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Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

20TH September 2017

Equities :
Dipatlisilo : Ms. D Werth
Navrae :
Imibuzo
Reference
Tshupelo : NC/BA/11/FB/PHO/GAN1/2017
Verwysing
Isalathiso

Phokwane Local Municipality
MC Mogale
Private Bag X3
Hartswater
8570

mogale@phokwane.gov.za

Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR: GN.R983: ACTIVITY 27(i): THE CONSTRUCTION OF THE GANSPAN WWTW AND RELATED BULK SEWER INFRASTRUCTURE ON THE REMAINDER OF ERF 775, GANSPAN, PHOKWANE LOCAL MUNICIPALITY, FRANCE BAARD DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2014, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR: GN.R983: ACTIVITY 27(i): THE CONSTRUCTION OF THE GANSPAN WWTW AND RELATED BULK SEWER INFRASTRUCTURE ON THE REMAINDER OF ERF 775, GANSPAN, PHOKWANE LOCAL MUNICIPALITY, FRANCE BAARD DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the Final Basic Assessment Report dated September 2017, subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Permit 27/2017

Your attention is drawn to Chapter 2 of the National Appeal Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge an appeal, as prescribed in regulation 4 of the National Appeal Regulations, 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, Kimberley, 8300.

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.

Yours faithfully



**MR. B FISHER – DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT**

DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

DATE OF DECISION: 28 September 2017

Cc: MDA
neil@mdagroup.co.za
Neil Devenish



ENVIRONMENTAL AUTHORISATION

**in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the
Environmental Impact Assessment Regulations, 2014**

**Authorisation Register
Number:**

Permit 27/2017

Reference Number:

NC/BA/11/FB/PHO/GAN1/2017

Last Amended:

N/A

Holder of Authorisation:

Phokwane Local Municipality

Location of activity:

Remainder of Erf 775, Ganspan.

DEFINITIONS

"Activity" means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity or specified activity;

"Proponent" means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

"Application" means an application for an -

- (a) environmental authorisation in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

"Basic Assessment Report" means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

"Environmental Impact Assessment Report" means a report contemplated in regulation 23 of the 2014 Environmental Impact Assessment regulations;

"Plan of Study for Environmental Impact Assessment" means a study contemplated in regulation 22 which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

"Scoping Report" means a report contemplated in regulation 21 of the 2014 Environmental Impact Assessment regulations;

"EAP" means an Environmental Assessment Practitioner as defined in section 1 of the Act;

"EMPr" means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment regulations;

"Registered Interested and Affected Party" in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

"Public Participation Process" means the process in which potential interested and affected parties are given an opportunity to comment on, or rare issues relevant to specific activity;

"Department" means the Northern Cape Department of Environment and Nature Conservation; and

"The Act" means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, that the applicant should 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, 2014 the Department hereby authorises –

Phokwane Local Municipality

with the following contact details –

MC Mogale
Private Bag X3
Hartswater
8570
Tel : 053 474 9700
Cell: 071 183 3604
Fax: 053 474 1768

To undertake the following activities (hereafter referred to as "the activity(s)")

The construction of the Ganspan WWTW and related bulk sewer infrastructure on the Remainder of Erf 775, Ganspan, Phokwane Local Municipality, Frances Baard District Municipality, in terms of the scheduled activities listed below.

Activity No. 27(i) of GN.R 983

"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for- (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

Latitude (S) (DDMMSS)			Longitude (E) (DDMMSS)		
27	58	55.30	24	46	14.71
27	58	35.87	24	45	11.85
27	57	29.05	24	45	21.04
27	58	55.30	24	46	14.71
27	58	49.75	24	46	8.98
27	58	43.97	24	46	4.00
27	58	40.48	24	45	56.35

hereafter referred to as "the property".

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 must 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 the authorisation.
3. The activities which are authorised must 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 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 activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. 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.
7. 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.

8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorisation is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities must not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Environmental Affairs, National Department of Agriculture, Forestry and Fisheries, Department of Housing & Local Government, Department of Water Affairs and Sanitation, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activities, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. Seven (7) days written notice must be given to the Department before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following condition described herein:
 - i. Condition: 11
13. The applicable conditions of this authorisation must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorisation.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorisation and contracts.
15. Environmental Management Inspectors employed by the Department shall be given access to the property as described above (see detailed description of the activities) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.

16. 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 of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorisation may be withdrawn after proper procedures were followed.
17. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
18. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage 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.
19. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
20. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

Appeal of authorisation:

21. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.
22. Your attention is drawn to Chapter 2 of Government Notice No. R993, which prescribes the appeal procedure to be followed.

Management of activity:

23. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this condition must be modified).
24. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorisation.

Monitoring

25. The EMPr must be strictly enforced during all phases of the project.
26. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
27. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Basic Assessment report dated August 2017 be discovered.
28. A storm water management plan to be implemented during the construction and operation of the facility. The plan must comply with applicable regulations and prevent off-site migration of contaminated storm water.
29. A fire plan must be available on site at all times and employees must be made aware of the plan.

Environmental Control Officer (ECO) and Duties

30. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
31. The ECO must be appointed before commencement of any authorised activity.
32. The ECO must meet with the contractors to discuss the conditions of the Environmental Authorisation and the contents of the EMPr prior to commencement of activities.
33. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
34. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
35. 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.
36. 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.
37. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

38. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
39. Records relating to compliance or non-compliance with any condition of this authorisation must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
40. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints; register must be kept up to date for inspection by the Department. 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.

Environmental audit report

41. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.
42. The Environmental audit report must:
 - Be compiled by an independent environmental auditor;
 - 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 EMPr.
 - Include measures to be implemented to attend to any non-compliances.
 - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
 - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
 - Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

Commencement of the activity:

43. Seven (7) 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.
44. Waste must be disposed of a landfill site registered for such waste.
45. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.
46. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you must not commence with the activities unless authorised by the minister in writing.
47. The applicant must ensure that the Occupational Health and Safety Act (Act no. 85 of 1993) is implemented by an independent Health and Safety Officer.
48. All topsoil stockpiles must be protected against all forms of erosion and must be kept separate from other material to maintain its viability with a height not exceeding 2m.
49. A Water Use License application must be submitted to the Department of Water and Sanitation prior to the commencement of the proposed development.
50. Should any archaeological remains be found on site, the South African Heritage Agency (SAHRA) must be contacted and all works must cease immediately in that area, failure to do so constitute an offence in terms of the National Heritage Resource Act, Act 25 of 1999 as amended.
51. The holder of authorisation must ensure that environmental impacts are monitored and managed effectively throughout the life cycle of the project.
52. Environmental training must be conducted for the staff/employees before commencement of the project and environmental awareness must be given throughout the life cycle of the project.
53. Dust control measures must be implemented during construction phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).
54. Erosion control measures must be implemented during the construction phase.
55. Concrete mixing must not be done on site, a ready mix concrete must be brought into the site.

56. Permits for the destruction/or disturbance of the individual trees of *Vachelia erioloba* must be applied for and granted by the Department of Agriculture, Forestry and Fisheries.
57. The necessary flora permits must be applied for and granted by the Northern Cape Department of Environment and Nature Conservation for all plant species protected under the Northern Cape Nature Conservation Act (Act No. 9 of 2009) since protected plant species may possible be disturbed or destroyed during the construction of the proposed facility and access roads.
58. Fauna found on the area must not be harmed and must be carefully removed to a place of safety by a qualified person.
59. Trees with active bird nests / any other significant biodiversity features must not be damaged or disturbed without a valid fauna permit from the Department of Environment and Nature Conservation.
60. The drainage area to the south of the site and the woodland to the east of the site must be seen as no-go area.
61. All dams must be lined with appropriate material to prevent groundwater pollution.

Operation of the activity

62. Hazardous materials must be safely stored in designated areas, with properly visible signs, in a manner that does not endanger health or the environment.
63. A pre- and post-construction alien and invasive control, monitoring and eradication programme must be implemented and adhered to.

Site Closure and Decommissioning:

64. Should the proposed activity ever cease or become redundant, the applicant 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.
65. All areas disturbed by the project must be rehabilitated to their original or better condition.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorisation, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. 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.

APPEAL

An appellant must submit an 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 applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act 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 is finalised.



**MR B FISHER - DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION**

DATE OF ENVIRONMENTAL AUTHORISATION: 28 September 2017

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Phokwane Local Municipality**, applied for authorisation to carry out the following activities-

The construction of the Ganspan WWTW and related bulk sewer infrastructure on the Remainder of Erf 775, Ganspan, Phokwane Local Municipality, Frances Baard District Municipality, in terms of the scheduled activities listed below.

Activity No. 27(i) of GN.R 983

"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for- (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

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27	58	43.97	24	46	4.00
27	58	40.48	24	45	56.35

hereafter referred to as "the property".

The applicant appointed MDA Town and Regional Planners, Environmental and Development Consultants to undertake the Basic Assessment process.

2. Information considered in making the decision

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

- a) The Environmental Assessment Practitioner complied with Regulation 19 of 04 December 2014.
- b) Public participation followed is in line with Regulation 41 of 04 December 2014 and proof was submitted together with the Basic Assessment report on the 30 August 2017.
- c) The information contained in the Basic Assessment report submitted on 30 August 2017 by MDA Town and Regional Planners, Environmental and Development Consultants.
- d) The comments received from interested and affected parties as included in the Basic Assessment report.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, (Act No. 107 of 1998) and the Northern Cape Conservation Act (Act No. 9 of 2009).
- f) The findings of the site visit undertaken by, Mr. N. Devenish and Mrs. Dorien Werth on 21 June 2017.

3. 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 EAP who prepared the report has the expertise to carry out the Basic Assessment process.
- b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- c) The Basic Assessment process identified all legislation and guidelines it considered in preparing the report.
- d) The EAP took into account comments from interested and affected parties and incorporated them into making the Basic Assessment report.
- e) The need and desirability for the proposed activity.

4. 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 Basic Assessment report dated 30 August 2017. The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- b) The procedure followed for impact assessment is adequate for decision-making process.
- c) All interested and affected parties have no objections to the project.

In view of the above, 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, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.