



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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DEA Reference: 14/12/16/3/3/1/1737

Enquiries: Mr Thando Booï

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Mr Mogole Mphahlele
South African National Roads Agency SOC Limited
P.O. Box 415
PRETORIA
0001

Tel: (012) 844-8000
E-mail: Mphahlelem@nra.co.za

PER E-MAIL/ MAIL

Dear Mr Mphahlele

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982 AND 983 FOR THE REHABILITATION OF NATIONAL ROUTE 2, SECTION 19, BETWEEN NQADU (KM 22.0) AND MZEKE RIVER (KM 55.4) WITHIN THE KING SABATHA DALINDYEBO LOCAL MUNICIPALITY AND MHLONTLO LOCAL MUNICIPALITY IN THE EASTERN CAPE PROVINCE

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 (the 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 decision in respect of your application as well as the fact that an appeal may be lodged against the decision in terms of the National Appeals Regulations, and the provisions regarding the submission of appeals as contained in the Regulations.

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:

Mr Z Hassam, Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: appealsdirector@environment.gov.za,

M.S

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, 1998, 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 or request a copy of the documents at appealsdirector@environment.gov.za

Yours faithfully



Mr Sabelo Malaza
Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs

Date: *2/08/2017*

cc:	Dr J Bothma	Chameleon Environmental	Tel: (012) 809 1704	Email: Ce.j@mwebbiz.co.za
	Mr J Pienaar	Department of Economic Development Environment Affairs & Tourism	Tel: (043) 605 7000	Email: Jerry.pienaar@dedea.gov.za
	Mr L Maka	King Sabatha Dalindyebo Local Municipality	Tel: (047) 501 4000	Email: nguzan@ksd.gov.za

MS



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 25 of the Environmental Impact Assessment Regulations, 2014

The proposed rehabilitation of National Route 2 Section 19 between Ngadu (km 22.0) and Mzeke River (km 55.4) within Mhlontlo Local Municipality and the King Sabatha Dalindyebo Local Municipality in the Eastern Cape Province

OR Tambo District Municipality

Authorisation register number:	<i>14/12/16/3/3/1/1737</i>
Last amended:	<i>First issue</i>
Holder of authorisation:	<i>SANRAL SOC Ltd</i>
Location of activity:	<i>Eastern Cape: within ward 14 of Mhlontlo Local Municipality and Ward 13 of King Sabatha Dalindyebo Local Municipality</i>

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.

M.S

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, 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 No.107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

SANRAL SOC LIMITED

with the following contact details –

Mr Mogole Mphahlele
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to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 (GN R. 983):

Listed activities	Activity/Project description
<p><u>GN R. 983, Item 19:</u> <i>The infilling or depositing of any material of more than 5 cubic metres into, or removal or moving of soil from</i> a: (i) <i>A watercourse.</i></p>	<p>Material of more than 5m³ will be excavated from a water course.</p>
<p><u>GN R. 983, Item 56:</u> <i>The widening of a road by more than 6 m or the lengthening of a road by more than 1 km-</i> (i) <i>where existing reserve is wider than 13.5m</i></p>	<p>The current N2 will be widened by 6.2 m and the road reserve is wider than 50 m.</p>

as described in the Basic Assessment Report (BAR) dated 18 April 2017 at:

Farm name: National N2 road reserve

21 Digit SG code:

Alternative 1	Latitude	Longitude
Starting point of activity	31° 23' 42.975" S	28° 50' 13.457" E
Middle point of activity	31° 11' 38.420" S	28° 51' 49.519" E
End point of activity	31° 9' 12.043" S	28° 52' 0.766" E

-for the proposed rehabilitation of National Route 2 Section 19 between Nqadu (KM 22.0) and Mzeke River (KM 55.4) within Ward 13 of the King Sabatha Dalindyebo Local Municipality and 14 of the Mhlontlo Local Municipality in the Eastern Cape Province, hereafter referred to as" the property"

The project entails the following:

- The rehabilitation of the portion of N2 Section 19 between km 22.0 and km 55.4 and re-surfacing thereof;
 - Construction of five service roads for consolidation of accesses to the N2 at the following locations: Km22.3 – km24.2 (on the eastern side of the N2 – 900m length)
 - Km33.5 – km34.2 (on the eastern side of the N2 – 700m length)
 - Km49.6 – km51.7 (on both sides of the N2 – 2 100m x2 length)
 - Km51.7 – km52.6 (on eastern side of the N2 – 900m length)
 - Km35.6 – km36.8 (on the north-western side of the N2 – 1200m length)
- Widening of the current road prism to a design standard commensurate with that of other sections of the N2 to a standard cross section;
- Upgrading of major intersections at km 33,2 and km 44,5;
- Replacement of concrete lined drains to suit new design levels.

The following major bridges and major culverts will be widened and lengthened respectively as part of this project:

No	Structure Description	Chainage (km)	Name of Watercourse
1	Culvert	24.7	Wolo Wolo River
2	Culvert	24.9	Tributary of Wolo Wolo River
3	Culvert	26.6	Tributary of Wolo Wolo River
4	Culvert	28.7	Tributary of Wolo Wolo River
5	Culvert	33.1	Tributary of Wolo Wolo River
6	Culvert	33.5	Tributary of Wolo Wolo River
7	Bridge	27.6	Mbokotwana river Bridge
8	Culvert	40.8	Tributary of Tsitsa River
9	Bridge	44.4	Tsitsa River Bridge
10	Culvert	48.4.	Tributary of Tsitsa River
11	Bridge	55.4	Mzeke River Bridge

- There are various borrow pits and quarries associated with this project. The mining areas are assessed in a Scoping-EIA process for submission to the DMR for authorisation.

Conditions of this Environmental Authorisation

Scope of authorisation

1. The preferred alternative for the proposed rehabilitation of National Route 2 Section 19 between Nqadu (KM 22.0) and Mzeke River (KM 55.4) within Ward 13 King Sabatha Dalindyebo Local Municipality and Ward 14 Mhlontlo Local Municipality in the Eastern Cape Province is approved as per coordinates indicated above.
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. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

Notification of authorisation and right to appeal

8. 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.
9. The notification referred to must –
 - 9.1. specify the date on which the authorisation was issued;
 - 9.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
 - 9.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 9.4. give the reasons of the competent authority for the decision.

Commencement of the activity

10. 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, 1998 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

11. 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

12. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 22 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.

13. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
14. The updated EMPr must be submitted to the Department for approval together with the environmental audit report, as per Regulation 34 of GN R. 982. 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.
15. 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 R.982. 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.
16. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The holder must notify the Department of its intention to amend the EMPr at least 60 days prior to submitting such amendments to the EMPr to the Department for approval. In assessing whether to grant such approval or not, the Department will consider the processes and requirements prescribed in Regulation 37 of GN R. 982.

Monitoring

17. 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.
 - 17.1. The ECO must be appointed before commencement of any authorised activities.
 - 17.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department at Directorcompliance@environment.gov.za.
 - 17.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 17.4. 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

18. 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.
19. 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.
20. 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 R. 982.
21. The holder of the authorisation must, in addition, submit 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.
22. The environmental audit reports must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 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.
23. 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

24. 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

25. 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

26. 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

27. 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.
28. Vegetation clearing must be kept to an absolute minimum. Mitigation measures as specified in the BAR dated 18 April 2017 must be implemented to reduce the risk of erosion and the invasion of alien species.
29. No exotic plants must be used for rehabilitation purposes, only indigenous plants of the area must be utilised.
30. A permit must be obtained from the relevant Department for the removal or destruction of indigenous, protected or endangered plant or animal species and a copy of such permit/s must be submitted to the Department for record keeping.
31. An Archaeologist must be appointed to undertake the process as highlighted in the letter dated 12 July 2017 from SAHRA for the relocation of the graves located at 35+680 to km 35+740 that are within the road reserve as per the layout plan designed by UWP Consulting, (approved by S van Wyk on 05 December 2016 – Prof. Reg. No. 9070132) prior commencement of the construction activities..
32. A permit for the destruction of old two span cast concrete road bridge must be obtained from Eastern Cape Heritage Agency prior to commencement of construction activities.
33. The burial sites at point 7.3.3.4 as per Figure 6 (Map 3128BB, 3128BD: Chief Surveyor-General) included on page 12 of the Cultural Heritage Impact Assessment dated April 2016 (Report No. 2016/JvS/030) prepared by J van Schalkwyk must be retained and be fenced off for the duration

of the construction activities, leaving a buffer zone of 20m from the outer edge of the graves instead of 5m as recommended by the specialist.

34. 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

35. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMPr, must be made available for inspection and copying-
- 35.1. at the site of the authorised activity;
 - 35.2. to anyone on request; and
 - 35.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
36. 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: 02/08/2017


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 18 April 2017.
- b) The comments received from interested and affected parties as included in the BAR dated 18 April 2017.
- c) Mitigation measures as proposed in the BAR dated 18 April 2017 and the EMPR.
- d) The information contained in the specialist studies contained within Appendix D of the BAR; and
- e) 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).

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 area is in dire need of this project and it's a societal priority as numerous accidents occur on this section of the N2 every year with associated loss of life.
- c) The BAR dated 18 April 2017 identified all legislations and guidelines that have been considered in the preparation of the BAR dated 18 April 2017.
- d) The methodology used in assessing the potential impacts identified in the BAR dated 18 April 2017 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 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 18 April 2017 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) EMPr proposed mitigation measures for the pre-construction, construction and rehabilitation phases of the development and were included in the BAR. The mitigation measures 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, 1998 and that any potentially detrimental environmental impacts resulting from the authorised activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.