Environmental Authorisation

Authorisation register number: EMB/12(ii)(b), 27/18/56

Holder of Authorisation: Mangaung Metropolitan Municipality

Location of activity: Remainder of the Farm Bloemfontein 654 RD, situated on the corner McGregor Road and Mackenzie Street, Bloemfontein, Free State.

Project description: Activity 12(ii) (b) and 27 of Listing Notice 1 (GNR 327).

The proposed construction of a bus depot as part of the Integrated Public Transport Network.
Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- ‘the Department’) is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), that the applicant should be authorised to undertake the activity specified below.

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

Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act (‘NEMA’), 1998 (Act No. 107 of 1998) and GNR 326 of the 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

Mangaung Metropolitan Municipality

with the following contact details-

Bram Fisher Building
Nelson Mandela Drive and Markgraaff Street
Bloemfontein
9300

Contact person: Mr. Bhekinkosi Mthembu
Tel phone: 051 405 8869
Email: Bheki.mthembu@mangaung.co.za

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

Activity 12(ii) (b):

“The development of –

(ii) infrastructure or structures with a physical footprint of 100 square metres or more;

(b) in front of a developmental setback”, as prescribed in the Final Basic Assessment Report (BAR) dated 26 October 2018.
Activity 27:
“The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, as prescribed in the Final Basic Assessment Report (BAR) dated 26 October 2018.

The activity description is for the proposed construction of a bus depot as part of the Integrated Public Transport Network on the Remainder of the Farm Bloemfontein 654 RD, situated on the corner McGregor Road and Mackenzie Street, Bloemfontein, Free State.

Site coordinates:

<table>
<thead>
<tr>
<th>Latitude (S)</th>
<th>Longitude (E)</th>
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<tr>
<td>29° 07' 24.59&quot;</td>
<td>26° 14' 28.62&quot;</td>
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The granting of this EA is subject to the conditions set out below.

Conditions

Scope of Authorisation

1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the EA.

1.2 The holder of the EA 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 EA.

1.3 The authorised activity may only be carried out on the Remainder of the Farm Bloemfontein 654 RD, as indicated above at the exact site co-ordinates.

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 affected.

1.5 In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations which may result in the holder of the EA to apply for further

1.6 This EA is valid for a period of 3 (three) years from the date of issue. If commencement of the activity does not occur within that period, the EA lapses and a new application for an EA must be made.

1.7 This EA does not negate the holder of the Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of this particular activity.

Appeal of Authorisation

1.8 The holder of the EA must notify every registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this EA, of its decision to authorise the activity.

1.9 The notification referred must –

1.9.1 specify the date on which the EA was issued;

1.9.2 inform the registered interested and affected parties of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015;

1.9.3 advise the registered interested and affected parties that a copy of the Authorisation will be furnished on request; and

1.9.4 give the reasons for the decision.

1.10 A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of the Department of Economic, Small Business Development,
Tourism and Environmental Affairs within 20 days after being notified of the decision. The appeal should be directed to:

Attention: Mr. B. Nazo  
MEC (DESTEA)  
Private Bag X20801  
Bloemfontein  
9300  
Tel: (051) 400 4903  
Fax: (051) 400 4904  
E-mail: nazob@destea.gov.za

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

- An appeal not submitted to the above mentioned address will not be regarded as valid.

Management of the activity

1.11 The Environmental Management Programme (EMPr) submitted as part of application for an EA is hereby approved.

1.12 The provisions of the EMPr included in the Final Basic Assessment Report (BAR) are an extension to the conditions of Authorisation, and non-compliance with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this EA.

1.13 Should there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer.
1.15 The recommendations and mitigation measures recorded in the Final Basic Assessment Report dated 26 October 2018 must be adhered to and incorporated as part of the EMPr where applicable.

1.16 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

**Monitoring**

1.17 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction and operation phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this EA are implemented and to ensure compliance with the provisions of the EMPr.

1.18 The ECO shall be appointed before commencement of any construction activity.

1.19 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

1.20 The ECO shall remain employed until all rehabilitation measures, as required for implementations due to construction damage are completed and the site is ready for operation.

1.21 The ECO shall keep the records to monitoring on site and make them available for inspection to any relevant and competent authority in respect of this development.

1.22 Construction and operation of the development may be temporarily or permanently stopped for reasons of non-compliance with the conditions of this particular EA as set out in this document or any other subsequent document emanating from the conditions of this EA.

**Recording and reporting to the Department**

1.23 The holder of the Authorisation must submit an environmental audit report to the Department within fourteen (14) days upon completion of the construction and rehabilitation activities. The environmental audit report must —
1.23.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the EA conditions as well as the corrective action plan and implementation programme.

1.23.2 Be kept on site and be made available for inspection by any relevant and competent authority in respect of this development.

Commencement of the activity
1.24 The authorised activity shall not commence within twenty (20) days after the EA has been issued by the Department to allow the appeal process to proceed accordingly.

1.25 Should you be notified by the MEC of a suspension of the EA pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

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

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

Site closure and decommissioning
1.28 Should the activities ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

1.29 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and should be approved by this Department.
Specific conditions

1.30 An integrated waste management approach that is based on waste minimisation must be implemented and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008) as amended.

1.31 Effort must be made to ensure that preventative actions are taken that any water bodies present on and around the site will not be negatively impacted by the commencement of this activity.

1.32 Material that is taken out of the trench must be used as a fill material for the bus depot and material resulting from excavations that cannot be used as fill material must then be removed from the site and be disposed of at a registered waste disposal facility in Bloemfontein.

1.33 The waste generated during the operation of the bus depot must be collected and be disposed of at the registered waste disposal facility in Bloemfontein.

1.34 Water for the proposed development must be obtained from Mangaung Metropolitan Municipality.

1.35 A Water Use License must be obtained from the Department of Water and Sanitation for a General Authorisation in terms Section 21 (g) of National Water Act (Act 36 of 1998) before commencement of the proposed development.

1.36 Electricity for the proposed development must be provided by Mangaung Metropolitan Municipality.

1.37 Construction and operational vehicles must be serviced at the correct intervals to ensure that exhaust fumes are kept to a minimum and appropriate dust suppression measures must be implemented during the construction phase.

1.38 Monitoring boreholes must include at least 2 additional up and downstream monitoring boreholes that must be drilled as part of the implementation of the future monitoring programme.
1.39 Monitoring borehole placements must be in close proximity of installed fuel cells and strategically be placed based on the development layout to monitor surface chemistry spillages.

1.40 Groundwater hydrocarbon sampling must be done at newly installed monitoring boreholes in close proximity to underground fuel storage cells prior to development and during operational phase of the proposed development.

1.41 All installed fuel cells must be sealed with appropriate lining to restrict contamination of groundwater.

1.42 The applicant must ensure that the underground tanks are South African Bureau Standard approved and that they have a leak detection mechanisms in place.

1.43 The applicant must ensure that storm water management plan is implemented to prevent erosion of the surrounding area and to minimise increased sediment load and that clean and dirty storm water is separated.

1.44 The applicant must ensure that the source of water seepage on site is determined prior to construction of the proposed development and be remedied.

1.45 Access to the proposed site must be gained via the N8 road and McGregor road.

1.46 If any evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during construction, South African Heritage Resource Agency (SAHRA) and archaeologist and / palaeontologist, must be informed immediately depending on the nature of the findings.

General

1.47 A copy of the EA must be kept at the property where the activities will be carried on. The EA 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 EA who works or undertakes work at the property.

1.48 Where any of the applicant’s contact details change, including the name of the responsible person, the physical or postal addresses and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
1.49 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and Emergency Incidents contained in Section 30 of the National Environmental Management Act, (Act no 107 of 1998).

1.50 The holder of the EA must notify the Department, in writing within 48 (forty-eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

1.51 Non-compliance with a condition of the EA may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the 2014 EIA Regulations as amended.

1.52 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor.
Annexure 1: Reasons for Decision

1. Background

The applicant, Mangaung Metropolitan Municipality applied for an EA to commence with the activities of Listing Notice 1, GNR 327:

Activity 12(ii) (b):
"The development of –
(ii) infrastructure or structures with a physical footprint of 100 square metres or more;
(b) in front of a developmental setback", as prescribed in the Final Basic Assessment Report (BAR) dated 26 October 2018.

Activity 27:
"The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, as prescribed in the Final Basic Assessment Report (BAR) dated 26 October 2018.

The applicant appointed GA Environment to undertake Environmental Impact Assessment process for the activities as required by Regulation 21 of the 2014 EIA Regulations 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 Final Basic Assessment Report (BAR) dated 26 October 2018 completed by **GA Environment**.

b) Mitigation measures as proposed in the Final Basic Assessment Report (BAR) dated 26 October 2018 and the EMPr.

c) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 108 (Act No. 107 of 1998).

d) The findings of the site visit were undertaken by Mrs. N. Mlolwane from the Department on the 11th of February 2019.
3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department’s consideration of the application. Factors considered in making the decision are the following:

a) Fauna and Flora

b) Solid Waste Management

c) Bulk water supply

d) Geohydrological Investigation

e) Wetland Assessment

4. Findings

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

(a) The natural vegetation has clearly been repeatedly cleared and the soil surface disturbed and the current vegetation consists of a secondary vegetation layer dominated by pioneer and exotic species not remotely comparable to the natural grassland vegetation type.

(b) Material that is taken out of the trench will be used as a fill material for the bus depot and material resulting from excavations that cannot be used as fill material will then be removed from the site and be disposed of at a registered waste disposal facility in Bloemfontein. Waste generated during the operation of the bus depot will be collected and be disposed of at the registered waste disposal facility in Bloemfontein.

(c) Water for the proposed development will be obtained from Mangaung Metropolitan Municipality.

(d) All boreholes that were accessible for observation and screening revealed varying groundwater levels and EC concentrations and the groundwater table of the study area is believed to be relatable to that of B4 and is estimated at ≥5mbgl.
(e) The proposed bus depot will be located approximately 250 meters to the south of the Bloemspruit. As a result it is not anticipated that the proposed bus depot will have a significant impact on it.

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