



## **environmental affairs**

Department:  
Environmental Affairs  
**REPUBLIC OF SOUTH AFRICA**

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

**DEA Reference:** 14/12/16/3/3/1/1961

**Enquiries:** Ms Samkelisiwe Dlamini

**Telephone:** 012-399-9379 **E-mail:** [SDlamini@environment.gov.za](mailto:SDlamini@environment.gov.za)

Mr Malusi Ganiso  
National Department of Public Works  
Private Bag X65  
**PRETORIA**  
0001

**Tel:** 012 406 1928

**Email:** [Malusi.ganiso@dpw.gov.za](mailto:Malusi.ganiso@dpw.gov.za)

### **PER E-MAIL / MAIL**

Dear Mr Ganiso

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT NO. 107 OF 1998, AS AMENDED: GN R982/983/984/985, AS AMENDED: PROPOSED SITE CLEARANCE FOR PLANNING & DESIGN OF PATROL ROADS AND FENCING ON THE BORDERS BETWEEN SOUTH AFRICA, SWAZILAND & MOZAMBIQUE – PHASE 2 (FROM KM 54 - KM 524) IN THE KWAZULU NATAL & MPUMALANGA PROVINCES.**

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 14 (fourteen) days of the date of the EA, of the Department's 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, 2000 (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, 2013 (Act no. 4 of 2013) which stipulates 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 abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (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 prescribe 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.

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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: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

By hand: Environment House  
473 Steve Biko  
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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations  
Department of Environmental Affairs

Date: 04/04/2019

CC: Ms Prashika Reddy	Royal HaskoningDHV (Pty) Ltd	Tel: 087-352-1577	Email: <a href="mailto:Prashika.reddy@rhdhv.com">Prashika.reddy@rhdhv.com</a>
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## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# Environmental Authorisation

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

Site clearance for planning & design of patrol roads and fencing on the borders between South Africa, Swaziland & Mozambique – phase 2 (from km 54 - km 524) in the KwaZulu Natal & Mpumalanga Provinces

Umkhanyakude and Zululand District Municipality (KwaZulu Natal Province)

Gert Sibande & Ehlanzeni District Municipality (Mpumalanga Province)

<b>Authorisation register number:</b>	14/12/16/3/3/1/1961
<b>Last amended:</b>	First issue
<b>Holder of authorisation:</b>	NATIONAL DEPARTMENT OF PUBLIC WORKS
<b>Location of activity:</b>	KWAZULU NATAL & MPUMALANGA PROVINCES: Umhlabuyalingana, Jozini, uPhongolo, Mkhondo, Msugalgwa, Albert Luthuli, Nkomazi Local Municipalities and City of Mbombela

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 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 –

### **NATIONAL DEPARTMENT OF PUBLIC WORKS**

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

with the following contact details –

Mr Malusi Ganiso

National Department of Public Works

Private Bag X65

**PRETORIA**

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Tel: (012) 406 1928

Cell: (083) 326 1841

E-mail: [Malusi.ganiso@dpw.gov.za](mailto:Malusi.ganiso@dpw.gov.za)

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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1, Listing Notice 2 and Listing Notice 3, as amended:

Listed activities	Activity/Project description
<p><b><u>Listing notice 1: Activity 12 (as amended)</u></b></p> <p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs—</p> <p style="padding-left: 40px;">(a) within a watercourse;</p> <p style="padding-left: 40px;">(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</p>	<p>The proposed infrastructure (fence, road, culverts, bridges, drifts and causeways) will be constructed within (across) numerous watercourses and will have physical footprints of &gt;100m<sup>2</sup></p>
<p><b><u>Listing notice 1: Activity 19 (as amended)</u></b></p> <p>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse</p>	<p>The proposed infrastructure (fence, road, culverts, bridges, drifts and causeways) will be constructed within a number of watercourses and will thus constitute infilling or depositing of material of more than 10m<sup>3</sup> as well as the excavation, removal or moving of soil, sand or rock of more than 10m<sup>3</sup> from/ into these watercourses.</p>
<p><b><u>Listing notice 1: Activity 48 (as amended)</u></b></p> <p>The expansion of—</p> <p style="padding-left: 40px;">(i) infrastructure or structures where the physical footprint is expanded by 100 square metres or more</p> <p>where such expansion occurs—</p> <p style="padding-left: 40px;">(a) within a watercourse</p> <p style="padding-left: 40px;">(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse</p>	<p>As part of the development of infrastructure, existing structures (culverts, bridges, drifts and causeways) may be expanded within watercourses which are crossed.</p>

Listed activities	Activity/Project description
<p><b><u>Listing notice 3: Activity 4 (as amended)</u></b></p> <p>The development of a road wider than 4 metres with a reserve less than 13,5 metres</p> <p><b><u>d. KwaZulu-Natal</u></b></p> <ul style="list-style-type: none"> <li>ii. Trans- frontier protected areas managed under international conventions;</li> <li>iii. Community Conservation Areas;</li> <li>vi. A protected area identified in terms of NEMPAA;</li> <li>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</li> <li>x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</li> <li>xi. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</li> <li>xii. Outside urban areas:                         <ul style="list-style-type: none"> <li>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve</li> </ul> </li> </ul> <p><b><u>f. Mpumalanga</u></b></p> <ul style="list-style-type: none"> <li>i. Outside urban areas:                         <ul style="list-style-type: none"> <li>(aa) A protected area identified in terms of NEMPAA, excluding disturbed areas;</li> <li>(bb) National Protected Area Expansion Strategy Focus areas;</li> <li>(dd) Sites or areas identified in terms of an international convention;</li> </ul> </li> </ul>	<p>It is likely that a new 5.5m wide border patrol road will be developed along most of the length of the section of the border under consideration. Sensitive area are traversed and this listed activity would thus apply.</p>

Listed activities	Activity/Project description
<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><b><u>Listing notice 3: Activity 12 (as amended)</u></b></p> <p>The clearance of an area of 300 square metres or more of indigenous vegetation</p> <p><b><u>d. KwaZulu-Natal</u></b></p> <p>i. Trans-frontier protected areas managed under international conventions;</p> <p>ii. Community Conservation Areas;</p> <p>iv. 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;</p> <p>v. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>vii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning;</p> <p>viii. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>ix. World Heritage Sites;</p> <p>x. Sites or areas identified in terms of an international convention;</p> <p>xi. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.</p> <p><b><u>f. Mpumalanga</u></b></p>	<p>It is definite that this threshold will be exceeded due to the removal of indigenous vegetation associated with the development of the proposed infrastructure within sensitive areas identified.</p>

Listed activities	Activity/Project description
<p>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;</p> <p>ii. Within critical biodiversity areas identified in bioregional plans; or</p> <p>iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning or proclamation in terms of NEMPAA.</p>	
<p><b><u>Listing notice 3: Activity 14 (as amended)</u></b></p> <p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more;</p> <p>where such development occurs—</p> <p>(a) within a watercourse;</p> <p><b><u>d.KwaZulu-Natal</u></b></p> <p>ii. Community Conservation Areas;</p> <p>iv. A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>v. World Heritage Sites;</p> <p>vi. Sites or areas identified in terms of an international convention;</p> <p>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>x. Outside urban areas:</p> <p>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.</p>	<p>The proposed infrastructure will be constructed within and across numerous watercourses and structures exceeding the threshold will be constructed within watercourses that occur within sensitive areas identified.</p>

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Listed activities	Activity/Project description
<p><b><u>f. Mpumalanga</u></b></p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) World Heritage Sites;</p> <p>(dd) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(ee) Sites or areas identified in terms of an international convention; (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(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.</p>	
<p><b><u>Listing notice 3: Activity 18 (as amended)</u></b></p> <p>The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</p> <p><b><u>d. KwaZulu-Natal</u></b></p> <p>i. Trans-frontier protected areas managed under international conventions;</p> <p>ii. Community Conservation Areas;</p> <p>iv. World Heritage Sites;</p> <p>vi. A protected area identified in terms of NEMPAA;</p> <p>viii. Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>x. Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</p>	<p>As part of the development of infrastructure, the existing border patrol road may be widened by more than 4m in the sensitive areas identified.</p>

Listed activities	Activity/Project description
<p>xii. Outside urban areas:</p> <p>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve.</p> <p><b><u>f. Mpumalanga</u></b></p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(dd) Sites or areas identified in terms of an international convention; (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 area of a biosphere reserve, where such areas comprise indigenous vegetation</p>	
<p><b><u>Listing notice 3: Activity 23 (as amended)</u></b></p> <p>The expansion of –</p> <p>(i) infrastructure or structures where the physical footprint is expanded by 10 square metres or more;</p> <p>where such expansion occurs—</p> <p>(a) within a watercourse;</p> <p><b><u>d. KwaZulu-Natal</u></b></p> <p>i. Community Conservation Areas;</p> <p>iv. A protected area identified in terms of NEMPAA, excluding conservancies</p>	<p>As part of the development of infrastructure, existing infrastructure may be expanded within watercourses which are crossed within sensitive areas identified</p>

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Listed activities	Activity/Project description
<p>v. World Heritage Sites;</p> <p>vii. Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>viii. Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority</p> <p>x. Outside urban areas:</p> <p>(aa) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any terrestrial protected area identified in terms of NEMPAA or from the core area of a biosphere reserve</p> <p><b>f. Mpumalanga</b></p> <p>i. Outside urban areas:</p> <p>(aa) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(bb) National Protected Area Expansion Strategy Focus areas;</p> <p>(cc) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority;</p> <p>(dd) Sites or areas identified in terms of an international convention; (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 area of a biosphere reserve, where such areas comprise indigenous vegetation.</p>	

as described in the Basic Assessment Report (BAR) dated 27 November 2018 at the coordinates attached as Annexure 2 of this environmental Authorisation. The location indicated in the locality plan, attached as Annexure 2 of this authorisation.

- for the site clearance for planning & design of patrol roads and fencing on the borders between South Africa, Swaziland & Mozambique – phase 2 (from km 54 - km 524) in the KwaZulu Natal and Mpumalanga Provinces, hereafter referred to as “the property”.

The infrastructure associated with this facility includes:

- International border fence.
  - Typically a 2.4m high elephant fence, or a 2.4m high game-proof fence or a 2.4m high mesh fence;
  - The 2.4m high elephant fence (to be installed along the KwaZulu-Natal / Mozambique Border);
  - The 2.4m high game-proof (veterinary) fence (to be installed along Swaziland / South African game reserves)
- 10m wide detection zone.
- 1.5m high concrete barrier wall.
- 5.5m wide border patrol road - within the detection zone.
- Inner 1.2m high stock-proof inner fence - 10m away from the international fence within South Africa.
- Outer 1.2m high stock-proof outer fence.
- Detour / contour roads.
- Access routes - The typical cross-section of the access routes to the border patrol zone will consist of a 5.5 to 7.9m wide gravel border patrol road within the road servitude of 13.49m and gates where required.
- Border markers / beacons - in mountainous areas where the topography is not suited to construct a fence.
- Structures within watercourses – culverts, concrete drifts, road bridges and vented concrete drifts (causeways).
- Construction camp / lay-down areas.

## Conditions of this Environmental Authorisation

### Scope of authorisation

1. The site clearance for planning & design of patrol roads and fencing on the borders between South Africa, Swaziland & Mozambique – phase 2 (from km 54 - km 524) in the KwaZulu Natal and Mpumalanga Provinces is approved as per the geographic coordinates cited in Annexure 2 of this authorisation.
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 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 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 five (05) 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 (10) years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this Environmental Authorisation constitutes commencement of all authorised activities.

### **Notification of authorisation and right to appeal**

10. 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.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. give the reasons of the Competent Authority for the decision.

### **Commencement of the activity**

12. The authorised activity shall 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**

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

### **Frequency and process of updating the EMPr**

14. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 23 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.

15. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
16. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R982 of 04 December 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.
17. 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 GN R982 of 04 December 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.
18. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R982 of 04 December 2014, as amended.

### **Monitoring**

19. The holder of the authorisation must appoint an 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 environmental authorisation are implemented and to ensure compliance with the provisions of the approved EMPr.
  - 19.1. The ECO must be appointed before commencement of any authorised activities.
  - 19.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 19.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
  - 19.4. 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**

20. 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 the Department at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
21. 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 at [Directorcompliance@environment.gov.za](mailto:Directorcompliance@environment.gov.za).
22. 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 GN R982 of 04 December 2014, as amended.
23. The holder of the authorisation must, in addition, submit an 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.
24. 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.
25. 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**

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



### **Operation of the activity**

27. 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.

### **Site closure and decommissioning**

28. 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**

#### Conditions for Non-operational aspects

29. No activities will be allowed to encroach into a water resource without a water use authorisation being in place from the Department of Water and Sanitation.
30. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
31. Vegetation clearing must be kept to within the approved corridor of 50m and between 10-15m in sensitive areas (i.e. protected areas; critical biodiversity areas and watercourses).
32. Construction must include design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off.
33. 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).

### **General**

34. A copy of this Environmental Authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 34.1. at the site of the authorised activity;
- 34.2. to anyone on request; and

34.3. where the holder of the Environmental Authorisation has a website, on such publicly accessible website.

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 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: 04/04/2019



Mr Sabelo Malaza

**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 27 November 2018;
- b) The comments received from the interested and affected parties as included in the BAR dated 27 November 2018;
- c) Mitigation measures as proposed in the BAR dated 27 November 2018 and the EMPr;
- d) The information contained in the specialist studies contained within Appendix C of the BAR; and
- e) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act No.107 of 1998, as amended.

### 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 is to assist in fulfilling the constitutional mandate of a number of national and provincial governmental departments as well as the mandate of the SANDF in securing South Africa's borders, to protect its citizens and to prevent the spread of disease as well as the illegal movement of goods and people.
- c) The BAR dated 27 November 2018 identified all legislation and guidelines that have been considered in the preparation of the BAR dated 27 November 2018.
- d) The methodology used in assessing the potential impacts identified in the BAR dated 27 November 2018 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 BAR dated 27 November 2018 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 27 November 2018 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 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, Act No. 107 of 1998, as amended, 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 3: Coordinates

PHASE 2 CORRIDOR	LATITUDE	LONGITUDE
End of Corridor (KM57.5) – Usuthu River (Ndumo)	26°51'49.95"S	32°19'53.43"E
North-eastern End of Corridor (KM54.4) (Ndumo Boundary)	26°51'50.50"S	32°20'56.18"E
Bend Point (eastern Ndumo Boundary)	26°52'2.00"S	32°20'57.90"E
Bend Point (eastern Ndumo Boundary)	26°52'33.71"S	32°20'57.63"E
Bend Point (eastern Ndumo Boundary)	26°52'45.29"S	32°20'48.63"E
Bend Point (Ndumo south-eastern boundary)	26°56'10.94"S	32°20'43.25"E
Bend Point (Ndumo south-western boundary)	26°52'51.90"S	32° 9'26.27"E
End of Corridor (D1841)	26°52'50.13"S	32° 9'20.21"E
Start of Detour (Path) around kuFuntani Pan	26°51'48.34"S	32° 9'32.31"E
End of Detour (Path) around kuFuntani Pan	26°51'38.38"S	32° 9'33.07"E
Start of Path on Ndumo /Usuthu Gorge Boundary	26°51'36.86"S	32° 9'33.08"E
End of Corridor (KM78.2) (Usuthu River)	26°51'29.85"S	32° 9'33.98"E
End of Corridor (KM83) (western end of Footpath – Usuthu Gorge)	26°50'27.94"S	32° 7'18.96"E
Northern end of Corridor (KM97.5) – Usuthu River	26°48'37.68"S	32° 0'39.61"E
Bend Point (KM99) (Lubombo Mountains)	26°49'21.00"S	32° 0'55.31"E
Bend Point (KM100) (Lubombo Mountains)	26°49'53.58"S	32° 0'44.34"E
Bend Point (KM110) (Lubombo Mountains)	26°55'15.53"S	31°59'52.45"E
Bend Point (KM112) (Lubombo Mountains)	26°56'18.80"S	32° 0'2.39"E
Start of Detour Road (KM129.5) (Lubombo Mountains)	27° 5'39.26"S	31°58'47.80"E
End of Detour Road (Lubombo Mountains)	27° 6'8.09"S	31°58'45.18"E
Bend Point (KM133.8) (Lubombo Mountains)	27° 7'53.61"S	31°58'33.38"E
Bend Point (KM135.7) (Lubombo Mountains)	27° 8'56.66"S	31°58'27.05"E
Bend Point (KM153.5) (Lubombo Mountains)	27°18'35.62"S	31°58'31.06"E
Bend Point (KM154) (Lubombo Mountains)	27°18'48.81"S	31°58'34.42"E
Bend Point (KM154.5) – South-eastern border of Swaziland	27°19'3.14"S	31°58'44.27"E
End of Corridor (KM157) – eastern side of Jozini Dam	27°19'2.82"S	31°57'8.30"E
End of Corridor (KM158.5) – western side of Jozini Dam	27°19'2.83"S	31°56'15.89"E

End of Detour (Railway at Golela)	27°19'9.20"S	31°53'16.17"E
Start of Detour (KM164) (Railway Service Road at Golela)	27°19'3.76"S	31°52'54.87"E
End of Detour (Railway Service Road at Golela)	27°19'31.25"S	31°52'36.08"E
Start of Detour (KM168.5) (Phonglo NR wrn boundary)	27°19'2.25"S	31°50'8.30"E
End of Detour (Phonglo NR wrn boundary)	27°20'27.16"S	31°50'30.93"E
Start of Detour (KM171.4)	27°19'1.86"S	31°48'25.10"E
End of Detour (KM172.6)	27°19'1.82"S	31°47'41.18"E
Start of Detour (KM175.4)	27°19'1.80"S	31°46'1.68"E
End of Detour (KM176.3)	27°19'1.60"S	31°45'28.79"E
Start of Detour (KM176.3)	27°19'1.60"S	31°45'28.79"E
End of Detour (KM176.8)	27°19'1.58"S	31°45'11.17"E
Start of Detour (KM194)	27°18'57.76"S	31°34'44.80"E
End of Detour (KM199.3)	27°18'57.44"S	31°31'30.96"E
Start of Detour (KM199.3)	27°18'57.44"S	31°31'30.96"E
End of Detour (KM199.9)	27°18'57.29"S	31°31'7.55"E
Corridor – KM200	27°18'56.35"S	31°31'4.32"E
Start of Detour	27°18'56.32"S	31°30'0.41"E
Corridor Bend Point	27°18'55.82"S	31°29'34.93"E
End of Detour	27°18'45.81"S	31°29'4.47"E
Start of Detour	27°18'42.69"S	31°28'52.75"E
End of Detour	27°18'32.62"S	31°28'22.05"E
Start of Detour	27°18'25.33"S	31°28'0.45"E
End of Detour	27°18'16.66"S	31°27'34.24"E
<b>Start of Detour (KM206)</b>	<b>27°18'13.85"S</b>	<b>27°18'13.85"S</b>
End of Detour (KM208.5)	27°17'47.78"S	31°26'6.01"E
Start of Detour (KM221.6)	27°17'13.96"S	31°24'23.89"E
End of Detour (KM212.5)	27°17'3.58"S	31°23'51.62"E
Start of Detour (KM214.8)	27°16'37.68"S	31°22'33.06"E
End point of Detour	27°16'25.53"S	31°21'6.12"E
End of Detour (KM216.8)	27°16'15.48"S	31°21'27.39"E

Start of Detour (KM218)	27°16'1.81"S	31°20'44.53"E
End point of Detour	27°16'13.63"S	31°20'29.64"E
Start of Detour (KM238.2)	27°12'13.75"S	31°9'17.28"E
End of Detour (KM239.1)	27°11'58.04"S	31°8'52.58"E
Start of Detour (KM240.8)	27°11'14.89"S	31°8'17.45"E
End of Detour (KM242.6)	27°10'27.02"S	31°7'36.52"E
Start of Detour (KM243)	27°10'17.68"S	31°7'28.98"E
End of Detour (KM243.9)	27°9'53.59"S	31°7'7.50"E
Corridor – KM250	27°7'14.91"S	31°4'54.25"E
Start of Detour (KM251.8)	27°6'33.28"S	31°4'17.73"E
End Point of Detour (Mahamba BP)	27°6'17.32"S	31°3'47.52"E
End Point of Detour	27°6'15.43"S	31°3'32.46"E
Start of Detour (KM255)	27°5'15.91"S	31° 2'54.40"E
Start of Detour (KM258)	27°4'12.86"S	31°1'27.20"E
End of Detour (KM259.2)	27°3'46.54"S	31°0'55.33"E
Bend Point (KM263.5)	27°2'12.44"S	30°59'4.13"E
Bend Point (KM269)	26°59'32.14"S	30°57'28.42"E
Start of Detour (KM270.9)	26°58'39.17"S	30°57'56.94"E
End of Detour (KM271.3)	26°58'22.00"S	30°58'6.85"E
Bend Point (KM272.7)	26°57'51.83"S	30°58'23.43"E
Bend Point (KM274)	26°57'4.71"S	30°58'35.25"E
Bend Point (KM277.4)	26°55'17.24"S	30°58'35.70"E
Start of Section along River (KM278.9)	26°54'30.92"S	30°58'22.92"E
Start of Detour (KM285.7)	26°52'19.14"S	30°55'22.91"E
End of Detour (KM286)	26°52'10.14"S	30°55'11.86"E
End of Section along River (KM288.4)	26°51'9.71"S	30°54'9.24"E
Start of Detour (KM288.4)	26°51'9.71"S	30°54'9.24"E
End of Detour (KM289.5)	26°50'43.11"S	30°54'3.37"E
Bend Point (KM294.7)	26°48'10.25"S	30°53'34.42"E
Start of Detour (KM294.7) ("Spear")	26°48'10.25"S	30°53'34.42"E
Start of Detour (KM298.3) ("Spear")	26°48'15.52"S	30°53'17.42"E
Corridor (KM300)	26°48'35.59"S	30°52'25.55"E

Bend Point (Assegai Point) (KM307.8)	26°50'41.36"S	30°48'47.13"E
Start of Detour (KM308.9)	26°50'10.34"S	30°48'29.44"E
End of Detour (KM309.5)	26°49'35.19"S	30°48'11.01"E
Start of Detour (KM308.9)	26°49'27.71"S	30°48'7.64"E
End of Detour (KM310.1)	26°49'1.01"S	30°48'5.09"E
Start of Detour (KM311.9)	26°48'38.77"S	30°48'2.66"E
End of Detour (KM312.2)	26°48'23.97"S	30°47'59.95"E
Start of Detour (KM313)	26°48'2.15"S	30°47'57.66"E
End of Detour (KM319.1)	26°44'42.41"S	30°47'36.81"E
Start of Detour (KM319.3)	26°44'33.67"S	30°47'36.05"E
End of Detour (KM320)	26°44'11.49"S	30°47'33.70"E
Start of Detour (KM332.1)	26°37'41.71"S	30°47'26.89"E
End of Detour (KM333)	26°37'14.83"S	30°47'27.00"E
Start of Detour (KM338.4) (Nerston BP)	26°34'18.72"S	30°47'27.57"E
End of Detour (KM338.7) (Nerston BP)	26°34'7.45"S	30°47'28.07"E
Start of Detour (KM348.3)	26°28'53.91"S	30°48'8.76"E
End point of Detour	26°27'51.01"S	30°48'11.65"E
Bend Point (KM350)	26°28'1.32"S	30°48'17.32"E
Start of Detour (KM350.3)	26°27'52.58"S	30°48'20.11"E
End of Detour (KM350.8)	26°27'36.70"S	30°48'27.31"E
Start of Detour (KM351.8)	26°27'8.14"S	30°48'39.69"E
End point of Detour	26°26'30.14"S	30°48'38.90"E
Start of Detour (KM351.5)	26°26'14.65"S	30°49'4.87"E
End point of Detour	26°26'13.49"S	30°48'46.54"E
Start of Detour (KM354.2)	26°25'56.15"S	30°49'14.23"E
End point of Detour	26°25'46.10"S	30°48'59.55"E
Start of Detour (KM355.1)	26°25'27.29"S	30°49'27.21"E
End point of Detour	26°25'7.12"S	30°49'18.01"E
Bend Point (KM2356.7)	26°24'39.99"S	30°49'51.16"E
Start of Detour (KM360.7)	26°23'9.95"S	30°51'17.38"E
End of Detour (KM361)	26°22'53.29"S	30°51'31.32"E
Start of Detour (KM361.3)	26°22'44.20"S	30°51'36.10"E

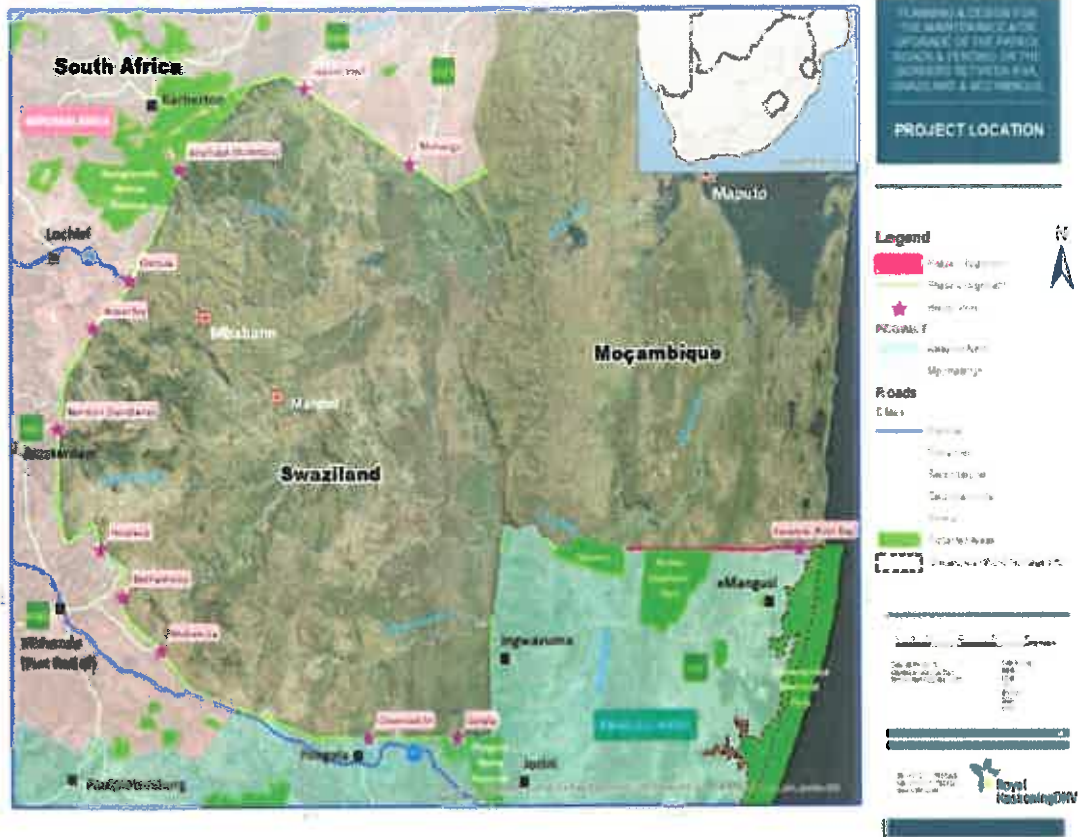
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End of Detour (KM362.3)	26°22'16.68"S	30°51'50.60"E
End point of Corridor	26°19'35.23"S	30°53'7.98"E
Bend Point (KM368.5)	26°19'15.95"S	30°53'30.13"E
Start Point of Corridor (KM369.8)	26°18'47.64"S	30°54'1.66"E
Start of Detour (KM370.1)	26°18'38.19"S	30°54'12.18"E
End of Detour (KM370.4)	26°18'31.91"S	30°54'19.62"E
Start of Detour (KM377.7)	26°15'48.65"S	30°57'30.21"E
Bend Point (KM378.1)	26°15'42.22"S	30°57'40.19"E
End of Detour (KM378.8)	26°15'23.42"S	30°57'49.46"E
Start of Detour (KM381.5) (Oshoek)	26°13'49.93"S	30°58'43.06"E
End of Detour (KM384.5) (Oshoek)	26°12'37.76"S	30°59'23.41"E
Start of Detour (KM384.8)	26°12'25.51"S	30°59'29.69"E
End of Detour (KM385.7)	26°12'0.62"S	30°59'44.84"E
Start of Detour (KM387.1)	26°11'16.69"S	31° 0'8.94"E
End point of Detour	26°11'4.47"S	30°59'48.66"E
Start of Detour (KM389.5)	26°10'8.98"S	31° 0'43.97"E
End point of Detour	26° 9'45.70"S	31° 0'14.66"E
Start of Detour (KM390.4)	26° 9'48.30"S	31° 0'58.95"E
End of Detour (KM393.6)	26° 8'14.06"S	31° 1'52.15"E
<b>Corridor (KM400)</b>	<b>31° 1'52.15"E</b>	<b>31° 3'38.78"E</b>
Start of Detour (KM405.7)	26° 2'17.80"S	31° 5'0.32"E
End Point of Detour	26° 2'3.58"S	31° 4'28.78"E
Bend Point (KM409.3)	26° 0'31.00"S	31° 5'57.65"E
Bend Point (KM416.6)	25°56'50.29"S	31° 7'15.77"E
Bend Point (KM419.5)	25°55'16.72"S	31° 7'35.70"E
Bend Point (KM438.1)	25°48'31.49"S	31°15'52.12"E
Start of Detour (KM442.5)	25°46'33.81"S	31°17'23.09"E
End of Detour (KM445.1)	25°45'25.82"S	31°18'16.15"E
Start of Detour (KM442.5)	25°44'56.29"S	31°18'38.66"E
Bend Point (KM447)	25°44'35.14"S	31°18'55.92"E
End of Detour (KM447.7)	25°44'27.93"S	31°19'23.14"E
Corridor (KM450)	25°44'8.34"S	31°20'40.86"E

Start of Detour (KM450.3)	25°44'2.64"S	31°21'2.28"E
End of Detour (KM552.8)	25°43'51.07"S	31°21'44.60"E
Bend Point (KM457.4)	25°43'5.02"S	31°24'55.03"E
Start of Detour (KM458.9)	25°43'33.06"S	31°25'42.85"E
End of Detour (KM459.9)	25°43'53.07"S	31°26'13.05"E
Start of Detour (KM464.5) (Jeppes Reef)	25°44'56.22"S	31°27'56.61"E
End of Detour (KM464) (Jeppes Reef)	25°45'5.95"S	31°28'12.26"E
End Point of Corridor (Western side of Driekoppies Dam)	25°45'38.42"S	31°29'2.66"E
End Point of Corridor (Eastern side of Driekoppies Dam)	25°45'54.05"S	31°29'27.78"E
Start of Detour (KM482)	25°50'37.85"S	31°37'5.49"E
End of Detour (KM484.2)	25°51'19.42"S	31°38'12.92"E
Corridor (KM500)	25°56'10.03"S	31°45'59.27"E
Bend Point (KM512.5)	25°59'57.41"S	31°52'6.95"E
Start of Detour (KM516.6)	25°58'56.38"S	31°54'23.10"E
End of Detour (KM518)	25°58'37.81"S	31°55'5.57"E
Start of Detour (KM518.4)	25°58'32.03"S	31°55'18.87"E
End of Detour (KM518.9)	25°58'25.63"S	31°55'34.51"E
Start of Detour (KM519.1)	25°58'22.45"S	31°55'41.84"E
End Point of Detour	25°57'52.54"S	31°55'25.97"E
Start of Detour (KM521.2)	25°57'49.29"S	31°56'56.17"E
End Point of Detour	25°56'54.69"S	31°57'12.84"E
Start of Detour (KM523.5)	25°57'19.94"S	31°58'2.98"E
End Point of Detour	25°57'19.66"S	31°57'51.37"E
End of Corridor (KM524.3) (SA-MozSwaziland)	25°57'9.24"S	31°58'30.58"E

### Annexure 3: Locality Plan



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