

Background

- SANRAL lodged an application for authorization for the construction of the Nelspruit Northern Ring Road - a 2010 project (March 2007)
- This application was submitted in terms of GN R. 385, and GN R. 387 of 21 April 2006
- Proposed route cuts through 1.47ha portion of the northern border of Lowveld National Botanical Garden
- Positive ROD was issued after SANRAL satisfied additional requirements in April 2008



EIA Processes and Public Participation Undertaken

- This application was reviewed based on NEMA Section 24C (2) and Regulation 385 section 3
- The public consultation process was conducted in accordance with Regulation 56 which requires:
 - Notice to all potential Interested & Affected Parties (on site, owners adjacent to site, 100 m, local councilor, municipality, organ of state)
 - Advert in local newspapers
 - Keeping of a register of interested and affected parties



Stakeholders identified and Consulted

- Department of Water Affairs and Forestry
- Mbombela Local Municipality
- WESSA
- SA Heritage Resources Agency
- National Department of Agriculture
- Mpumalanga Department of Agriculture and Land Affairs
- Adjacent Land owners
- SANBI



Issues Raised by Stakeholders

- Wetland and Riparian Zone Delineation Study
- Other matters considered included:
 - Ecological impact
 - Visual impact
 - Noise impact
 - Socio economic impact
 - Hydrological impact
 - Soil and agricultural potential



Responses to address identified issues

- Additional specialist studies requested and undertaken on wetland and riparian zone delineation
- Specialist studies were also conducted on:
 - Ecological impact assessment
 - Summer faunal assessment
 - Visual impact assessment
 - Noise impact assessment
 - Socio economic impact assessment
 - Hydrological impact assessment
 - Soil and agricultural potential assessment



Environmental Authorization Conditions

- The recommendations from the specialist studies were considered and included in the final ROD (ref condition 1.32)
- The authorization further places an obligation on SANRAL to comply with any other statutory requirement/s that may be applicable to the undertaking of an activity (ref condition 1.38)
- One such obligation, in terms of this application is the withdrawal of the proclamation for the affected part of the Lowveld National Botanical Garden



Withdrawal of Proclamation in terms of NEMBA

According to section 34 of the National
Environmental Management: Biodiversity Act
(Act 10 of 2004):

*34. (1) The Minister may, by notice in the
Gazette—*

*(a) amend or withdraw a notice referred to in
section 33, subject to subsection (2);*



Withdrawal of Proclamation (cont)

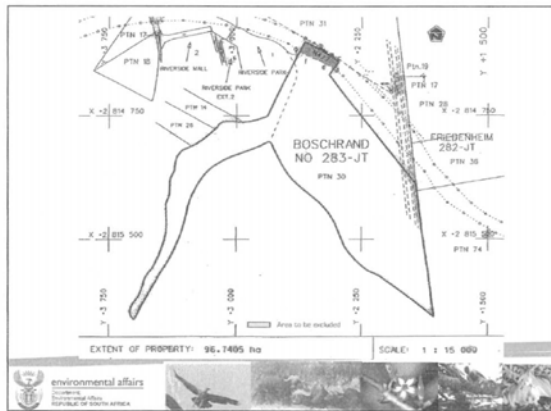
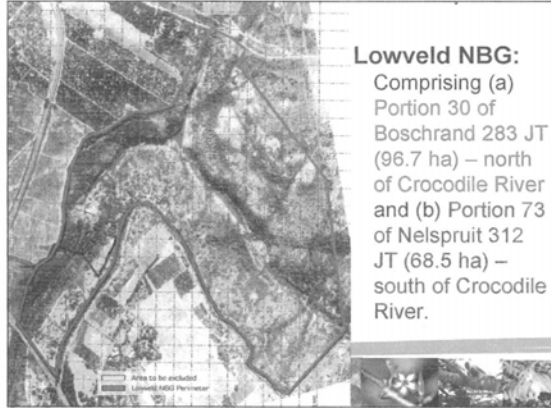
(2) The declaration of state land as a national botanical garden, or part of an existing national botanical garden, may not be withdrawn and a part of a national botanical garden on state land may not be excluded from it except by resolution of each House of Parliament.

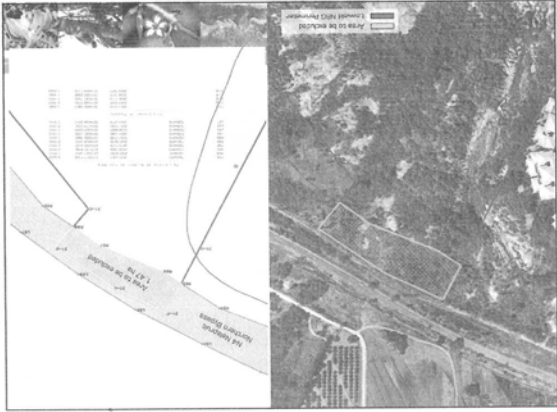
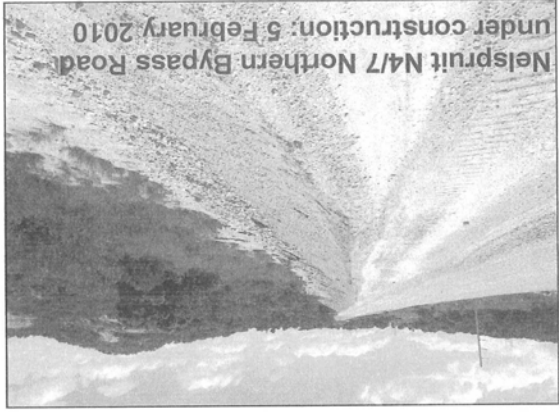


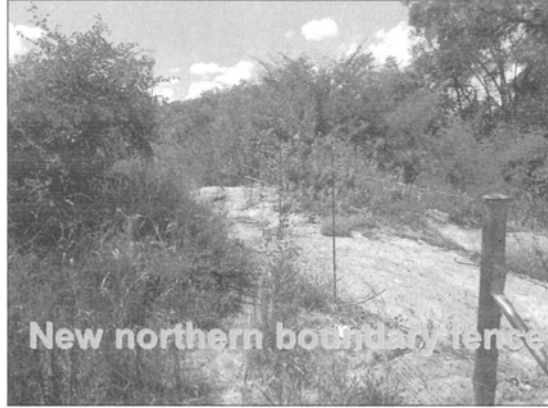
Withdrawal processes

- The proposed amendment of the declaration of the Lowveld National Botanical Garden was gazetted by Notice 320 of 2009 (27 March 2009)
- No comments received
- No existing or planned future services of the Lowveld National Botanical Garden are affected by the proposed road alignment.
- The piece of land in question is natural vegetation, neither visible nor accessible to garden visitors.
- Offset arrangement to be negotiated with adjacent Agricultural College









Recommendation

- That NA and NCOP approve of the withdrawal of proclamation of affected portion of LNBG to allow for the development of the new Nelspruit N4/7 Ring Road