



PROVINCE OF THE
Eastern Cape

P/Bag X9060, EAST LONDON South Africa, 5200
Phone: 043 707 4000
Fax: 043 748 2097/69
E-mail: Briant.Noncembu@deaet.ecape.gov.za

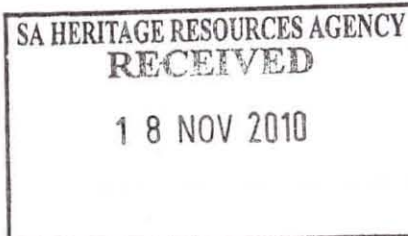
DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL
AFFAIRS

Amathole Region

Exemption Notice

In terms of the requirements of sub – regulation 54(2) of the Environmental Impact Assessment (EIA).

AUTHORIZATION REGISTER NUMBER	AR/16/B/12,15,16,17,18/1/10
LAST AMENDED	N/A
HOLDER OF AUTHORIZATION	Ngqushwa Local Municipality
LOCATION OF ACTIVITY	Erf 1194, Hamburg, Ngqushwa Local Municipality



THE UNIVERSITY OF CHICAGO
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1. Details of the Applicant

Name	Ngqushwa Local Municipality		
Address	P. O. Box 539, Peddie, 5640		
Telephone	040 673 3095	Fax	040 673 3771
Contact	Ms. N. Zongo	e-mail	nomhlas@mngqushwamun.co.za

2. Regulation from which exemption is granted

Regulation 51 of the Environmental Impact Assessment Regulations, 2006.

3. Activities in respect of which exemption is granted

The exemption from assessing alternative sites for the construction of the artists' residency in Hamburg, Ngqushwa Local Municipality.

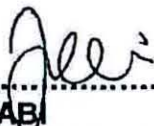
4. Conditions subject to which exemption is granted

Adherence to the provisions of the EMP which is contained in the Basic Assessment Report, dated March 2010, as compiled by Arcus Gibb, and the Environmental Authorization issued by this Department for the proposed construction of the artists' residency in Hamburg, Ngqushwa Local Municipality.

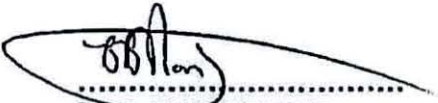
5. Period for which exemption is granted

The exemption granted is valid for thirty six (36) months from the date of issuing of the authorization.

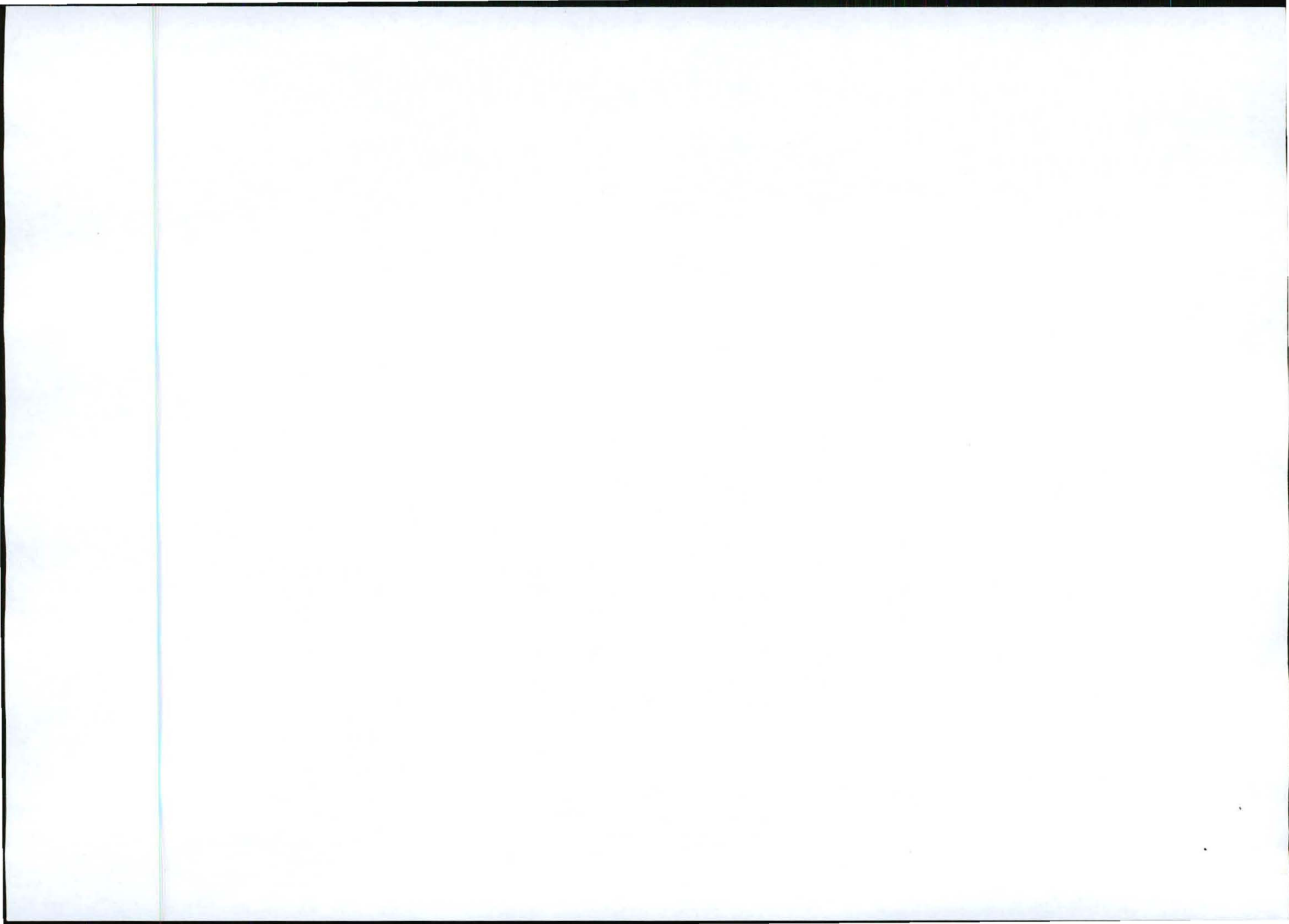
Date of Issue of Exemption Notice: 29 / 10 / 2010



 T. SIGAB
 ENVIRONMENTAL OFFICER: EIM



 B. B. NONCEMBU
 REGIONAL MANAGER: ENVIRONMENTAL AFFAIRS
 AMATHOLE





Province of the
EASTERN CAPE
Department of Economic Development and
Environmental Affairs

P/Bag X9060, EAST LONDON
South Africa, 5200
Phone: +27 (43) 707 4000
Fax: +27 (43) 748 2069/97
E-mail: Briant.Noncembu@deaet.ecape.gov.za

Applicant : Ms. N. Zongo

Enquiries: T. Sigabi
Our Ref : AR/16/B/12,15,16,17,18/1/10

Dear Sir/ Madam

APPLICATION FOR ENVIRONMENTAL AUTHORIZATION FOR THE PROPOSED CONSTRUCTION OF ARTISTS' RESIDENCY IN HAMBURG.

1. With reference to the above mentioned application, please be advised that the Department has decided to grant authorization. The Environmental Authorization and reasons for the decision are attached herewith.
2. In terms of Regulation 10(2) you are instructed to notify all registered interested and affected parties, in writing and within 5 calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the Regulations.
3. Your attention is drawn to Chapter 7 of the Regulations which regulate appeal procedures. Should you wish to appeal any aspect of the decision, you must, lodge a notice of intention to appeal with the MEC within 10 days of receiving this letter, by means of one of the following methods: By facsimile: [040] 6093211 By post: Private Bag X0054, BHISHO, 5605; By hand: 3rd floor Indwe House, BHISHO, 5605. Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where and for what period the appeal submission will be available for inspection.

Yours faithfully

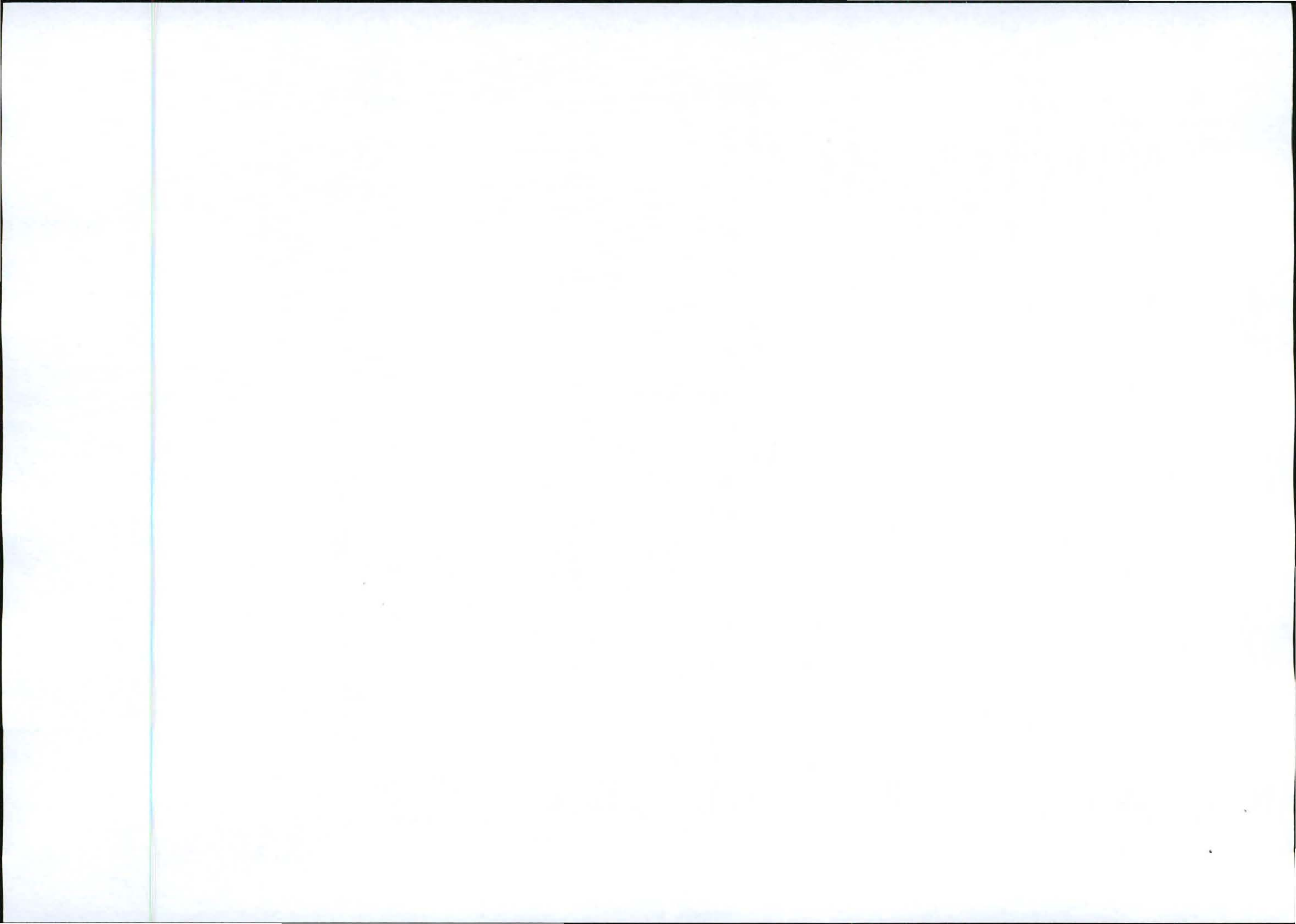
DATE: 29/10/2010

B.B. NONCEMBU
REGIONAL MANAGER: ENVIRONMENTAL AFFAIRS - AMATHOLE

The case officer must please fax copies of this letter and the attached Environmental Authorization, as follows:

Organization	Contact Person	Fax number
Arcus GIBB	P. Jennings	043 706 3647
Nqushwa Local Municipality	N. Zongo	040 673 3771







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P/Bag X9060. EAST LONDON South Africa, 5200
Phone: 043 707 4000/13
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DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL
AFFAIRS

Amathole Region

Environmental Authorization

AUTHORIZATION REGISTER NUMBER	AR/16/B/12,15,16,17,18/1/10
LAST AMENDED	N/A
HOLDER OF AUTHORIZATION	Ngqushwa Local Municipality
LOCATION OF ACTIVITY	Erf 1194, Hamburg, Ngqushwa Local Municipality

DEFINITIONS

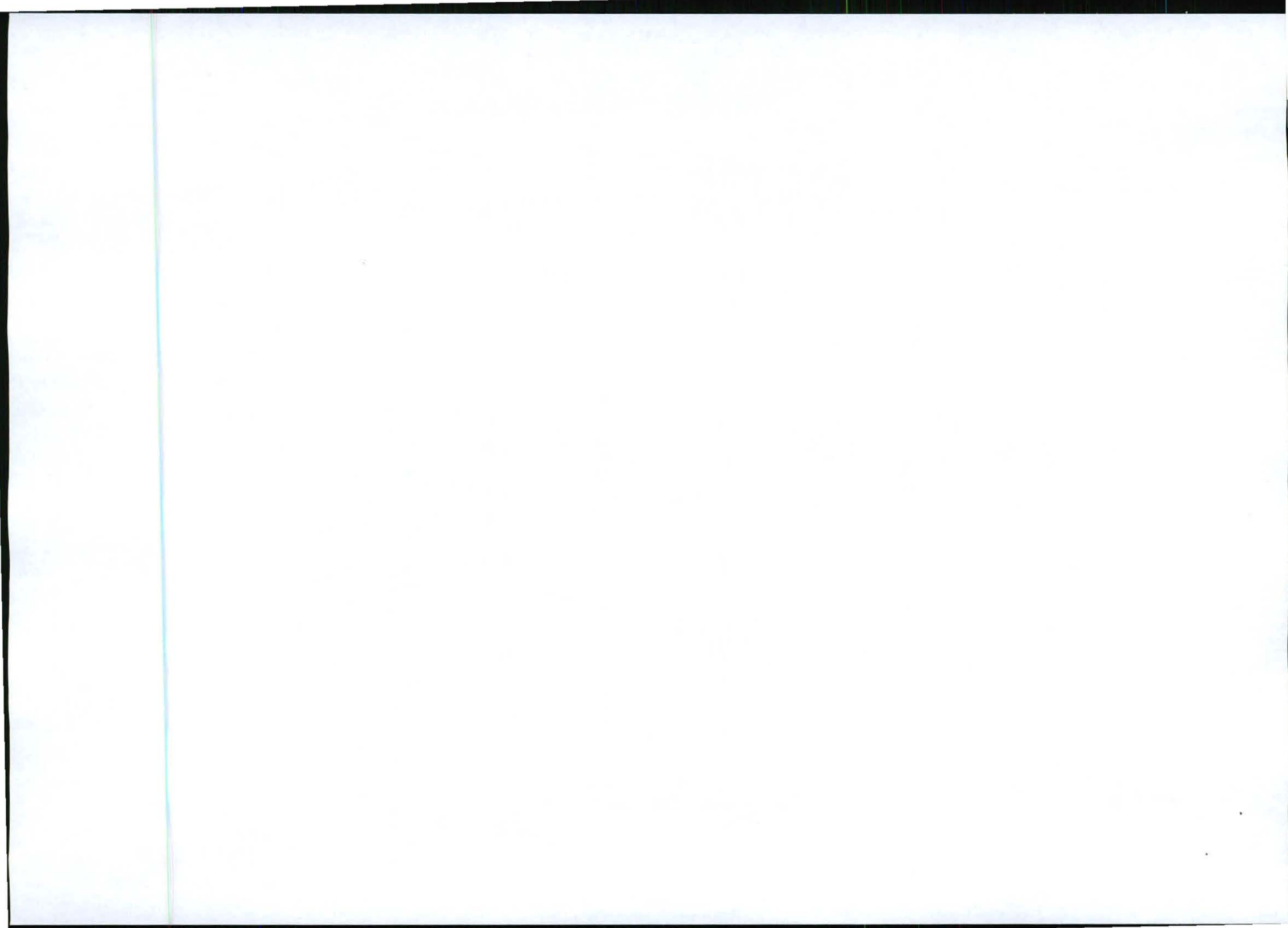
The following definitions are applicable to this Authorization:

"Department" – The Department of Economic Development and Environmental Affairs, Eastern Cape Province.

"EIA Regulations" –The Environmental Impact Assessment Regulations published in Government Notice No. R385 of 21 April 2006 as promulgated in terms of chapter 5 of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

"Commencement" – Any physical activity on site that can be viewed as associated with the development inclusive of initial site preparation.

"BAR" – This refers to a Basic Assessment Report.



Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the Conditions of this Environmental Authorization, that the applicant should be authorized to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

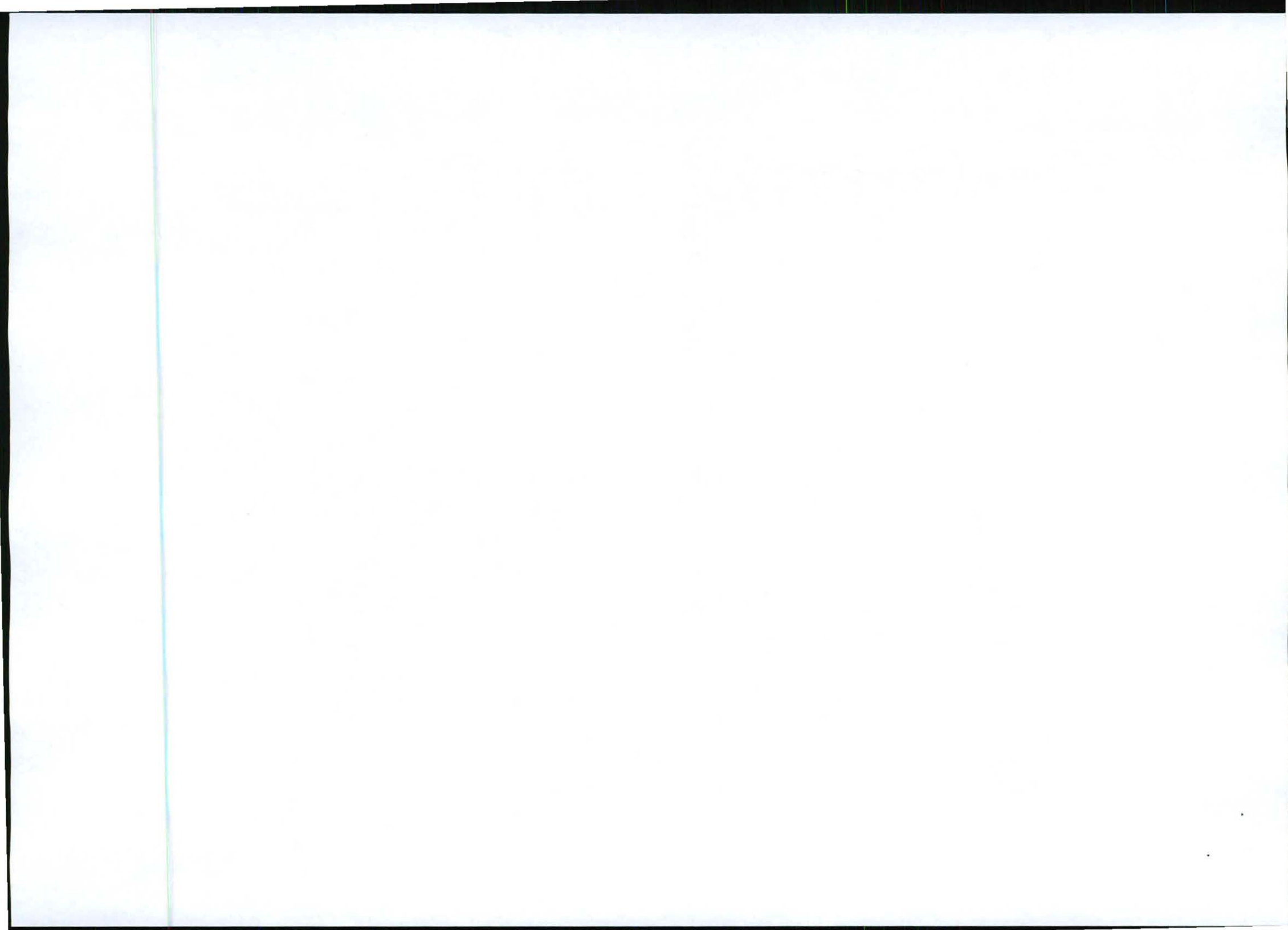
Activities authorized

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, and the EIA Regulations, 2006, the Department hereby authorizes Ngqushwa Local Municipality – being *the legal or natural person who has applied for this authorization* with the following contact details:

Name	Ngqushwa Local Municipality		
Address	P. O. Box 539, Peddie, 5640		
Telephone	040 673 3095	Fax	040 673 3771
Contact	Ms. N. Zongo	e-mail	nomhlas@mngqushwamun.co.za

To undertake the following activity / activities (hereafter referred to as "the activity" / "the activities"), in terms of the scheduled activity or activities listed in the table below:

Detailed description of activity	
<p>The proposed activity entails the following:</p> <ul style="list-style-type: none"> • Subdivision of approximately 5 hectares of the municipal commonage on property Erf 1194, Hamburg. • Construction of a centre comprising; <ol style="list-style-type: none"> I. Performance and practice facilities for performing arts. II. Gallery and display areas for the material arts. III. Conference facility and restaurant. IV. 12 bed self-catering accommodation units and 2 dormitories (with a total of 16 beds). • Sewage reticulation and treatment, storm water control, external lighting and re-routing of an existing 22 Kv power line and telephone line. • Formalization of an approximately 580 metre type 7A gravel surfaced road. 	
Listed Activity[s]	
No. 386 of April 21, 2006	
12	The transformation or removal or indigenous vegetation of 3 hectares or more or of any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).



15	The construction of a road that is wider than 4 metres or that has a road reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity of which are access roads of less than 30 metres long.
16	The transformation of undeveloped, vacant or derelict land to – (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare.
17	Phased activities where any one phase of the activity may be below a threshold specified in this Schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold.
18	The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.

At the locality defined in the Table below, and hereafter referred to as "the property":

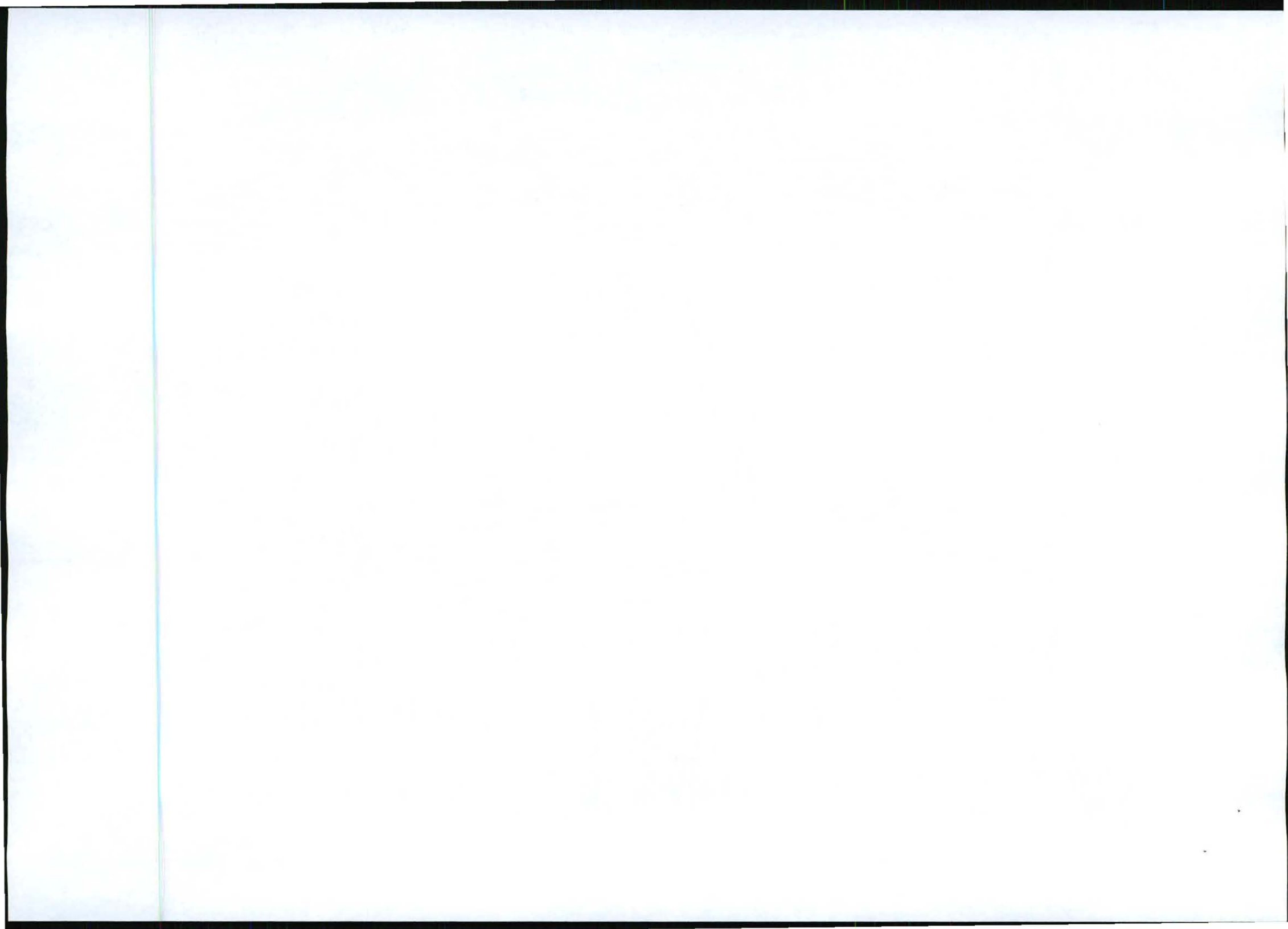
District	Amathole
Municipal Area	Ngqushwa Municipality
Farm Name	n/a
Farm Number and Portion	n/a
Erf Number and Township Extension or suburb	Erf 1194, Hamburg
Physical address	Erf 1194, Hamburg

The granting of this Environmental Authorization is subject to the Conditions set out below

Conditions

1 Scope of authorization

- 1.1 The authorization of these activities is subject to the Conditions contained in this Environmental Authorization and is binding on the holder of the authorization.
- 1.2 The authorization is specifically for the construction of the proposed Artists' Residency on Erf 1198, Hamburg, in accordance with the provisions of the layout Plan No. EL010-00/2-01 as contained in Appendix C of the BAR as compiled by Arcus Gibb, dated March 2010.
- 1.3 The holder of the Environmental Authorization 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 Environmental Authorization.



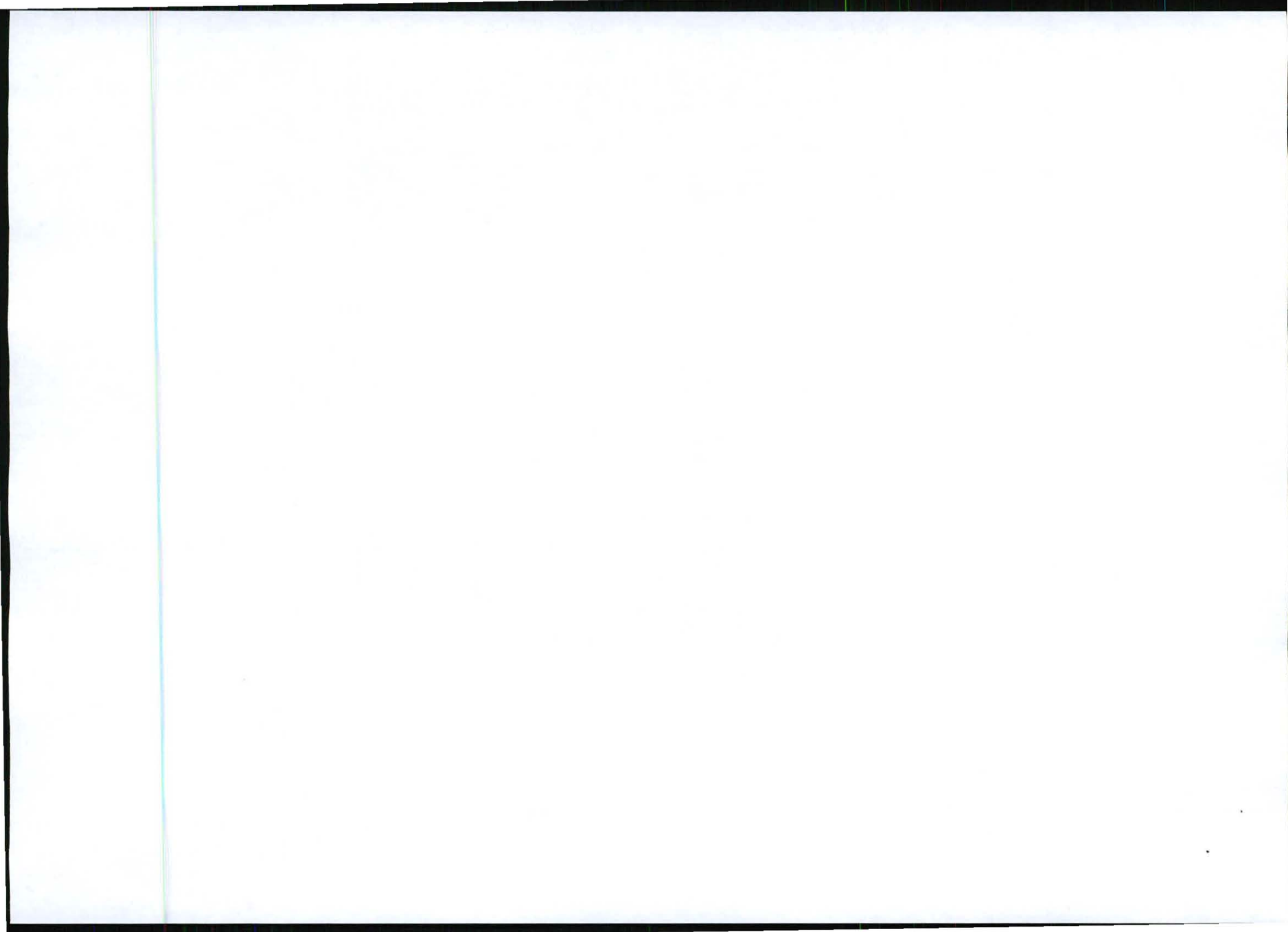
- 1.4 Any changes to, or deviations from the project description set out in this authorization must be approved, in writing, by this Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, this Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorization to apply for further authorization in terms of the EIA Regulations.
- 1.5 This activity must commence within a period of three (3) years from the date of issue. If commencement of the activity does not occur within that period, the authorization lapses and a new application for Environmental Authorization must be made in order for the activity to be undertaken.
- 1.6 This Environmental Authorization does not absolve the holder of the authorization from the responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

2 Appeal of authorization

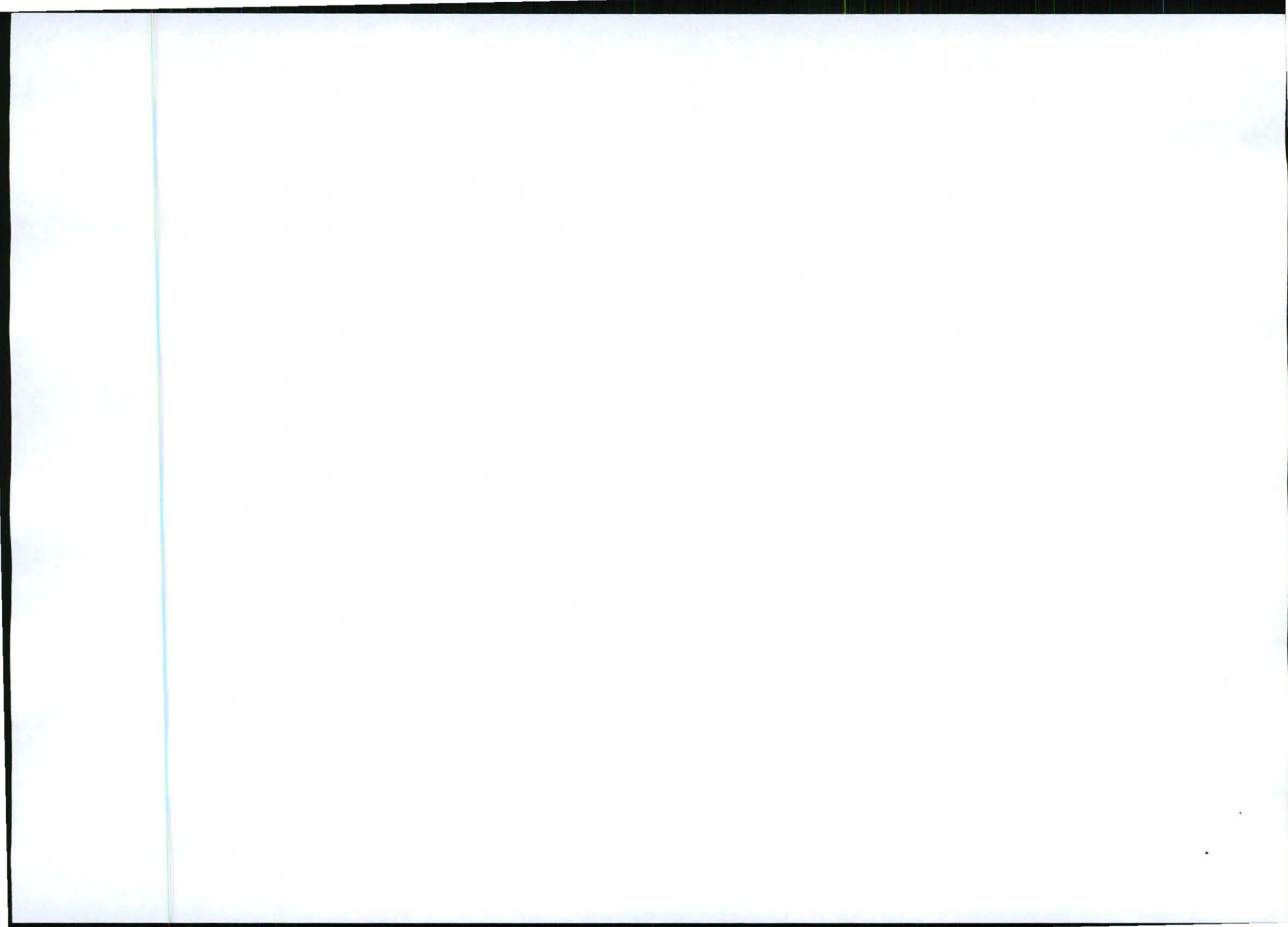
- 2.1 The holder of the authorization must notify every registered interested and affected party, in writing and within seven (7) calendar days, of receiving notice of the Department's decision to authorize the activity.
- 2.2 The notification referred to in Condition 2.1 on page 4 of 10 in this Environmental Authorization must:
 - 2.2.1 Specify the date on which the authorization was issued.
 - 2.2.2 Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the EIA Regulations; and
 - 2.2.3 advise the interested and affected party that a copy of the Environmental Authorization and reasons for the decision will be furnished on request.

3 Management of the activity

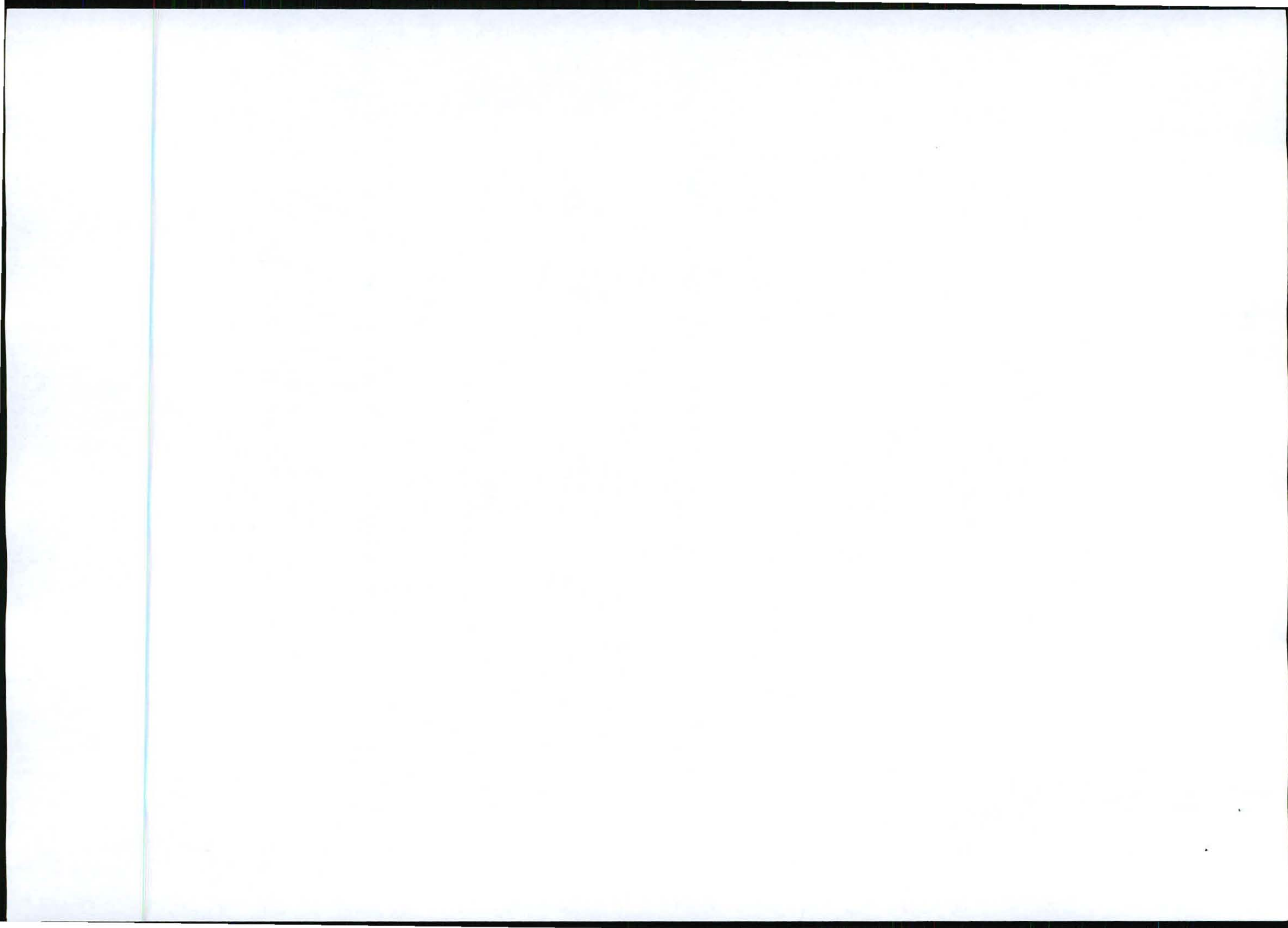
- 3.1 The applicant must appoint an independent Environmental Control Officer (ECO) to monitor compliance with the Conditions of this authorization and guide the implementation of the EMP during construction.
- 3.2 The contractor must ensure that dust arising from the construction operation is controlled. Use of water as a dust control measure must be applied such that it does not result in soil erosion or run-off.
- 3.3 All damaged areas resulting from construction activities must be rehabilitated.



- 3.4 A follow-up programme must be instituted whereby all exotic plant material and declared weeds that colonise disturbed ground is to be systematically eradicated and destroyed before it can attain the seed formation stage.
- 3.5 If any material of archaeological or paleontological importance is detected during the construction process, work in that area must be stopped immediately and SAHRA notified. Failure to do so constitutes an offence in terms of the National Heritage Resources Act 25 of 1999 as amended. Further work on-site may only proceed once SAHRA has given a go-ahead.
- 3.6 Before installation of any associated sanitation works, an Area based Assessment must be carried out in strict accordance with the Department of Water Affairs guideline document: "A protocol to manage the potential of groundwater contamination from on site sanitation" (Edition 2, March 2003).
- 3.7 The results of the assessment must be submitted for the approval of this Department and the Department of Water Affairs before any construction activities may be allowed to go ahead.
- 3.8 No sanitation units may be constructed within 150m from the centre of perennial rivers and prominent surface drainage systems and 50m from non-perennial surface draining systems.
- 3.9 No sanitation units may be constructed within 150m of any source or drainage system utilized by the community or potential sites for the development of water resources.
- 3.10 Where ground water is used as a water source for both domestic and agricultural supply, a ground water monitoring/management programme must be implemented. The findings of the monitoring programme must be submitted to the Department of Water Affairs (DWA).
- 3.11 Water samples must be taken from Borehole 4 and Borehole 6 to ascertain the quality and groundwater level before the proposed development proceeds.
- 3.12 If sanitation units are to be installed in the areas indicated as no-go areas, suitable engineering designs must be implemented in a manner that prevents groundwater contamination.
- 3.13 A sanitary surveillance programme must be initiated due to the high risk of contamination of surface and groundwater resources.
- 3.14 All sewage septic tanks and associated soakaways must be designed in accordance with the Water Research Commission Report (Report No. TT114/99). The ECO must monitor the placement and the construction of these sewage management systems.



- 3.15 The contractor must ensure that earthy material and colours are used in construction of the dwellings and the associated infrastructure.
- 3.16 The dwellings must not exceed 2 storeys in height and no dwellings must be constructed below the 5 metre contour level.
- 3.17 The material used for the construction of the proposed access roads must be sourced from a mining / borrow pit site permitted by the Department of minerals and Resources.
- 3.18 A Storm Water Management Plan (SWMP) must be developed and submitted to this Department for endorsement. The SWMP must cater for storm/ drainage water in and around the dams, access roads and the envisaged dwellings.
- 3.19 Precautions are to be taken against oil spillage from heavy equipment such as compressors and generators. In case of major spillage that can have significance to the environment, this Department must be immediately informed.
- 3.20 No repairs are allowed on-site, all machinery or vehicles that are broken must be taken to relevant operating workshops.
- 3.21 All contaminated material including soil, waste material, excess construction material and litter to be regularly removed from the site and disposed of at a registered waste disposal site. The contractor must provide sufficient bins with lockable lids on-site to store solid waste produced on daily basis. The waste must be temporarily stored on-site in a central waste area that is weather and scavenger proof, and which the engineer has approved. No burning of refuse is permitted.
- 3.22 Adequate toilet facilities are to be provided for workers on-site and may not be located within 100m of the water body or river/stream system.
- 3.23 Hazardous chemical substances used during the construction phase must be stored in secondary containers. The relevant Material Safety Data Sheets must be made available on-site. The contractor must ensure that all liquid fuels are stored in tanks with lockable lids, which are kept firmly shut and locked.
- 3.24 A construction camp site must be clearly demarcated and secured, and hazardous materials (cement, oil, petrol, diesel, etc.) must be strictly controlled and secured. Such construction camp site must be located above the 1:100 year flood level, situated in areas so designed by the engineer and must be completely rehabilitated on completion of construction activities.



- 3.25 Water for drinking and construction purposes must be obtained from local reticulation works and must not be extracted from natural water bodies unless approved by the relevant authority.
- 3.26 The contractor must set up a contaminated water management system, which shall include collection facilities to be used to prevent surface and ground water pollution.
- 3.27 Clearing of vegetation must be limited to the development footprint, and what will be necessary to effect project implementation. Protected tree species in terms of the National Forest Act No. 84 of 1998 may not be removed or disturbed without the necessary permits from the relevant regulatory authorities.
- 3.28 All fauna within and surrounding the site must be protected; catching, poisoning, snaring and/or killing of fauna is prohibited.

4 Monitoring

The ECO must conduct monitoring sessions to ensure compliance with the Conditions of this authorization for the proposed development on a monthly basis and submit a quarterly report to the Department on the last day of the month.

5 Recording and reporting to the Department

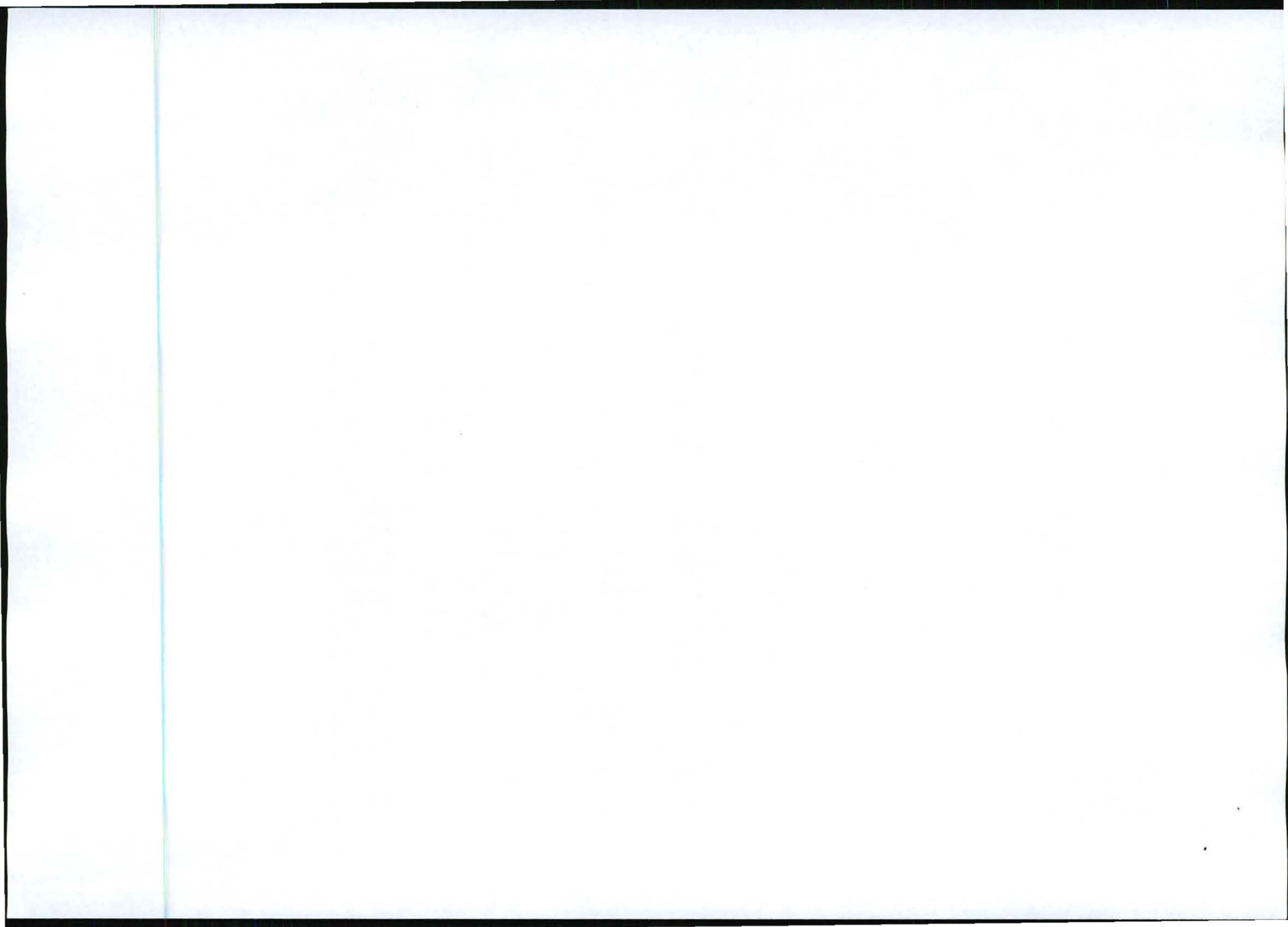
The holder of the authorization must, within fourteen (14) days after completion of construction submit a closure report to this Department, reporting on compliance with the specifications as detailed under heading three (3), on pages 4, 5 & 6 of 10 in this Environmental Authorization.

6 Commissioning of the activity

Ten (10) days written notice must be given to the Department to indicate that the activities 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 activities will commence.

7 Site closure and decommissioning

The holder of this authorization must ensure that on completion of the activity the camp site is properly closed and rehabilitated. Such closure and rehabilitation must take place within 3 months of completion of construction activities.



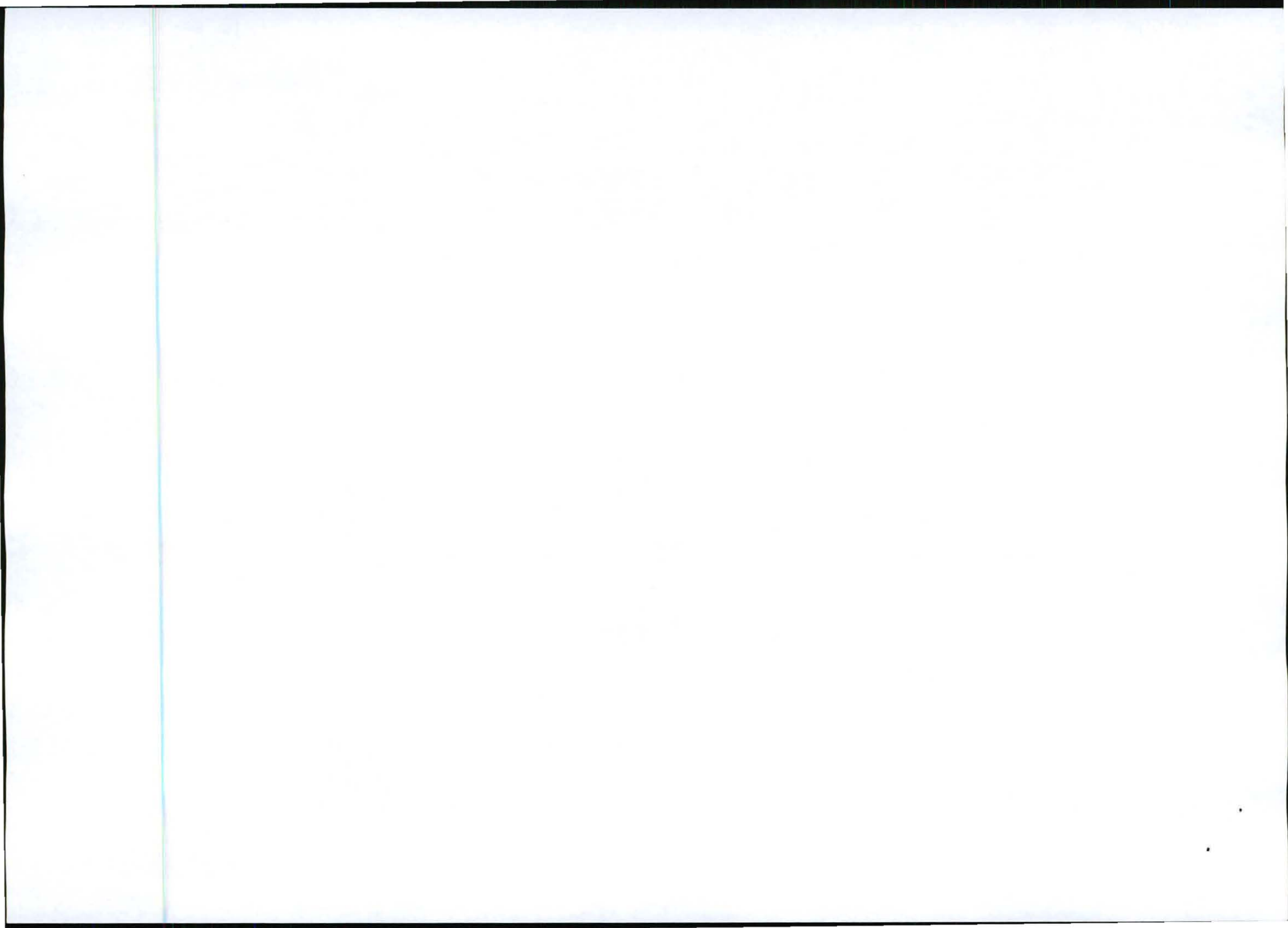
8 General

- 8.1 A copy of this authorization must be kept at the property where the activity will be undertaken. The authorization must be produced to any authorized 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 authorization who works or undertakes work at the property.
- 8.2 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 notify the Department as soon as the new details become known to the applicant.
- 8.3 The holder of the authorization must notify the Department, in writing and within 24 (TWENTY FOUR) hours, if Condition 1.3 on page 3 of 10 in this authorization cannot be or is not adhered to. In all other cases, the holder of the authorization must notify the Department, in writing, within 48 hours if any Condition of this Environmental Authorization is not adhered to. Any notification in terms of this Condition must be accompanied by reasons for the non-compliance.
- 8.4 Non-compliance with any Condition of this Environmental Authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act 107 of 1998) as amended, and the EIA Regulations, being instituted against the holder of the authorization or responsible person.

Date of Environmental Authorization: 29/10/2010


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T. SIGABI
ENVIRONMENTAL OFFICER: EIM


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B. B. NONCEMBU
REGIONAL MANAGER: ENVIRONMENTAL AFFAIRS
AMATHOLE



Annexure 1: Reasons for Decision

1. Background

The applicant, Ngqushwa Local Municipality, applied for an Environmental Authorization to carry out the following activities:

- The proposed subdivision of approximately 5 hectares of the municipal commage on property Erf 1194, Hamburg.
- The proposed construction of an Artists' Residency as described under "detailed description of activity" on page 2 of 10 in this Environmental Authorization.
- Construction of access roads, sewage reticulation and treatment, storm-water control and electricity supply.

Ngqushwa Local Municipality appointed Arcus Gibb to undertake a Basic Assessment process in this regard.

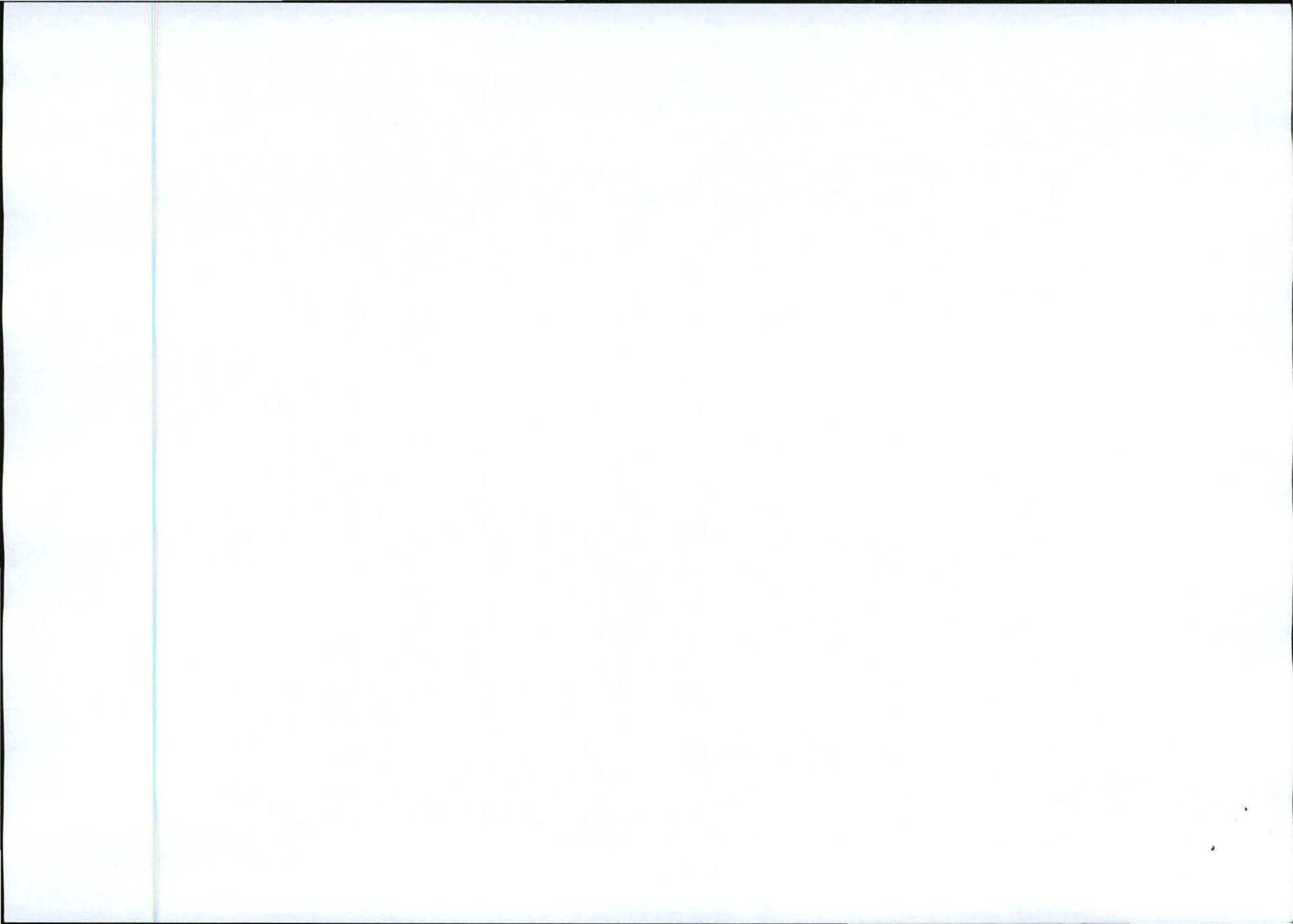
2. Information considered in making the decision

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

- 2.1 The information contained in the BAR for the proposed construction of artists' residency in Hamburg, as compiled by Arcus Gibb, dated March 2010.
- 2.2 The comments from interested and affected parties as contained in the BAR for the proposed construction of artists' residency in Hamburg, as compiled by Arcus Gibb, dated March 2010.
- 2.3 The objectives and requirements of relevant legislation, policies and guidelines, including the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.
- 2.4 The findings of the site visit undertaken by Mr. T. Sigabi from this Department and Ms. P. Jennings from Arcus Gibb.
- 2.5 The information contained in the Groundwater Protocol for the proposed construction of artists' residency in Hamburg, as compiled by SRK Consulting, dated September 2010.
- 2.6 The comments from the Department of Water Affairs on ground water pollution prevention and control.

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:



- 3.1 The negative impacts associated with the proposed development are not unacceptable and can be adequately mitigated provided the Conditions of this Environmental Authorization are adhered to and fully implemented.
- 3.2 The project implementation will have positive socio-economic implications for the surrounding communities in that it will attract foreign investments to Hamburg.
- 3.3 The proposed rezoning and development will positively contribute to the local infrastructure services.
- 3.4 The construction of the proposed Artists' residency will provide a platform for local and surrounding communities to showcase their art and in turn encourage entrepreneurship.
- 3.5 The proposed development is in line with the spatial development framework (SDF) for the area viz. Ngqushwa Municipality SDF and IDP, and the coastal Environmental Management Framework.
- 3.6 Notwithstanding the objection received due to sewage disposal problems facing Hamburg, a groundwater protocol undertaken indicated that the project could proceed subject to specified requirements. These requirements, based on DWA's comments on the groundwater protocol, were translated into Conditions and included in this Environmental Authorization.

4. Findings

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:

- 4.1 The application and supporting documentation complied with legal requirements.
- 4.2 There will be no significant disturbance to the environment provided the Conditions of this Environmental Authorization are adhered to and fully implemented.
- 4.3 This subdivision and development will contribute positively to the growing need of employment in and around Hamburg.
- 4.4 There is expressed need and desirability for the project.

In view of the above, the Department is satisfied that, subject to compliance with the Conditions contained in this Environmental Authorization, the proposed activities will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

