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Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	EC08/C/LN1&3/M/16-2015
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Kouga Local Municipality
LOCATION OF ACTIVITY	Erf 17, Erf 1480 and Erf 1508 Weston, within the Kouga Municipal area

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"EIA regulations" – These are EIA regulations" – These are the Environmental Impact Assessment Regulations in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 published in Government Notice R982 of December, 2014.

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

"Commencement" – Any physical activity on site that can be viewed as associated with the establishment of the development described under Section 2 of this Environmental Authorisation, inclusive of initial site preparation.

"FBAR" – Basic Assessment Report compiled by Public Process Consultants dated October 2015 and titled "Basic Assessment Report: Residential and Mixed Use Development on Erf 17, Erf 1480 and Erf 1508, Weston, Hankey, Kouga Local Municipality".

"CEMP" - Construction Environmental Management Programme.

"ECPHRA" – Eastern Cape Provincial Heritage Resources Agency.

"NEMBA" - The National Environmental Management: Biodiversity Act, Act No. 10 of 2004.

"NEMA" – National Environmental Management Act, Act 107 of 1998

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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 allowed to undertake the activities specified below. Details regarding the basis on which the Department reached this decision are set out in section 4 and 5 of this Environmental Authorisation.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 as amended and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorises Kouga Local Municipality being the legal or natural organisation who has applied for this authorisation, with the following contact details:

Name	Kouga Local Municipality		
Address	PO Box 21 Jeffreys Bay		
Telephone	(042) 200 2200	Fax	(042) 200 8606
Contact	Mr. Edward Charles Oosthuizen	e-mail	eddieo@kouga.gov.za

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

Detailed description of activity
<p>The activity entails development of a residential and mixed use development including the provision of associated infrastructure on Erf 17, Erf 1480 and Erf 1508, Weston, Hankey within the Kouga Local Municipality. The area to be developed is approximately 6.02ha in extent. The proposed development will comprise of the following components:</p> <ul style="list-style-type: none"> • 176 Residential Erven (3.76ha); • One site for business use (0.12ha); • One site to accommodate the existing water reservoir (0.12ha); • Internal roads with widths of approximately 5 meters within the road reserves ranging from 8, 10 and 12 meters (1.33ha); • Three Public Open Space sites (0.67ha) • Internal reticulation of services (water; stormwater; sewage and electricity); <p>❖ Stormwater: Stormwater will be managed within the road reserves and runoff transported via surface flow in internal concrete V-drains of varying widths. The flow will be discharged into uncultivated land and into existing road drainage. Two stormwater discharge points will discharge in the open space of Erf 1508 (south east) and Erf 17 (south east).</p> <p>❖ Roads: Access to the proposed residential development will be via existing roads serving the adjacent residential area. Access to individual erven within the proposed development will be provided by an internal road network.</p>

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- ❖ **Water supply:** The new development and existing erven within the western portion of Weston will be served by the existing 0.5 Ml Weston Concrete Reservoir situated to the west of the town. Water is supplied to Weston from the Kouga Dam via Hankey WTW. The capacity to supply bulk water to the development is therefore sufficient.
- ❖ **Sewage effluent** will be treated by the Weston Waste Water Treatment Works (WWTW). The Average Dry Weather Flow (ADWF) of the proposed development has been calculated to be 1.185 l/s. Combined with the anticipated effluent of other zones i.e Business and Institutional, the total ADWF is anticipated to be 102kl/d. The new Weston WWTW is under construction will be capable of treating all effluent from the new and existing portions of Weston.
- ❖ **Electricity** supply for the development will tie into the existing 22kv electrical infrastructure.
- ❖ **Solid Waste Disposal:** Solid waste will be collected by the municipality and disposed of at a registered waste disposal facility (Hankey Waste Disposal Site).

Listed Activities

GN R 983-27.	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-
GN R 985-4.	The development of a road wider than 4 metres with a reserve less than 13.5 metres. (b) In Eastern Cape: ii. Outside urban areas, in: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
GN R985-14.	The development of – (ii) channels exceeding 10 square metres in size; (vi) bulk storm water outlet structures exceeding 10 square metres in size; (xii) infrastructure or structures with a physical footprint of 10 square metres or more; Where such development occurs – (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; (c) In Eastern Cape: ii. Outside urban areas, in: (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
GN R983-28.	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: (i) Will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) Will occur outside an urban area, where the total land to be developed is bigger than 1 hectares; Excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

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

District	Cacadu
Municipal Area	Kouga Local Municipality
Farm Name	N/A
Farm Number and Portion	N/A
Erf Number and Township Extension or Sub	Erf 17, Erf 1480 and Erf 1508, Weston Hankey within the Kouga Municipal area
Physical address	Erf 17, Erf 1480 and Erf 1508, Weston Hankey within the Kouga Municipal area.

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development and Environmental Affairs may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, withdraw or amend such Environmental Authorisation.

3.3 Duration of authorization

- 3.3.1 Installation of the internal service infrastructure is to commence within 24 months of the date of signature of this authorisation and is to be completed within 24 months of commencement.
- 3.3.2 Construction of the residential and business units is to commence subsequent to the completion of the installation of internal service infrastructure and is to be completed within 60 months of commencement.
- 3.3.3 Extension of the Environmental Authorisation may be applied for in writing at least 3 (three) months prior to the expiry thereof as required in Regulation 28(1) of the 2014 EIA Regulations. If no request for extension is received at least three months prior to the expiry of this Environmental Authorisation, it may result in the lapsing of the Environmental Authorisation.
- 3.3.4 On receipt of any such application for extension, the Department reserves the right to request such information as it may deem necessary to consider the application for extension which may include but not limited to:
- 3.3.4.1 An updated CEMP; and
- 3.3.4.2 Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.3.5 Conditions relating to the operation of the project are valid for the lifetime of the project.

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3.4 Standard conditions and Declarations

- 3.4.1 Environmental Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.4.2 This Environmental Authorisation applies only to the activities and property described therein.
- 3.4.3 This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity with specific reference to the National Water Act, Act 36 of 1998.
- 3.4.4 The holder of this Environmental 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 this Environmental Authorisation.
- 3.4.5 Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense, this without limiting the generality of the provisions of Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 3.4.6 In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.4.7 This Department reserves the right to impose additional conditions or requirements on the applicant in respect of impacts identified during the EIA process, or withdraw this authorisation, in the event that such impacts exceed its significance as predicted in the consultant's FBAR and supporting documentation referenced in Section 4.1 of this Environmental Authorisation.
- 3.4.8 This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.
- 3.4.9 This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.
- 3.4.10 This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this

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Environmental Authorisation is given to any such interested and affected party within 14 (fourteen) days of receiving this Environmental Authorisation.

- 3.4.11 A certified copy of this Environmental 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 site.
- 3.4.12 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.
- 3.4.13 In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.4.14 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, Act 107 of 1998 and the regulations.

3.5 Project - specific conditions

- 3.5.1 Fourteen days written notice must be given to the Department that the activity will commence. Commencement for the purpose of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.5.2 A revised final layout plan is to be submitted in at least A3 size to the Department for approval prior to the commencement of construction. Such a plan must provide for amongst other issues the following :
- 3.5.2.1 The buffer provided for on the western boundary to be at least 10m in width; and
- 3.5.2.2 Updated layout of the proposed municipal bulk service infrastructure, internal distribution service network, internal roads and stormwater infrastructure. .
- 3.5.2.3 Development may not commence if construction of the new Weston WWTW is not complete.
- 3.5.3 The provision of water, stormwater, sewage and electrical infrastructure is to be accommodated within the internal road system.
- 3.5.4 The CEMP contained in the FBAR to be updated and submitted to DEDEAT for approval prior to the commencement of construction. The CEMP is to include, amongst others:
- 3.5.4.1 Applicable conditions contained in this Environmental Authorisation;
- 3.5.4.2 General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, minimization of dust, etc;
- 3.5.4.3 All mitigatory measures and recommendations contained in the FBAR;
- 3.5.4.4 Clear stipulations as to who is responsible and accountable for what actions; and

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- 3.5.4.5 A general code of conduct for any contractor that might be carrying out any work on the development site.
- 3.5.5 General principles of environmental management as provided for in Condition 3.5.4.2 must provide for amongst others, the following:
- 3.5.5.1 Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site.
- 3.5.5.2 No cement/concrete mixing is to take place on the soil surface. Cement mixers must be placed on large trays to prevent accidental spills from coming into contact with the soil surface.
- 3.5.5.3 No waste from construction or otherwise, may be disposed of on site. All waste generated on site, must be removed from site and disposed of at a registered waste disposal site. In this regard, adequate litter drums or other suitable containers must be located on site to ensure that waste generated on site is disposed of in a suitable and timeous manner.
- 3.5.5.4 Chemical toilets must be supplied on site and used during the construction phase. These facilities must be serviced regularly.
- 3.5.6 An Environmental Control Officer (ECO) is to be appointed to oversee the construction phase of the proposed development and to ensure that the conditions of this Environmental Authorisation as well as the requirements of the EMP are implemented and adhered to.
- 3.5.7 A detailed stormwater management plan must be designed and submitted to the department prior to construction taking place. The stormwater management plan must amongst others address the following:
- 3.5.7.1 The control of stormwater over exposed ground to prevent soil erosion during rainfall events.
- 3.5.8 The development footprint needed for the construction or installation of services as well as future development on individual erven, to be restricted to the absolute minimum necessary to facilitate construction of such. Such development footprint to be clearly demarcated with pegs. Construction activities, stockpiling of any building material and the storing of machinery must be accommodated within such demarcated areas and in accordance with the relevant provisions of the EMP.
- 3.5.9 No blanket clearing of vegetation to take place on the site. Vegetation only to be cleared to facilitate construction or installation of infrastructure and the building of individual houses. All vegetation on areas that are not developed immediately, to remain intact until such areas are developed.
- 3.5.10 Before any vegetation clearing take place, the ECO must inspect the site in the company of a suitably experienced botanist to determine the occurrence of any species of special concern or species protected in terms of the Nature & Environmental Conservation Ordinance, Ordinance 19 of 1974.
- 3.5.11 In the event of any species of special concern or species protected in terms of the Nature & Environmental Conservation Ordinance, Ordinance 19 of 1974 being present, a permit in terms of the Ordinance to be obtained from DEDEAT for the removal and/or translocation of such species to disturbed areas and Public Open Space, under supervision of a suitably qualified specialist.
- 3.5.12 The use of earthmoving equipment to facilitate the provision of services to be restricted to areas that have been demarcated in accordance with Condition 3.5.8.

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- 3.5.13 Excavated soil must be stockpiled for use during rehabilitation and care must be taken not to mix topsoil with subsoil.
- 3.5.14 No spoil material from the construction of service infrastructure to be allowed to be dumped or stored near drainage lines.
- 3.5.15 All areas disturbed as a result of the construction/installation of infrastructure must be rehabilitated on completion in accordance with the requirements of the CEMP and relevant conditions contained within this Environmental Authorisation.
- 3.5.16 An environmental audit must be carried out by the ECO every three months and a final audit after completion of the construction phase and submitted to the Department.
- 3.5.17 Non-compliance with any stipulation in the EMP will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.5.18 Construction must be limited to between 07:00 and 17:00 during weekdays. No construction is to be permitted on weekends or public holidays.
- 3.5.19 All exotic plant material which currently occurs on the property must be removed and that which colonises disturbed ground is to be systematically removed and destroyed prior to it attaining the seed formation stage.
- 3.5.20 If any paleontological or heritage artefacts are uncovered during construction, all work is to cease immediately and the South African Heritage Resource Agency (SAHRA) is to be contacted to investigate the find.
- 3.5.21 Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the consultant's Basic Assessment Report must be adhered to.

4. Reasons for Decision

4.1 Information considered in making the decision

- 4.1.1 In reaching its decision, the Department took, inter alia, the following into consideration:
- 4.1.2 The information contained in the completed application form dated 09 July 2015 and received on the 21 July 2015.
- 4.1.3 The Final Basic Assessment Report titled the "Residential and Mixed Use Development and Associated Infrastructure on Erf 17, Erf 1480 and Erf 1508, Hankey, Weston, Kouga Municipality dated October 2015, and received by the Department on 20 October 2015.
- 4.1.4 The EIA Regulations of 2014 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998 accommodated in terms of the Transitional Arrangements provided for in terms of Chapter 8 of GN R. 982 (Section 53) of the EIA Regulations of 2014.

5. Reasons for Decision

5.1 Information considered in making the decision

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

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- 5.1.2 The information contained in the completed application form dated 09 July 2015 and received on the 21 July 2015.
- 5.1.3 The Final Basic Assessment Report titled the "Residential and Mixed Use Development and Associated Infrastructure on Erf 17, Erf 1480 and Erf 1508, Hankey, Weston, Kouga Municipality dated October 2015, and received by the Department on 20 October 2015.
- 5.1.4 The EIA Regulations of 2014 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998 accommodated in terms of the Transitional Arrangements provided in terms of Chapter 8 of GN R. 982 (Section 53) of the EIA Regulations of 2014.

5.2 Key factors considered in making the decision

- 5.2.1 The proposed Weston residential and mixed use residential development will help to address the backlog in the provision of housing in the Kouga Local Municipality and more specifically in the Hankey area.
- 5.2.2 Municipal bulk services are available as was confirmed by the Kouga Local Municipality. Water is supplied to Weston from the Kouga Dam via the Hankey WTW.
- 5.2.3 The new Weston WWTW will be capable of treating all effluent from the new and existing portions of Weston.
- 5.2.4 The vegetation on the property is highly disturbed due to previous agricultural practices and human activity from the existing residential area. Therefore impacts on the biophysical environment will be low.
- 5.2.5 Provision was made for a 10m buffer area between this development and the neighbouring property.
- 5.2.6 This Environmental Authorisation requires that a CEMPr must be implemented, which will further mitigate any impacts during construction.
- 5.2.7 The development will create a number of employment opportunities during the construction phase and operational phase and will assist in skills development of the surrounding local communities.
- 5.2.8 The project has been advertised and has been subjected to Public Participation as per the EIA Regulations and no objections were lodged against the proposed activity. The Department received no comments from I & AP's during the comment period for Public Participation in the FBAR stage. The consultants Final Environmental Impact Report indicated that all relevant organs of state had been informed of the Environmental Impact Report and a letter had been sent indicating that the FBAR was available for comment.
- 5.2.9 No fatal flaws were discovered during the Basic Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, a number of other measures are stipulated in the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. It is further believed that this development does not present any impact that could not be successfully mitigated.
- 5.2.10 In general the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation and authorisations required in terms of any other statutory legislation (including the National Water Act), the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter

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5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

6. Appeal of Environmental Authorisation

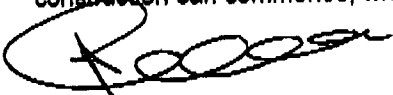
- 6.1 In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 6.2 The notification referred to in 5.1 above must -
- 6.2.1 Specify the date on which the Authorisation was issued;
 - 6.2.2 Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN 993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 6.2.3 Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 6.3 Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2, of the decision.
- 6.4 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 5.1 and 5.2 of the decision.
- 6.5 The address to which the original of any appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO, 5605
Hand Delivery	Beacon Hill, Hockey Close, King Williamstown
In order to facilitate efficient administration of appeals <u>copies</u> of the appeal and any subsequent appeal documentation must also be submitted as follows:	
Manager: Mr S. Gqalangile - Environmental Affairs per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

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In the event that an appeal is lodged in regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



CHRIS JULIUS
ENVIRONMENTAL OFFICER: AIR QUALITY AND WASTE
CACADU REGION
DATE: 25/02/2016



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION
DATE: 25/02/2016