



**destea**

department of  
economic, small business development,  
tourism and environmental affairs  
FREE STATE PROVINCE

## Environmental Authorisation

**Authorisation  
register number:**

*EMB/14, 27 28(ii)/17/30*

**Holder of  
authorisation:**

*Andre Smith*

**Location of activity:**

*Farm Avenham 2187, Bloemfontein, Free  
State Province*

**Project description:**

*Proposed Construction of a Truck Stop*

No:		
Date: <i>27 March 2018</i>		
TO	SIGNATURE	DATE
<i>HIS</i>	<i>Jlander</i>	<i>27/03/18</i>



**Directorate:**  
113 St Andrew Street  
St Andrew Building  
Bloemfontein  
9300

**Environmental Management**  
Tel: +27 (0)51 400 4812  
E-mail: [mkhosana@detea.fs.gov.za](mailto:mkhosana@detea.fs.gov.za)

## Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- 'the Department') is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), 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 ('NEMA'), 1998 (Act No. 107 of 1998) and GNR 326 of the 2014 as amended, Environmental Impact Assessment (EIA) Regulations, the Department hereby authorises –

**Andre Smith**

with the following contact details –

**PO Box 139**

**Theunissen**

**9410**

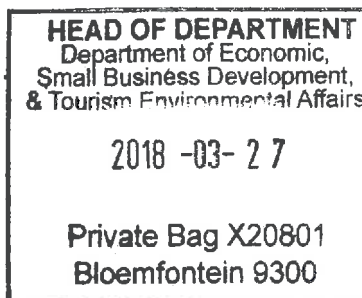
**Contact Person: Andre Smith**

**Email: [andre@ancorvervoer.co.za](mailto:andre@ancorvervoer.co.za)**

**Tel: 057 773 5053**

**Fax: 086 645 9587**

**Cell: 083 303 0212**



To undertake the following activities (hereafter referred to as “the activities”) indicated in Listing Notice 1 (GNR 327):

Activity 14: “The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling of dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but exceeding 500 cubic metres”.

Activity 27: “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”.

Activity 28: “Residential, mixed, retail, commercial, industrial, or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development:

- (ii) will occur outside an urban area, where the total land to be developed is bigger than 1hectare”.

The project will entail the construction of a truck stop on agricultural land that was previously used for crocodile farming. The construction of a diesel depot, truck stop and associated infrastructures on a portion of Portion 5 of the farm Avenham 2187, Bloemfontein. Area to be developed is more than 5 ha.

The diesel depot has been in existence adjacent to the N1 for many years on Portion 7 of the Farm Avenham 2187. The operator rented the area used for the diesel depot, but as the owner no longer wants to rent the area out, the operator bought the adjacent portion, namely Portion 5 of Avenham 2187 and it is proposed to basically relocate the existing facilities to the new site.



## Location

<b>Province</b>	<b>Free State</b>
<b>District Municipality</b>	Motheo District Municipality
<b>Local Municipality</b>	Mangaung Metropolitan Municipality
<b>Farm name and number</b>	Farm Avenham 2187
<b>Coordinates</b>	Lat: 28° 59' 53.89" Long: 26° 16' 12.99"

The granting of this Environmental Authorisation is subject to the conditions set out below.

## Conditions

### Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the Authorisation.
- 1.2 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.
- 1.3 The authorised activity/ies may only be carried out at the property/site indicated above.
- 1.4 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 commenced with.
- 1.5 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 which may result in the holder of the Authorisation to apply for further authorisation in terms of NEMA.



- 1.6 If commencement of the activity does not occur within a period of 3 (three) years from the date of issue, the Authorisation lapses and a new application for an Environmental Authorisation (EA) must be made.
- 1.7 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 this particular activity.

### Appeal of authorisation

- 1.8 The holder of the Authorisation must notify every registered interested and affected party, of the decision by the Department in writing 14 (fourteen) calendar days of the date of this Environmental Authorisation.
- 1.9 The notification referred must –
  - 1.9.1 specify the date on which the Authorisation was issued;
  - 1.9.2 Inform the interested and affected party of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38303 of 8 December 2014.
  - 1.9.3 advise the interested and affected party that a copy of the Authorisation will be furnished on request; and
  - 1.9.4 Give the reasons for the decision.
- 1.10 A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of the Department of Economic, Small Business Development, Tourism and Environmental Affairs. The Appeal should be directed to:

**MEC (Economic, Small Business Development, Tourism and Environmental Affairs)**

**Private Bag X20801**

**Bloemfontein**

**9300**

**Email: [mosholij@detea.fs.gov.za](mailto:mosholij@detea.fs.gov.za)**

**Tel: 051 400 4903**



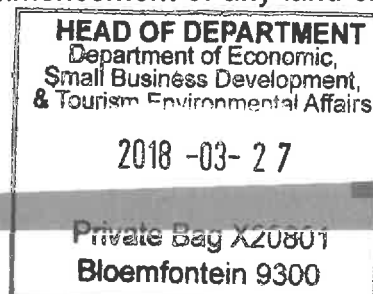
1.11 The applicant shall not commence with the proposed activity once an appeal has been lodged with the office of the MEC.

### **Management of the activity**

- 1.12 The Environmental Management Programme (EMPr) submitted as part of Application for EA is hereby approved.
- 1.13 The provisions of the Environmental Management Programme (EMPr) included in the Basic Assessment Report dated October 2017 are an extension to the conditions of authorisation, and non-compliance with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this Authorisation.
- 1.14 Should there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
- 1.15 The recommendations and mitigation measures recorded in the Basic Assessment Report dated October 2017 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.16 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

### **Monitoring**

- 1.17 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 and to ensure compliance with the provisions of the EMPr.
- 1.18 The ECO shall be appointed before commencement of any land clearing or construction activities.



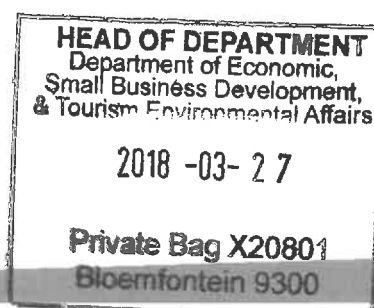
- 1.19 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.20 The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
- 1.21 Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 1.22 Operation of the development may be temporarily or permanently stopped for reasons of non-compliance with the conditions of this particular EA as set out in this document or any other subsequent document emanating from the conditions of this EA.

#### **Recording and reporting to the Department**

- 1.23 The applicant must appoint an independent auditor to conduct an environmental audit to ensure that the conditions, mitigation measures and recommendations stipulated in this EA are complied with. The environmental audit report must –
  - 1.23.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the EA conditions as well as the corrective action plan and implementation programme.
  - 1.23.2 Be kept on site and be made available for inspection by any relevant and competent authority in respect of this development.

#### **Commencement of the activity**

- 1.24 The authorised activity/ies shall not commence within twenty (20) days of the date of notification of Interested and Affected parties of the decision on the EA.
- 1.25 Should you be notified by the MEC of a suspension of the EA pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.



## **Notification to authorities**

1.26 Fourteen (14) days prior written notice must be given to the Department that the activity/ies will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which the construction of the activity will commence.

## **Operation**

1.27 Fourteen (14) days prior written notice must be given to the Department that the activity will commence operation.

## **Site closure and decommissioning**

1.28 Should the activity ever cease or become redundant, the applicant shall 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 at that time.

1.29 Before decommissioning of the development becomes evident, a rehabilitation plan must be compiled and should be approved by this Department (DESTEA).

## **Specific conditions**

1.30 Construction activities must be limited to the site under construction. Access to the site must be along existing pathways. Removal of the natural occurring vegetation must only take place on the site under construction.

1.31 Excavations must be cordoned.

1.32 Construction vehicles must be limited to designated roads only.

1.33 Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.





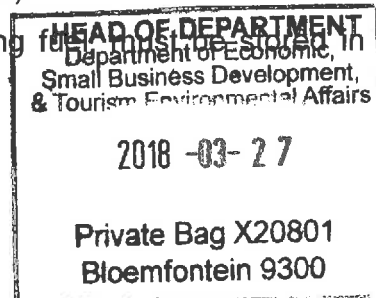


Department of Economic, Small Business Development, Tourism and Environmental Affairs, Environmental Authorization EMB/14, 27, 28(ii)/17/30:  
Proposed Activities: LNI 14, 27 and 28. Proposed Construction of a Truck Stop on Part of Portion 5 of The Farm Avenham 2187, Bloemfontein, Free State Province

- 1.34 Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of storm water run-off. Storm water management must be put in place throughout the stages of the activity.
- 1.35 An integrated waste management approach that is based on waste minimisation must incorporate the strategy of reducing, recycling, re-use and disposal. Any solid waste must be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008) as amended.
- 1.36 All contaminated land/or hazardous waste must be disposed at a licensed hazardous waste disposal site and a waste manifest disposal must be kept.
- 1.37 The proposed development during the operational phase must entail nothing significant that can cause air pollution. Vehicular movement over the site must be at slow speeds in order to keep dust generation to a minimum during construction. Care must be taken to keep the level of dust as low as possible.
- 1.38 No activities must take place in the proposed development that can affect the quality of ground water or surface water.
- 1.39 Construction activities should not take place within the 1: 50 and 1: 100 year flood lines.
- 1.40 During construction a speed limit of 35km/h must be enforced as well as proper signage posted on the access road.
- 1.41 Dust from construction must be controlled by spraying water on the earth.
- 1.42 Portable toilets for construction workers must be adequately managed to prevent spillages.
- 1.43 During dredging, if/when an artefact of historical, and/or archaeological importance unearthed, the construction must stop immediately and a Heritage Specialist called in as per the Heritage Resource Act of 1999.
- 1.44 Fire-fighting equipment must be available on site.
- 1.45 Emergency plan must be in place in case of fuel spillages (to limit the occurrence of soil as well as groundwater pollution).
- 1.46 A monitoring system must be implemented to determine the occurrence (if any) of any fuel /oil spillages from the fuel tanks/wash-bay during the operational phase. The

necessary mitigation measures must be implemented immediately, should any leakages/spills be detected.

- 1.47 All the no-go areas must be demarcated under the guidance of the control environmental officer (ECO).
- 1.48 The design of drainage systems must ensure there is no contamination, or eutrophication. Drainage system must be maintained regularly in order to minimize the runoff of harmful chemical substances into waterway(s).
- 1.49 All chemicals used during the development, including fuel, must be stored in a proper storeroom or protected area to prevent pollution.



### General

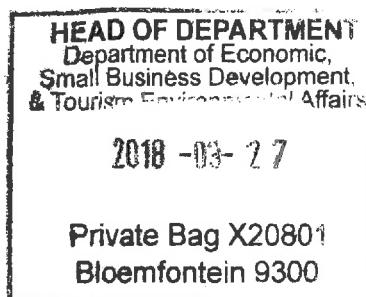
- 1.50 A copy of this particular EA must be kept at the property where the activity will be undertaken. The Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Authorisation who works or undertakes work at the property.
- 1.51 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.
- 1.52 The holder of the Authorisation must notify the Department, in writing within 48 (forty eight) hours, if any condition of this Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.53 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.
- 1.54 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title

- 1.56 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where operation be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of the authorisation as set out in this document or any other subsequent document emanating from these conditions of Authorisation.
- 1.57 The applicant is responsible for compliance with the provisions of Section 28 (Duty of care) of NEMA (Act 107 of 1998) relating to remediation of damage.
- 1.58 Emergency and reporting of environmental incidents as stipulated in Section 30 of NEMA (Act 107 of 1998) must be followed accordingly.

Approved / Not ~~Approved~~:

  
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Ms. G. Brown  
HOD: DESTEA

20/03/2018  
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Date:



## Annexure 1: Reasons for Decision

### 1. Background

The applicant, Andre Smith, applied for authorisation to commence with Activity 14, 27 & 28(ii) of Listing Notice 1 (GNR 327) of the 2014 EIA Regulations, described in the Basic Assessment Report dated in October 2017.

The applicant appointed MDA Town & Regional Planners, Environmental & Development Consultants to undertake the Environmental Impact Assessment process, for the activities as described under Regulation Notice 327 of 2014 as amended.

### 2. Information considered in making the decision

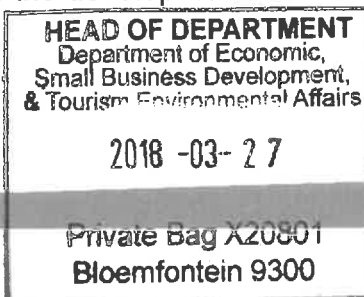
In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Basic Assessment Report dated October 2017 completed by MDA Town & Regional Planners, Environment & Development Consultants and, the accompanying EMPr.
- b) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- c) The findings of the site visit undertaken by Mr. P. Mohapi from the Department of Economic, Small Business Development, Tourism and Environmental Affairs.

### 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. Factors considered in making the decision are the following:

- Details provided of the EAP's qualifications and expertise indicates that the EAP is competent to carry out the environmental impact assessment procedures.
- The Basic Assessment Report dated October 2017 identified all legislation and guidelines that have been considered in the preparation of the Basic Assessment Report.
- The potential impacts associated with the development are assessed in detail and no fatal flaws were identified.



- The methodology used in assessing the potential impacts identified in the Basic Assessment Report dated October 2017 has been adequately indicated.
- A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2014 for public involvement.

#### **4. Findings**

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

- The procedure followed for the EIA process has been adequate and compliant to the requirements of the Regulations, 2014.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- Legal and procedural requirements have been met.
- No significant environmental degradation will result directly from the activities applied for if the proposed mitigation measures and recommendations in the Basic Assessment Report dated October 2017 and EMPr are implemented.
- As far as could be established the proposed development will not have any adverse impacts that cannot be sufficiently mitigated on the surrounding environment.

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 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

