



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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

Upgrade of route R61 Section 2: Draairivier (km29.4) to Elinus farm (km 42.2), Inxuba Yethemba

Local Municipality, Eastern Cape Province

Chris Hani District Municipality

Authorisation register number:	12/12/20/2360
NEAS reference number:	DEA/EIA/0000430/2012
Last amended:	First issue
Holder of authorisation:	SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED
Location of activity:	EASTERN CAPE PROVINCE: Within the Inxuba Yethemba Local Municipality

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.

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 authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

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 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED

with the following contact details –

Mr. Clive Arries

South African National Roads Agency SOC Limited

P.O. Box 27230

GREENACRES

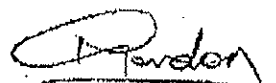
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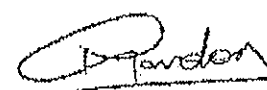
to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1 and 3 (GN R. 544 & 546):

Listed activities	Activity/Project description
<p><u>GN R. 544 Item 11:</u></p> <p>The construction of:</p> <p>(iii) Bridges;</p> <p>where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>Construction of 5 bridges.</p> <p>Construction in the river bed will be required.</p>
<p><u>GN R. 544 Item 18:</u></p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, pebbles or rock from</p> <p>(i) a watercourse.</p>	<p>The widening and construction of the five bridges will result in the moving of soil within the affected watercourses.</p>
<p><u>GN R. 544 Item 39:</u></p> <p>The expansion of</p> <p>(iii) Bridges</p> <p>Within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, but excluding such expansion that will occur behind the development setback lines.</p>	<p>The widening and construction of the five bridges. Construction in the river bed will be required.</p>
<p><u>GN R. 544 Item 47:</u></p> <p>the widening of a road by 6m or the lengthening of a road by more than 1 km</p> <p>(i) where the existing reserve is wider than 13.5 metres ;</p> <p>excluding widening or lengthening occurring inside urban areas</p> <p>all watercourses outside urban areas.</p>	<p>Rehabilitation and widening of approximately 13km of the existing R61 Section 2 between Draairivier (km 29.4) and Elinus farm (km42.2).</p>
<p><u>GN R. 546 Item 12 (b):</u></p> <p>The clearance of an area of 300 square metre or more of vegetation where 75% or more of the vegetation cover constitute indigenous vegetation.</p> <p>b) within a critical biodiversity area, identified in bioregional plans;</p>	<p>The clearance of area of more than 300 square metres of vegetation, where 75% or more constitute indigenous vegetation.</p>

Listed activities	Activity/Project description
<p><u>GN R. 546 item 13 (e) (ff):</u></p> <p><i>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetation cover constitute indigenous vegetation.</i></p> <p>a) Critical biodiversity area and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority</p> <p>ff) Area within a 10km 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.</p>	<p>The clearance of area of more than 1 hectare of vegetation, where 75% or more constitute indigenous vegetation.</p>
<p><u>GN R. 546 item 14:</u></p> <p><i>The clearance of an area of 5 hectares metre or more of vegetation where 75% or more of the vegetation cover constitute indigenous vegetation.</i></p>	<p>The clearance of area of more than 5 hectares of vegetation, where 75% or more constitute indigenous vegetation.</p>
<p><u>GN R. 564 item 19 (a) (ii) (gg):</u></p> <p><i>The widening of a road by 4 metres or the lengthening of a road by more than 1 kilometre.</i></p> <p>a) Eastern Cape</p> <p>ii) Outside urban areas</p> <p>gg) Area within a 10km 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.</p>	<p>The widening of a road by more than 4m within 10km of Mountain Zebra National Park.</p>

as described in the Basic Assessment Report (BAR) dated December 2012 at:

Alternative S1	Latitude	Longitude
Starting point of activity	31° 57.613	25° 2.271'
Middle point of activity	31° 59.025	25° 5.933
End point of activity (TM2)	32° 0.939	25° 9.477



- for the proposed upgrade of route R61 Section 2: Draairivier (km29.4) to Elinus farm (km 42.2), Nxuba Yethemba Local Municipality, Eastern Cape Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes; but not limited to:

- Rehabilitation and widening of approximately 13km of the existing R61 Section 2 to provide 7.4m carriageway with 2.5m shoulders making a total road width of 12.4m;
- Widening of the northern side of the road to provide a 30m road reserve. The existing road reserve (25m in extent) will therefore need to be widened by approximately 5-7m on the northern side of the road;
- Widening of the Draairivier Bridge to achieve a width of 12.4m between kerb faces;
- Demolition and reconstruction of the Great Fish River Bridge which will be approximately 15m longer and 1.6m higher than the existing bridge;
- Widening of structures on two tributaries (on one side only) of the Great Fish River at km 34.2 and km 35.4;
- Replacement / upgrading of existing box culverts where they are smaller than 600mm or extended on the northern side of the road widening where they have adequate capacity;
- Establishment of construction camp site (the location will be determined on consultation with the ECO);
- Sourcing of material from three existing borrow pits in close proximity to the R61 (Borrow pit A at km 55.6, Borrow Pit E at km 21.1 ABD Borrow pit Q3 at km 55.4). Material from the three borrow pits will be used for the widening of the road, shoulders and sub-base layer. The road base layer will be constructed over a sub-base layer using crushed material from a commercial source at Cradock. The mining application for these borrow pits is in process and will be submitted to the Department of Mineral Resources (DMR).

Conditions of this Environmental Authorisation

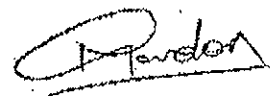
Scope of authorisation

1. The preferred option of upgrading route R61 Section 2: Draairivier (km29.4) to Elinus farm (km 42.2), Nxuba Yethemba Local Municipality 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. 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

9. 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.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 10.4. give the reasons of the competent authority for the decision.



11. The holder of the authorisation must publish a notice –

- 11.1. informing interested and affected parties of the decision;
- 11.2. informing interested and affected parties where the decision can be accessed; and
- 11.3. 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 activity

12. 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

13. The applicant must appoint a suitably experienced 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.
- 13.1. The ECO shall be appointed before commencement of any authorised activities.
 - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
 - 13.3. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 13.4. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
 - 13.5. 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

14. 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.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. 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.
17. 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.

Commencement of the activity

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. 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.
20. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

21. 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. 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 notice of intent to appeal period.

Operation of the activity

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

Site closure and decommissioning

23. Should the activity 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

24. Measures must be in place to ensure that no sediments or run-off from the construction activities enter the river channels.
25. The existing access road on the right (east) bank of the river (upstream of the R61), must be used for vehicular access during work on the Great Fish River Bridge.
26. During construction activities within the river channels, working areas must be isolated by means of coffer dams for any sporadic flows that may occur, even when the river channel is completely dry, to prevent any untimely river flooding from entering the working area.
27. The ECO must identify sensitive areas and be identified as no-go areas, especially during construction in river crossings. All no-go areas must be demarcated and clearly marked.
28. Should a "Stop/Go" control be utilised for the control of traffic, a litter control method statement must be developed and implemented by the ECO on the traffic control points. These control points must be cleaned a minimum of twice per day. An arrangement to clean litter blown beyond the road reserve must be reached with land owners adjacent to these traffic control points
29. No activities will be allowed to encroach into a water resource without the necessary water use authorisation being in place from the Department of Water Affairs.
30. The applicant must obtain a wayleave from the Department of Public Transport Roads and Works prior construction.
31. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species.
32. Copies of permits in respect of 31 above required must be submitted to the Department for record keeping.
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33. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
34. The applicant is required to inform the Department of Agriculture Forestry and Fisheries and this Department should the removal of protected species, medicinal plants and "data deficient" plant species be required.
35. Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
36. Construction must include appropriate 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.
37. 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 shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).

General

38. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ 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.
39. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at 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.

40. 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: 28/03/2013

Mr Mark Gordon



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 December 2012;
- b) The comments received from organs of state and interested and affected parties as included in the BAR dated December 2012;
- c) Mitigation measures as proposed in the BAR dated December 2012 and the EMP;
- d) The information contained in the specialist studies contained within Appendix D of the BAR;
- e) Findings of the site visit conducted on December 2012; and
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

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 engineering assessment of the road pavement, undertaken by Knight Piesold, indicated that the road is in a poor condition with sections in severe distress. The pavement layers, particularly the subbase and base layers, have deteriorated over the years to where they are no longer able to provide the necessary support.
- c) The proposed project is not located near any of the important catchments that are classified as Freshwater Ecosystem Priority Areas (FEPAs).
- d) The particular servitude where the works will be taking place contributes little in terms of biodiversity and contains no conservation needy plants.
- e) The proposed project consist of the rehabilitation and upgrade of the Route 61 Section 2 (R61/2) between Graaff-Reinet and Cradock to provide a 20 year design and to bring it up to National

Roads Standard, and includes the widening of the Draairiver Bridge, as well as two structures on the tributaries of the Great Fish River at km 34.2 and km 35.4 and reconstruction of the Great Fish River Bridge within this road section.

- f) No archaeological material remains, sites or features were documented within Borrow Pit A or Borrow Pit Q3 area.
- g) The BAR dated December 2012 identified all legislation and guidelines that have been considered in the preparation of the BAR dated December 2012.
- h) The methodology used in assessing the potential impacts identified in the BAR dated December 2012 and the specialist studies have been adequately indicated.
- i) 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.

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 December 2012 and sufficient assessment of the key identified issues and impacts have been completed.
- b) No protected species of special concern were observed within the proposed area that will be widened.
- c) The Environmental Important Sensitivity for the three river systems (Beletskloofspruit, Great Fish and Draai Rivers). The remaining dry systems, mostly with culverts, have limited ecological / conservation importance in terms of the aquatic vegetation.
- d) The existing R61 consist of a 6.7 m wide surface carriageway flanked by 1.8m gravel shoulders making the road prism width 10.3 m. The existing road reserve is generally 25m wide.
- e) Only three borrow pits are proposed to be mined and engineers will undertake a detailed survey of existing services prior to commencement of construction activities.
- f) The R61 is an important National road as it is a recognised route for public transport between the Western Cape and Transkei. SANRAL has decided that the existing section should be widened to National Roads Standards to provide 7.4m carriageway with a 2.5 m shoulders making a total road width of 12.4m. At the same time because of the poor conditions of the road surface, the road pavement structures will be strengthened to be adequate for the next 20 years.
- g) The procedure followed for impact assessment is adequate for the decision-making process.

- h) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- i) The information contained in the BAR dated December 2012 is accurate and credible.
- j) 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.