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Department:
Economic Development, Environment,
Conservation and Tourism
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



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Ref: NWP/EIA/116/2021

Attention: Ronelle Booyen
Metroland cc
03 Latham Street, Irenepark
KLERKSDORP
2571

Tel No.: (018) 011 3405
Cell No.: 082 576 2949
Email: ronelle@mxndevelopment.co.za

PER EMAIL AND POST

Dear Sir/Madam

ENVIRONMENTAL AUTHORISATION FOR THE CLEARANCE OF 3.0543 HECTARES OF INDIGENOUS VEGETATION IN ORDER TO ESTABLISH AN ERF TO BE ZONED "SPECIAL" FOR THE PURPOSE OF A SHOP, BUILDERS YARD AND VEHICLE WORKSHOP LOCATED ON THE REMAINDER OF PORTION 1 OF THE FARM TOWNLANDS OF KLERKSDORP 424 IP, LISTED ACTIVITY 27 IN GN R. 327 AND LISTED ACTIVITY 12 (h)(iv) IN GN R. 324, CITY OF MATLOSANA, 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. R. 327 of the EIA Regulations of 04 December 2014 as amended for:

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation [Listed Activity 27]

Government Notice No. R. 324 of the EIA Regulations of 04 December 2014 as amended for:

The clearance of an area of 300 square metres or more of indigenous vegetation in North West Province in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority [Listed Activity 12(h)(iv)].

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Let's Grow North West Together

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

This Department has evaluated the **Basic Assessment Report** received on 17 May 2022, for the clearance of 3.0543 hectares of indigenous vegetation in order to establish an erf to be zoned "Special" for the purpose of a shop, builders yard and a vehicle workshop located on remainder of Portion 1 of the farm Townlands of Klerksdorp 424 IP, City of Matlosana, 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 Economic Development, Environment, Conservation and Tourism, North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 08 December 2014.

Yours Faithfully



Ms. Portia Krisjan

Director: Environmental Quality Management

Department of Economic Development, Environment, Conservation and Tourism

Date: 21/06/2022.

Cc: **AB Enviro Consult cc**
Contact Person: Mr. JP de Villiers
Cell No.: 083 548 8105
Tel No.: (018) 294 5005
Fax No.: (018) 293 0671
Email: jp@abenviro.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 personal 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) .

“the Department” means the Department of Economic Development, Environment, Conservation and Tourism

“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 04 December 2014 as amended



B. Environmental Authorisation

Authorisation register number: NWP/EIA/116/2021
Holder of Environmental Authorisation: Metroland cc
Location of activity: Remainder of Portion 1 of the farm Townlands of Klerksdorp 424 IP, City of Matlosana, North-West Province

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. Activity 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 Economic Development, Environment, Conservation and Tourism, authorises:-

Metroland cc
03 Latham Street, Irenepark
KLERKSDORP
2571

Tel No.: (018) 011 3405
Cell No.: 082 576 2949
Email: ronelle@mxndevelopment.co.za

to undertake the following activity:

The clearance of 3.0543 hectares of indigenous vegetation in order to establish an erf to be zoned "special" for purpose of a shop, builders yard and a vehicle workshop. The development will cover a total area of 3.0543 hectares

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

Site Location:

Alternative Site	Latitude	Longitude
Remainder of Portion 1 of the farm Townlands of Klerksdorp 424 IP (shop, builders yard and a vehicle workshop development site)	26° 51' 11.14" S	26° 41' 16.36" E

The proposed development site is located adjacent to the N12 Road, between the N12 Road and Goldenway Road, as well as between Goudkoppie and Kia Motors, on the remainder of Portion 1 of the farm Townlands of Klerksdorp



424 IP, which falls within the jurisdiction of City of Matlosana, North West Province, hereafter referred to as “the property”

3. Conditions

3.1 Scope of Environmental Authorisation

3.1.1 The preferred Alternative Site (S1) **is approved.**

3.1.2 Authorisation of the activity 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 activity authorised may only be carried out at the property as described in Point 2 under site location.

3.1.5 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.

3.1.6 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:

- a) All provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- b) All provisions of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).
- c) All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
- d) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
- e) All provisions of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
- f) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
- g) All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)



The development must adhere to the municipal by-laws.



3.1.7 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority for 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 parties 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 Economic Development, Environment, Conservation and Tourism
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: CNieuwoudt@nwpg.gov.za

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

4.5 An appeal made against this Environmental Authorisation will result in it being suspended; therefore the activity must not commence pending the lapse of 20 days after all Interested and Affected parties have been informed of this decision.

4.6 Should an appeal be lodged within 20 days after notification to all Interested and Affected parties of this decision, the activity may only commence once the decision by the MEC, as Appeal Authority, have been

 made.



5. Management of the activity

- 5.1 The draft 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 compiled by AB Enviro Consult cc, and received by the Department on 17 May 2022, 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.
- 5.5 The EMPr must form part of the contractor's tender documentation for all contractors working on the project and must be made available on the site.

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 the Environmental Compliance and Enforcement Section of this Department. [Potchefstroom District Office contact details: Tel No. (018) 299 6686, Email: RMolusi@nwpg.gov.za].
- 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 activities on the environment throughout the life cycle of the activities is put into practice.

7. Validity Period of the activities authorised

- 7.1 This Environmental Authorisation is valid for the period of **5 years** (i.e. this activity must be concluded within **5 year** from the date of issue of this Environmental Authorisation).
- 7.2 If the holder of the Environmental Authorisation anticipates that the conclusion of the activity would not occur within a **5 year** period, he/she must prior to the lapse of **5 years**, apply for an amendment of the Environmental Authorisation and show good cause and give reasons why an extension of the Environmental Authorisation should be granted.
- 7.3 Should the environmental authorisation expires, the said authorisation will be null and void, a new application for the environmental authorisation must be made in order for the activity to be undertaken.

8. Recording and reporting to the Department/ Environmental Audit Report

8.1 **14 days** written notice must be given to the Department's Environmental Compliance and Enforcement Section that the activity will commence. Such notice must be emailed to CNieuwoudt@nwpg.gov.za and EMulibana@nwpg.gov.za.

8.1 All incidents of major hazardous substance spill must be reported to the Environmental Compliance and Enforcement Section within **48 hours** and action taken to remedy the situation must be outlined.

8.2 Records relating to auditing and monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

9. Specific Conditions

9.1 The applicant must adhere to the proposed mitigation measures and recommendations contained in the Basic Assessment Report compiled by AB Enviro Consult cc and received by the Department on 17 May 2022.

9.2 The development site must be demarcated and the development must be restricted to the clearance of 3.0543 hectares of indigenous vegetation to minimise damage to the vegetation and exposure of the ground to erosion.

9.3 Building plans for the proposed development must be submitted to the City of Matlosana for approval.

9.4 Should the development require access from the N12 approval must be obtained from the South African National Road Agency Limited.

9.5 All recommendations of the Ecological Study (report dated September 2021) undertaken by Reinier F Terblanche must be adhered to. A red data species "Aloe jeppeae" (chortolirion latifolium) which occurs on site must be relocated to the Heritage Site (Goudkoppie Heritage Hill) adjacent to the proposed development site.

9.6 Appropriate signage must be placed to Caution the employee, contractors and public not to attempt to enter certain structures without being authorised and regular safety inspections must be conducted in order to ensure that participants are equipped with necessary safety equipment.

9.7 The visual impact on the Heritage Hill (Goudkoppie Heritage Hill) must be avoided and the historic sense of place must be preserved.

9.8 Stormwater management system must be developed to prevent pollution of any water resource including ground water component from occurring, recurring or continuing to occur. The stormwater management must be kept separate from sewage reticulation

9.9 Topsoil must be removed and stockpiled aside for rehabilitation purposes, and it must be ensured that topsoil stockpiles are located outside of any drainage lines and areas susceptible to erosion.

9.10 Dust suppression measures must be implemented at all times during construction including (i.e. road construction) to prevent the spreading of nuisance dust.



- 9.11 Should any archaeological artefacts be exposed during earth moving activities, construction in the vicinity of the finding must be stopped and the South African Heritage Resource Agency must be notified immediately (**within 48 hours**). Under no circumstances shall any artefacts be destroyed. Such an archaeological site must be marked and fenced off.
- 9.12 Ablution facilities must be provided to the workers during the construction phase. They must be serviced regularly to ensure proper operation, and they must be emptied at the municipal sewage treatment works to prevent any possible pollution.
- 9.13 All solid waste produced by the development during construction must be removed once a week to a licensed landfill site.
- 9.14 The holder of Environmental Authorisation is 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).
- 9.15 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 equipment that leak must be repaired immediately and/or removed from the site when necessary

10. 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 upon requests.
- 12.2 The holder of the Environmental Authorisation must notify the Department (accompanied by reasons), in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to. 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.
- 12.3 No public authority shall be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance for reasons of non-compliance by the applicant with the conditions of this Environmental Authorisation as set out in this document or any other subsequent document from conditions of this Environmental Authorisation

Environmental Authorisation Approved By:



Ms. Portia Krisjan

Director: Environmental Quality Management

Department of Economic Development, Environment, Conservation and Tourism

Date: 21/06/2022



ANNEXURE 1: REASONS FOR AUTHORISATION

1. Background

The Applicant, **Metroland cc** applied for Environmental Authorisation to carry out the following activity:

The clearance of 3.0543 hectares of indigenous vegetation in order to establish an erf to be zoned "special" for the purpose of a shop, builders yard and vehicle workshop

The applicant appointed **AB Enviro Consult cc** to undertake 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 compiled by AB Enviro Consult cc received by the Department on 17 May 2022.
- b) All mitigation measures and recommendations as proposed in the Basic Assessment Report and the Environmental Management Programme received by the Department on 17 May 2022.
- 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. Thembekile Makuwa with the Mr. JP De Villiers of AB Enviro Consult cc on 11 April 2022.
- e) Recommendations of the Heritage Impact Assessment (report dated September 2021) undertaken by Apelser Archaeological Consulting.
- f) Recommendations of the Geotechnical Investigation (report dated November 2021) undertaken by Geo Simplicity Geotechnical Engineering (Pty) Ltd.

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) 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 proposed development was advertised in local newspaper "Klerksdorp Record" dated 01 April 2022 as part of the public participation process.
- b) 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 development will provide additional business opportunities and expand commercial / retail corridor along the N12.
- b) The development will create temporary jobs during construction and permanent jobs during operation of the shop, builders yard and a vehicle workshop.
- c) The Civil Engineering Services Report (report dated 06 December 2021) compiled by Moedi Consulting Engineers (Pty) Ltd concluded that the development can be connected to existing bulk service infrastructure (sewerage, water supply, electricity reticulation and refuse) available in close proximity to the proposed development site.
- d) City of Matlosana has confirmed (letter dated 11 May 2022) that adequate capacity for bulk services infrastructure is available to service the proposed development.

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 terms of Section 23(2)(a-f) of Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**

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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 subregulation (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 subregulation (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 subregulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.



