



**DEPARTMENT: ENVIRONMENTAL AFFAIRS AND TOURISM  
REPUBLIC OF SOUTH AFRICA**

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**Ref: A24/16/424**

**Enquiries: Peter Ngoasheng**

**Tel: (012) 310 3597 Fax: (012) 310 3688 e-mail: [pngoasheng@ozone.pwv.gov.za](mailto:pngoasheng@ozone.pwv.gov.za)**

Dr Jenine Bothma  
South African National Roads Agency Limited  
P O Box 415  
**PRETORIA**  
0001.

Fax: (012) 362 2116

Dear Dr Bothma

**APPLICATION FOR AUTHORISATION FOR THE UPGRADING OF THE  
R34/P4-1/P3-2/P3-1/R30 ROAD BETWEEN KROONSTAD AND  
BLOEMFONTEIN THROUGH WELKOM AND THE CONSTRUCTION OF A  
TOLL PLAZA BETWEEN BRANDFORD AND BLOEMFONTEIN**

Your application of April 2003 for authorisation, in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of an activity identified in terms of section 21 of the Act, regarding the above matter refers.

This department has evaluated the scoping report dated March 2004 and has considered your application.

By virtue of the power delegated to me in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) I hereby, in terms of section 22(3) of the Act, authorise:

**The upgrading of the R34/P4-1/P3-2/P3-1/R30 road between Kroonstad and Bloemfontein through Welkom and the construction of a toll plaza between Brandford and Bloemfontein subject to the conditions listed in the record of decision. (Schedule 1 of Government Notice No. R. 1182: Item 1(d) and 1(c). This authorisation includes the construction of an underground facility for bulk storage of liquid fuel for an emergency generator at the proposed toll plaza.**

Enclosed please find the record of decision and the conditions under which your application is authorised.

Please note that all decisions with regard to the tolling of the road is the responsibility of the Department of Transport. In terms of the applicable legislation all issues related to the positioning of the toll plazas, other than the biophysical impacts, are also the responsibility of the Department of Transport.

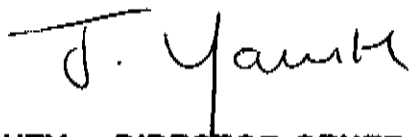
In terms of section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), appeals on the record of decision can, within 30 days from the date of this authorization be lodged with:

The Minister of Environmental Affairs and Tourism  
Private Bag X447  
PRETORIA  
0001  
Fax: (012) 322 0082

Appeals must comply with the provisions of regulation 11 of the environmental impact assessment regulations, (Government Notice No. R. 1183 of 5 September 1997) which reads as follows:

- (1) An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the record of decision was issued to the applicant in terms of regulation 10(1);
- (2) An appeal must set out all the facts as well as the grounds of appeal, and must be accompanied by all relevant documents or copies of them which are certified as true by a commissioner of oaths.

An appeal questionnaire may be used in the lodging of an appeal. It is obtainable from the department's offices at tel. (012) 310 3590 or email: [cveeden@ozone.pwv.gov.za](mailto:cveeden@ozone.pwv.gov.za)



**DEPUTY DIRECTOR-GENERAL: ENVIRONMENTAL QUALITY AND PROTECTION**

**DATE:** 30/8/05

## RECORD OF DECISION

**DECISION IN TERMS OF SECTION 22 (3) OF THE ENVIRONMENT CONSERVATION ACT, 1989 WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GOVERNMENT NOTICE NO. R. 1183 OF 5 SEPTEMBER 1997.**

**1. REFERENCE NUMBER:** A24/16/3/424

**2. BRIEF DESCRIPTION OF ACTIVITY**

The upgrading of the R34/P4-1/P3-2/P3-1/R30 road between Kroonstad and Bloemfontein through Welkom and the construction of a toll plaza between Brandford and Bloemfontein. A facility for underground bulk storage of liquid fuel for an emergency generator will also be constructed at the proposed toll plaza.

**3. LOCALITY**

Province: Free State  
Magisterial District: Linear project  
Nearest Town: Between Kroonstad and Bloemfontein through Welkom  
Toll Plaza Location: Between Brandford and Bloemfontein

**4. APPLICANT**

The Manager  
South African National Roads Agency  
P O Box 415  
**PRETORIA**  
0001

Contact Person: Dr Jenine Bothma  
Tel: (012) 426 6200  
Fax: (012) 348 0883

**5. CONSULTANT**

Ms Ashleigh McKenzie  
ACER Environmental Management Consultants  
P O Box 503  
**MTUNZINI**  
3867

Contact Person: Ms Ashleigh McKenzie  
Tel : (035) 340 2715  
Fax: (035) 340 2232

## 6. DECISION

Authorisation is granted in terms of section 22(3) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) for the upgrading of the R34/P4-1/P3-2/P3-1/R30 road between Kroonstad and Bloemfontein through Welkom and the construction of a toll plaza between Brandford and Bloemfontein. This authorisation includes the construction of an underground facility for bulk storage of liquid fuel for an emergency generator at the proposed toll plaza.

This authorisation is subject to the following conditions:

### 6.1 General

- 6.1.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 6.1.2 This authorisation refers only to the activity as specified and described above. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (No. 73 of 1989) which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the Act, Government Notice R. 1183 and its amendments.
- 6.1.3 The authorisation is subject to the approval of the affected local authorities in terms of any legislation administered by those authorities.
- 6.1.4 One week's notice, in writing, must be given to this department before commencement of construction activities. Such notice shall make clear reference to the site location details and reference number given above.
- 6.1.5 The conditions of this authorisation must be brought to the attention of all persons (employees, sub-consultants, contractors etc.) associated with the undertaking of this activity and the applicant must take such measures necessary to bind such persons to these conditions. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorisation. In the event of non-compliance the applicant should institute a penalty.
- 6.1.6 The applicant must, within 10 calendar days of receipt of this record of decision (ROD):
- a) Advertise the issuing of the authorisation in the national newspapers.
  - b) Inform all interested and affected parties registered during the EIA process.
  - c) The above must state at least the following:
    - i) That an authorisation has been issued to the applicant to proceed with the proposed upgrading of the R34/P4-1/P3-2/P3-1/R30 road between Kroonstad and Bloemfontein through Welkom and the construction of a toll plaza between Brandford and Bloemfontein.
    - ii) That any appeals against the issuing of the authorisation must be lodged with the Minister of Environmental Affairs and Tourism within 30 days from the date on which the ROD has been issued to the applicant and in the format and at the address stipulated in the authorisation.

- iii) Include the date on which the record of decision was issued to the applicant in terms of regulation 10(1) and the date by which appeals must reach the Minister.
  - iv) Indicate where copies of the authorisation and ROD can be viewed/obtained.
- 6.1.7 The applicant must notify this department, in writing, within 24 hours thereof if any condition of the authorisation is not complied with.
- 6.1.8 A copy of the authorisation shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation.
- 6.1.9 Records relating to the compliance and non-compliance with the conditions of the authorisation must be kept in good order. Such records shall be made available to this department within seven days of receipt of a written request by the department for such records.
- 6.1.10 Changes in the project resulting in significant environmental impacts are only permissible if approved in writing by this department.
- 6.1.11 This department may add to, change and/or amend any of the conditions in this authorisation if, in the opinion of the department, the addition, change or amendment is environmentally justified.
- 6.1.12 This department must be notified, within 30 days thereof, of any change of ownership and /or project developer. Conditions imposed in this record of decision must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
- 6.1.13 This department must be notified of any change of address of the applicant.
- 6.1.14 National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organisation 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 approval as set out in this document or any other subsequent document emanating from these conditions of approval.
- 6.1.15 If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).
- 6.1.16 Failure to comply with any of these conditions shall also be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
- 6.1.17 The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

- 6.1.18 Any complaint from the public during the construction of the facilities must be attended to as soon as possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be produced upon request.

## **6.2 Project specific conditions**

- 6.2.1 The mitigation measures and the recommendations contained in the scoping report dated March 2004 for this activity must be implemented. The EMP may be altered, where monitoring and auditing of the construction of the road show this to be beneficial. Any alterations to the EMP shall be subject to approval by this department.
- 6.2.2 These mitigation measures, recommendations and EMP shall be a legally binding component of any contract and should therefore be legally enforceable.
- 6.2.3 An environmental manager/control officer must be appointed to ensure that the conditions stipulated in this record of decision (ROD) and the mitigation measures contained in the scoping report dated March 2004, are complied with. The name and contact details of such a manager/officer must be announced and forwarded to this department before construction commences.
- 6.2.4 A monitoring and auditing program must be implemented to assess compliance with the conditions stipulated in this ROD. The results of the monitoring and auditing must be made available to this department upon request.
- 6.2.5 All removal of vegetation during the upgrading should be done in consultation with the provincial environmental authorities, and appropriate post-construction rehabilitation measures shall be implemented in cooperation with the provincial environmental authorities.
- 6.2.6 Prior to physical construction, the EMP, which shall be a living document, must be submitted to this department for approval.
- 6.2.7 The contents of the approved EMP must be made known to personnel, contractors and subcontractors associated with the project.
- 6.2.8 Procedures for implementing the approved EMP must be developed for solid waste disposal, water provision and storage thereof.
- 6.2.9 All waste generated during the construction must be removed and disposed of at an approved waste disposal facility.
- 6.2.10 The use of potentially harmful construction materials must be controlled and closely monitored during construction.
- 6.2.11 All liquid effluent must be disposed of in a manner approved by the relevant local authority.

- 6.2.12 Sanitation facilities must be provided within the construction camp and along the proposed route.
- 6.2.13 Archaeological and cultural sites must be identified and fenced off in accordance with the requirements of the South African Heritage Resources Agency before construction commences. Should any material of cultural or archaeological significance be found during the development then all activities must cease immediately and the SAHRA must be informed accordingly.
- 6.2.14 All borrow pit applications must be forwarded to the provincial environmental authority and the Department of Minerals and Energy.
- 6.2.15 Construction activities must, as far as possible, be scheduled to take place during winter (May – August) when rainfall and run-off are low, plants are dormant and inundation is limited.
- 6.2.16 No construction camps, dumping or construction material must be allowed in the wetlands outside of the construction servitude.
- 6.2.17 Construction activities must be limited to hours of daylight (06H00 – 18H00), Mondays to Saturdays, where the alignment passes through the residential areas. No work must be undertaken close to residential areas on Sundays.
- 6.2.18 An air quality buffer zone, as well as noise and light mitigation measures must be established where the road passes through residential areas. The latter could include but is not limited to earth berms. This must be designed to a standard that will limit the impact to acceptable levels and must be described in the EMP.
- 6.2.19 The road surface must be designed to limit road noise within the built-up areas.
- 6.2.20 The underground fuel storage facility must be installed according to the applicable SABS Codes of Practice: SABS 0400, SABS 0108, SABS 0131 Parts 2 and 3, SABS 1535, SABS 089 Parts 2 and 3 as well as the National Building Regulations, Local Municipality by-laws and all Shell S.A (Pty) Ltd Standards.
- 6.2.21 Stormwater systems must be designed to ensure that stormwater is separated from wastewater. All potentially polluted stormwater shall be led to combined sedimentation and oil/water separators before connection to the municipal sewer.
- 6.2.22 The oil/water separator must be checked on a quarterly basis and kept clean to prevent blockage and overflow. This must form part of the EMP.
- 6.2.23 Monitoring wells must be installed to a depth of at least 1 (one) metre below the base of the underground storage tank. The wells shall be checked on a regular (quarterly) basis for the presence of hydrocarbons.
- 6.2.24 A spill contingency plan must be drawn up in conjunction with the Department of Water Affairs and Forestry. This must form part of the EMP.

- 6.2.25 All procedures and equipment must be used in accordance with the Occupational Health and Safety Act Regulations.
- 6.2.26 Construction of the underground bulk storage for liquid fuel facility must meet the requirements of the local Fire Department.
- 6.2.27 Indigenous trees occurring on the site must, as far as possible, be retained and incorporated into the landscaping plan for the site.
- 6.2.28 The site operator must submit an audit report to the Department of Environmental Affairs and Tourism indicating compliance with the conditions of authorization of this record of decision within 1 (one) month of completion of the development.
- 6.2.29 The final site plans must be approved by the local authority before construction commences.
- 6.2.30 The applicant is responsible for compliance with the provisions for Duty of Care and remediation of damage contained in section 28 of National Environmental Management Act, 1998 (Act No.107 of 1998).
- 6.2.31 Failure to comply with these conditions of authorization will render this authorization invalid and the applicant liable to legal action under section 29 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

## **7. RECOMMENDATIONS**

- 7.1 It is recommended that an environmental management system (EMS) be compiled and implemented for the project. The EMS should incorporate the conditions of approval given in this ROD. This will facilitate monitoring and auditing.

## **8. KEY FACTORS AFFECTING THE DECISION**

- 8.1 The department's authorisation is based upon a review of the scoping report dated March 2004. The report findings indicate that impacts will be of low significance on the environment. This department is therefore satisfied that the upgrading and construction of certain sections of the R34/P4-1/P3-2/P3-1/R30 road between Kroonstad and Bloemfontein through Welkom will have no significant detrimental impact on the environment provided that the conditions under which this activity is authorised are implemented.
- 8.2 The department is further of the opinion that the benefits of this activity will outweigh the possible negative environmental impacts.

## **9. SITE VISIT**

16 April 2003 - Attended by the following:

Mr Peter Ngoasheng	Department of Environmental Affairs and Tourism
Mr Mashudu Dzivhani	Department of Tourism, Economic and Environmental Affairs
Ms Janice Tooley	ACER Africa Environmental Management Consultants



**10. DURATION AND DATE OF EXPIRY**

If construction does not commence within a period of two years, this authorisation will be invalidated.



**DEPUTY DIRECTOR-GENERAL: ENVIRONMENTAL QUALITY AND PROTECTION**

**DATE:** 30/8/04