



Department of Agriculture, Conservation & Environment

Reference:	NWP/EIA/131/2007
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PER POST & FACSIMILE

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE TOWNSHIP ESTABLISHMENT ON THE REMAINDER OF PORTION 1 OF KLERKSDORP IP (THE REMAINDER OF PORTION 181 OF TOWNLANDS OF KLERKSDORP 424 IP) AND PORTION 388 OF TOWNLANDS OF KLERKSDORP 424 IP, LISTED ACTIVITY 2 IN GOVERNMENT NOTICE NUMBER R. 387, CITY OF MATLOSANA, NORTH WEST PROVINCE (NWP/EIA/131/2007)

Your application for authorisation, in terms of section 24(2)(a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of

GN. No. R. 387 of 21 April 2006 for:

any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more (listed activity 2).

Regulations in terms of Chapter 5 of NEMA, 1998, refer.

This Department has evaluated the *Environmental Impact Assessment Report* received on 29 October 2008 for the township establishment on portion 1 of Klerksdorp IP (the remainder of portion 181 of Townlands of Klerksdorp 424 IP) and portion 388 of Townlands of Klerksdorp 424 IP, City of Matlosana, North West Province, compiled by AB Enviro Consult to verify whether these activities will have significant negative impacts on the environment.

In terms of section 42A of National Environmental Management Act, 1998 as amended, and by virtue of the powers delegated by the MEC, the Chief Director, Environmental Services of the Department of Agriculture, Conservation and Environment authorises:

Agrinentra, cnr. Dr. James Moroka Drive & Stadium Road
 (opposite Convention Centre) Mafikeng



Private Bag X2039, Mmabatho, 2735, South Africa
 Tel: +27 (18) 389 5111

any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more, refers to the township establishment on portion 1 of Klerksdorp IP (the remainder of portion 1B) of Townlands of Klerksdorp 424 IP) and portion 388 of Townlands of Klerksdorp 424 IP, City of Matlosana, North West Province

Enclosed please find the Environmental Authorisation and the conditions under which your application is authorised.

Formal appeals regarding the authorisation can be directed to the MEC for Agriculture, Conservation and Environment, North West Province. Such an appeal must be lodged in terms of Chapter 7 of the regulations.

Yours Faithfully

Mr. Tshepo Moremi
Chief Director: Environmental Services
North West Department of Agriculture, Conservation and Environment

Date: 10/02/2009

cc: AB Enviro Consult
Prof A. B. de Villiers
Tel No.: (018) 294 5005
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City of Matlosana
The Municipal Manager: Mr. A. van Breda
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A. DEFINITIONS

"activity" means an activity identified -

- a) in Government Notice No. R. 386 and No. R. 387 of 2006 as a listed activity; or
- b) in any other notice published by the Minister or MEC in terms of section 24D of the Act as a listed activity or specified activity.

"associated structures and infrastructures" means any building or infrastructure that is necessary for the functioning of a facility or activity or that is used for an ancillary service or use from the facility.

"construction" means the building, erection or expansion of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excluding any modification, alteration or upgrading of such facility, structure or infrastructure that does not result in a change to the nature of the activity being undertaken or an increase in the production, storage or transportation capacity of that facility, structure or infrastructure.

"public participation process" means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

"registered interested and affected parties" 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 57.

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

"the Department" means the Department of Agriculture, Conservation and Environment.

"the Regulations" means the Environmental Impact Assessment Regulations, 2006.

B. ENVIRONMENTAL AUTHORISATION

DECISION IN TERMS OF SECTION 24(2)(a) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, (AS AMENDED) AND ENVIRONMENTAL IMPACT ASSESSMENT REGULATION 2006 (REGULATION 37) WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GOVERNMENT NOTICE NO. R 385 OF 21 APRIL 2006.

1. REFERENCE NUMBER: NWP/EA/13/2007

2. BRIEF DESCRIPTION OF THE ACTIVITY

The authorised activity will entail the township establishment on portion 1 of Klerksdorp IP (the remainder of portion 101 of Townlands of Klerksdorp 424 IP) and portion 388 of Townlands of Klerksdorp 424 IP, City of Mafikeng, North West Province.

3. LOCATION

The site is located on portion 1 of Klerksdorp IP (the remainder of portion 181 of Townlands of Klerksdorp 424 IP) and portion 388 of Townlands of Klerksdorp 424 IP, City of Matlosana, North West Province. The co-ordinates of the site are 26° 52' 03"S and 26° 37' 02"E

4. APPLICANT

National Route 12 Capital Developments (Pty) Ltd
 P. O. Box 29
 The Innovation Hub
PRETORIA
 0087

Contact Person: Mr. Otto Langenegger
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5. ENVIRONMENTAL ASSESSMENT PRACTITIONER

AB Enviro Consult
 7 Louis Leipoldt Street
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 2531

Contact Person: Prof A. B. de Villiers
 Tel No.: (018) 294 5005
 Fax No.: (018) 294 5005

6. SITE VISIT

A site visit was conducted by Ms Margaret Mthiba of this Department with Mr. J. P. de Villiers of AB Enviro Consult on 08 September 2007.

7. DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation. An Authorisation is granted in terms of section 24(2)(a) of the National Environmental Management Act, 1998 (No. 107 of 1998) (as amended) for any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more, on portion 1 of Klerksdorp IP (the remainder of portion 181 of Townlands of Klerksdorp 424 IP) and portion 388 of Townlands of Klerksdorp 424 IP, City of Matlosana, North West Province.

Details / reasons regarding the basis on which the Department reached this decision are set out below.

Ref No.: NWP/EL/1931/2007
 Residential Development on Townlands of
 Klerksdorp

Department of Agriculture
 Conservation & Environment

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7.1. BACKGROUND

The applicant, **National Route 12 Capital Developments (Pty) Ltd** applied for authorisation to carry on the following activity:

the township establishment on portion 1 of Klerksdorp IP (the remainder of portion 1B1 of Townlands of Klerksdorp 424 IP) and portion 388 of Townlands of Klerksdorp 424 IP, City of Matielosa, North West Province

The applicant appointed **AB Enviro Consult** to undertake Environmental Impact Assessment Report.

7.2. 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 Environmental Impact Assessment Report received on 29 October 2008.
- (b) The objectives and requirements of relevant legislation (section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), other environmental legislation, policies and guidelines.
- (c) The findings of the site visit conducted by Ms Margaret of this Department with J. P. de Villiers of AB Enviro Consult on 06 September 2007.

7.3. 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) Environmental issues identified and mitigation measures of environmental impacts.
- b) The physical, socio-economic and cultural impacts of the development project on the receiving environment.
- a) Public participation process.
- d) The legal and procedural requirements have been complied with and the information contained in the documents is to the satisfaction of this Department.

7.4. FINDINGS

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

- a) The mitigation measures proposed in the Environmental Management Plan attached

to the Environmental Impact Assessment Report received on 29 October 2008 are acceptable and practical for implementation.

- b) Specific specialists' studies were commissioned as part of the environmental impact assessment process and it was found that the impact of this development was acceptable. Those specialists' studies include Geotechnical Assessment and Engineering Services Report.
- c) It is envisaged that, should the conditions stipulated in this authorisation be complied with, the negative environmental impacts of this activity will be minimized.
- d) Based on the above, this Department's conclusion is that this activity will not lead to substantial detrimental impact on the environment, that potential detrimental impacts resulting from this activity can be mitigated to acceptable levels and that the principles of section 2 of NEMA can be upheld.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the authorised 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 authorized activity can be mitigated to acceptable levels.

The granting of this authorisation is subject to the following conditions set out below:

8. CONDITIONS

8.1 STANDARD CONDITIONS

- 8.1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which forms part of the environmental authorisation and are binding on the holder of the authorisation.
- 8.1.2 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.
- 8.1.3 The activity which is authorised may only be carried out at the property indicated above (Item B: 3).
- 8.1.4 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 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.

- 8.1.5 This activity must commence within a period of two (2) years from the date of issue. 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.
- 8.1.6 If the proponent anticipates that commencement of the activity would not occur within two (2) year period, he / she must apply and show good cause for an extension of the Environmental Authorisation six (6) months prior to its expiry date.
- 8.1.7 A copy of this authorisation must be kept at the site. The authorisation must be produced to any governmental official(s) who may requests to see it for inspection purposes and must be made available to the contractor(s) / subcontractor (s) authorised to undertake work at the property.
- 8.1.8 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, including the transfer of this authorisation, the applicant must in writing notify the Director, Environmental Management and Protection of this Department, within fourteen (14) days of the above specified changes.
- 8.1.9 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.
- 8.1.10 After an appeal period has expired and no good cause to extend the appeal period has been submitted (Regs 64), a thirty (30) day-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.

8.2 SPECIFIC CONDITIONS

8.2.1 COMMISSIONING OF THE ACTIVITY

- 8.2.1.1 All mitigation measures and recommendations as laid down in the Environmental Management Plan (EMP) are binding and must be implemented, unless stated differently in this authorisation.
- 8.2.1.2 This authorisation is only granted for a specified activity, property, area and site.
- 8.2.1.3 The nearest emergency service provider must be identified at all stages of alignment as well as its capacity and the magnitude of accidents it will be able to handle. The contact details of this emergency centre, as well as police and ambulance services must be available at a prominent location.

8.2.1.4 Planning:

- a) The services of a qualified Civil Engineer must be used for the planning and construction of the project in such a way that the little slope available is used optimally to facilitate drainage of water during storm events.
- b) The developer must make sure that all contractors and sub-contractors are provided with a copy of Environmental Management Plan and Environmental Authorisation.
- c) If possible, construction activities should be scheduled for the dry winter months to decrease the risk of erosion during heavy thunderstorms.
- d) Prior to establishment of the site camp(s), the contractor must produce a plan showing the positions of all structures and infrastructure for approval by the Environmental Control Officer. The plan must show at least the following:
 - I. All lay-down yards
 - II. Vehicle fueling and fuel storage areas
 - III. Ablution area
 - IV. Litter area
 - V. Spoil sites, and
 - VI. Overnight parking
- e) The developer must determine which security system should be used for the site prior to commencement of the activity.
- f) This authorization and EMP must be made binding to the main contractor as well as individual contractors and should be included in tender documentation for the construction contract.
- g) The developer must appoint an independent Environmental Control Officer (ECO) who must monitor contractors, compliance with EMP and EA (see 8.2.2. Management of the activity for more details).

8.2.1.5 Access roads and traffic impact:

- a) Areas demarcated as being out of bounds for construction personnel must be sign posted and must be regarded as no-go areas. No contractor's personnel, vehicles or equipment may access these areas.
- b) Necessary signage and traffic measures must be implemented for safe and convenient access to the site from adjacent roads.

- c) Measures must be put in place that these access points do not get build up with mud and sand.

8.2.1.6 Air quality management:

- a) Proper measures must be put in place to suppress dust.
- b) Excavations, handling and transport of erodible materials must be avoided under windy conditions or during heavy rains.
- c) A speed restriction of 40km/h must be enforced and monitored on site for all construction vehicles.

8.2.1.7 Proliferation of alien species:

- a) All construction equipments and vehicles must be cleaned before entering the site to reduce the chances of spreading weeds and non-native species.

8.2.1.8 Liability of the holder of this authorisation:

- a) Provincial Government, Local Authority or committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the developer or his/her successor in title in any instance where construction or operation subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the developer with conditions of approval as set out in the document or any other subsequent document emanating from this approval. The applicant shall be responsible for all the costs necessary to comply with the above conditions unless otherwise specified.
- b) Any complaint from the public during the construction and operation of this development must be attended to by the holder of this authorisation as soon as possible to the satisfaction of parties concerned.
- c) The contractor must make sure that serviceable ablution facilities are available for employees. It is the responsibility of the holder of the authorisation to see to it that this condition is adhered to.

8.2.1.9 Noise:

- a) Construction activities must be limited to normal working hours (7h00 – 17h00).
- b) Construction vehicles must be fitted with standard silencers prior to beginning of construction.

8.2.1.10 Compliance with other legislation:

- a) The statutory provision for the protection of workers refusing to do environmentally hazardous work must be enforced and abided by during all stages of the

development activity as legally stipulated in Section 29(1-5) of the National Environment Management Act, No 107 of 1998 as amended.

- b) In terms of section 28 and 30 of the National Environmental Management Act No. 107 of 1998, and section 19 and 20 of the National Water Act No. 36 of 1998, any costs incurred to remedy environmental damage must be borne by the person responsible for the damage. It is therefore imperative that the Applicant reads through and understand the legislative requirements pertaining to the project. It is the Applicant's responsibility to take reasonable measures which include informing and educating contractors and employees about environmental risks of their work and training them to operate in an environmental acceptable manner.
- c) The development must adhere to the municipal by-laws.
- d) Weeds and invader plants that are declared in terms of the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983) must be controlled as specified in the Act.
- e) Should any archaeological artefacts be exposed during foundation excavation, the construction in the vicinity of the finding must be stopped. Under no circumstances shall any artefacts be destroyed. Such an archaeological site must be marked and fenced off, and South African Heritage Resource Agency must be contacted within 48 hours.
- f) The transportation, storage and handling of all substances considered hazardous on site must conform to all statutory and regulatory requirements as set out by the Hazardous Substances Act, No. 15 of 1973.
- g) The relevant requirements of the National Water Act, 1998 (Act 36 of 1998) must be complied with at all times; including flood lines, water uses, etc.
- h) All provisions of the Occupational Health and Safety Act, 85 of 1993 and any other applicable legislation must be adhered to by the holder of this authorisation.

8.2.1.11 Erosion control measures:

- a) All soil surfaces compacted as a result of construction activities must be ripped, and imported materials must be removed.
- b) Any erosion channel developed during construction period or during vegetation establishment must be restored to a proper condition.

8.2.1.12 Waste management:

- a) In terms of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a recognized facility for the substance concerned.
- b) General waste must be collected in containers and disposed of regularly at a

licensed landfill site. Recyclable waste must be reclaimed for recycling purpose. No temporary dumping of waste should be allowed on site and precautionary measures should be taken to prevent refuse from spreading on site.

- c) On completion of works the Contractor must clear away and remove from site all construction paints, surplus material, foundations, and other fixtures of every kind.
- d) No waste should be disposed of through burying and burning.
- e) The contractor must provide sufficient closed containers and skips which must be on the construction site and crew camp to handle the amount of waste generated on site.
- f) Fuel and other petrochemicals must be stored in receptacles that comply with SABS standards.

8.2.1.13 Surface and groundwater contamination must be prevented and/or mitigated by implementation of the following conditions:

- a) Vehicles and machinery must be regularly serviced
- b) Specific area must be demarcated for fueling and workshop services. And such area must be bunded to reduce the possibility of soil and water contamination.
- c) Material Safety Data Sheets (MSDSs) should be available on site for all chemicals and hazardous substances to be used on-site, including information on their ecological impacts and how to minimize the impacts in case of leakage.
- d) Irrespective of the nature of a spillage (whether major or minor), all spillages must be cleaned up as soon as they occur.
- e) Spillage of petrochemical products must be avoided. In the case of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on site.
- f) The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from the site when necessary.
- g) No any natural water course may be used to clean equipments, or for bathing. All cleaning operations should take place off site at a location where waste water can be disposed of correctly.
- h) Chemical toilets must be available for workers during the construction phase. No "long drop" toilets will be allowed. Open space or surrounding bush should not be used as toilets under any circumstances.

- i) The discharge of any pollutants such as cement, concrete, lime, chemicals, etc into the natural environment and the storm water system must strictly be prohibited.

8.2.1.14 Fire prevention and management:

- a) Fire extinguishers that are in good working conditions must be made available at all times for their usage during the occurrence of accidental fires.
- b) Workers must be adequately trained in the handling of fire fighting equipments.
- c) Open fires must strictly be prohibited.
- d) No burning of waste should take place on site.
- e) Cooking and heating fires must be permitted only in designated areas with appropriate safety measures.

8.2.1.15 Material storage and delivery:

- a) Stockpiles should not exceed 2m in height unless otherwise permitted by the ECO.
- b) Stockpiles should not be situated such that they obstruct pathways.
- c) Location of storage area must take into account prevailing winds, distance to water bodies and general on-site topography.
- d) Fire prevention facilities must be available at all storage facilities.
- e) An appointed representative of the contractor must supervise all deliveries, particularly those of hazardous nature.

8.2.1.16 Storm water management

- a) During construction, unchannelled flow must be controlled to avoid soil erosion. Where large areas of soil are left exposed, rows of straw or hay or bundles of cut vegetation should be dug into the soil in contours to slow surface wash and capture eroded soil. The spacing between the rows should be dependent on the slope and will be at the discretion of the Engineer. This method may also be used where surface run-off becomes concentrated.
- b) During site establishment, storm water culverts and drains must be located and covered with metal grid to prevent blockages.
- c) All water flow must be controlled using storm water management techniques before discharge into the existing natural drainage line.

8.2.1.17 Excavation activities

- a) Under no circumstances should material stockpiles be disposed of outside the boundary of construction site.
- b) Any excess material must be removed from the site on completion of construction and disposed of appropriately.
- c) Unnecessary exposed areas must be re-vegetated to promote infiltration and erosion.
- d) Clearing of areas and removal of vegetation must be limited until such as earthmoving and construction commence.

8.2.1.18 Maintenance:

- a) All reasonable measures must be taken to ensure waste oil, fuel and lubricants are contained and stored in an appropriate way
- b) A demarcated area must be provided for parking of vehicles and/or machinery not in use.
- c) All equipments and vehicles must be regularly serviced and maintained in good working order. All leaks should be repaired immediately when identified.
- d) All waste oils and lubricants must be stored in a designated, bunded area and removed by an approved recycling contractor or disposed of at an appropriate licensed disposal facility.

8.2.1.19 Safety:

- a) Potentially hazardous area must be demarcated with danger tape
- b) In the event of emergency, the contractor must contact emergency services in the area
- c) Appropriate signage must be placed to caution employees and contractors not to attempt to enter certain structures without being authorized.

8.2.1.20 Visual Impacts:

- a) Avoid soil types that will generate strong contrast with the surrounding landscape when disturbed.
- b) Avoid shiny materials in structures. Where possible shiny metal structures should be darkened or screened to prevent glare.
- c) Follow surface lines that are present in the landscape such as roads, rows of trees or

vegetation patterns

- d) Lighting technology that provide sufficient light where required while preventing light spillage elsewhere must be available, and must be incorporated in the lighting of entrances, roads and squares where required.
- e) Locate the administrative areas and site camp on previously disturbed land and/or in at least visually sensitive areas.

8.2.1.21 Camp site establishment and management:

- a) Water for human consumption must be made available at the construction camp and site offices as well as other convenient locations on site.
- b) The following restrictions or constraints should be placed on site camp, and must be adhered to by all construction staff:
 - I. The use of water courses for washing of clothes.
 - II. Indiscriminate disposal of rubbish, construction waste or rubble.
 - III. Burning of wastes and cleared vegetation.
 - IV. Use of surrounding veldt as toilets.

8.2.2 MANAGEMENT OF THE ACTIVITY

8.2.2.1 A copy of an authorisation and EMP must always be available on site so as to monitor compliance with conditions outlined in both the documents. Both documents must be used as on-site reference document during the construction phase of this development.

8.2.2.2 Appointment of Environment Control Officer:

- a) An independent Environment Control Officer (ECO) must be appointed, who will monitor and ensure compliance and correct implementation of all mitigation measures and provisions as stipulated in this EA and EMP, prior to any construction activities being undertaken on site.
- b) The Environment Control Officer appointed must monitor the construction of the infrastructure to ensure that the layout plans are in accordance to the designs and record important findings of the site inspection.
- c) The ECO must also monitor the implementation of specific elements of the Environmental Management Plan by contractors.
- d) It must be ensured that contractors have copies of the EMP and acts as an intermediary between the applicant and directly affected parties.

8.2.2.3 The contractor must appoint an Environmental Liaison Officer (ELO) from his/her construction crew. This person will be required to monitor development with the direct hands-on approach, and ensure compliance and co-operation of all personnel.

8.2.3 OPERATION OF THE ACTIVITY

8.2.3.1 Solid waste storage receptacles to be provided must preclude access of animals

8.2.3.2 General waste must be collected in drums containers disposed of bi-monthly at a nearest permitted Municipal landfill site. Recyclable waste must be recovered for recycling purpose. NB: No temporary dumping of waste is allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on the site.

8.2.3.3 Blocked, burst and/or leaking water and sewage pipes must be inspected and repaired immediately.

8.2.4 SITE CLOSURE AND DECOMMISSIONING

8.2.4.1 Should the authorised activity be abandoned or decommissioned, a site must be rehabilitated so that it serves the current land use which is agriculture. A report must be submitted to the Department after proper rehabilitation has taken place, and the holder of this authorisation is satisfied that the disturbed area has been returned almost to its natural state.

8.2.4.2 No exotic plant species may be used for rehabilitation purposes. Only indigenous plants endemic to the area may be used.

8.3 MONITORING

8.3.1 This Department reserves the right to monitor and audit the activity to ensure compliance with legislation and the conditions stipulated in this authorisation.

8.3.2 It is the holder of this authorisation's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the Environment throughout the life cycle of the activity is put into practice.

8.4 RECORDING AND REPORTING TO THE DEPARTMENT

8.4.1 Records of monitoring and /or auditing must be made available for inspection to this department and any other relevant authority inspecting the development activities.

8.4.2 Records relating to compliance and non-compliance with the conditions of this authorisation must be kept in good order. Such records shall be made available to this Department within seven (7) days of receipt of a written request by the department. Environmental compliance will further be monitored through complaints received from the public.

8.4.3 All records relating to the implementation of the environmental management plan must be kept in the office where it is safe and can be retrievable.

8.5 **NON-COMPLIANCE**

8.5.1 In the event of non-compliance by any contractor during the construction of the authorised activity, the holder of this authorisation will be liable.

8.5.2 The holder shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

8.5.3 The holder must in the event of non-compliance with any condition of this authorisation inform the Director: Environmental Management and Protection of this Department, in writing, within 48 hours.

8.5.4 Records relating to compliance and non-compliance with the conditions of this authorisation must be kept in good order. Such records shall be made available to this Department within seven (7) days of receipt of a written request by the department. Environmental compliance will further be monitored through complaints received from the public.

8.5.5 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, (section 24F(2)) and Regulation 81(d).

9. **APPEAL OF AUTHORISATION**

9.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within five (5) days, of receiving the Department's decision.

9.2 The notification referred to in 9.1 must –

9.2.1 Specify the date on which the authorisation was issued;

9.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 7 of the GN No. R 386 of 21 April 2008 in terms of NEMA 1998, as amended (see Annexure 1).

9.2.3 Advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

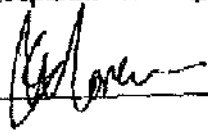
9.2.4 An appeal against the decision must be lodged in terms of chapter 7 of the GN No. R 386 of 21 April 2008 in terms of NEMA 1998, as amended, from the date of this authorisation, with:

The Member of the Executive Council
Department of Agriculture, Conservation and Environment
Private Bag X 2039
MMABATHO
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ANNEXURE 1

APPEAL PROCEDURE IN TERMS OF CHAPTER 7 OF GN. NO. R. 385 OF 21 APRIL 2008 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Application of this Chapter

60. (1) This Chapter applies to decisions that –
- are subject to an appeal to the Minister or MEC in terms of section 43 (1), (2) or (3) of the Act; and
 - were taken by an organ of state acting under delegation in terms of section 42 or 42A of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.

Notices of intention to appeal

62. (1) A person affected by a decision referred to in regulation 60 (1) who wishes to appeal against the decision, must lodge a notice of intention to appeal with the Minister, MEC, or delegated organ of state, as the case may be, within 10 days after that person has been notified in terms of these Regulations of the decision.

(2) If the appellant is and applicant, the appellant must serve on each person and organ of state which was a registered interested and affected party in relation to the applicant's application-

- a copy of the notice referred to subregulation (1); and
- a notice indicating where and for what period the appeal submission will be available for inspection by such person or organ of state.

(3) If the appellant is a person other than an applicant, the appellant must serve on the applicant-

- a copy of the notice referred to subregulation (1); and
- a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.

(4) The Minister, MEC or delegated organ of state, may, as the case may be, in writing, on good cause extend the period within which a notice of intention to appeal must be submitted.

Submission of appeals

63. (1) An appeal lodged with-
- the Minister must be submitted to the Department of Environmental Affairs and Tourism;
 - the MEC must be submitted to the provincial department responsible for environmental affairs in the relevant province or
 - the delegated organ of state, where relevant, must be submitted to that delegated organ of state.