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0300

**CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
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Reference: NWP/EIA/39/2017

Attention: **Mr. Meguel Farinha Freitas**
MPJF Transport CC
Private Bag X 82331
RUSTENBURG
0300

Tel No.: (014) 5965066/4
Cell No. 083 952 47 85
Fax No.: 086 673 9331
Email.: fmfconstruction70@gmail.com

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE CONSTRUCTION OF STORAGE AND WAREHOUSING FACILITIES ON THE REMAINING EXTENT OF HOLDING 22 WATERVAL SMALL HOLDINGS JQ, LISTED ACTIVITY NUMBER 27 IN GN. NO. R.327, IN RUSTENBURG LOCAL MUNICIPALITY, NORTH WEST PROVINCE

Your application for Environmental 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 –

Government Notice No. R327 of EIA Regulations 04 December 2014 as amended for:

1. *The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation except where such clearance vegetation is required for (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan{Listed activity 27}.*

In terms of the Regulations of Chapter 5 of NEMA, 1998 refer.

This Department has evaluated the **Basic Assessment Report** dated October 2017 received on 03 November 2017 for the construction of storage and warehousing facilities on the remaining extent of Holding 22 of Waterval Small Holdings JQ in Rustenburg Local Municipality, North West Province, to verify whether this activity will have significant negative impact on the environment.

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



Formal appeals regarding the Environmental Authorisation can be directed to the Appeal Administrator for Department of Rural, Environment and Agricultural Development, North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 8 December 2014 as amended.

Yours Faithfully



Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Rural, Environment and Agricultural Development

Date: 14/12/2017

Cc: Hydro Science
Contact Person: MsPaulette Jacobs
Tel No.: 082 850 5482
Fax No.: 086 692 8820
E-mail.: paulette@hydroscience.co.za



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A 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.

“commence” means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

“development” means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;

“expansion” means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.

“independent”, in relation to an EAP, a specialist or the person responsible for the preparation of an environmental audit report, means-

(a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
(b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work; excluding –

- (i) normal remuneration for a specialist permanently employed by the EAP; or
- (ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

“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 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;

“the Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.

“the Department” means the Department of Rural, Environment and Agricultural Development.

“state Department” means any Department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

“the Regulations” means the Environmental Impact Assessment Regulations, of 4 December 2014.



B. ENVIRONMENTAL AUTHORISATION

Authorisation register number: NWP/EIA/39/2017

Last amended: First issue

Holder of Environmental Authorisation: Mr. Meguel Farinha Freitas

Location of activity: North West Province: Holding 22 of Waterval Small Holdings JQ in Rustenburg Local Municipality

1. Decision

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation, that the applicant should be authorised to undertake the activity specified below:

2. Activities authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations of 04 December 2014 as amended, the Director: Environmental Quality Management of the Department of Rural, Environment and Agricultural Development authorises:-

MPJF Transport CC
Private Bag X 82331
RUSTENBURG
0300

Tel No: (014)5965066
Fax No: 0866739331
Email: fmfconstruction70@gmail.com

to undertake the following activity:

Construction of storage and warehousing facilities

The project entails the following:

- *Construction of 12000 m² storage building and warehousing*
- *130 parking bays*

On a total footprint of 21503 m².

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.



Site Location:

	Latitude (S)	Longitude (E)
Holding 22 of Waterval Small Holdings JQ	25° 41' 30.98"	27° 16' 12.40"

The development site is located on the remaining extent of Holding 22 of Waterval Small Holdings JQ located on the R104 heading out of Rustenburg towards Kroondal in the jurisdiction of Rustenburg Local Municipality, North West Province, hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred activity location in S1 is approved.
- 3.1.2 Authorisation of the activities is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.
- 3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.
- 3.1.4 The activities authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 These activities must commence within a period of **5 years** from the date of issue. If commencement of the activity does not occur within that period, the Environmental Authorisation **lapses** and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.6 If the holder of the Environmental Authorisation anticipates that commencement of the activities would not occur within **5 years** period, he/she **must** apply and **show good cause** for an extension of the Environmental Authorisation prior to its expiry date.
- 3.1.7 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 3.1.8 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
 - All provisions of the National Water Act, 1998 (Act No. 36 of 1998).



- c) All provisions of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
- d) All provisions of the Veld and Forest Fire Act, 1998 (Act No. 101 of 1998).
- e) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013)
- f) The municipal by-laws must be adhered to where applicable.

3.1.9 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority when any alienation, or deviation from project description / ownership.

4. Appeal of Environmental Authorisation

- 4.1 The holder of the Environmental Authorisation must notify every **registered** interested and affected party, in writing and within **14 days**, of receiving an Environmental Authorisation from the Department.
- 4.2 The notification referred to in 4.1 must –
 - 4.2.1 Inform interested and affected parties of the decision, reason for decision and where the decision can be accessed.
 - 4.2.2 Advise the interested and affected party that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
 - 4.2.3 Specify the date on which the Environmental Authorisation was issued.
 - 4.2.4 Inform the registered interested and affected parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations with:

The Appeal Administrator: Ms. Carene Nieuwoudt
Department of Rural, Environment and Agricultural Development
 Private Bag X 2039
MMABATHO
 2735

Or hand delivered to:

Ms.Carene Nieuwoudt
 Room E30, Agricentre Building
 Cnr. Dr. James Moroka& Stadium Road, **MMABATHO**

Tel No.: (018) 389 5986
 Cell No. (083) 385 9486
 Fax No.: (086) 581 7858
 E-mail.: cwessels@nwpg.gov.za




4.4 Such Appeal must be lodged in writing by completing Appeal form obtainable from the Appeal Administrator.

5. Management of the activity

5.1 The Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.

5.2 The recommendations and mitigation measures outlined in the Basic Assessment Report received by the Department on 03 November 2017 must be adhered to.

5.3 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Director: Environmental Quality Management for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **30 days** of receiving the submission.

5.4 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.

6. Monitoring

6.1 The holder of Environmental Authorisation has the responsibility to ensure that the mitigation/ rehabilitation measures and recommendations referred to in the Basic Assessment Report are implemented, and to ensure compliance with the provisions of the EMPr.

6.2 The holder of Environmental Authorisation must ensure communications with key stakeholders in respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with this Department's Control Environmental Officer Grade B: Environmental Compliance and Enforcement Section.

6.3 It is the responsibility of the holder of this Environmental Authorisation to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life cycle of the activities is put into practice.

7. Recording and reporting to the Department

7.1 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.

7.2 All incidents of major hazardous substances spill must be reported to Control Environmental Officer grade B: Environmental Compliance and Enforcement section and Department of Water and Sanitation within **48 hours**, and action taken to remedy the situation must be outlined.



8. Notification to authority/Commencement of Activity

- 8.1 **14 days** written notice must be given to the Control Environmental Officer Grade B: Environmental Compliance and Enforcement Section that the activity will continue in compliance with the issued Environmental Authorisation.
- 8.2 An appeal made against Environmental Authorisation will result in it being suspended; therefore the activity must not continue pending the decision by the MEC, as the Appeal Authority.

9. Operation of the activity

- 9.1 General waste must be collected and disposed of at a licensed landfill site on a weekly basis. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site.
- 9.2 Vegetation clearance should be confined to the development footprint and set out to avoid substantial vegetation disturbance. All existing plants should be eradicated in accordance with Alien and Invasive Species Regulations, 2014 in terms of Chapter 3 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
- 9.3 Provision for ablution facilities on site must be established such that they do not cause water or other pollution and conform to regulatory hygiene measures and the Occupational Health and Safety legislation
- 9.4 The holder of Environmental Authorisation must ensure that water is used in a sustainable manner and that all reasonable measures are taken to conserve it.
- 9.5 **The number of people employed for operational phase must be submitted to this Department 01 month after extending the operational period of activity.**

10. Site Closure and Decommissioning of the activity

- 10.1 Should the 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 at that time.
- 10.2 Should the authorised activity be abandoned or decommissioned, a closure management plan must be compiled and submitted to this Department for approval and the Department must be notified **30 days** prior to decommissioning.

11. Specific conditions

- 11.1 The applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report dated October 2017 and received on 03 November 2017.
- 11.2 The development must be restricted to the construction of storage and warehousing facilities on the remaining extent of Holding 22 of Waterval Small Holdings JQ in Rustenburg Local Municipality, North West Province.



- 11.3 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.
- 11.4 All conditions and recommendations made by specialists must be implemented and adhered to at all times.
- 11.5 All plant species of conservation importance (if any) must be removed from the demarcated area and must either be relocated outside of the construction area or donated to the South African National Biodiversity Institute in consultation with Biodiversity Management and Conservation Directorate of this Department.
- 11.6 Should archaeological sites or graves be exposed during construction work, it must immediately be reported to a heritage practitioner for investigation and evaluation.
- 11.7 The contractor must supply sufficient ablution facilities during construction.
- 11.8 During construction the few remaining indigenous trees and bushes must be retained as far as possible and practical.
- 11.9 Sewage will be treated in conservancy tanks which will be removed by Deonak Backactors and Plumbing CC as indicated in the letter dated 07 September 2017.
- 11.10 Solid waste will be removed by Back2New Recycling CC as per the letter dated 17 October 2017.
- 11.11 Natural drainage patterns must not be altered.
- 11.12 Storm water runoff must be controlled and kept to low velocity flows to prevent soil erosion.
- 11.13 Fuel and hazardous materials must be stored in a bunded area away from stockpiles during construction.
- 11.14 Building rubble must be properly disposed of and not be placed on drainage lines.
- 11.15 No surface or ground water must be polluted due to any activities on the property or site. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times. The discharge of any pollutants such as cement, concrete, lime, chemicals, etc. into the natural environment and storm water system must strictly be prohibited.
- 11.16 The holder of the Environmental Authorisation (MPJF Transport CC) must be responsible for compliance with the provisions for duty of care and remediation of environmental damage in accordance with Section 28 of National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended.
- 11.17 The overall EMPr must be based on the premise of sound environmental management and cost effective measures that will ensure wherever possible solution to the remediation of the impacts caused by the construction and operation activities.
- 11.18 Notwithstanding the preceding conditions, the holder shall adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.



12. General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental 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 Environmental Authorisation who works or undertakes work at the property.
- 12.2 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 apply to the Department as soon as the new details become known to the applicant.
- 12.3 The holder of the Environmental Authorisation must notify the Department, in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations.

Environmental Authorisation Approved By:



Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Rural, Environment and Agricultural Development

Date: 14/12/2017



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **MPJF Transport CC** applied for Environmental Authorisation to carry out the following activity:

Construction of storage and warehousing facilities and parking bays on a total development footprint of 21 503 m² on the remaining extent of Holding 2 of Waterval Small Holdings JQ in Rustenburg within the Rustenburg Local Municipality, North West Province.

The applicant appointed **Hydro Science** to undertake the Basic Assessment process as required by Regulation 12 of the EIA Regulations 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 (BAR) dated October 2017 received by the Department on 03 November 2017 compiled by **Hydro Science**.
- b) All mitigation measures and recommendations as contained in the BAR and the Environmental Management Programme included in the report received on 03 November 2017 are acceptable and practical for implementation.
- c) 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) as amended.
- d) The findings of a site visit undertaken by the Department official Ms. Tshego Lekgari with Ms. Paulette Jacobs of Hydro Science (EAP) on the 3rd October 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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the Basic Assessment Report process.
- b) The BAR received on 03 November 2017, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 as amended for public involvement. The development was advertised in the "Rustenburg Herald" dated 01 September 2017 as part of the public participation process.



- d) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.

4. Findings

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

- a) The proposed activity is in keeping with the surrounding land uses.
- b) The size of the property is too small to be feasible for commercial agricultural use.
- c) A rezoning application has been submitted to change it from agricultural land use.
- d) No objections against the development were raised during the public participation process by Interested and Affected Parties.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in Section 23 (2) (a-f) of Chapter 5 of National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**



ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

ADMINISTRATION AND PROCESSING OF APPEALS IN TERMS OF CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Appeal submission

4. (1) An appellant must submit the 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:
- (a) the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be-
- (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority,
- (2) The appeal panel contemplated in sub-regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in sub-regulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act, which are:
 - (i) by faxing a copy of the notice or other document to the person, if the person has a fax number;
 - (ii) by e-mailing a copy of the notice or other document to the person if the person has an e-mail address;
or
 - (iii) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address;
- (2) In order to meet the time periods determined in these regulations, the person referred to in sub-regulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

