



Province of the
EASTERN CAPE
ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS AND TOURISM
CACADU REGION

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E-mail: Viwe.Ngunge@deaet.ecape.gov.za

Reference: EC08/LN1&3/M/12-09

Enquiries: V. Ngunge

P.W. Talbot
PO Box 6
Hankey
6350

Attention: Peter Talbot

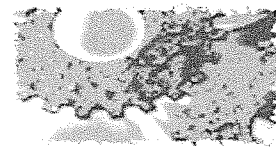
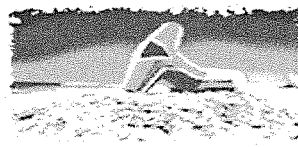
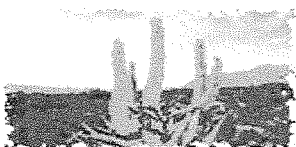
APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2010: PROPOSED EXTENSION AND UPGRADING OF A SINGLE RESIDENTIAL DWELLING AT 46 RIVERTIDE SHAREBLOCK ON PORTION 4 OF FARM OSBOSCH NO. 707 WITHIN THE KOUGA MUNICIPAL AREA

With reference to the above-mentioned application (Reference number EC08/LN1&3/M/12-09), please be advised that the Department has decided to grant authorisation. The Authorisation Notice and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) calendar days of the date of this letter, of the Department's decision in respect of your application.

1. The written notification referred to above must -
 - 1.1 Specify the date on which the Authorisation was issued;
 - 1.2 Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the NEMA EIA Regulations, 2010; and
 - 1.3 Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
2. Should you decide to appeal, you must serve a copy of your 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.

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.



ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

3. Notice of intention to appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as "the MEC") in terms of Regulation 60(1) of the NEMA EIA Regulations, 2010 and within twenty (20) days after the appellant has been notified in terms of Conditions 1 and 2 of the decision.
4. The address to which the **original** notice of intention to appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Physical Address	Beacon Hill, Cnr of Hargreaves Street & Hockley Close, King Williams Town, 5600
In order to facilitate efficient administration of appeals <u>copies</u> of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
General Manager: Environmental Affairs per fax:	[043] 605 7300
Manager: Mr. S. Gqalangile - Environmental Impact Management per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.

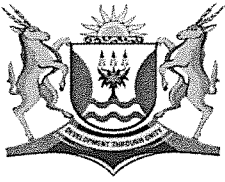


DAYALAN GOVENDER

DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS

CACADU REGION

DATE: 28/09/2012



**PROVINCE OF THE
EASTERN CAPE**

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**ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS AND TOURISM**

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	EC08/LN1&3/M/12-09
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	P. W. Talbot
LOCATION OF ACTIVITY	46 Rivertide Shareblock, Portion 4 of Farm Osbosch No. 707 within the Kouga Municipal area

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

“EIA regulations” – These are the Environmental Impact Assessment Regulations published in Government Notice R543 of 18 June 2010 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998.

“The Department” – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

“Commencement” – Any physical activity on site that can be viewed as associated with the alterations and additions to the house, inclusive of initial site preparation.

1. 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 allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4 of this Environmental Authorisation.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the Environmental Impact Assessment Regulations, 2010 the Department

hereby authorises P. W. Talbot being the legal or natural person who has applied for this Authorisation, with the following contact details:

Name	P. W. Talbot		
Address	PO Box 6, Hankey, 6350		
Telephone	042 284 0959	Cell	082 552 7840
Contact	Peter Talbot	E-mail	peter@dunroven.co.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities or activities listed in the table below:

Detailed description of activity	
<p>The activity entails the upgrading and refurbishment of a single residential dwelling on Erf 46, Portion 4 of Farm Osbosch No. 707 Rivertide Shareblock, Humansdorp. The new additions proposed will measure 266 m². There is an existing water, sewage and electrical connection. Access is gained via the street East of the site.</p>	
Listed Activities	
R 544 (16)	<p>Construction or earth moving activities in the sea, an estuary, or within the littoral active zone or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever is the greater, in respect of -</p> <ul style="list-style-type: none"> i. fixed or floating jetties and slipways; ii. tidal pools; iii. embankments; iv. rock revetments or stabilising structures including stabilising walls; v. buildings of 50 square metres or more; or vi. infrastructure covering 50 square metres or more – <p>but excluding</p> <ul style="list-style-type: none"> a) if such construction or earth moving activities will occur behind a development setback line; or b) where such construction or earth moving activities will occur within existing ports or harbours and the construction or earth moving activities will not increase the development footprint or throughput capacity of the port or harbour; c) where such construction or earth moving activities is undertaken for purposes of maintenance of the facilities mentioned in (i)-(vi) above; or d) where such construction or earth moving activities is related to the construction of port or harbour, in which case activity 24 of Notice 545 of 2010 applies.
R 544 (18)	The infilling or depositing of any material of more than 5 cubic

	<p>metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock from</p> <ul style="list-style-type: none"> i. a watercourse; ii. the sea; iii. the seashore; iv. the littoral active zone, an estuary or a distance of 100 metres inland of the high-water mark of the sea or an estuary, whichever distance is the greater - <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving</p> <ul style="list-style-type: none"> i. is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or ii. occurs behind the development setback line.
R 546 (24)	<p>The expansion of buildings where the buildings will be expanded by 10 square metres or more in size, where such construction occurs within a watercourse or within 32 metres of a watercourse measure from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>

At the locality defined in the Table below, and hereafter referred to as “the property”:

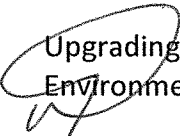
District	Cacadu
Municipal Area	Kouga Municipal Area
Farm Name	Farm Osbosch
Farm Number and Portion	Portion 4 of Farm 707
Erf Number and Township Extension or Suburb	Erf 46 Rivertide Shareblock
Co-ordinates	34° 08,032' S and 24° 48,225' E
Physical address	46 Rivertide Shareblock, Kromme River, Humansdorp

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

3.1. Duration of authorisation

3.1.1.  Upgrading and refurbishment of the residential dwelling as authorised in this Environmental Authorisation must commence within a period of 12 (twelve)

months from the date of issue of this Authorisation. If commencement of the activity does not occur within this period, this Environmental Authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

3.1.2. Construction to be completed within 12 (twelve) months of commencement.

3.1.3. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions

3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.

3.2.2. This Environmental Authorisation applies only to the activities and property described therein.

3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.

3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.

3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.

3.2.7. 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 this Environmental Authorisation to apply for further authorisation in terms of the regulations.

3.2.8. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such

written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.

- 3.2.9. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party within 12 (twelve) days of receiving this Environmental Authorisation.
- 3.2.10. The Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 3.2.11. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.12. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this Authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.13. 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, Act 107 of 1998 and the regulations.

3.3. Project - specific conditions

- 3.3.1. Fourteen days written notice must be given to the Department that the activity will commence. 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.
- 3.3.2. Rain water tanks, energy saving light bulbs and solar geysers must be installed to reduce the pressure on municipal services, in order to counter-act the effects of climate change.
- 3.3.3. The dimensions of the house are to conform to the relevant building regulations of the Kouga Municipality inclusive of adherence to applicable building lines and height restrictions. In this regard the height of the dwelling may not exceed 8.5 m from the Natural Ground Level (NGL).
- 3.3.4. As a minimum, all buildings on the site to be above the Bench Mark Level as stipulated by the Kouga Municipality.
- 3.3.5. There is inherent risk associated with construction activities in close proximity to the river especially where the flood line is unknown, therefore it should be noted

that the Department will not to be held liable for any damage relating to flooding or normal (and extreme) coastal processes which might occur.

- 3.3.6. Construction on the site to be in accordance with the specifications as contained in site plans prepared by Custom Construction, numbered Drawing 1 - 4 as contained in Appendix C of the Basic Assessment Report.
- 3.3.7. The Environmental Management Plan (EMP) attached to the Basic Assessment Report submitted on 28 March 2012 is hereby approved and must be implemented. In addition, the following must also be implemented if not specifically included in the EMP:
- 3.3.7.1. There is to be no transgression onto the Public Open Space across the road from the Erf during construction, inclusive of storage of material, dumping of waste or any other activity associated with construction;
 - 3.3.7.2. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
 - 3.3.7.3. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
 - 3.3.7.4. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.7.5. No servicing of vehicles and other machinery to take place on site and no fuel or other hazardous material to be stored on site;
 - 3.3.7.6. All excess construction material and any waste generated during construction must be removed from site on an ongoing basis and disposed of at a suitably registered waste disposal site;
 - 3.3.7.7. The contractor must provide adequate waste disposal and sanitation facilities and must ensure that these facilities are properly used and maintained;
 - 3.3.7.8. Clear stipulations as to who is responsible and accountable for what actions; and
 - 3.3.7.9. Sufficient erosion control measures must be stipulated and adhered to.
- 3.3.8. A 3m buffer zone must be kept from the river to the edge of the proposed development and no activities are to take place within the buffer zone.
- 3.3.9. P.W. Talbot will be held liable in the event of non-compliance with any condition of this Authorisation Notice or any stipulation of the CEMP by any contractor associated with this activity.
- 3.3.10. An Environmental Control Officer (ECO) must be appointed to oversee the implementation of the Construction Phase EMP as well as adherence to the conditions contained in this Environmental Authorisation.

- 3.3.11. Non-compliance with any stipulation in the EMP will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.3.12. All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays.
- 3.3.13. No encroachment of any nature inclusive of physical structures (permanent or movable) and gardening are to be allowed on the public open space.
- 3.3.14. Any existing transgression onto the public open space to be removed and rehabilitated.
- 3.3.15. Excavations are to be limited to what is absolutely necessary for the extensions to the house and foundations.
- 3.3.16. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in Section D, of the Basic Assessment Report being "The proposed extension and upgrading of a single residential dwelling at No 46 Rivertide Shareblock, Kromme River, Kouga Municipality, Eastern Cape", by Miriam Müller, dated March 2012 must be adhered to.
- 3.3.17. A post construction environmental audit to be completed and submitted to the Department within six months of termination of the construction phase.

4. Reasons for Decision

4.1 Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration:

- 4.1.1 The information contained in the following documentation:
 - Completed application form dated 25 January 2012 and received on 03 February 2012;
 - Completed Basic Assessment Report compiled by Miriam Müller titled "The proposed extension and upgrading of a single residential dwelling at No 46 Rivertide Shareblock, Kromme River, Kouga Municipality, Eastern Cape", by Miriam Müller, dated March 2012; and
 - Additional information received on 22 July and acknowledged on 08 August 2012
- 4.1.2 Observations made during a site visit conducted on 14 June 2012 by Ms Viwe Ngunge, Ms Indira George, Mr Chris Julius and Mr. Andries Struwig of the Department.
- 4.1.3 The EIA regulations of 2010 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

4.2 Key factors considered in making the decision

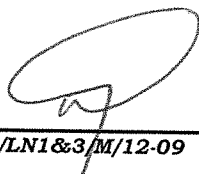
- 4.2.1. The proposed upgrading and refurbishment is of an existing dwelling. The general area is therefore already transformed and the subject site does not contain any vegetation of conservation significance. It is thus not foreseen that there will be a significant impact on the immediate biophysical environment.
- 4.2.2. It is believed that the implementation of this project will not result in unacceptable impacts on the environment if the conditions contained in this Authorisation are adhered to.
- 4.2.3. The proposed upgrading and refurbishment of the existing dwelling is in line with the recommended safety benchmark by the Kouga Municipality. Conditions are stipulated in this Environmental Authorisation to ensure that development on the site will conform to the applicable municipal building regulations and by-laws. Furthermore, it will be connected to the existing municipal service infrastructure such as sewerage infrastructure, water and electrical connections as well as the existing stormwater infrastructure.
- 4.2.4. The project has been advertised and no objections were lodged against the proposed activity.
- 4.2.5. In general the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5 Appeal of authorisation

- 5.1 In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) calendar days of the date of this letter, of the Department's decision in respect of your application.

- 5.2 The written notification referred to in Condition 5.1 above must -
- 5.2.1 Specify the date on which the Authorisation was issued;
 - 5.2.2 Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the NEMA EIA Regulations, 2010; and
 - 5.2.3 Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3 Notice of intention to appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 60(1) of the NEMA EIA Regulations, 2010 and within 20 (twenty) days after the appellant has been notified in terms of Conditions 5.1 and 5.2, of the decision.
- 5.4 The address to which the **original** notice of intention to appeal must be mailed is outlined below. Please note that originals may also be delivered by hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Physical Address	Beacon Hill, Cnr of Hargreaves Street & Hockley Close, King Williams Town, 5600
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General Manager: Environmental Affairs per fax:	[043] 605 7300
Manager: Mr. S. Gqalangile - Environmental Impact Management per fax:	[043] 605 7300
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In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



VIWE NGUNGE

ENVIRONMENTAL OFFICER: EIM

CACADU REGION

DATE: 28 SEPTEMBER 2012



DAYALAN GOVENDER

DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS

CACADU REGION

DATE: 28/09/2012