessment process in accordance with the EIA Regulations, 2010.

## 2. 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 April 2011;
- b) The comments received from the Mpumalanga Department of Public Works, Roads and Transport, Biodiversity Planning, Eskom Land Development, organs of state and interested and affected parties as included in the BAR dated April 2011;
- c) Mitigation measures as proposed in the BAR dated April 2011 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix D of the BAR.
- 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).

### 3. 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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the environmental impact assessment procedures.
- b) The findings of all the Specialist studies conducted and their recommended mitigation measures.
- c) The need for the proposed project stems from the provision of a point off accumulation for fuels which can be further distributed via Transnet's existing and proposed inland pipeline networks as part of the NMPP project.
- d) The BAR dated April 2011 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- e) The BAR dated April 2011 identified all legislation and guidelines that have been considered in the preparation of the BAR dated April 2011 and the legislation and guidelines that will be considered in the preparation of the Environmental Impact Assessment.
- f) The methodology used in assessing the potential impacts identified in the BAR dated April 2011 and the specialist studies have been adequately indicated.
- g) 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.

### 4. Findings

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

- 4.1 The identification and assessment of impacts are detailed in the BAR dated April 2011 and sufficient assessment of the key identified issues and impacts have been completed.
- 4.2 The procedure followed for impact assessment is adequate for the decision-making process.

- 4.3 The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- 4.4 All legal and procedural requirements have been met.
- 4.5 The information contained in the BAR dated April 2011 is accurate and credible.
- 4.6 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.