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

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CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
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Enquiries: Kgahliso Makoli
E-mail:kmakoli@nwpg.gov.za

Reference: NWP/EIA/64/2019

Attention: **Municipal Manager**
Ramotshere Moiloa Local Municipality
P.O. Box 92
ZEERUST
2865

Tel No.: (018) 642 1081
Cell No.: 063 073 1065
Email: oigasealahwe@gmail.com

PER EMAIL AND POST

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR CLEARANCE OF INDIGENOUS VEGETATION FOR THE DEVELOPMENT OF RESIDENTIAL EXTENSION AND THE DEVELOPMENT OF A ROAD ON CORNER KORT AND BUITEN STREETS ON THE REMAINDER OF PORTION 5 OF THE FARM HAZIA 240 JP, RAMOTSHERE MOILOA LOCAL MUNICIPALITY, NORTH WEST PROVINCE

Your application for Environmental Authorisation, in terms of Section 24(2)(a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of -

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

1. *The development of a road wider than 4 meters with a reserve less than 13.5 metres in sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority in North West Province [Listed Activity No.4 (h) (ii)].*

2. *The clearance of an area of 300 square meters or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan in sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority in North West Province [Listed Activity No. 12 (h) (v)].*

Government Notice No. R. 327 of EIA Regulations of 04 December 2014, as amended, for:

3. *The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan [Listed Activity 27].*

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

This Department has evaluated the **Basic Assessment Report** received on 26 June 2020 *for clearance of indigenous vegetation for the development of a residential extension and the development of a road on corner of Kort and Buiten streets on the remainder of portion 5 of the farm Hazia 240 JP, Ramotshere Moiloa Local Municipality, North West Province,* to verify whether this activity will have significant negative impact on the environment.

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

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

Yours Faithfully

Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Economic Development, Environment, Conservation and Tourism
Date: 12/11/2020

Cc: ***CES Environmental and Social Advisory Services***
Contact Person: Mr. Aidan Gouws
Tel No.: 010 045 1372
Cell No.: 072 774 1188
Email: A.gouws@cesnet.co.za

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A DEFINITIONS

"activity" means an activity identified in any notice published by the Minister or MEC in terms of Section 24D(1)(a) of the Act as a listed activity or specified activity.

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

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

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

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

(a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
(b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work; excluding –
(i) normal remuneration for a specialist permanently employed by the EAP; or
(ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

"public participation process" means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

"registered interested and affected party", in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation **42**;

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

"the Department" means the Department of 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 4 December 2014 as amended.

B. Environmental Authorisation

Authorisation register number: **NWP/EIA/64/2019**

Holder of Environmental Authorisation: **Ramotshere Moiloa Local Municipality**

Location of activities: **Remainder of portion 5 of the farm Hazia 240 JP, Ramotshere Moiloa Local Municipality, 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 activities specified below:

2. Activities authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and the Environmental Impact Assessment Regulations of 4 December 2014, the Director: Environmental Quality Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

Ramotshere Moiloa Local Municipality
P.O. Box 92
ZEERUST
2865

Tel No.: 018 642 1081
Cell No.: 063 073 1065
Email: oigasealahwe@gmail.com

To undertake the following activities:

The clearance of indigenous vegetation for the development of a residential extension and development of a road on corner of Kort and Buiten street on the remainder of portion 5 of the farm Hazia 240 JP, Ramotshere Moiloa Local Municipality, North West Province.

The project entails the following:

- *80 stands for potential purchasers and resident to build houses.*
- *Internal roads with total length of 1km and widths of 9m and 2m road reserve on either side.*
- *Municipal services such as water, electricity supply, waste removal and sanitation.*
- *Total footprint for clearance of indigenous vegetation is 5.01 hectares.*

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

Site Location:

Alternative Site	Latitude (S)	Longitude (E)
Remainder of portion 5 of the farm Hazia 240 JP, Ramotshere Moiloa Local Municipality	25° 34' 15.03"	26° 5' 34.14"

The development site is located on corner Kort and Buiten streets on remainder of portion 5 of the farm Hazia 240 JP in Zeerust, Ramotshere Moiloa Local Municipality, North West Province, and hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

3.1.1 The preferred **alternative S1 is approved**

3.1.2 Authorisation of the activities is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.

3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.

3.1.4 The activities authorised may only be carried out at the property as described in Point 2 under site location.

3.1.5 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) National Heritage Resources Act, 1999 (Act No. 25 of 1999).

b) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)

c) National Water Act, 1998 (Act No. 36 of 1998)

d) Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)

e) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)

f) Spatial Planning and Land Use Management Act, 2013 (Act No. of 16 of 2013)

g) National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

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 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
2735

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 an Appeal form obtainable from the Appeal Administrator.

4.5. An appeal made against this Environmental Authorisation will result in it being suspended, therefore the activities 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 activities may only commence once the decision by the MEC, as Appeal Authority have been made.

5. Management of the activities

5.1 An Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation included in the Basic Assessment Report dated April 2020 is **hereby approved.**

5.2 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.

5.3 The recommendations and mitigation measures outlined in the Basic Assessment Report dated April 2020 received by Department on 26 June 2020 compiled by CES Environmental and Social Advisory Services must be adhered to at all times.

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 Notwithstanding the preceding conditions, the holder must adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.

6. Monitoring

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

6.2 The holder of the Environmental Authorisation must ensure communications with key stakeholders in respect of monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with Environmental Compliance and Enforcement Section (cnieuwoudt@nwpg.gov.za and Emulibana@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 Environmental Authorisation

7.1 This Environmental Authorisation is **valid for a period of 5 years from the date of issue.**

7.2 All authorised activities must be concluded within 5 years from the date of issue of the Environmental Authorisation.

7.3 If the holder of the Environmental Authorisation anticipates that conclusion of the activities would not occur within a **5 years** period, he/she **must prior to the lapse 5 years,** apply for amendment of the Environmental Authorisation and **show good cause and give reasons** why an extension of the Environmental Authorisation should be granted.

7.4 Should the Environmental Authorisation for the authorised activities **expire**, the said authorisation for the activities not concluded will be null and void and a new application for Environmental Authorisation must be made in order for the activities to be undertaken.

8. Recording and reporting to the Department

8.1 **14 days** written notice must be given to the Department's Environmental Compliance and Enforcement Section that the activities will commence at Cnieuwoudt@nwpg.gov.za and Emulibana@nwpg.gov.za.

8.2 All incidents of major hazardous substances spill must be reported to Environmental Compliance and Enforcement Section of this Department and Department of Water and Sanitation within **48 hours,** and actions taken to remedy the situation must be outlined.

9. Site Closure and Decommissioning of the activity

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

9.2 The disturbed areas must be rehabilitated to almost a natural state, and landscaping of the disturbed areas must make extensive use of locally appropriate indigenous vegetation.

10. Specific conditions

10.1 The applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report dated April 2020, received on the 26 June 2020.

10.2 Clearance of indigenous vegetation must be restricted to 5.01 hectares for the development of a residential area and road; and the road must be 1 kilometre in length, 9 metres width and 2 metres road reserve.

10.3 Clearance of vegetation must only occur immediately prior to construction to minimise the amount of time the soil is left bare and vulnerable to erosion.

10.4 Where possible, large established trees and rocky outcrops must be left and be incorporated into the garden design of each erf in order to reduce vulnerability of land to erosion.

10.5 An invasive alien plant management plan must be designed and implemented by the applicant (Ramotshere Moiloa Local Municipality) and/or the contractor to monitor and remove alien species within and around the proposed site.

10.6 As individual private households will be completing the construction work, a condition of the sale of the property must include a Chance Finds Procedure for each household to follow should they uncover any heritage resources during the construction phase.

10.7 It must be ensured that the development stays within the proposed footprint and migrate northwards as it would then cross the Urban Development Boundary.

10.8 A waste management plan must be implemented for ensuring appropriate handling, collection, processing and disposal of solid waste.

10.9 Effective monitoring and maintenance of all water reticulation infrastructures must be implemented to ensure no leakages occur.

10.10 The effectiveness of traffic control measures must be monitored on an on-going basis and appropriate remediation steps must be implemented if necessary for effective traffic flow.

10.11 Archaeological remains, artificial features and structures older than **60 years** are protected. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resource Agency and/or North West Provincial Heritage Resources Authority.

10.12 Waste material of any description must be entirely removed from the construction and disposed of at a licensed landfill facility. It must not be buried or burned on site.

10.13 The holder of the Environmental Authorisation [Ramotshere Moiloa Local Municipality] must be responsible for compliance with the provisions for duty of care and remediation of environmental damage in accordance with Section 28 of National Environmental Management Act, 1998 (Act No. 107 of 1998).

11. General

11.1 A copy of this Environmental Authorisation must be kept at the property where the activities will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Environmental Authorisation who works or undertakes work at the property.

11.2 The holder of the Environmental Authorisation must notify the Department, in writing and within **48 hours**, if any condition of this Environmental Authorisation cannot be or is not adhered to, accompanied by reasons for the non-compliance. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations.

11.3 Where any of the holder of the Environmental Authorisation's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the holder of the Environmental Authorisation must apply to the Department as soon as the new details become known to the holder of the Environmental Authorisation

Environmental Authorisation Approved By:

Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Economic Development, Environment, Conservation and Tourism
Date: 12/11/2020

ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Ramotshere Moiloa Local Municipality** applied for Environmental Authorisation to carry out the following activity:

Clearance of indigenous vegetation for the development of a residential extension and the development of a road on the corner of Kort and Buiten street on the remainder of portion 5 of the farm Hazia 240 JP, Ramotshere Moiloa Local Municipality, North West Province

The applicant appointed **CES Environmental and Social Advisory Services** to undertake Basic Assessment process as required by Regulation 12 of the EIA Regulations 04 December 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 dated April 2020, received on the 26 June 2020 compiled by CES Environmental and Social Advisory.

b) All mitigation measures and recommendations as contained in the Basic Assessment Report and the Environmental Management Programme included in the report received on the 26 June 2020.

c) The Ecological Impact Assessment Report compiled by CES Environmental and Social Advisory Services dated 12 July 2019.

d) The Geotechnical Report compiled by SRK Consulting (Pty) Ltd dated April 2019.

e) The Heritage Screener Report compiled by CTS Heritage dated 6 February 2019.

f) The Engineering Services Report compiled by TP Consulting Engineering (Pty) Ltd dated 18 March 2020.

g) The letter of confirmation for provision of services/infrastructure and adequate capacity for the development from Ramotshere Moiloa Local Municipality dated 15 January 2019.

h) 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.

i) The findings of a site visit undertaken by the Department's official Mr. Kgahliso Makoli along with Mr. Aidan Gouws of CES Environmental and Social Advisory Services on 27 January 2020.

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) The Basic Assessment Report dated April 2020, received on the 26 June 2020, sufficiently deduced how the proposed project will vehemently have minimal impacts on the environment.

b) The Environmental Management Programme presented in the Basic Assessment Report dated April 2020, received on 26 June 2020 is in line with Appendix 4 of R.326 of the EIA Regulations of 2014, as amended and the mitigations measures contained therein are applicable to the impacts identified in the Basic Assessment Report.

c) The Basic Assessment Report is compiled as per Appendix 1 of R.326 of the EIA Regulations of 2014, as amended.

d) The expertise of the Environmental Assessment Practitioner in conducting the Basic Assessment process. The details provided indicate that the EAP meets the Requirements of Regulations 13 of EIA Regulations of 2014, as amended and is competent to carry out the Environmental Impact Assessment process.

e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 04 December 2014, as amended, for public involvement. The development was advertised in a local newspaper namely: Mmega Dikgang on 13 March 2020 as part of the public participation process.

f) 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 benefits of the project entail employment and skills enrichment within the construction sector for the local municipality. Further housing will also lead to an increase in the population base within Zeerust that will promote growth within the CBD.

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

ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

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

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter **within 20 days** from:

(a) the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or

(b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).

(2) An appeal submission must be-
(a) submitted in writing in the form obtainable from the appeal administrator; and
(b) accompanied by-
(i) a statement setting out the grounds of appeal;
(ii) supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

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

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or Constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority,

(2) The appeal panel contemplated in 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.