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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

quiries :
Dipatlisilo : **Mr. Thulani Mthombeni**
Navrae :
Imibuzo
Reference:
Tshupelo : **NC/BA/09/PIX/EMT/DEAAR2/2013**
Verwysing : **NCP/EIA/0000212/2013**
Isalathiso

Date : **23rd October 2013**
Letiha:
Datum :
Umhla:

Mr. Walter Dhooge
Tintswalo De Aar Property Development (Pty) Ltd
5 Lynx Road
Treesbank Midrand
2021

project@tintswalo.com
086 542 0897

Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR: GN.R544: ACTIVITY 23: COMMERCIAL AND RESIDENTIAL DEVELOPMENT ON ERF 3094, WEST SIDE OF THE TOWN DE AAR, NORTH WESTERN CORNER OF NIEWOUDT AND VAN DER MERWE STREETS, DE AAR, EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME 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, 2010, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION: GN.R544: ACTIVITY 23: COMMERCIAL AND RESIDENTIAL DEVELOPMENT ON ERF 3094, WEST SIDE OF THE TOWN DE AAR, NORTH WESTERN CORNER OF NIEWOUDT AND VAN DER MERWE STREETS, DE AAR, EMTHANJENI LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the **Basic Assessment Report Dated August 2013**; subject to the conditions listed in the environmental authorisation the environmental authorisation 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 seven (7) calendar 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.

Your attention is drawn to Chapter 7 of the 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 a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2006, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 10 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 – Acting Director

Environmental Quality management

Department of Environment and Nature Conservation

DATE OF DECISIONS: 25.10.2013

Cc: Seaton Thomson & Associates

info@seaton.co.za

012 – 667 2109

Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO

ENVIRONMENTAL AUTHORISATION
in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2010

Authorisation Register
Number:

Permit 45/2013

Reference Number:

NC/BA/09/PIXEMT/DEAAR2/2013
NCP/EIA/0000212/2013

Last Amended:

N/A

Holder of Authorisation:

TINTSWALO DE AAR PROPERTY DEVELOPMENT
(PTY) LTD

Location of activity:

ERF 3094, DE AAR

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 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 activity(s) which is 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 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.

General conditions:

6. A copy of this authorisation must be kept at the property where the activity 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 7 (SEVEN) 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.
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 authorization 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 activity may 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 Water and Environmental Affairs , National Department of Agriculture, Forestry and Fisheries, Department of Cooperative Governance and Human settlement, Department of Water Affairs, Department of Minerals and Resources, Department of Energy Department of Roads & Public Works, Department of Transport, Department Arts & Culture, Department of Sports and Recreation, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, 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. One week's written notice must be given to the Administration clerk (Impact Management Unit) 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 conditions described herein:

Conditions: 11 and 23

13. The applicable conditions of this authorization 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 authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
16. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Record of Decision. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
18. This Department may add to, change and/or amend any of the conditions in this authorization 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 authorization may be withdrawn after proper procedures were followed.

19. 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.
20. 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.
21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
22. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction.
23. Construction activities must be restricted within the normal working hours, to control the impact of noise.
24. The level of dust in the construction site during the construction phase must be kept as low as possible at all the times.
25. The clearing of vegetation must be restricted within the development footprint.
26. The premises of the development site must be well fenced off such that animals from the surrounding environment could not enter the development site.
27. All the waste material which will be generated during the construction and operational phase must be collected and transported by a roadworthy vehicle into the municipal landfill site.
28. In the event of oil spillages and contamination of soil by hazardous substances that contaminated area must be cleaned up immediately by removing the contaminated soil and disposing it off into the designated hazardous skip bin for correct disposal.
29. The permit to remove the protected tree (*Bosia albitrunca*) which occurs towards the edge of the development site must be obtained from the Department of Agriculture Forestry and Fisheries, prior to the commencement of the proposed activity.

30. All the mitigation measures outlined in the Environmental Management Plan must be adhered to.

Appeal of authorisation:

31. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
32. The notification referred must –
- specify the date on which the authorisation was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - Advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
33. If the applicant should appeal against this Environmental Authorisation, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Monitoring:

26. The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this authorisation are implemented.
27. The ECO shall be appointed before commencement of any land clearing or construction activities.
28. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
29. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
30. 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.

Recording and Reporting to the Department:

31. 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.
32. In all other cases, the holder of the authorisation must notify the Department, in writing, within 7 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by the reason for non-compliance.
33. Records relating to the compliance/non-compliance with the conditions of the authorisation and contracts must be kept in good order. Such records must be made available to the Department within 7 days of receipt of a written request by the Department for such records.
34. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.

Commissioning of the activity:

35. 14 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.
36. The authorised activity shall not commence within thirty (30) days of the date of signature of the authorisation.
37. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the minister in writing.

Operation of the activity:

38. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of three (3) years from the date of issue. If commencement 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 six months before the validity period lapses. 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

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2010, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within Twenty (20) days after date of the decision, and an appeal must **be lodged within thirty (30) days after lapsing of 20 days contemplated in regulation 60 (1)** of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 8321032

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2010 Government Notice No. R. 543 of 18 June 2010.



MR. B FISHER: ACTING – DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 25-10-2013

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, Tintswalo De Aar Property Development (Pty) Ltd, applied for authorization to carry on the following activity –

The commercial and residential development on Erf 3094, De Aar, Emthanjeni Local Municipality, Pixley Ka Seme District Municipality, Northern Cape Province.

Activity No. 23 of GN. R.544 :

23. The transformation of undeveloped, vacant or derelict land to (ii) residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares.

The applicant appointed Seaton Thomson and Associates to undertake an environmental impact assessment process.

Basic Assessment was followed.

2. Information considered in making the decision

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

- a) The information contained in the Basic Assessment Report.
- b) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and
- c) The findings of the site visit undertaken by the case officer and the Environmental Assessment Practitioner on 13 March 2013.

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 environmental impact assessment process was adequately done.
- b) The legal and procedural requirements have been complied with.
- c) The information contained in the Basic Assessment Report and Appendices is to the satisfaction of this Department.
- d) Findings of the site visit conducted by the case officer and Environmental Assessment Practitioner.

4. Findings

After consideration of the information and factors listed above, the Department made the following findings –

- a) The application process was satisfactory in terms of the Regulation 36 of the EIA 2010 regulations.
- b) Adequate Public Participation Process took place.
- c) The legal and procedural requirements have been complied with and the information contained in the Basic Assessment Report.
- d) Appendices are up to the satisfaction of this Department.

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 authorization is accordingly granted.