



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE HEAD OF DEPARTMENT (HOD)
Diamond Building, 11 Diagonal Street, Newtown
P.O. Box 8769, Johannesburg, 2000
Tel: 011 240 2500
Fax: 011 240 2700

Reference: Gaut 002/14-15/0188
Enquiries: Xoliswa Bobelo
Telephone: 011 240 3391
Email: Xoliswa.Bobelo@gauteng.gov.za

BY FACSIMILE: 011 355 7235
BY EMAIL: Kumen.Govender@gauteng.gov.za

Gauteng Province Department of Roads and Transport
Private Bag X 83
MARSHALLTOWN
2107

Telephone No.: 011 355 7050

Dear Mr. K. Govender

ENVIRONMENTAL AUTHORISATION GRANTED: THE PROPOSED DETAILED DESIGN AND CONSTRUCTION OF ROAD K77 TO BE LOCATED BETWEEN ELIZABETH ROAD AND THE R550 (K154), MIDVAAL LOCAL MUNICIPALITY

With reference to the above-mentioned application, please be advised that the Department has decided to grant Environmental Authorisation. The Environmental Authorisation (EA) and reasons for the decision are attached herewith, as Annexure 1.

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 **twelve (12) days** of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Regulations.

Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 which regulates the appeal process. Should you wish to appeal any aspect of the decision, you must within **twenty (20) days** of the date of notification of the decision, submit your appeal including supporting documents to the appeal administrator by any of the following means:

Postal Address:

The Appeals Administrator
Department of Agriculture and Rural Development
P.O. Box 8769
JOHANNESBURG
2000

GDARD
Office of the HOD
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Physical Address:

The Appeals Administrator
Department of Agriculture and Rural Development
11 Diagonal Street
Diamond Building, 4th Floor, Newtown
JOHANNESBURG
2000

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Fax No: 011 240 3158/2700

Email Address: appeals@gauteng.gov.za

Your appeal must be submitted in the prescribed appeal form obtainable from the appeal administrator, Ms Tsholofelo Mere at telephone number 011 240 3204 or email address Tsholofelo.mere@gauteng.gov.za. The appeal form is also available from our website: www.gdard.gpg.gov.za. Should you have queries or require additional information regarding the appeal process, you can contact the appeal administrator on any of the mentioned contact details.

Yours faithfully



MS THANDEKA MBASSA
HEAD OF DEPARTMENT
DATE: 10/02/17



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: Gaut: 002/14-15/0188

Last amended: Not Applicable

Holder of Environmental Authorisation: Gauteng Province Department of Roads and Transport
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Location of activity: Located between Elizabeth Road and the K154, Midvaal Local Municipality

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 activities specified below:

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2014, the Department hereby authorises **Gauteng Province Department of Roads and Transport** with the following contact details:

Gauteng Province Department of Roads and Transport
Private Bag X 83
MARSHALLTOWN
2107

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Office of the HOD

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Telephone No.: 011 355 7050

to undertake the following activity (hereafter referred to as "the activities") listed as Activities 11 (i) (ii) (iii) (xi) and 18 (i) in Listing Notice No. 1 (GN R. 544); Activity 18 (ii) (iii) (iv) in Listing Notice No. 2 (GN R. 545); and Activities 16 (iv) (b) (v) and 13 (2) (d) (v) in Listing Notice No. 3 (GN R. 546) of the Environmental Impact Assessment Regulations, 2010, promulgated in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998, as amended) at the location stated below:

Coordinates of all proposed sites	
Starting Point	26.44234S 28.02887E
Middle Point	26.43244S 28.04745E
End Point	26.41554S 28.05676E

for the proposed detailed design and construction of road K77 to be located between Elizabeth Road and the R550 (K154) which falls within the jurisdiction of Midvaal Local Municipality.

The granting of this Environmental Authorisation is subject to the conditions set out below.

3. Conditions

3.1 Specific conditions

- Environmental Authorisation is granted for the preferred alternative route "the proposal" indicated as **Plan No. GRP 14/46/01 DKp** in the final Environmental Impact Assessment Report received by the Department on 16 November 2016 which extent over a distance of approximately 4.3 kilometers.
- The boundaries of the development footprint must be clearly defined and all activities must remain within defined footprint area.
- Disturbance to any sensitive area including watercourse during construction must be minimised, and mitigation and rehabilitation measures presented in the Terrestrial Scan and Wetland Ecological Assessment Report dated July 2015 prepared by Scientific Aquatic Services must be adhered to ensure that the ecology within the proposed construction areas as well as surrounding zone of influence is protected and adequately rehabilitated.
- Prior to construction of the proposed activity, fences must be erected to prevent access and damage to any sensitive area identified in a sensitivity mapping exercise.
- Any fauna and plant species of conservation importance encountered on areas designated for construction must be rescued in compliance with GDARD requirements. The GDARD's Biodiversity Unit must be contacted for assistance on the rescue process. An email entitled

"request for rescue operation" must be sent to calvin.jonhasi@gauteng.gov.za a minimum of six weeks prior to site clearance. The following documents must be attached to the email: (1) A scanned version of the Environmental Authorisation, (2) a map clearly showing the location of the site, (3) a plant species list for the site, (4) the site layout plan, clearly indicating which areas are to be retained as natural open space. The email should also indicate (1) the size of the site, (2) the contact details (telephone, fax and email) of the environmental control officer, who must make themselves available during the rescue operations and (3) the contact details (telephone, fax and email) of the project proponent and/or landowner.

- f. Appropriate road design and traffic control measures must be implemented to reduce air pollution and animal mortality.
- g. All stormwater structures must be designed so as to block amphibian and reptile access to the road surface.
- h. Where the proposed K77 road traverses the river or watercourse, an underpass must be provided for the movement of aquatic as well as terrestrial species through the inclusion of appropriate buffer zone of 100m within the underpass.
- i. Should any heritage resources of any nature be uncovered during construction development must stop, SAHRA and/ or professional Heritage Specialists must be contacted immediately for investigations.
- j. All waste streams to be generated must be managed in accordance with the hierarchy of waste management principles and disposal at a licensed landfill site must be the last option.
- k. All permits or licenses required for any of the proposed and associated activities must be obtained from the relevant authorities (i.e. Local Authority, DWS, etc.).
- l. The proposed activity must comply with the Occupational Health and Safety Act (Act No. 85 of 1993) and sound Occupational Hygiene Procedures implemented and improved upon.
- m. Post development rehabilitation must make use of species which are indigenous to the area.

3.2 Management of the activity

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The commitment and recommendations in all submitted documentation, including the Environmental Management Programme (EMPr) are an extension of this Environmental Authorisation and are binding to all contractors and operators on site and must be implemented.

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3.3 Recording and reporting to the Department

- a. The holder of the Environmental Authorisation must adhere to all requirements or conditions of the permit (s) or license (s) obtained from relevant authorities for the proposed facilities.
- b. This Department and the Department of Water and Sanitation (DWS) must be informed of any environmental and pollution incidents relating to the proposed activities within **twenty four (24) hours** of such incidents occurring.
- c. The applicant must notify the Department within **twenty four (24) hours** if any condition of this Environmental Authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance and proposed remedial steps.

3.4 Construction and Commissioning of the activity

- a. **Thirty (30) days** written notice must be given to the Department before commencement of the activity. Commencement for the purposes of this condition includes site preparation. The notice must include the date on which it is anticipated that the activity will commence.
- b. Prevention of erosion or leaching of water from stockpiles must be maintained during the construction phase.
- c. All fuel and lubricants or hazardous substances to be used during construction activities must be stored in a bunded area in accordance with applicable standards. The storage and handling facilities must also comply with all regulations governing the storage and handling of those materials.
- d. If any soil contamination is noted during the construction phase of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to a satisfactory level. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this Department must be informed in this regard.

- e. Soil control measures during construction phase must be put in place to prevent run off, soil erosion and the resulting wash down into any watercourse.
- f. Dust mitigation measures must be implemented throughout the construction phase.
- g. No stockpile material must be stored or placed within any drainage line on site.
- h. No unauthorised access must be allowed on site during the construction phase. Appropriate notification signs must be erected, warning the residents, visitors and road users about the hazard around the construction site and the presence of heavy vehicles.
- i. It must be mandatory for all personnel and construction team members to wear appropriate Personal Protective Equipment (PPE).
- j. Personnel must be trained in firefighting and risk management measures.
- k. An Environmental Control Officer (ECO) must be appointed/designated to ensure that regular inspections are performed during the construction phase to ensure the implementation of mitigation measures. Furthermore, an ECO must monitor the applicant's compliance with all the conditions of this Environmental Authorisation.

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3.5 General Conditions

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- a. Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which conditions form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.
- b. The holder of the Environmental Authorisation shall be responsible for ensuring compliance with the 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 Environmental Authorisation.
- c. A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental 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 Environmental Authorisation who works or undertakes work at the property.
- d. The activity which is authorised may only be carried out at the property indicated above.
- e. Any changes to, or deviations from, the activities description set out in this Environmental Authorisation must be approved, 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 Environmental Authorisation to apply for further authorisation in terms of the Environmental Impact Assessment Regulations, 2014.
- f. 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 apply to the Department as soon as the new details become known to the applicant.
- g. This activity must commence within a period of **ten (10) years** from the date of issuing. If commencement of the activity does not occur within that period, the Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activities to be undertaken.
- h. The holder of the Environmental Authorisation must notify the Department, in writing and within **twenty four (24) hours**, if conditions of this Environmental Authorisation cannot be or is not adhered to. In all other cases, the holder of the Environmental Authorisation must notify the Department, in writing, within **seven (7) days** if a condition of this Environmental Authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- i. This Environmental Authorisation does not negate the holder of the authorization's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of this activity.
- j. 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 (Act No. 107 of 1998, as amended) and the Regulations.

4 Appeal of authorisation

- 4.1** The holder of the Environmental Authorisation must notify all registered interested and affected party, in writing and within **fourteen (14) days** of receiving notice of the Department's decision to authorize the activity.
- 4.2** The notification referred to above must –
- a) specify the date on which the authorisation Environmental Authorisation was issued;
 - b) advise the interested and affected party that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.

Date of Environmental Authorisation: 10/02/17

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Annexure 1: Reasons for Decision

1. Background

The applicant, **Gauteng Province Department of Roads and Transport**, applied for the Environmental Authorisation for the proposed detailed design and construction of road K77 to be located between Elizabeth Road and the R550 (K154), Midvaal Local Municipality.

The applicant appointed **SPOOR Environmental Services (Pty) Ltd.** to undertake the Environmental Impact Assessment process.

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2. Information considered in making the decision

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

- a. The information contained in application form, and the final Environmental Impact Assessment Report (EIAR) dated 15 November 2016 and received by the Department on 16 November 2016.
- b. Relevant information contained in the Departmental information database including Geographic Information Systems (GIS), Conservation Plan Version 3.3., and Gauteng Provincial Environmental Management Framework (GPEMF), 2015.
- c. 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 are set out below:

- a. The greater portion of the proposed route falls within a sensitive area according to the Geographic Information System (GIS). The proposed development is a linear activity and the impact will be minimal and well managed in the sensitive environment.
- b. Suitability of the proposed activities within the existing Environmental Management Zone.
- c. Public participation process was conducted according to the EIA Regulations 2014 requirements.

4. Findings

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

- a. The Terrestrial Scan and Wetland Ecological Assessment Report dated July 2015 prepared by Scientific Aquatic Services provide recommendations regarding mitigation and management measures to ensure the ecology within the proposed construction areas as well as surrounding zone of influence is protected and adequately rehabilitated in order to minimise the deviations from the Present Ecological State (PES).
- b. In terms of GPEMF, the greater portion of the site is dominated by urban development zone with the intention to streamline urban development activities and to promote development infill, densification and concentration of urban development within the urban development zones as defined in the Gauteng Spatial Development Framework (GSDF) 2015, whereas the other portions of the proposed route is affected by sensitive areas within the urban development zone, hence the proposal is both compatible and conditionally compatible within the existing Environmental Management Zones.
- c. Public participation process undertaken in accordance with the requirements of the regulations in that the site notices were placed on strategic locations and the newspaper advert was placed in

the Citizen on 13 January 2015, and the public was given the opportunity to raise issues of concern.

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 3 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 Environmental Authorisation to undertake the activity is **accordingly granted**.

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