



Building No. 6, No. 7 Government Boulevard, Riverside Park, 1200, Mpumalanga Province
Private Bag X 11219, 1200
Tel: +27 (013) 766 6067/8, Fax: +27 (013) 766 8295, Int Tel: +27 (13) 766 6067/8, Int Fax: +27 (13) 766 8295

Litiko Letekulima, Kutufukiswa
Kwelindzawo Tasemakhaya, Temhlaba
Netesmondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZellmo
UkuT huthukiswa kweNdawo
zemaKhaya

Enquiries : Sindisiwe Mbuyane
Telephone : (017) 811 4830
Reference : 1/3/1/16/1 G-29
NEAS No. : MPP/EIA/0000121/2016

Mpumalanga Department of Public Works, Roads and Transport
Mr. N. M. D. Malatjie
Private Bag X 11310
Mbombela
1200

Fax : (017) 766 8648
E-mail : dmalatjie@mpg.gov.za

Dear Sir,

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED
UPGRADING OF RURAL ACCESS ROAD D281 BETWEEN VOLKSRUST AND
DAGGAKRAAL (12.42 KM) WITHIN PIXLEY KA ISAKA SEME 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 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 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 the National Appeal Regulations, 2014.

Your attention is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, 2014, which regulate 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 receiving this letter, by means of one of the following methods:

By facsimile: (013) 766 6067/8

By post: Private Bag x 11219
Nelspruit
1200

By hand: Building 6, No 7 Government Boulevard,
Riverside Park
Nelspruit
1200

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 Affairs
Date: 14.12.2016

CC: EAP NCC Environmental Services
Mr. Christian F. Gerhardt
Fax: (086) 555 0693
Email: christlang@ncc-group.co.za



Building No. 6, No. 7 Government Boulevard, Riverside Park, 1200, Mpumalanga Province
Private Bag X 11219, 1200

Tel: +27 (013) 766 6067/8, Fax: +27 (013) 766 8295, Int Tel: +27 (13) 766 6067/8, Int Fax: +27 (13) 766 8295

Liliko Letekulima, Kutufukiswa
Kwetlindzawo Tasemakhaya, Temhlaba
Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuT huthukiswa kweNdawo
zemaKhaya

Environmental Authorisation

☐ **Authorisation register number:** 1/3/1/16/1 G-29

NEAS No.: MPP/EIA/0000121/2016

Holder of Authorisation: Mpumalanga Department of Public
Works, Roads and Transport

Location of activity: Rural access road D281 between
Volksrust and Daggakraal within
Pixley ka Isaka Seme Local
Municipality: Mpumalanga Province

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. Activity 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 2014, the Department hereby authorises:

Mpumalanga Department of Public Works, Roads and Transport
Private Bag X 11310
Mbombela
1200

Contact person: Mr. N. M. D. Malatji
Telephone: (013) 766 8525
Fax: (013) 766 8648
Email: dmalatjie@mpg.gov.za

To undertake the following activity (hereafter referred to as "the activity"): The upgrading of rural access road D281 between Volksrust and Daggakraal (12.42 Km) within the jurisdiction of Pixley Ka Isaka Seme Local Municipality.

The site coordinates

	Latitude (S)	Longitude (E)
Starting Point	27° 12' 58.45" S	29° 53' 2.61"E.
Middle Point	27° 9' 33.05" S	29° 56' 28.83"E.
End Point	27° 6' 22.75" S	29° 59' 19.89"E.

Applicable Activity

GNR 983 Activity Number	Activity Description	Extent to which Activity is Authorised Where activities authorised are in accordance with the site plan for the proposed fire station and disaster management, dated 23.02.2016, Drawing No.: D281 – GP - 002, Designed by Lidwala Consulting Engineers (SA) (Pty) Ltd.
12	The development of - (i) canals exceeding 100 square metres in size; (ii) channels exceeding 100 square metres in size; (iii) bridges exceeding 100 square metres in size;	The upgrading and expansion of the road over various identified water resources.

	<ul style="list-style-type: none"> (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size; (v) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size; (vi) bulk storm water outlet structures exceeding 100 square metres in size; (vii) marinas exceeding 100 square metres in size; (viii) jetties exceeding 100 square metres in size; (ix) slipways exceeding 100 square metres in size; (ix) buildings exceeding 100 square metres in size; (x) boardwalks exceeding 100 square metres in size; or (xi) infrastructure or structures with a physical footprint of 100 square metres or more; <p>where such development occurs-</p> <ul style="list-style-type: none"> (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; - <p>excluding-</p> <ul style="list-style-type: none"> (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour; (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies; (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies; (dd) where such development occurs within an urban area; or (ee) where such development occurs within existing roads or road reserves. 	
19	<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, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</p> <ul style="list-style-type: none"> (i) a watercourse; (ii) the seashore; or 	<p>The infilling of material into water resources for:</p> <ul style="list-style-type: none"> 1. The construction of culverts. 2. The diverting of water during the project.

	<ul style="list-style-type: none"> (iii) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving- will occur behind a development setback; (a) is for maintenance purposes undertaken in accordance with a maintenance management plan; or (b) falls within the ambit of activity 21 in this Notice, in which case that activity applies. 	
21	Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	For the use of borrow pits
24	<p>The development of-</p> <ul style="list-style-type: none"> (i) a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or (ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding- <ul style="list-style-type: none"> (a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or (b) roads where the entire road falls within an urban area 	The expansion and upgrading of the road identified.

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

3. Conditions of authorisation

Scope of authorisation

3.1 Environmental Authorisation of these activities is subject to the conditions contained in this authorisation that are part of the Environmental Authorisation and are legally binding on the holder of the authorisation.

- 3.2 The holder of the Environmental Authorisation must ensure 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 Authorisation.
- 3.3 A copy of this Environmental Authorisation must be made available on site at all times and all relevant staff, contractors and sub-contractors must be familiar with the contents of this authorisation.
- 3.4 The holder of this Environmental Authorisation must notify the Department, in writing, within twenty-four (24) hours if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.5 These activities that are authorised may only be carried out at the property indicated above.
- 3.6 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.
- 3.7 These activities must commence within a period of five (5) years from the date of issue. If commencement of the activities 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.
- 3.8 The Department may change or amend any of the conditions in this authorisation if, in the opinion of the Department is environmentally justified.
- 3.9 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.
- 3.10 This Environmental Authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.
- 3.11 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).

Appeal of Authorisation

- 3.12 The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) days, of receiving notice of the Department's decision to authorise the activities.
- 3.13 The notification referred to above must:
 - a) Specify the date on which the authorisation was issued;
 - b) Inform the interested and affected parties of the appeal procedure provided for in the National Appeal Regulations, 2014; and
 - c) Advise the interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.

- d) Be published in the newspaper contemplated in Regulation 41 (2) (c) and (d) and which newspaper was used for the placing of advertisements as part of public participation process.

Management and Monitoring of the activities

- 3.14 The Environmental Management Programme (EMPr) incorporated in the Final Basic Assessment Report dated 26 April 2016 is hereby approved.
- 3.16 The holder of the authorisation must submit a post-construction environmental audit report to the Department within 30 (thirty) days after completion of the authorised activities on site. The audit report must be compiled by an independent auditor.
- 3.17 The applicant must appoint an Environmental Control Officer (ECO) who will have the responsibility to implement the EMPr and ensure compliance with the conditions of this environmental authorisation
- 3.18 The Environmental Control Office must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
- 3.19 The ECO must maintain the following on site:
 - a) Strict compliance of the development to the conditions of the Environmental Authorisation.
 - b) Discuss and advise the contractor on site in respect of environmental compliance before and during construction activities.
 - c) Monitor compliance during construction and operation phases of the activities.
 - d) Keep a site diary.
 - e) Keep copies of all reports submitted to the Department.
 - f) Keep a complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints.
- 3.20 The recommendations of the EAP attached as Section H incorporated in the Final Basic Assessment Report dated April 2016 must be adhered to.
- 3.21 The conclusions and recommendations by the Heritage Desktop Assessment compiled by W. Fourie date 23 May 2016 attached in Appendix F, incorporated in the Final Basic Assessment Report dated April 2016 must be adhered to.
- 3.22 The conclusion of the Botanical Assessment compiled by Trevor O'Donoghue and Alistair Burt from NCC Environmental Services (Pty) Ltd as incorporated in the Final Basic Assessment Report dated April 2016 must be adhered to.
- 3.23 The conclusion of the Freshwater Habitat Impact Assessment Report prepared by Ross van Deventer, Brain Mafela and Ryan Edwards of Eco-Pulse Environmental Consulting Services attached in Appendix F, incorporated in the Final Basic Assessment Report dated April 2016 must be adhered to.
- 3.24 The Department retains the right to monitor and / or inspect the proposed project during both construction and operational phases.

Commissioning and operation of the activities

- 3.25 Fourteen (14) days written notice must be given to the Department that the activities 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 activities will commence.
- 3.26 The conditions stipulated in this Environmental Authorisation and mitigation measures contained in the Environmental Management Programme are legally binding components of any contract and are therefore legally enforceable.
- 3.27 A Water Use License Application must be lodged with the Department of water and sanitation and a license must be obtained prior to the construction and operation of the activities.
- 3.28 Construction personnel must be sensitized to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during construction, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.
- 3.29 Graves on site must be demarcated by fence and relatives must be notified. A horizontal distance of 70m must be kept away from all the graves on site.
- 3.30 Measures must be taken to ensure the prevention or minimization of erosion during construction. Such measures must take into account the period in which construction takes place.
- 3.31 Dust suppression measures must be implemented during the construction phase of the project.
- 3.21 Mixing of cement must take place on impermeable surfaces.
- 3.28 Machinery on site must be kept in a proper working condition to avoid oil spills.
- 3.32 All hazardous materials must be stored in designated, lined and bunded areas.
- 3.33 Pounding of water must be prevented on site in order to prevent pollution of ground water and accident to animals and human beings.
- 3.34 The construction camp must be established on an area that has previously been disturbed.
- 3.35 All waste generated during the upgrade of the road must be stored, handled and disposed of at a registered landfill site.
- 3.36 It is the responsibility of the holder of the Environmental Authorisation to rectify any source of pollution from their undertaking and to take appropriate measures to prevent any pollution of surface as well as ground water.
- 3.37 Applicable notification signs must be erected to warn the public of the dangers around the construction site.
- 3.38 Any complaints received from the employees or anyone within the immediate vicinity of the site during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all involved.

General

- 3.39 A copy of this Environmental 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.
- 3.40 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 Department must be notified as soon as the new details become known to the applicant.
- 3.41 The holder of the Environmental Authorisation must notify the Department, in writing and within 24 (twenty four) hours, if conditions of this Environmental Authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.42 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.
- 3.43 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental 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 BY:


Mr. S.S. Maluleka
Chief Director: Environmental Affairs
Date: 14.12.2016

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

The applicant Mpumalanga Department of Public Works, Roads and Transport applied for Environmental Authorisation for the following:

The upgrading of rural access road D281 between Volksrust and Daggakraal (12.42 Km) within the jurisdiction of Pixley Ka Isaka Seme Local Municipality.

The site coordinates

	Latitude (S)	Longitude (E)
Starting Point	27° 12' 58.45" S	29° 53' 2.61"E.
Middle Point	27° 9' 33.05" S	29° 56' 28.83"E.
End Point	27° 6' 22.75" S	29° 59' 19.89"E.

Applicable Activity

GNR 983 Activity Number	Activity Description	Extent to which Activity is Authorised Where activities authorised are in accordance with the site plan for the proposed fire station and disaster management, dated 23.02.2016, Drawing No.: D281 – GP - 002, Designed by Lidwala Consulting Engineers (SA) (PTY) LTD rf.
12	<p>The development of -</p> <ul style="list-style-type: none"> (xii) canals exceeding 100 square metres in size; (xiii) channels exceeding 100 square metres in size; (xiv) bridges exceeding 100 square metres in size; (xv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size; (xvi) weirs, where the weir, including infrastructure and water surface area, exceeds 100 square metres in size; (xvii) bulk storm water outlet structures exceeding 100 square metres in size; (xviii) marinas exceeding 100 square metres in size; (xix) jetties exceeding 100 square metres in size; (ix) slipways exceeding 100 square metres 	The upgrading and expansion of the road over various identified water resources.

	<p>in size;</p> <p>(xx) buildings exceeding 100 square metres in size;</p> <p>(xxi) boardwalks exceeding 100 square metres in size; or</p> <p>(xxii) infrastructure or structures with a physical footprint of 100 square metres or more;</p> <p>where such development occurs-</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse; -</p> <p>excluding-</p> <p>(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;</p> <p>(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;</p> <p>(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;</p> <p>(dd) where such development occurs within an urban area; or</p> <p>(ee) where such development occurs within existing roads or road reserves.</p>	
19	<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, shells, shell grit, pebbles or rock of more than 5 cubic metres from-</p> <p>(iv) a watercourse;</p> <p>(v) the seashore; or</p> <p>(vi) the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater but excluding where such infilling, depositing, dredging, excavation, removal or moving-</p> <p>(a) will occur behind a development setback;</p> <p>(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or</p> <p>(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.</p>	<p>The infilling of material into water resources for:</p> <p>(a) The construction of culverts.</p> <p>(b) The diverting of water during the project.</p>

21	Any activity including the operation of that activity which requires a mining permit in terms of section 27 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), including associated infrastructure, structures and earthworks directly related to the extraction of a mineral resource, including activities for which an exemption has been issued in terms of section 106 of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).	For the use of borrow pits
24	<p>The development of-</p> <p>(i) a road for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</p> <p>(ii) a road with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres; but excluding-</p> <p>(a) roads which are identified and included in activity 27 in Listing Notice 2 of 2014; or</p> <p>(b) roads where the entire road falls within an urban area</p>	The expansion and upgrading of the road identified.

2. The applicant appointed the following Environmental Assessment Practitioner to undertake the Environmental Assessment process:

Consultant Name: NCC Environmental Services
Address: 26 Belliclose
Westlake Business Park
7945

Contact Person: Mr. Christian F. Gerhardt
Fax No.: (086) 555 0693
Email: christiang@ncc-group.co.za

3. Information considered in making a decision.

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

- The information contained in the Final Basic Assessment Report dated April 2016.
- The findings of the site visit conducted by Sindisiwe Mbuyane and Thabile Mahlaku from the Department with Christian Gerhardt from NCC Environmental Services on the 07 of December 2016.
- 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);

4. 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 that, in the Department's views, were of the most significance is set out below:

- a) Need and desirability;
- b) Alternatives considered;
- c) The physical environment to be affected; and
- d) Public Participation Process.

5. Findings

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

- a) The proposed activity will contribute towards the local economic development through job creation.
- b) Interested and affected parties were given a chance to comment, no objections were received.

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.