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Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, MetLife Towers, T-Floor, Tel. 053 807 7300, Fax: 053 807 7328

Equities :
Dipatisilo : Ms. A Yaphi
Navrae :
Imibuzo :
Reference:
Tshupelo : NC/BA/30/ZFM/KAI/BLA1/2013
Verwysing : NCP/EIA/0000244/2013
Isalathiso
Mr. A Vosloo

Date : 06th February 2014
Letlha:
Datum :
Umhla:

Kai! Garib Local Municipality

Private Bag X 6

Kakamas

8870

054 – 461 6401

wellsp@kaigarib.gov.za

Dear Sir

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR GN.R544: ACTIVITY: 22,(I) (II) (III): THE CONSTRUCTION OF A ROAD, OUTSIDE URBAN AREAS, IN PORTION 3 OF THE FARM BLAAUWSKOP 36, UPINGTON , KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2010, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR GN.R544: ACTIVITY: 22,(I) (II) (III): THE CONSTRUCTION OF A ROAD, OUTSIDE URBAN AREAS, IN PORTION 3 OF THE FARM BLAAUWSKOP 36, UPINGTON , KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.**

A detailed description of the activity is given in the **Final Basic Assessment Report dated November 2013** subject to the conditions listed in the environmental authorisation the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within seven (7) calendar days of receiving 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.

Permit 05/2014

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2006, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 10 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: 1-Floor, Metlife Towers, Kimberley, 8300.

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



Mr. B Fisher – Acting Director

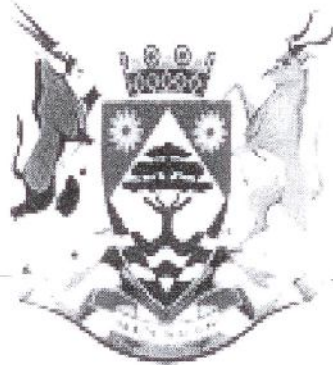
Environmental Quality management

Department of Environment and Nature Conservation

DATE OF DECISIONS: 20.2.2014

Cc: MDA Consulting
Mr. Neil Devenish
neil@mdagroup.co.za

Permit 05/2014



ENVIRONMENTAL AUTHORISATION
in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) as
amended and the Environmental Impact Assessment Regulations, 2010

Authorisation Register
Number:

Permit 05/2014

Reference Number:

NC/BA/30/ZFM/KAI!/BLA1/2013

Last Amended:

Holder of Authorisation:

Kai!karieb Municipality

Location of activity:

Portion 3 of the farm Blaauwskop 36 Kai!
Garib Local Municipality, ZF Mgcawu
District.

DEFINITIONS

- **“EIA”** – means a systematic process of identifying, assessing and reporting environmental impacts associated with an activity and includes basic assessment and S&EIR.
- **“Registered EAP”** – means an environmental assessment practitioner as defined in the section 1 of the Act.
- **“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.
- **“Applicant”** – means a person who has submitted or intends to submit an application
- **“Application”** – means an application for –
 - a) an environmental authorisation in terms of chapter 3 of these Regulations;
 - b) an amendment to an environmental authorization in terms of Chapter 4 of these Regulations;
 - c) an amendment of an environmental management programme; or
 - d) an exemption from a provision of these Regulations in terms of Chapter 5 of these Regulations
- **“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 55.
- **“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.
- **“The Act”** – means the National Environmental Management Act, 1998(Act No. 107 of 1998).
- **“Environmental management Programme”** – means an environmental management programme in relation to identified or specified activities described in regulation 33 of the Environmental Impact Assessment Regulations of 2010.
- **“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 55 of the Environmental Impact Assessment Regulations of 2010.
- **“Basic Assessment Report”** – means a report contemplated in regulation 22 of the Environmental Impact Assessment Regulations of 2010.
- **“The Department”** – Department of Environment and Nature Conservation.

DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with conditions of this environmental authorisation, 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.

ACTIVITIES AUTHORISED●●

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

Kai! Garib LOCAL MUNICIPALITY with the following contact details:

Kai Garib Municipality
Private bag X 6
Kakamas,
8870

Tel:054 431 6328

Fax: 054 461 6401

to undertake the following activity (hereafter referred to as “the activity”) in terms of the scheduled activities listed below:

Activity 22 of R544: described as “The construction of a road, outside urban areas,
(i) With a reserve wider than 13,5 meters or,
(ii) Where no reserve exists where the road is wider than 8 meters, or
(iii) For which an environmental authorization was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010”.

In Portion 3 of the farm Blaauwskop 36, which fall within the Kai! Garib Local Municipality of the ZF Mgcawu District Municipality, Northern Cape Province, hereafter referred to as (the property)

The granting of this environmental authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activity(s) which is authorised may only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

General conditions:

6. A copy of this authorisation must be kept at the property where the activity will be undertaken. The 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 authorisation who works or undertakes work at the property.
7. 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. The holder of the authorisation must notify the Department, in writing and within 24(TWENTY FOUR) hours, if conditions 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.

9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. 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 (these include but are not limited to National Department of Environmental Affairs, National Department of Agriculture, Fisheries and Forestry, Department of Housing & Local Government, Department of Water Affairs, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, including site preparation, may not commence before the thirty (30) days appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. One week's written notice must be given to the Department before commencement with the activity.
 - b. Such notice shall make clear reference to the site location details and the reference number given above.
 - c. The said notice must also include proof of compliance with the following conditions described herein:
 - i. Conditions:11
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
16. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
17. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's Environmental Impact Report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.

18. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
19. The developer must make sure that issues of waste and visual aspects are kept into limited and acceptable level during construction and operation phases, and appropriate management be practised,
20. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
21. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phases.
22. Stockpile and similar areas must be rehabilitated to their original or better condition as soon as construction is complete.
23. Access routes are to be kept as dust free as possible particularly during the construction period by using watering trucks.
24. To address the issue of erosion, number of access routes must be restricted, only to those that are strictly necessary for the development and construction/transportation vehicles must not be allowed to move off these roads.

Appeal of authorisation:

25. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days, of receiving notice of the Department's decision to authorise the activity.
26. The notification referred to in 25 must –
 - specify the date on which the authorisation was issued;
 - inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.
27. If the applicant should appeal against this record of decision, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

28. All areas disturbed during the commissioning of the activity must be rehabilitated.
28. Best practice of waste avoidance, minimisation and disposal of waste at an appropriate facility must be implemented.

29. The delineation of the identified water course and seasonal drainage line must be in accordance to the, Water Affairs guidelines and procedures.
30. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this condition must be modified).

Monitoring:

31. The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
32. The ECO shall be appointed before commencement of any land clearing or construction activities.
33. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
34. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
35. 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.

Recording and Reporting to the Department:

35. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
36. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints register must be kept up to date for inspection by the Department. 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.

Commissioning of the activity:

37. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
38. General waste must be collected in containers disposed of regularly at a permitted landfill site. Recyclable waste must be recovered for recycling purpose. NB: No temporary dumping of waste is allowed on site. Precautionary measures should be taken to prevent refuse from spreading from or on the site.
39. Adequate preventative measures must be undertaken to avoid groundwater contamination when installing septic tanks; they must be put in banded concrete walls.
40. Should protected trees be destructed, relocated and /or disturbed, permit must be obtained from Department of Agriculture, Fisheries and Forestry (DAFF) and Department of Environment and Nature Conservation (DENC).
41. All protected trees with heights of 1 meter or less must be relocated to a suitable alternative site. All protected tree species with heights of 6 meters or more, must be conserved.
42. Any complaint from the public during the construction and operation of this project must be attended to by the holder of this authorisation as soon as possible to the satisfaction of parties concerned.
43. The authorized activities, including site preparation shall not commence before the statutory 30 days of an appeal period has expired.
44. The safety of the participants must be ensured by having regular safety inspection and ensuring participants are equipped with necessary safety equipments.
45. Open fire is strictly prohibited on site.
46. The uncovering of previously undetected archaeological or cultural remains must be reported immediately to the South African Heritage Resources Agency (SAHRA) failure to do so constitute an offence in terms of the National Heritage Resources Act, Act 25 of 1999 as amended.
47. Untreated sewage must not be discharged directly into the natural environment.
48. Spillage of petroleum products (fuel and lubricants) must be avoided. Temporary storage of petrochemical products and servicing of machinery and vehicles on site will be allowed except at a site specifically designed for that purpose. In terms of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a recognized facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on the site.
49. The development must comply with the Municipal by-law.

50. Chemical toilets must be available for workers on site during construction phase only, i.e. sewage waste must be disposed off at the Municipal sewage plant on a regular basis. No "long drop" toilets will be allowed. No open space or surrounding bush shall be used as toilet facility under any circumstances.
51. It is the holder of this authorization's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the Environment throughout the life cycle of the activity is put into practice.
52. All the areas (e.g. stockpiling of material, machines, workshop, etc) in the construction site must be clearly defined.
53. The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from site when necessary.
54. It is the contractor's responsibility that all staff/employees are familiar with all the emergency procedures. The contractor must also ensure that emergency numbers are visible and available and always updated.
55. The contractors must use Ready-Mix concrete. Alternatively, concrete can be mixed on mixing trays only and not on exposed soil. Concrete must be mixed only in areas, which have been specially demarcated for this purpose.
56. The contractor must take all the necessary precautionary measures to ensure that no fires are caused as a result of construction activities.
57. Old cement bags, mixing bags, platforms etc should be discarded in a wind and spill proof container. No cement bags closed or open should be left lying around the site. All visible remains of concrete should be physically removed as soon as possible, and disposed of at a suitable site.
58. All vehicles, equipments and other assets belonging to the contractor must be removed from the property upon completion of the construction works.
59. Topsoil removed during excavations must be kept separate from other material. Topsoil must be placed above other material during backfilling.
60. Precautionary principles must be followed as people's lives depend on the project.
61. The central waste collection point must be specific –where it will be situated to ensure that no soil or underground water contamination takes place this should be done at least on weekly basis.
62. Habitat Fragmentation and Alien plant infestation should be prevented at all cost.

Operation of the activity:

63. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.

64. General waste must be collected in drums containers disposed of weekly at a permitted Municipal landfill site. Recyclable waste must be recovered for recycling purpose. NB: No temporary dumping of waste is allowed on site. Precautionary measure should be taken to prevent refuse from spreading from or on the site.
65. The location of the proposed low cost housing development for residential and mixed retail situated on Portion 3 of the farm Blaauwskop 36, which fall within the Kai! Garib Local Municipality at the co-ordinates must remain at co-ordinates S 28⁰ 39'.50,97", E 21⁰ 05'.57,05",
66. The proposed development for road construction on Portion 3 of the farm Blaauwskop 36, which fall within the Kai! Garib Local Municipality must conform the design and the specifications on the Basic Assessment.

Site Closure and Decommissioning:

67. Should the proposed development no longer be required, or if decommissioning is required for whatsoever reason then the applicant must ensure that the structures are removed from site and the area rehabilitated to its original or better condition.
68. All construction and storage sites and all areas disturbed by the project must be rehabilitated to their former or better condition. Those sites and areas must be re-vegetated with indigenous plants upon completion of the proposed development and must take place where necessary.
69. And should the project be abandoned or decommissioned, a Closure Management Plan must be compiled and the holder of the Environmental Authorization must rehabilitate the site to the satisfaction of this Department.

Non-compliance

70. In the event of non-compliance by employees and contractors during the construction, operation and decommissioning phases of the project, the applicant will be held liable.
71. The applicant shall be responsible for all the costs necessary to comply with the above conditions unless otherwise stated.
72. Provincial Government, Local Authority or committees appointed in terms of the application or any other public authority or organization shall not be held responsible for any damages or losses suffered by the developer or his/her successor in title in any instance where construction or operation subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the developer with conditions of approval as set out in the document or any other subsequent document emanating from this approval.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of three (3) years from the date of issue. If commencement does not occur within that period and the intention is to extend the validity period of the authorisation, an application for amendment to extend the validity period must be lodged at least six months before the validity period lapses. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2010, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within Twenty (20) days after date of the decision, and an appeal must **be lodged within thirty (30) days after lapsing of 20 days contemplated in regulation 60 (1)** of lodging of the notice to appeal to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 8321026

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2010 Government Notice No. R. 543 of 18 June 2010.


Mr. B Fisher : Acting – Director
Environmental Management
DEPT. OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 20.2.2014

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Kai! Garib LOCAL MUNICIPALITY** applied for Authorization to carry out the following activity–

35. The proposed development for road construction, on Portion 3 of the farm Blaauwskop 36 **Kai! Garib Local Municipality, ZF Mgeawu District** the Northern Cape {Activity 22 of GN R 544, of the 21 June 2010} on the following Geographical Co-ordinates: S 28^o 39' .50,97", E 21^o 05' .57,05"., hereafter referred to as "the property"

The applicant appointed Neil Devenish from MDA to undertake a screening process.

- a) The process followed Basic Assessment.
- b) The Environmental Assessment Practitioner did submit the application form for Environmental Authorization in a form of Basic Assessment Report
- c) Proof of Public Participation was submitted together with the Basic Assessment Report and received by the Department on the 03 December 2013.

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 undated
- b) The comments received from the interested and affected parties as included in the Basic Assessment Report undated
- c) Mitigation measures as proposed in the EMPr that has been incorporated in the Basic Assessment Report undated
- d) 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).

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 environmental impact assessment procedures.
- b) The findings of all the Specialist studies conducted and their recommended mitigation measures.

- c) Basic Assessment Report dated November 2013 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.
- d) The Basic Assessment Report dated November 2013 identified legislation and guidelines that have been considered in the preparation of the Report dated the same date as above and the legislation and guidelines that were considered in the preparation of the Environmental Impact Assessment.
- e) The proposed methodology used in assessing the potential impacts identified in the Basic Assessment Report dated November 2013.

A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2010 for public involvement

4. Findings

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

- a) The potential environmental impacts can be kept to acceptable limits.
- b) The proposed activity is accepted by interested and affected parties.
- c) The proposed development will enhance the standard of living for surrounding communities.
- d) The impacts may be reduced only if the developer adheres to the impact mitigation measures contained in the EMPr. Furthermore, the impacts may be reduced if the holder of the authorization can conduct at least the environmental awareness with his labour force before the commencement of the activity and during operational phase of the project.

A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2010 for public involvement. In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.