



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1879

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PER E-MAIL / MAIL

Dear Mr Howell

COMMENTS ON THE DRAFT BASIC ASSESSMENT REPORT FOR THE PROPOSED UPGRADE OF THE SUBLIME ROAD AND CONSTRUCTION OF A NEW INTERSECTION AT THE R580 PROVINCIAL ROAD AND SUBLIME ROAD, WITHIN THE NKANGALA DISTRICT MUNICIPALITY, MPUMALANGA PROVINCE

Your application form for Environmental Authorisation (EA) received on 18 January 2018 and the draft Basic Assessment Report (DBAR) received on 05 February 2018 regarding the above project, refer.

This Department has the following comments on the abovementioned application:

1. The Department has reviewed the DBAR and brings the following to your attention:
 - a. All relevant information in respect of this application for EA was not adequately included and/or addressed in the DBAR circulated during the Public Participation Process (PPP).
 - b. Should the matters outlined below not be adequately addressed in a revised BAR, which has been subjected to a further PPP of at least 30 days, then a negative EA may be issued by this Department in respect of this application.
2. **Timeframes:**
 - a. The final BAR is due to be submitted to the Department by 23 April 2018.
 - b. However, as detailed in this correspondence, all relevant information was not adequately included and/or addressed in the DBAR which was circulated during the PPP.
 - c. Addressing these issues and subjecting a revised BAR to another PPP of at least 30 days may not be possible by 23 April 2018.
 - d. Hence, the Applicant can either withdraw the application for EA (not recommended) and reapply or should an additional 50 days be sufficient for submission of the final BAR, comply with Regulation 19(1)(b) of the National Environmental Management Act, Act Number 107 of 1998 (as amended) (NEMA), Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) which states that:
*"19. (1) Where basic assessment must be applied to an application, the applicant must, within 90 days of receipt of the application by the competent authority, submit to the competent authority –
(b) notification in writing that the basic assessment report, inclusive of specialist reports, an EMPr, and where applicable, a closure plan, will be submitted within 140 days of receipt of the application by the competent authority, as significant changes have been made or significant new information has been added to the basic assessment report or EMPr or, where applicable, a closure plan, which changes or*

information was not contained in the reports or plans consulted on during the initial public participation process contemplated in sub-regulation (1) (a) and that the revised reports or EMP or, where applicable, a closure plan will be subjected to another public participation process of at least 30 days”.

3. The revised BAR must comply with the requirements in terms of the scope of assessment and content of BAR's contained in Appendix 1(3) of the NEMA, EIA Regulations, 2014 (as amended).

4. In addition to the aforementioned, the Department provides the following comments:

a. Listed activities and project scope:

- i. The relevance of the listed activities applied for must be clearly detailed in the report, including thresholds and dimensions.
- ii. The report must indicate that the proposed activities are not exclusively related to any mine/mining activities, as per correspondence received from Mr Howell (of GIBB (Pty) Ltd) by the Department post submission of the DBAR.
- iii. Further information must be provided in respect of the proposed temporary bypass (referred to as activity alternative option 2 in the DBAR), including a layout map.
- iv. Further information must be provided in respect of the proposed route for 'rerouted traffic' (referred to as activity alternative option 3 in the DBAR), including a layout map.
- v. A layout map depicting the preferred and alternative alignments, including environmental sensitivities, all construction corridors/buffers and temporary bypasses/routes must be provided.
- vi. A full account of all infrastructure to be removed, upgraded and/or constructed must be provided.

b. Specialist studies:

- i. A Traffic Assessment must be undertaken due to the proposed new intersection at the R580 Provincial Road and Sublime Road.

c. Public participation process:

- i. In addition to all other relevant Stakeholders, comments must be requested from:
 - Birdlife SA as the site provides habitat and breeding areas for protected species, such as, Marsh Owls.
 - The Biodiversity Conservation Directorate within this Department ('Environmental Affairs').
 - The Department of Water and Sanitation.
 - The Department of Agriculture, Forestry and Fisheries.
 - The Department of Mineral Resources.
 - Farmers utilising the site, Sublime Road and surrounding areas.
 - The water treatment works located along Sublime Road.
 - The sand paper factory located along Sublime Road.
 - All other users of Sublime Road and the site of the proposed new intersection.
 - The Mpumalanga Department of Public Works, Roads and Transport and all other relevant transport authorities.
 - The Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs.
 - The South African Heritage Resources Agency.
 - Eskom Holdings SOC Ltd in respect of infrastructure such as power lines located within the site.
- ii. Furthermore, proof must be provided in the report that the relevant transport authorities support the preferred alternative (including design and alignment), as well as, the temporary bypasses/routes.
- iii. All relevant stakeholders must be afforded an opportunity to comment on the reports as per the minimum requirements of PP stipulated in Regulation 40(1)(a) of the NEMA, EIA Regulations, 2014 (as amended) and the comments must be submitted to the Department with the final BAR.

d. General:

- i. Mr Willie Howell is reflected as the Environmental Assessment Practitioner (EAP) on the application form for EA however, Ms Natasha Lalie and Mr Richard Myburgh have been detailed in the DBAR as undertaking duties assigned to EAPs, their roles must therefore be clarified.
- ii. The relevant EAP in terms of point d (i) above, as well as, all specialists must sign the declarations (and associated documents, such as, oaths). Original copies of these documents must be submitted to the Coordination, Strategic Planning and Support section within the Integrated Environmental Authorisations Directorate of this Department.

5. The Department brings the following to your attention:

- a. In addition to the matters raised above, the final BAR must comply with the requirements in terms of the scope of assessment and content of BAR's contained in Appendix 1(3) of the NEMA, EIA Regulations, 2014 (as amended).
- b. You are requested to submit two (2) electronic copies (2 USBs) and two (2) hard copies of the BAR to the Department as per Regulation 19(1) of the EIA Regulations, 2014.
- c. You are hereby reminded of Section 24F of the NEMA, which stipulates that no activity may commence prior to an Environmental Authorisation being granted by the Department.

Further note In terms of Regulation 45 of the NEMA, EIA Regulations, 2014 (as amended) this application for EA will lapse if the Applicant fails to meet any of the timeframes prescribed in terms of these Regulations, unless an extension has been granted in terms of Regulation 3(7).

Yours sincerely



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Mr Coenrad Agenbach

Designation: Deputy Director: Strategic Infrastructure Developments

Date: 05/03/2018

CC:	Mr Tshepiso Temo	Eskom Holdings SOC Ltd, Matla Power Station	E-mail: TemoTC@eskom.co.za
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