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

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Private Bag X6102
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8300

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Enquiries :
Dipatlisiso : MR A Nyakaza
Imibuzo :
Navrae :
Reference : NC/BA/24/NAM/HAN/CAL2/2019
Tshupelo :
Isalathiso :
Verwysing :

Date :
Leshupelo:
Umhla : 11th February 2020
Datum :

Hantam Local Municipality

Mr J.I. Swartz
Private Bag X 14
CALVINIA
8190

Email: info@hantam.gov.za

Dear Sir/Madam

THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 19 (I) OF GN. R.327 OF 07 APRIL 2017 (AS AMENDED) THE PROPOSED CONSTRUCTION OF A TWO-LANE VEHICLE AND PEDESTRIAN BRIDGE ACROSS WATER COURSE, ON THE FARM ERF 461 AND ERF 927 LOERIESFONTEIN, HANTAM LOCAL MUNICIPALITY, NORTHERN CAPE.

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014. **THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 19 (I) OF GN. R.327 OF 07 APRIL 2017 (AS AMENDED) THE PROPOSED CONSTRUCTION OF A TWO-LANE VEHICLE AND PEDESTRIAN BRIDGE ACROSS WATER COURSE, ON THE FARM ERF 461 AND ERF 927 LOERIESFONTEIN, HANTAM LOCAL MUNICIPALITY, NORTHERN CAPE.**

A detailed description of the activity is given in the **Final Basic Assessment Report Dated 25 July 2019**, subject to the conditions listed in the Environmental Authorisation and reasons for the decision are attached herewith. In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) 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 05/2020

Your attention is drawn to chapter 2 of the National Appeal Regulation which regulates appeal procedures. Should you/ any person affected by this decision wish to appeal, any aspect as prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 8077328
By post: Private Bag X 6102, Kimberley, 8300 or
By hand: 90 Long Street, 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: DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION**

DATE OF DECISION: 20.2.2020

Cc: Mr Gert Pretorius
ENVIRO LOGIC
gpec12@telkomsa.net

Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO

ENVIRONMENTAL AUTHORISATION
in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and
the Environmental Impact Assessment Regulations, 2014 (as amended)

Authorisation Register Number:	Permit 05/2020
Reference Number:	NC/BA/24/NAM/HAN/CAL2/2019
Last Amended:	N/A
Holder of Authorisation:	Hantam Local Municipality
Location of activity:	Erven 461 and 927, Loeriesfontein, Hantam Local Municipality.

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;

"Proponent" means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

"Appellant" means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of the appeal Regulations;

"Application" means an application for an -

- (a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

"Basic Assessment Report" means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

"EAP" means an Environmental Assessment Practitioner as defined in section 1 of the Act;

"EMPr" means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment 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 42;

"Public Participation Process" means the process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific activity;

"NCNCA" Northern Cape Nature Conservation Act No. 9 of 2009

"Department" means the Northern Cape Department of Environment and Nature Conservation; and

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

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) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises –

Hantam Local Municipality

with the following contact details –

Mr J.I. Swartz
Private Bag X 14
CALVINIA
8190
Tel (027) _341_8501

To undertake the following activities (hereafter referred to as "the activity")

The Proposed Construction of a two-lane Vehicle and Pedestrian bridge across water course on the farm Erf 461 and Erf 927 Loeriesfontein, Hantam Local Municipality.

Activity No. 19 (i) of GN. R.327 of 07 April 2017 (as amended)

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from;

(i) a watercourse.

In Erven 461 and 927 at Loeriesfontein, which falls within the jurisdiction of Hantam Local Municipality, Namakwa District Municipality, Northern Cape Province, with the following co-ordinates;

Latitude (S)			Longitude (E)		
30°	12'	54.69"	17°	55'	39.84"
30°	12'	58.02"	17°	55'	45.37"

30°	13'	01.38"	17°	55'	43.25"
30°	13'	04.66"	17°	55'	43.24"

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 activities which is authorised must 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 activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities 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 condition 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 activities **must** 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, Forestry and Fisheries, Department of Housing & Local Government, Department of Water and Sanitation, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Sports, Arts & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activities, including site preparation, must not commence before the thirty (30) day 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 condition described herein:
 - i. Condition: 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. Environmental Management Inspectors (EMI) employed by the Department must be given access to the property as described above (see detailed description of the property) 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 scoping 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. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
20. The applicant must 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 phase.

Appeal of authorisation:

22. 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.
23. The notification referred 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.
24. If the applicant should appeal against this Environmental Authorisation, the applicant/appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted a notice to appeal with a copy of the notice to appeal indicating that the

appeal submission will be made available on the day of lodging it with the Minister or MEC, where and for what period the appeal submission will be available for inspection by such person or organ of state.

Management of activity:

25. The Environmental Management Programme ("EMPr") submitted as part of the application for Environmental Authorisation is approved and must be adhered to. The recommendations and mitigation measures of the specialist studies recorded in the Final BAR dated July 2019 are binding and must be complied with.
26. Before any work is done the site and access routes must be clearly demarcated, the demarcation must include the total footprint necessary to execute the work.
27. The riparian vegetation and ephemeral stream must not be disturbed in other sections of the stream (other than the footprint of the bridge).
28. Proper measures to prevent/reduce the risk of erosion and the invasion of alien species must be strictly implemented.
29. The spreading of invasive alien plant species must be controlled and monitored at all times.
30. Stabilisation and rehabilitation of erosion areas must take place immediately after the construction has ended.
31. Indiscriminate disturbance of any area outside of the construction footprint must be avoided.
32. Proper measures to prevent soil erosion must be implemented to ensure the sustainability of all structures and activities.

Monitoring

33. In the event of oil spillages and contamination of soil by hazardous substances that contaminated area must be cleaned up immediately by removing the contaminated soil and disposing it off into the designated hazardous skip bin for correct disposal.
34. A storm water management plan must be implemented during the construction and operation of the facility. The plan must comply with applicable legislation and prevent off-site migration of contaminated storm water.
35. A monitoring program must be implemented for early detection of alien invasive plant species and must be in accordance with the Conservation of Agriculture Resources Act (Act 43 of 1983).

36. Dust control measures must be implemented during construction phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).
37. The level of noise during the construction phase of the project must be kept as low as possible and must comply with the Noise Control Regulations (GN R 154) as well as the acceptable day rating levels as per the SANS10103:2008 guidelines.
38. All the pipelines and infrastructure that is no longer in use must be removed on site.

Environmental Control Officer (ECO) and Duties

39. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) before commencement and must have the experience or expertise in the field of Environment. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr and recommendations of the attached specialist studies.
40. The ECO must meet with the contractors to discuss the conditions of the Environmental Authorization and the contents of the EMPr prior to commencement of activities.
41. Once appointed, the name and contact details of the ECO must be submitted to the Directorate: Compliance and Enforcement Unit of the Department.
42. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
43. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

Recording and Reporting to the Department

44. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
45. All documentation such as audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Directorate: Compliance and Enforcement Unit of the Department.
46. 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 Compliance and Enforcement Unit of this Department within seven (7) days of written request by the said Officer.

Environmental audit report

47. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.
48. The Environmental audit report must:
 - Be compiled by an independent environmental auditor;
 - Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
 - Include measures to be implemented to attend to any non-compliance.
 - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
 - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
 - Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

Commencement of the activity:

49. Fourteen (14) 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.
50. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.
51. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you must not commence with the activities unless authorised by the minister in writing.
52. Backfill material must only be obtained from legal sources with the necessary permits.
53. A storm water management plan must be implemented throughout the life cycle of the project. The plan must comply with applicable legislation's and prevent off-site migration of contaminated storm water.
54. Soil stockpiles must be in low heaps to widen the use options of the rehabilitated surface/land capability/sustainable land-use options.
55. Rehabilitation must strive to replicate the pre-construction topography wherever possible or at least not to increase overall slope gradients without emplacement of adequate designed erosion control or run-off diversion structures.

56. Waste must not be blown away or buried on site; it must be safely stored and must be disposed of to a licensed landfill site.
57. Archaeological features encountered on site of high and medium significance must form part of the no-go zone.
58. Chemical mobile toilets must be available for workers on site, and must be safely secured to prevent them from being blown away. Sewage waste must be disposed of at the Municipal sewage plant on a regular basis.
59. No open space or surrounding bush must be used as toilet facility under any circumstances.
60. Concrete mixers must be used for mixing concrete and must be placed on drip trays to prevent accidental spillages.
61. Cleaning of equipment and flushing of mixers must not result in pollution of the surrounding environment. All waste-water resulting from batching of concrete must not be discharged into the watercourse.

Operation of the activity:

Erven 461 and 927 of Loeriesfontein, which falls within the jurisdiction of Hantam Local Municipality, Namakwa District Municipality, Northern Cape Province, with the following co-ordinates;

Latitude (S)			Longitude (E)		
30°	22'	30.66"	18°	15'	02.71"
30°	22'	32.88"	18°	15'	04.59"
30°	22'	35.88"	18°	15'	00.17"
30°	22'	33.75"	18°	15'	58.38"

Site Closure and Decommissioning:

62. Should the proposed activity 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.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. 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.

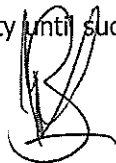
APPEAL

An appellant must submit an 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 the date that the notification of the decision was sent to the applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.



MR B. FISHER
DIRECTOR: ENVIRONMENTAL MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 20.2.2020

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Hantam Local Municipality** applied for authorisation to carry out the following activities-

The Proposed Construction of a two-lane Vehicle and Pedestrian bridge across water course on the farm Erf 461 and Erf 927, Loeriesfontein, Hantam Local Municipality.

Activity No. 19 (i) of GN. R.327 of 07 April 2017 (as amended)

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from;

(i) a watercourse.

In Erven 461 and 927 of Loeriesfontein, which falls within the jurisdiction of Hantam Local Municipality, Namakwa District Municipality, Northern Cape Province, with the following co-ordinates;

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30°	13'	01.38"	17°	55'	43.25"
30°	13'	04.66"	17°	55'	43.24"

hereafter referred to as "the property".

- a) The applicant appointed EnviroAfrica cc to apply to undertake a Basic Assessment process
- b) The process followed is Basic assessment process in accordance with Appendix 1 of the 2014 regulations.

2. Information considered in making the decision

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

- a) The Environmental Assessment Practitioner complied with NEMA Regulations of 19 of April 2017.
- b) Public participation followed is in line with Regulation 41 of April 2017 and proof was submitted together with the Final Basic Assessment Report submitted in respect of this application.
- c) The information contained in the Final Basic Assessment Report dated July 2019.
- d) The comments received from interested and affected parties as included in the Basic Assessment report.

- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- f) The findings of the site visit undertaken by Mr T. Mthombeni (DENC) and Mr Maritz Myburgh (BVI Engineers), representing the EAP on 07 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 EAP who prepared the report has the expertise to carry out the basic assessment process.
- b) The attached specialist studies conducted as part of the process to assess the nature and level of impact.
- c) Details of the public participation process conducted were attached, with all the steps taken to notify potential interested and affected parties.
- d) No objections were received from Interested and affected parties.
- e) The project is a societal priority as it will benefit society and local communities.

4. Findings

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

- a) The benefits of the proposed development outweigh the negative impacts.
- b) The procedure followed for impact assessment is adequate for decision-making process.
- c) The development will ensure that people are not deprived their basic service of clean portable water.
- d) The development is a public amenity.
- e) The environment or the rights or interests of other parties will not be adversely affected.
- f) All areas containing sensitive fauna and flora were investigated and impacts can be reduced to minimal with proper mitigation.

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.