



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Environment House · 473 Steve Biko Road · Arcadia · PRETORIA

**DEA Reference:** 14/12/16/3/3/1/1962

**Enquiries:** Herman Alberts

**Telephone:** (012) 399 9371 **E-mail:** HAlberts@henvironment.gov.za

Mr Ravi Ronny  
South African National Roads Agency SOC Limited  
58 Van Eck Place, Mkondi  
**PIETERMARITZBURG**  
3209

Telephone Number: (033) 392 8100  
Email Address: ronnyr@nra.co.za

### **PER E-MAIL / MAIL**

Dear Mr Ronny

### **APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 982/983/984/985 FOR THE PROPOSED CAPACITY IMPROVEMENTS TO NATIONAL ROUTE 2 (N2) AND NATIONAL ROUTE 3 (N3) WITHIN THE ETHEKWINI METROPOLITAN MUNICIPALITY, KWAZULU-NATAL PROVINCE**

With reference to the above application, please be advised that the Department has decided to grant an environmental authorisation to you. The Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4(2) of the National Environmental Management Act: the Environmental Impact Assessment Regulations, 2014, as amended (the EIA Regulations), you are instructed to notify all registered interested and affected parties, in writing within 14 (fourteen) days of the date of this EA, of the Department's decision as well as the provisions regarding the submission of appeals that are contained in the Regulations.

In terms of the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000), you are entitled to the right to fair, lawful and reasonable administrative action; and to written reasons for administrative action that affects you negatively. Further your attention is drawn to the provisions of the Protection of Personal Information Act, 2013 (Act no. 4 of 2013) which stipulates that the Department should conduct itself in a responsible manner when collecting, processing, storing and sharing an individual or another entity's personal information by holding the Department accountable should the Department abuses or compromises your personal information in any way.

Your attention is drawn to Chapter 2 of National Environmental Management Act, 1998 (Act No. 107 of 1998) National Appeal Regulations published under Government Notice R993 in Government Gazette No. 38303 dated 08 December 2014 (National Appeal Regulations, 2014), which prescribe the appeal procedure to be followed. Kindly include a copy of this document (National Appeal Regulations, 2014) with the letter of notification to interested and affected parties in this matter.

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.

VS

**Appeals must be submitted in writing in the prescribed form to:**

Director: Appeals and Legal Review of this Department at the below mentioned addresses.

By email: [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za);

By hand: Environment House  
473 Steve Biko Street  
Arcadia  
Pretoria  
0083; or

By post: Private Bag X447  
Pretoria  
0001

Please note that in terms of Section 43(7) of the NEMA, 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 any activity authorised in the EA 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](https://www.environment.gov.za/documents/forms#legal_authorisations) or request a copy of the documents at [appealsdirector@environment.gov.za](mailto:appealsdirector@environment.gov.za).

Yours faithfully



**Mr Vusi Skosana**

**Acting Chief Director: Integrated Environmental Authorisations**

**Department of Environmental Affairs**

Date: 17/04/2019

cc:	Yugeshni Govender	KZN DEDTEA	E-mail: <a href="mailto:Yugeshni.govender@kzndard.gov.za">Yugeshni.govender@kzndard.gov.za</a>
	Diane van Rensburg	eThekweni Metropolitan Municipality	E-mail: <a href="mailto:Diane.Vanrensburg@durban.gov.za">Diane.Vanrensburg@durban.gov.za</a>
	Ashleigh Mckenzie	ACER (Africa) Environmental Consultants	E-mail: <a href="mailto:Ashleigh.mckenzie@acerafrica.co.za">Ashleigh.mckenzie@acerafrica.co.za</a>



## **environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

# **Environmental Authorisation**

**In terms of Regulation 25 of the Environmental Impact Assessment Regulations, 2014**

**Capacity Improvements to National Route 2 (N2) and National Route 3 (N3) within the eThekweni  
Metropolitan Municipality, KwaZulu-Natal Province**

**eThekweni Metropolitan Municipality**

<b>Authorisation register number:</b>	<i>14/12/16/3/3/1/1962</i>
<b>Last amended:</b>	<i>First issue</i>
<b>Holder of authorisation:</b>	<i>South African National Roads Agency SOC Limited</i>
<b>Location of activity:</b>	<i>eThekweni Metropolitan Municipality KwaZulu-Natal Province</i>

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 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 the –

### **South African National Roads Agency SOC Limited (SANRAL)**

(hereafter referred to as the **holder of the authorisation**)

with the following contact details –

Mr Ravi Ronny  
58 Van Eck Place, Mkondi  
**PIETERMARITZBURG**  
3209

Telephone Number: (033) 392 8100  
Cell phone Number: (083) 283 6064  
Fax Number: (033) 386 6284  
Email Address: ronnyr@nra.co.za

to undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notice 1 and 3 as amended (GN R. 327 and 324 as amended):

Activity number	Activity description
<p><u>GN R. 327: Activity 14:</u></p> <p><i>"The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres."</i></p>	<p>Contractors may store and use fuel and other hazardous substances at their site camps in containers that have a combined capacity of 80 cubic metres or more, but not exceeding 500 cubic metres.</p>
<p><u>GN R. 327: Activity 19:</u></p> <p><i>"The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse."</i></p>	<p>Construction will affect watercourses as road and bridge widening will require existing culverts and bridges at watercourses to be extended or replaced. The construction of new culverts will be required in places where interchanges are to be expanded, for example, at Solomon Mahlangu I/C. At the Westville and Paradise Valley Viaducts, additional and/or expanded bridge piers will be constructed, some of which are in the watercourse. The viaduct access roads will also require drainage to be installed at stream crossings. The project, therefore, will involve excavation, removal, infilling and/or depositing of material of more than 10m<sup>3</sup>, in watercourses.</p>
<p><u>GN R. 327: Activity 31:</u></p> <p><i>"The decommissioning of existing facilities, structures or infrastructure for—</i></p> <p><i>(i) any development and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p> <p><i>(ii) any expansion and related operation activity or activities listed in this Notice, Listing Notice 2 of 2014 or Listing Notice 3 of 2014;</i></p>	<p>The widening of the national road sections will require the replacement of bridges. In some cases, it will entail demolition of existing bridges and the reconstruction of an expanded bridge in the same position. In some instances, it will require the building of new bridge(s) adjacent to existing bridge(s), after which the redundant bridge(s) will be demolished. Bridges will be replaced where existing bridges cannot accommodate the widened carriageway and cannot be extended, and/or</p>

<p><i>(iii) any phased activity or activities for development and related operation activity or expansion or related operation activities listed in this Notice or Listing Notice 3 of 2014; or</i></p> <p><i>(v) any activity regardless the time the activity was commenced with, where such activity:</i></p> <p><i>(a) is similarly listed to an activity in (i) or (ii) above; and</i></p> <p><i>(b) is still in operation or development is still in progress”</i></p>	<p>where they do not have sufficient vertical clearance (resurfacing of the carriageway will reduce clearances). In some cases, upgraded interchanges will render part of the existing structure redundant, and these structures will be demolished once the new interchange is in place.</p> <p>Thames Drive Footbridge will be demolished and not replaced.</p> <p>The access roads to Paradise Valley and Westville Viaducts are temporary structures and will be removed and rehabilitated once they are no longer required for construction purposes.</p>
<p><u>GN R. 324: Activity 4:</u></p> <p><i>“The development of a road wider than 4 metres with a reserve less than 13.5 metres.</i></p> <p><i>(d) In KwaZulu-Natal:</i></p> <p><i>(vi) A protected area identified in terms of NEMPAA;</i></p> <p><i>(viii) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(x) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</i></p> <p><i>(xiii) Inside urban areas:</i></p> <p><i>(aa) Areas zoned for use as public open space.</i></p> <p><i>(cc). Within urban protected areas”.</i></p>	<p>The project requires an 8m wide temporary access road (wider than 4m with a reserve less than 13.5m) to be constructed, for construction plant to gain access beneath the Paradise Valley Viaduct. It will follow an existing track for some of its length. However, this track will require widening and upgrading. The Paradise Valley Viaduct is within the Paradise Valley Nature Reserve, which is a declared protected area. It is also demarcated in Ezemvelo KZN Wildlife’s (EKZNW) MINSET data as a critical biodiversity area. Moreover, the reserve is part of the Durban Metropolitan Open Space System (D’MOSS). It is an urban protected area and designated for conservation use in the eThekweni SDF.</p> <p>The project requires an 8m wide temporary access road (wider than 4m with a reserve less than 13.5m) to be constructed for construction plant to gain access beneath the Westville Viaduct. This proposed road traverses an area which is identified as a Critical</p>

	<p>Biodiversity Area in terms of EKZNW's C-Plan. It also falls into D'MOSS. The valley that this proposed temporary access road will traverse is not set aside for conservation purposes and harbours a high concentration of alien vegetation.</p>
<p><u>GN R. 324: Activity 10:</u>  <i>"The development and related operation of facilities or infrastructure for the storage, or storage and handling of a dangerous good, where such storage occurs in containers with a combined capacity of 30 but not exceeding 80 cubic metres.</i>  <i>(d) In KwaZulu-Natal:</i>  <i>(vii) A protected area identified in terms of NEMPAA, excluding conservancies;</i>  <i>(ix) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i>  <i>(xi) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</i>  <i>(xiv) In urban areas:</i>  <i>(aa) Areas zoned for use as public open spaces"</i></p>	<p>Contractors may store fuel and other hazardous substances at their site camps, in containers that have a combined capacity of 80 cubic metres or more, but not exceeding 500 cubic metres. Site camp locations are not known as yet and will be identified by the contractors. The site camp for viaduct construction may be set up within the Nature Reserve at Paradise Valley, if authorised by reserve management. Paradise Valley Nature Reserve is a protected area identified in terms of NEMPAA and designated for conservation use. It falls within the urban area of eThekweni Metro.</p>
<p><u>GN R. 324: Activity 12:</u>  <i>"The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.</i>  <i>(d) In KZN:</i>  <i>(iv) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA.</i></p>	<p>The upgrading of the N2 and N3 carriageways, as well as the construction of the viaduct access roads, will require the clearance of vegetation exceeding 300m<sup>2</sup>. Vegetation clearance will occur all along the road reserve, part of which will be within Paradise Valley Nature Reserve, which is a protected area (for conservation). The proposed Paradise Valley Viaduct Access Road also will fall within this reserve and will require some vegetation clearance. The footprint of the N3 and the viaduct access roads traverses Durban Metropole North Coast Grassland (KZN 2) which is</p>

<p>(v) <i>Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p>(vii) <i>On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning;</i></p> <p>(viii) <i>A protected area identified in terms of NEMPAA, excluding conservancies;</i></p> <p>(xi) <i>Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</i></p>	<p>Critically Endangered. It must be noted, however, that because it is (mainly) an existing road in a very built up urban area, the extent of current transformation of this ecosystem, where unprotected, is very high.</p>
<p><u>GN R. 324: Activity 14:</u></p> <p><i>"The development of:</i></p> <p><i>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—</i></p> <p><i>(a) within a watercourse;</i></p> <p><i>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</i></p> <p><i>(d) In KwaZulu-Natal:</i></p> <p><i>(iv) A protected area identified in terms of NEMPAA, excluding conservancies</i></p> <p><i>(vii) Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i></p> <p><i>(xi) Inside urban areas:</i></p> <p><i>(aa) Areas zoned for use as public open space;</i></p> <p><i>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose"</i></p>	<p>The proposed temporary viaduct access road to gain access beneath the Paradise Valley Viaduct will be constructed within the Paradise Valley Nature Reserve and will encroach within 32m of the water course (uMbilu River). The widening of the Paradise Valley Viaduct itself will take place in and near the river. The Paradise Valley Nature Reserve is a protected area identified in terms of NEMPAA. It is designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose. It falls within a Critical Biodiversity area and is part of D'MOSS. It is also used by the public for picnics, trails, etc.</p> <p>The proposed temporary Westville Viaduct Access Road will also trigger this activity as it falls within a Critical Biodiversity area and is part of D'MOSS. This listed activity will also be triggered at interchanges where new ramps are being built, and where they fall into D'MOSS as well as Critical Biodiversity Areas in terms of EKZNW's C-Plan. These include the N2 Solomon</p>



	<p>Mahlangu I/C, EB Cloete I/C and N3/M13 Paradise Valley I/C.</p>
<p><u>GN R. 324: Activity 18:</u>  <i>"The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre.</i>  <i>(d) In KwaZulu-Natal:</i>  <i>(vi) A protected area identified in terms of NEMPAA;</i>  <i>(viii) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</i>  <i>(x) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose;</i>  <i>(xiii) In urban areas:</i>  <i>(aa) Areas zoned for use as public open space;</i>  <i>(cc) Within urban protected areas".</i></p>	<p>The N3 carriageway will be widened at the Paradise Valley Viaduct, by more than 4m, although the widening will take place within SANRAL's current road reserve. The viaduct passes directly over (through) the Paradise Valley Nature Reserve. The access road to gain access beneath the viaduct will be developed along an old existing track but will need to be widened by more than 4m. The Paradise Valley Nature Reserve is a protected area identified in terms of NEMPAA. It falls within a designated Critical Biodiversity Area. It is designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose. It falls within an urban area. It is also used by the public for picnics, trails, etc.</p> <p>The Westville Viaduct and proposed access road also occur within EKZNW's identified Critical Biodiversity areas and, thus, would trigger this activity.</p> <p>This activity is also likely to be triggered where new ramps are involved in the upgraded interchanges, and the interchanges fall within EKZNW's identified Critical Biodiversity areas. This applies to the N2 Solomon Mahlangu I/C, EB Cloete I/C and N3/M13 Paradise Valley I/C.</p>
<p><u>GN R. 324: Activity 23:</u>  <i>"The expansion of—</i>  <i>(ii) infrastructure or structures where the physical footprint is expanded by 10 square metres or more; where such expansion occurs—</i>  <i>(a) within a watercourse;</i></p>	<p>The N2 and N3 carriageways and possibly parts of existing tracks for the viaduct access roads (Westville and Paradise) will entail widening. The roads cross numerous drainage lines, streams and rivers. Bridges and drainage structures in or near watercourses will</p>

VJ

<p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;</p> <p>(d) In KwaZulu-Natal</p> <p>(iv) A protected area identified in terms of NEMPAA, excluding conservancies;</p> <p>(vii) Critical biodiversity areas or ecological support areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;</p> <p>(xi) In urban areas:</p> <p>(aa) Areas zoned for use as public open space;</p> <p>(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose".</p>	<p>need to be expanded to accommodate the expanded roads. Parts of these sections fall within or within 5km of, protected areas. Parts of these sections may also fall within D'MOSS areas as well as Critical Biodiversity Areas in terms of EKZNW's conservation plan. The Paradise Valley Viaduct traverses the Paradise Valley Nature Reserve. The Paradise Valley Nature Reserve is a protected area identified in terms of NEMPAA. It falls within a designated Critical Biodiversity Area and is designated for conservation use in Spatial Development Frameworks adopted by the competent authority, zoned for a conservation purpose. It also falls within an urban area and is also used by the public for picnics, trails, etc.</p>
--	---

as described in the Basic Assessment Report (BAR) dated December 2018 at:

Geographical co-ordinates of the existing and proposed linear road sections affected by the project	Latitude (S)	Longitude (E)
<b>N2 from Solomon Mahlangu I/C to just south of Umgeni Road I/C (approx. 6.45 km)</b>		
Starting point of the activity	29° 53' 09.98"	30° 56' 45.40"
Middle/additional point of the activity	29° 50' 33.06"	30° 57' 23.45"
End point of the activity	29° 48' 49.90"	30° 58' 26.40"
<b>N3 from EB Cloete I/C to the Paradise Valley Viaduct (approx. 14.32 km)</b>		
Starting point of the activity	29° 50' 23.44"	30° 58' 30.02"
Middle/additional point of the activity	29° 50' 53.50"	30° 55' 54.01"
End point of the activity	29° 50' 02.01"	30° 53' 10.51"
<b>Proposed Westville Viaduct Access Road (Chesterville) (approx. 0.4 km)</b>		
Starting point of the activity	29° 50'50.70"	30° 56' 25.78"
Middle/additional point of the activity	29° 50'52.07"	30° 56' 22.11"
End point of the activity	29° 50'45.25"	30° 56' 19.19"

<b>Proposed Paradise Valley Viaduct Access Road (Paradise Valley Nature Reserve) (approx. 0.46 km)</b>		
Starting point of the activity	29° 50' 5.20"	30° 53' 24.21"
Middle/additional point of the activity	29° 50' 2.64"	30° 53' 31.03"
End point of the activity	29° 50' 3.92"	30° 53' 41.51"

<b>Geographical co-ordinates of the existing interchanges to undergo improvements Interchanges</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
N2/N3 EB Cloete Interchange	29° 50' 26.69"	30° 57' 26.27"
N2/M7 Solomon Mahlangu I/C	29°52' 42.81"	30° 57' 17.93"
N3 Spine Road I/C	29° 50' 52.84"	30° 55' 52.55"
N3 Paradise Valley/M13 I/C	29° 50' 00.43"	30° 53' 13.74"

- for capacity improvements to National Route 2 (N2) and National Route 3 (N3) within the eThekweni Metropolitan Municipality, KwaZulu-Natal Province, hereafter referred to as "the property".

The project entails capacity upgrades to the N2 (Solomon Mahlangu I/C to south of the Umgeni Road I/C), including expansion of the EB Cloete and Solomon Mahlangu Interchanges, and the N3 (EB Cloete to Paradise Valley) including provision of temporary access for construction below Westville and Paradise Valley Viaducts.

Road sections to undergo widening are:

- N2 from Solomon Mahlangu Interchange (I/C) to south of the Umgeni Road I/C.
- N3 from the EB Cloete I/C to Paradise Valley I/C.

Within these sections, the major interchanges to be upgraded are

- Solomon Mahlangu (N2/M7).
- EB Cloete (N2/N3).
- Westville Spine Road (N3/St James/Harry Gwala).
- Paradise Valley (N3/M13).

In addition, this project requires the construction of two temporary access roads to get to the areas beneath the Westville and Paradise Valley Viaducts.

- Proposed Westville Viaduct access road (sited near the residential area of Chesterville on the south side of the N3).
- Proposed Paradise Valley Viaduct access road (sited within the Paradise Valley Nature Reserve).

This project also requires the relocation of a section of Transnet's Fuel Pipeline in the vicinity of the N2/M7 Solomon Mahlangu Interchange:

- Proposed relocation of two parallel sections of pipeline, each approximately 500m in length, to accommodate the widened road.
- Provision of additional protection to existing portions of the pipeline crossing the N2.

## **Conditions of this Environmental Authorisation**

### **Scope of authorisation**

1. The capacity improvements to National Route 2 (N2) and National Route 3 (N3) within the eThekweni Metropolitan Municipality in the KwaZulu-Natal Province as described above is hereby approved.
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. This activity must commence within a period of five (05) years from the date of issue of this environmental 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.
8. Construction must be completed within 5 years of the commencement of the activity on site.
9. Commencement with one activity listed in terms of this environmental authorisation constitutes commencement of all authorised activities.

### **Notification of authorisation and right to appeal**

10. 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.
11. The notification referred to must –
  - 11.1. specify the date on which the authorisation was issued;
  - 11.2. inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations, 2014;
  - 11.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 11.4. give the reasons of the Competent Authority for the decision.

### **Commencement of the activity**

12. 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, Act No. 107 of 1998, as amended 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**

13. The Environmental Management Programme (EMPr) that was integrated as part of the BAR dated December 2018 is approved and must be implemented.
14. Changes to the approved EMPr must be submitted in accordance to the EIA Regulations applicable at the time.
15. The Department reserves the right to amend the approved EMPr should any impacts that were not anticipated or covered in the BAR be discovered.

### Frequency and process of updating the EMPr

16. The EMPr must be updated where the findings of the environmental audit reports, contemplated in Condition 21 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.
17. The updated EMPr must contain recommendations to rectify the shortcomings identified in the environmental audit report.
18. 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.
19. 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.
20. The holder of the authorisation may apply for an amendment of an EMPr, if such amendment is required before an audit is required. The amendment process is prescribed in Regulation 37 of GN R.982. The holder of the authorisation must request comments on the proposed amendments to the impact management outcomes of the EMPr or amendments to the closure objectives of the closure plan from potentially interested and affected parties, including the competent authority, by using any of the methods provided for in the Act for a period of at least 30 days.

### Monitoring

21. 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.
  - 21.1. The ECO must be appointed before commencement of any authorised activities.
  - 21.2. Once appointed, the name and contact details of the ECO must be submitted to the *Director: Compliance Monitoring* of the Department.
  - 21.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

21.4. 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**

22. 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.
23. 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.
24. 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.
25. 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.
26. The environmental audit reports must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014, as amended 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.
27. 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**

28. 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**

29. 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**

30. 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**

31. A permit must be obtained from the relevant nature conservation agency for the removal or destruction of any indigenous protected and endangered plant and animal species if required.
32. No activities will be allowed to encroach into a water resource without a Water Use Licence being in place from the Department of Water and Sanitation.
33. Vegetation clearing must be kept to the development footprint and mitigation measures must be implemented to reduce the risk of erosion.
34. All areas affected by construction should be rehabilitated upon completion of the construction phase of the development.
35. Storage of potentially hazardous materials such as fuel, oils, cement, bitumen and paints must not be placed within a distance of 100m from a watercourse, if there are any spillages it must be cleaned up immediately and contaminants must be properly drained and disposed of using proper hazardous solid waste facilities (not to be disposed of within the natural environment).
36. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling and re-use options where appropriate. Where solid waste is disposed of, such disposal shall only occur at a landfill licensed in terms of section 20(b) of the National Environment Management Waste Act, 2008 (Act 59 of 2008).
37. If any evidence of archaeological sites or remains (e.g., remnants of stone-made structures, indigenous ceramics, bones, stone artefacts, ostrich eggshell fragments, marine shell and charcoal/ash concentrations), unmarked human burials, fossils or other categories of heritage resources are found during construction, the South African Heritage Resources Agency (SAHRA) and AMAFA must be alerted immediately, and a professional archaeologist or palaeontologist, must be contacted to inspect the findings.



38. The recommendations and mitigation measures from the specialist studies and the EAP in the BAR dated December 2018 must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.

### General

39. The recommendations and mitigation measures from the specialist studies and the EAP in the BAR dated December 2018 must be adhered to. In the event of any conflicting mitigation measures and conditions of the Environmental Authorisation, the specific condition of this Environmental Authorisation will take preference.
40. A copy of this environmental authorisation, the audit and compliance monitoring reports, and the approved EMP, must be made available for inspection and copying-
- 40.1. at the site of the authorised activity;
  - 40.2. to anyone on request; and
  - 40.3. where the holder of the environmental authorisation has a website, on such publicly accessible website.
41. 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: 17/04/2019



Mr Vusi Skosana

Acting 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 listed activities as applied for in the application form received on 26 September 2018.
- b) The information contained in the BAR dated December 2018.
- c) The comments received from I&APs as included in the BAR dated December 2018.
- d) Mitigation measures as proposed in the BAR dated December 2018.
- e) The information contained in the specialist studies submitted as part of the BAR dated December 2018.

### **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 need for the capacity improvements to National Route 2 (N2) and National Route 3 (N3).
- b) The findings of all the specialist studies conducted and their recommended mitigation measures.
- c) The description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected.
- d) The methodology used in assessing the potential impacts identified in the BAR dated December 2018 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, as amended 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 2018 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) The information contained in the BAR dated December 2018 is deemed to be accurate and credible.
- e) 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 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.



## environmental affairs

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

Private Bag X447 PRETORIA 0001 Environment House · 473 Steve Biko Road, Arcadia· PRETORIA  
Tel(+ 27 12 ) 399 9372

Enquiries: Mr Ishaam Abader Telephone: 012 399 9330 E-mail: iabader@environment.gov.za

Mr. Vusi Skosana  
Director: Strategic co-ordination planning and support

Dear Mr. V Skosana

### **APPOINTMENT AS ACTING CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS FOR THE PERIOD 17 APRIL 2019 UNTIL 30 APRIL 2019.**

I hereby inform you that I have decided to appoint you as the Acting Chief Director: integrated environmental authorisations for the period 17 April 2019 until 30 April 2019 whilst Mr. Sabelo Malaza is on annual leave and away on business (Australia IAIA conference).

All the correspondence and other documents that are usually signed by the Chief Director: Integrated Environmental Authorizations must be signed under Acting Chief Director: Integrated Environmental Authorisations during the above-mentioned period.

Your appointment in the above acting position remains subject to the provisions of the Public Service Act, 1994 (Proclamation No. 103 of 1994), as amended, the Government Employees Pension Fund Act, 1996 (Proclamation No. 21 of 1996), the regulations promulgated under these Acts and relevant circulars.

In the execution of your duties and the exercising of the powers delegated to you, you will furthermore be subjected to the provisions of the Public Finance Management Act, compliance with the Promotion of Access to Information Act, Promotion of Administrative Justice Act, the Minimum Information Security Standard, Departmental Policies and other applicable legislations with the Republic of South Africa. You are therefore advised to make yourself familiar with the provisions of this legislations and policies and the amendments thereof. (Copies of Departmental policies can be obtained from the Human Resource Office).

Please accept my heartfelt gratitude for all your assistance on behalf of the department.

Yours sincerely,

  
Mr Ishaam Abader

DDG : LACE

Date: 15/04/2019

#### ACKNOWLEDGEMENT

I ACCEPT / ~~DO NOT ACCEPT~~ appointment  
as Acting Chief Director: integrated  
environmental authorisations

Signed: 

Date: 17/04/2019