



environmental affairs

Department
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 27 12) 322 2682

FAX COVER SHEET

DATE :

11 Jan. 2010

TO :	Mr Hennie Joubert
ORGANISATION :	
FAX :	(011) 708 2378
FROM :	Mr Chuchaka Tivani
TEL :	(012) 310 3503
FAX :	(012) 320 7539
NO. PAGES :	14 (Include cover page)
SUBJECT :	

Dear Mr Joubert

Please receive herein the attached Letter for your attention.

Regards,

Cc: Mr R Kaiwa
Dr Freek Venter
Appeals Administrators

(RES)
(SANParks)
(DEA)

Fax: (086) 685 8005
Fax: (013) 735 4051



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA
Private Bag X 447 PRETORIA 0001 Fedsaure Building 315 Pretorius Street PRETORIA
Tel (+ 27 12) 310 3911 Fax (+ 2712) 322 2682

Reference: 12/12/20/610/1/55 & [DEAT/EIA/2634/2008]

Enquiries: C Tivani

Telephone: (012) 310 3503 Fax: (012) 320 7539 E-mail: ctivani@deat.gov.za

Mr Hennie Joubert
PO Box 2821
RIVONIA
2128

Fax no: 011-708-2378

PER FACSIMILE / MAIL

Dear Mr Joubert

**AMENDMENT TO ENVIRONMENTAL AUTHORISATION ISSUED ON 19 MAY 2009: PROPOSED CONSTRUCTION OF A LOW LEVEL BRIDGE CROSSING OVER THE CROCODILE RIVER BETWEEN THE FARM LODWICHLUST NO. 163 JU AND THE KRUGER NATIONAL PARK, MPUMALANGA PROVINCE
(R. 386 ITEMS 1(d) 1(m), 4, 15, & 20)**

With reference to the abovementioned application, please be advised that the Department in terms of the powers vested in it by regulation 43 of Environmental Impact Assessment Regulations, 2006, has decided to amend the environmental authorisation as follows:

Description of the Activity:

"The construction of a low-level bridge crossing over the Crocodile River between the Farm Lodwichslust No. 163 JU and the Kruger National Park, Mpumalanga Province"

Must be substituted with:

"The construction of a low-level bridge crossing over the Crocodile River between portion of Portion 50 the Farm Tenbosch No. 162 JU and the Kruger National Park, Mpumalanga Province"

The environmental authorisation reflecting the amendments is attached hereto.

Reasons for the decision to amend the environmental authorisation:

- a) The application is for a substantive amendment to the environmental authorisation.
- b) The environment and the rights and interests of other parties are not likely to be adversely affected by this decision to amend the environmental authorisation.
- c) The applicant and the SANParks have agreed on a new site which is already disturbed in order for the low-level bridge to be constructed.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 7 (seven) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to interested and affected parties.

A copy of the official appeal form can be obtained from:

Mr TH Zwane
Senior Legal Administration (Appeals)
Tel: 012-310-3929
tzwane@deat.gov.za; or

Ms MM Serite
Legal Administration Officer (Appeals)
Tel: 012-310-3788
mserite@deat.gov.za

at the Department.

Should any party, including you, wish to appeal any aspect of the decision, they / you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: 012-320-7561;

By post: Private Bag X447, Pretoria, 0001; or

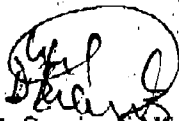
By hand: 2nd Floor, Fedsure Forum Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

You (applicant) must also serve a copy of the 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.

Please include the Department (*Attention: Mr Dumisani Mthembu, Director; EIE*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

The authorised activity / ies shall not commence within thirty (30) days of the date of signature of the authorisation. Further, please note that the minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Mr Dumisani Mthembu

CHIEF DIRECTOR: ENVIRONMENTAL IMPACT MANAGEMENT (ACTING)

Department of Environmental Affairs

DATE: 11/01/2010

CC: Mr R Kalwa (RES)
Dr Freek Venter (SANParks)
Appeals Administrators (DEA)

086-685-8003
013-735-4051



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

Authorisation register number: 12/12/20/610/1/55 & DEAT/EIA/2634/2008

Date of first issue: 19 May 2009

Holder of authorisation: LUGEDLANE DEVELOPMENTS (PTY) LTD

Location of activity: Portion of Portion 50 of the Farm Tenbosch No. 162 JU and Kruger National Park, Mpumalanga Province.

DGL
11/05/2010

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 be authorised to undertake the activity specified below.

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, 2006 the Department hereby authorises

LUGEDLANE DEVELOPMENTS (PTY) LTD

with the following contact details –

Mr Hennie Joubert
PO Box 2821
RIVONIA
2128

Tel: 011-708-3474
Fax: 011-708-2378

to undertake the following activity/ies (hereafter referred to as "the activity")

- R. 386 Item 1(d): The construction of facilities or infrastructure, including associated structures or infrastructure, for resorts, lodges, hotels or other tourism and hospitality facilities in a protected area contemplated in the National Environmental Management Protected Areas Act, 2003 (Act No. 57 of 2003);
- R. 386 Item 1 (m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32 metres from the bank of a river or stream where the flood line is unknown, excluding purposes associated with existing residential use, but including -
- (i) canals;
 - (ii) channels;
 - (iii) bridges;
 - (iv) dams; and
 - (v) weirs;
- R. 386 Item 4: The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in-stream dam, floodplain or wetland;
- R. 386 Item 15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads or less than 30 metres long; and
- R. 386 Item 20: The transformation of an area zoned for use as public open space or for a conservation purpose to another use.

as described in the Environmental Impact Assessment Report (EIR) dated September 2009 page 7 as follows:

The construction of a low level bridge crossing over the Crocodile River between the portion of Portion 50 of the Farm Tenbosch No.162 JU and the Kruger National Park (KNP) which falls within the jurisdiction of the South African National Parks (SANParks) and Nkomazi Local Municipality in the Mpumalanga Province, hereafter referred to as "the property".

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

Conditions

Scope of authorisation

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the applicant'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.
3. The activity authorised may only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This activity must commence within a period of three (3) years from the date of issue. 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.
6. 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.

6.1. Relevant legislation that must be complied with by the holder of this authorisation includes:

- Archaeological remains, artificial features and structures older than 60 years are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
- All provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993).
- All provisions of the National Water Act, 1998 (Act 36 of 1998).
- All provisions of the National Forests Act, 1984 (Act No. 122 of 1984).
- All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).

- All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act 57 of 2003) and its Regulations.
- 7. All outdoor advertising i.e. signage boards associated with this proposed activity must be below the thresholds stipulated in the EIA Regulations as it was not applied for as an activity for authorisation during the environmental authorisation process. Should the holder of the environmental authorisation wish to exceed these thresholds he/she must submit an application for authorisation to this Department. Further, all outdoor advertising associated with this proposed activity, whether on or off the property concerned, must comply with the applicable Local Authority By-Law for the control of Outdoor Advertising or in the absence of local legislative controls, must comply with the South African Manual for Outdoor Advertising Control (SAMOAC).
- 8. Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy.
- 9. A permit shall be obtained from the relevant nature conservation agency for the removal or destruction of indigenous protected and endangered plant and animal species. At all times the principles of search and rescue of species must be explored prior to destruction.
- 10. The proposed activity entails:
 - 10.1 The construction of approximately 180 meters long low-level bridge crossing over the Crocodile River at the Marula Weir site;
 - 10.2 An entrance gate house;
 - 10.3 Two toilets;
 - 10.4 A temporary cofferdam; and
 - 10.5 The construction of a 4,5 kilometres meter X 4 meters wide access road.
- 11. The proposed bridge must be constructed at the footprint of the Marula Weir at the following GPS position: S 25° 22' 48.3"; E 031° 44' 44.7".
- 12. The proposed gate house must be located above the 1:100 year flood line.
- 13. The maximum number of passengers allowed in vehicles passing over the low level bridge over the Crocodile River must not exceed 25; this total will include the driver.
- 14. An agreement must be reached between SANParks and the applicant on the use of the bridge by concessionaires at Lukimbi. This agreement must be communicated to the DEAT for record purposes before the operational phase is implemented.
- 15. Concrete pillars, columns, culverts and side walls of the bridge structure must be coated with earthy colours.
- 16. The proposed low-level bridge must not be visible to the KNP visitors.
- 17. Hessian curtains must be installed below the cofferdam walls to contain (any unforeseen) silt loads.
- 18. The normal KNP gate entrance times, rules and regulations shall apply and must be adhered to.
- 19. The flow of the Crocodile River must not be impeded during the construction and operational phases. The Crocodile River must be temporarily diverted during the construction of the middle section of the proposed bridge. The proposed cofferdam walls must be removed after the construction of the bridge.
- 20. The proposed bridge must not be lit with external light sources.
- 21. Ready mix concrete and cement must be delivered to the site. No mixing of cement must occur on site.
- 22. The proposed access roads must be upgraded in accordance with SANParks standards.
- 23. Authorisation in terms of the National Water Act, 1996, must be obtained from the Department of Water Affairs (DWA). This authorisation must be obtained prior to the commencement of the construction phase.
- 24. The proposed septic tank and French Drain must be constructed according to the DWA requirements.

25. The development footprint of the proposed bridge must be kept to an absolute minimum (approximately 180 meters long).

Appeal of authorisation

26. The holder of the authorisation must notify every registered interested and affected party, in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorise the activity.
27. The notification referred to in 26 must –
- 27.1. specify the date on which the authorisation was issued;
 - 27.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations;
 - 27.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and
 - 27.4. give the reasons for the decision.

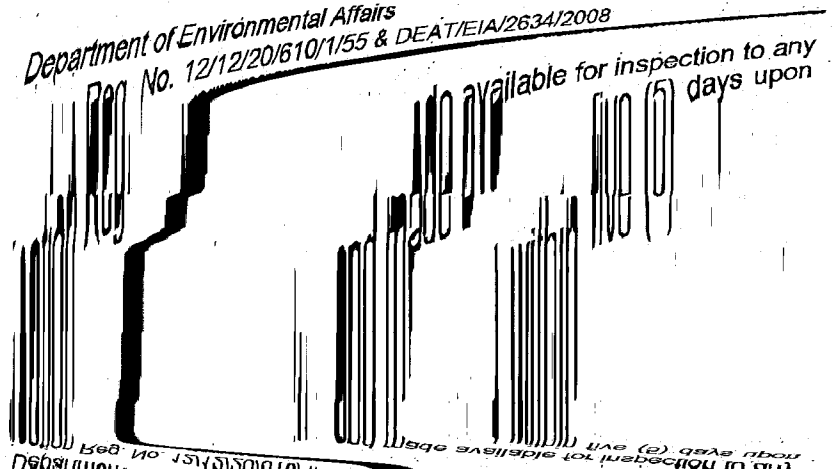
Management of the activity

28. The Environmental Management Plan (EMP) submitted as part of the EIR dated September 2009 must be implemented and strictly enforced during all construction activities. The EMP will be seen as a dynamic document. The EMP must be included in all contract documentation for the construction phase of the development.
29. The EMP must be included in all contract documentation for the construction phase of the development.
30. The recommendations and mitigation measures recorded in the EIR dated September 2009 must be adhered to and incorporated as part of the EMP where applicable.
31. Measures for the management of heritage resources if such are exposed during construction must be implemented. Should any heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the finding.
32. All correspondence with regard to this application must be forwarded for attention to The Director: Environmental Impact Evaluation within the department.

Monitoring

33. The applicant must appoint an Environmental Officer (EO) for the duration of the construction and rehabilitation phases of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMP.
34. The EO shall be appointed before commencement of any land clearing or construction activities. This Department must be notified of such an appointment for communication purposes.
35. The EO must, in addition to the requirements of the EMP, monitor project compliance with conditions of this environmental authorisation, environmental legislation and the recommendations for mitigation contained in the EIR.
- 35.1. The EO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the EO and compliance monitoring.

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No. 12/12/20/610/1/55 & DEAT/EIA/2634/2008



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days upon

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