

MPUMALANGA PROVINCIAL GOVERNMENT

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Department of Economic Development, Environment and Tourism

Tithele E-ekonomi, Umngango Wezoku Huthukiswa
Kwezemotfo, Simondzvo nelekuValasha

Umngango Wezoku Huthukiswa
KoMhobho, iRhoduluko nezanaVakajho

Departement van E-ontwikkeling
Omwakkeling, Omgewing en Toerisme

Enquiries : Okwethu-kuhle Fakude
Telephone : 013 692 5806
Reference no. : 17/2/3N-187
NEAS ref no. : MPP/EIA/0000480/2012

Mr. S. Khumalo
Emakhazeni Local Municipality
P.O Box 17
Belfast
1100

Fax : (013) 253 2440
Email : khumalos@emakhazenilm.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE PROPOSED UPGRADE AND RE-ALIGNMENT OF THE SIYATHUTHUKA ROAD AND THE UPGRADING OF TWO EXISTING CULVERTS IN BELFAST, EMAKHAZENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of this letter, of the Department's decision in respect of your application. Such notification must comply with the requirements of Regulations 10(2)(a)-(d) and must draw the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010.

Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 20 days of the date of this letter, by means of one of the following methods:

By facsimile: (013) 766 4614

By post: Private Bag x 11215
Nelspruit
1200

By hand: Building 4, No. 7 Government Boulevard,
Riverside Park Extension
Nelspruit
1200




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Should you decide to appeal, you must serve a copy of your 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.

Yours sincerely


MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 16-04-13

cc: Ms. Vanessa Brueton
NEMAI Consulting.
Fax no: 011 781 1731
Email: VanessaB@nemai.co.za

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Department of Economic Development, Environment and Tourism

Itimba Letekolofutakiswa
Kwetenimotfo, Simondzvo netekiValakasa

Umgango WezokuThuthukiswa
KoMhotho, iBhoduluko nezamaValakajho


Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Environmental Authorisation

Application number: 17/2/3N-187

Holder of Authorisation: EMAKHAZENI LOCAL MUNICIPALITY

NEAS reference number: MPP/EIA/0000480/2012

Location of activity: PORTION OF THE FARM TWEEFONTEIN 357 JT. 



1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2006, the Department hereby authorises:

Emakhazeni Local Municipality
P.O Box 17
Belfast
1100

Attention: Mr. S. Khumalo
Fax no : 013 253 2440
Tel no : 013 253 1121
Email : khumalos@emakhazenilm.co.za

To undertake the following activities (hereafter referred to as "the activity"): The proposed Upgrade and Re-alignment of the Siyathuthuka Road (including two culverts) in Belfast, Emakhazeni Local Municipality, Mpumalanga Province at the following co-ordinates

- Co-ordinates of Culvert 1 - 25° 674732'S and 30° 014672'E
- Co-ordinates of Culvert 2 - 25° 680037'S and 30° 021848'E. (Activity 40 of Government Notice R544 of 18 June 2010).-

The granting of this environmental authorisation is subject to the conditions set out below.

3. Conditions of Authorisation

Scope of authorisation

- 3.1 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.
- 3.2 The holder of the authorisation must ensure compliance with these conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 3.3 The activity which is authorised may only be carried out at the property indicated above.
- 3.4 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.
- 3.5 In the event that the impacts exceed the significance as predicted in the environmental impact report, authorisation may be withdrawn after proper procedures have been followed.
- 3.6 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.7 The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.



- 3.8 This activity must commence within a period of three (3) years from the date of issue. 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.
- 3.9 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 3.10 This authorisation does not negate the holder of the authorization, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Appeal of authorisation

- 3.2 The holder of the authorisation must notify every registered interested and affected party, in writing and within twelve (12) days of the date of this decision, of the outcome of the application.
- 3.3 The notification referred to above, must –
- Specify the date on which the authorisation was issued;
 - Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations; and
 - Advise the interested and affected party to the manner in which the decision can be accessed;
 - Be published in the newspaper contemplated in Regulation 54(2) (c) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management and monitoring of the activity

- 3.4 The Environmental Management Programme (EMPr) dated 06th February 2013 and submitted as part of the environmental impact report is hereby approved and must be implemented and adhered into throughout the lifecycle of the activity.
- 3.5 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental auditor 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 conditions of this authorisation as well as the requirements of the EMPr.
- 3.6 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.

Commissioning and operation of the activity

- 3.7 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation
- 3.8 The EMP, EA, complaints and accident registers must be readily accessible on site at all times.
- 3.9 A construction camp and construction site must be fenced and access must be controlled, a construction camp must be located in an area where sensitive environmental features will not be impacted.
- 3.10 Movement of all vehicles must be controlled, such that they remain on designated routes and comply with relevant agreements.
- 3.11 The contractor must ensure that noise levels are not excessively increased and that noise activities be limited to daytime periods where noise disturbance is less offensive
- 3.12 Clearing activities must be restricted to the construction footprint.
- 3.13 The project manager is responsible for overseeing that environmental compliance and monitoring is performed, and must undertake all correspondence with the relevant authorities.



- 3.14 All workers must be supplied with the required Personal Protective Equipment as per Occupational Health and Safety Act (Act No. 85 of 1993).
- 3.15 Disturbance to protected species outside the construction footprint is not be allowed.
- 3.16 Open uncontrolled fires must be forbidden at the camp.
- 3.17 Access roads must be capable of accommodating the type of vehicles and/or mechanical plant using the routes.
- 3.18 Wind and water erosion-control measures must be implemented to prevent the loss of topsoil.
- 3.19 The storage and use of hazardous material must be strictly controlled to prevent environmental contamination and the staff that will be handling the hazardous materials must be trained to do so.
- 3.20 All storage tanks containing hazardous materials must be placed in bunded areas with impermeable surfaces.
- 3.21 Maintenance of equipment and vehicles must be performed in such a manner so as to avoid any environmental contamination.
- 3.22 Machine/vehicle operators must be informed to remain within demarcated access routes and construction areas.
- 3.23 Sufficient ablution facilities must be provided at the construction camps and along construction sites, which conform to all relevant health and safety standards and codes.
- 3.24 The contractor must ensure that no spillage occurs when the toilets are cleaned or emptied and that a licenced service provider removes the contents from site. Disposal of such waste is only acceptable at a licenced waste disposal facility.
- 3.25 Waste skips must be provided on site. These skips must be sufficient in number, the skip storage area must be kept clean, skips must be emptied and replaced before overflowing or spillages occur.
- 3.26 All lighting installed on site must not interfere with road traffic or lead to unacceptable light pollution to the surrounding community and natural environment.
- 3.27 All visible remains of excess concrete must be physically removed on completion of the plastering or concrete pouring and disposed off in an acceptable manner.
- 3.28 Trucks must travel at a minimum speed to avoid unnecessary killings of animals found on site and construction workers must be educated with regards to littering and poaching.
- 3.29 If archeological, geological feature or other distinguishable area of disturbance is observed on the site, the said object or area must not be removed or tampered with and the relevant heritage resources agency (SAHRA) must be informed about the finding.

General

- 3.30 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation 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.
- 3.31 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.
- 3.32 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.

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3.33 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.

ENVIRONMENTAL AUTHORISATION APPROVED


MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 16.04.13



Annexure 1: Reasons for the Decision

1. Background

The applicant, Emakhazeni Local Municipality applied for authorisation to carry out the following activities (hereafter referred to as "the activity")

The proposed Upgrade and Re-alignment of the Siyathuthuka Road (including two culverts) in Belfast, Emakhazeni Local Municipality, Mpumalanga Province at the following co-ordinates

- Co-ordinates of Culvert 1 - 25° 6'47.32'S and 30° 0'14.672'E
- Co-ordinates of Culvert 2 - 25° 6'80.037'S and 30° 0'21.848'E. (Activity 40 of Government Notice R544 of 18 June 2010).

- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

NEMAI Consulting,
PO Box 1673
Sunninghill
Johannesburg
2157

Contact person: Ms. Vanessa Brueton
Tel : 011 781 1730
Fax : 011 781 1731
Email : VanessaB@nemai.co.za

2. Information considered in making the decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the Basic Assessment Report and the EMPr.
- b) The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- c) The findings of the site visit undertaken by Musa Mondlane on 24th January 2013.

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) Need and desirability of the project.

4. Findings

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

- a) There were no signs of culturally or historically significant elements including archaeological or paleontological sites observed during the site visit.
- b) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the Basic Assessment report and conditions of this environmental authorisation be implemented and adhered to.
- c) No protected plant species were observed during the site visit.

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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 as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. Authorisation is accordingly granted.