



Ref:
NEAS Ref:

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EC79/AN/LN1/M.21-07
ECP/EIA/0000 1176/2021



**Province of the
EASTERN CAPE**

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

ENVIRONMENTAL AFFAIRS

Environmental Authorisation

Authorisation Register Number:

EC79/AN/LN1/21-07

NEAS Reference Number:

ECP/EIA/0001176/2021

Holder of Authorisation:

Ntabankulu Local Municipality

Location of Activity:

**Mzintlava River near Dikidiki village
in Ntabankulu, Ntabankulu Local Municipal
Area under Alfred Nzo District in the
Eastern Cape province of South Africa**

S.B

N.V

Definitions and Acronyms

For the purposes of this authorisation a word that is defined herein shall have the definition assigned to it, unless otherwise the definition is contained in another legislation. The definitions contained below have relevance to the National Environmental Management Act, 1998 (Act No. 107 of 1998) - NEMA, the Special Environmental Managements Acts – SEMA's and the regulations thereof.

Activities:	the activities are the listed activities in terms of government notice number R. 327 as highlighted in the table under section 2 of this Authorisation.
Applicant:	means the person (natural or legal) who had applied for the activities / activities as defined above.
Commencement:	commencement means the initiation of the development that was applied for, which has been authorised, including site preparation and associated structures or infrastructure and sub-activities that are part of or in furtherance of the authorised activity /activities.
Environmental Assessment Practitioner (EAP):	means the qualified person in the field of environmental impact assessment (EIA) who was responsible for the EIA process in the application for environmental authorisation for the authorised development.
Environmental Audit:	as used in the context of this Environmental Authorisation refers to an audit of compliance with conditions contained in this Environmental Authorisation and the requirements / stipulations of a Construction and / or Operational Environmental Management Programme and not to an Environmental Audit undertaken in terms of an accredited environmental management system by a certified environmental management systems auditor.
Environmental Authorisation (EA):	means the decision contained under section 2 herein.
Environmental Control Officer (ECO):	means the qualified and experienced person in monitoring the activities or activities in compliance with conditions of the environmental authorisation or Environmental Management Program report (EMPr).
Holder of Authorisation:	means the person (natural or legal) to whom this environmental authorisation has been issued.
NEAS:	National Environmental Authorisation System. This system is the web based portal that is used by "the Department" to report (capture and update) EIA applications.
The Property:	means the site / boundaries within which the activities is to be undertaken.
The Department:	Means the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT).

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 (EA), that the Ntabankulu Local Municipality should be authorised to undertake the activities specified below.

Details regarding the basis on which the Department reached this decision are set out in chapter 5 (Reasons for Decision) of this authorisation.

2. 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 (EIA) Regulations, 2014 as amended, the Department hereby authorises –

the Ntabankulu Local Municipality, with the following contact details –

Contact Person: The Municipal Manager
Physical Address: ERF 85 Main Street, Ntabankulu
5130
Postal Address: Private Bag X504, Ntabankulu
5130

Tel: 039 258 0056
Fax: N/A
Email address: nonyongol@ntabankulu.gov.za

to construct a 115 square meters bridge (hereafter referred to as the “*activity*”) at Dikidiki in Ward 6 of the Ntabankulu Local Municipality.

The project triggered listed activities, hereafter referred as the “*activities*”, for environmental impact assessment (EIA), which are specified in government notices number R. 327 of 07 April 2017. The activities are highlighted in the following table.

Listed activities applied for and which are authorised

Government Notice (GN) number (No.)	Activity Number	Activity description and relevance to the intended project or development
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R. 327 of 2017	12 (ii)	<p><i>"The development of infrastructure or structures with a physical footprint of 100 square meters or more within a watercourse".</i></p> <p><i>A bridge measuring 115 square meters shall be built over the Mzintlava river by the Ntabankulu Local Municipality .</i></p>
R. 327 of 2017	19 (i)	<p><i>"The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal, or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic meters from a water course".</i></p> <p>The development includes the construction of a 115 square meter bridge at Mzintlava river using infill material of more than 10 cubic meters, at Dikidiki village within Ntabankulu local Municipality</p>

Site Details

The location of the activities are at Dikidiki, Ward 6 of Ntabankulu, with the following geographical co-ordinates, which are provided in the Basic Assessment Report (BAR), dated 22/09/2021, which was compiled and submitted by CMM Environmental Consultants, hereafter "CMM".

Co-ordinates

	Latitude	Longitude
	31° 10'07.3"S	29° 18' 51.3 " E

3. Departmental Declarations in Respect of the Authorisation

Scope of Authorisation

- 3.1. The Environmental Authorisation (EA) is for the proposed construction of the 115m² bridge across the Mzintlava river to access the Dikidiki village in ward 6 of Ntabankulu, hereafter referred to as "*the property*".
- 3.2. The holder of the authorisation shall 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 authorisation.
- 3.3. The activities authorised may only be carried out at the property as described above.
- 3.4. 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, 2014 (as amended).
- 3.5. 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.
- 3.6. Relevant legislation that must be complied with by the holder of this authorisation include the following, the list is not exhaustive as there are other relevant legislations that must be complied with :
- All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
 - All provisions of the National Water Act, 1998 (Act 36 of 1998).
 - All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
 - The Minerals and Petroleum Resources Development Act, 2002 (act No 28 of 2002) administered by the Department of Mineral Resources
 - The Environmental Legislation indicated in the BAR.
- 3.7. The holder of the EA has the responsibility to notify the Competent Authority of any alienation, transfer and/or change of ownership rights in the property on which the activities are to take place and to ensure sustainability of this development.

The granting of this Environmental Authorisation is subject to the conditions set out below.

4 Conditions of Environmental Authorisation

Commencement of the Activity

- 4.1. The authorised activity must not commence within thirty-four (34) days from the date of signature of the authorisation to give allowance to potential appeal.

Commencement, for the purposes of this authorisation, means the initiation of the development that was applied for, which has been authorised, including site preparation and associated structures or infrastructure and sub-activities that are part of or in furtherance of the authorised activity /activities.

- 4.2. Should you be notified by the Member of Executive Council (MEC) responsible for Economic Development, Environmental Affairs and Tourism (DEDEAT) of a suspension of the authorisation pending appeal procedures, you shall not commence or continue with the activities unless authorised by the MEC in writing.
- 4.3. This activity must commence within a period of two (2) years from the date of issue of this environmental authorisation. If commencement of the activity does not occur within that period, the authorisation shall lapse and a new application for environmental authorisation shall have to be made in order for the activity to be undertaken.
- 4.4. Fourteen (14) days written notice must be given to the Department that the activity will commence.
- 4.5. After commencement the project must be completed within twenty-four (24) months from commencement date.
- 4.6. The holder of the authorisation must compile a site management plan, inclusive of:
- a) the recommendations of the approved Environmental Management Program Report (EMPr), and the mitigation measures recorded in the BAR,
 - b) an Alien Invasive Management Programme (AIMP), which must be incorporated into the EMPr,
 - c) handling of toxic and hazardous material and substances in accordance with the Material Safety Data Sheets (MSDS),
 - d) a method statement (MS) which includes the way a work task or process is to be completed, outline the hazards involved and include a step by step guide on how to do the job safely and environmentally consciously, and

- e) an emergency preparedness plan.
- 4.7. The site management plan must be submitted together with the notification of commencement, highlighted in condition 4.4 above.

Management of the Activity

- 4.8. The Environmental Management Programme report (EMPr), which was submitted with the BAR (appendix F) is hereby approved. Should any stipulation in the EMPr be contradicted by a condition in this authorisation, such condition of this authorisation prevails, unless otherwise the authorisation is amended, having followed due processes provided for in the EIA regulations, or an appeal (see chapter 6 of this authorisation) having been lodged and decided in favour of the EMPr or “*appellant*”.
The approval of the EMPr is subject to the following:
 - a) The recommendations and mitigation measures recorded in the BAR must be adhered to and incorporated as part of the EMPr. The approval of the EMPr is subject to the following:
 - b) Any alignment, updates or amendments to the EMPr must be submitted to this Department and shall be decided upon within a period of 30 days of the submission date.
- 4.9. All correspondence with regard to this activity must be forwarded for attention to the Regional Manager: Environmental Affairs, Alfred Nzo Region.
- 4.10. Archaeological remains, artificial/artefactual features and structures older than 60 years are protected by the National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant heritage resource agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
- 4.11. Mitigation measures stipulated in the EMPr (in complying with condition 4.6 (a)) must be implemented to reduce the risk of erosion and the spread of alien invasive species.
- 4.12. Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural of surface and subsurface flows.

- 4.13. Drainage measures that promote the dissipation of storm water run-off must be implemented.
- 4.14. An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008).
- 4.15. The holder of this environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Monitoring

- 4.16. The holder of this EA must appoint an environmental control officer (ECO) for the construction phase of the development. The ECO 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.
- 4.17. The activity must be monitored on a quarterly basis during construction and once upon completion of the construction works and site rehabilitation.
- 4.18. The ECO must be appointed before commencement of any land clearing and/or construction activities.
- 4.19. Records of all activities on site, problems identified, transgressions found and a schedule of tasks undertaken must be kept on site.
- 4.20. 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.
- 4.21. Records relating to monitoring and auditing must be kept on site and made available for inspection by any relevant and competent authority in respect of this development.

Recording and Reporting to the Department

- 4.22. The holder of the authorisation must submit an environmental audit report to the Department on a quarterly basis during construction and once at completion of the construction and rehabilitation activities.
- 4.23. The environmental audit report must –

- a) indicate the date of the auditing, the name of the person who conducted the audit and the outcome in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
- b) be compiled by the ECO.

Post Construction Rehabilitation

- 4.24. Upon completion of the entire construction works, temporary structures and remainders of construction material must be removed from the site within 30 days from completion date.
- 4.25. The environment (temporary crossing, road diversion (see condition 4.40 below) and aside of the bridge) must be rehabilitated with grass species that is representative of the local setting.
- 4.26. The Department must be notified fourteen (14) days prior the handover of the bridge for use by the public. The notification may be submitted together with the environmental audit report that is required in condition 4.24 above.

Specific Conditions

- 4.27. All construction staff must undergo environmental awareness and be sensitised about the conditions of this environmental authorisation and the provisions of the EMPr. Proof of the awareness must be made available when requested.
- 4.28. All activities must take place within the bridge construction site and the temporary crossing.
- 4.29. The bridge construction site must be fenced off for the safety of residents and livestock.
- 4.30. Clearing of vegetation shall be done by hand.
- 4.31. During construction, the bridge site must be accessed through the existing access road.
- 4.32. Notice of the activity must be placed at least 50m ahead of the construction site and/or construction vehicle turning points.
- 4.33. Solid waste must be stored in scavenger proof and sealed containers at a demarcated area within the site camp site for collection and safe disposal. Disposal of solid waste must be at a licensed landfill site.
- 4.34. Camp site must preferably be at an existing homestead (agreed with the owner), otherwise a buffer zone of 100m from the water course must be observed for this purpose.

- 4.35. The handling of hazardous substances (at camp site) must be done by qualified personnel. The hazardous substances must be stored on an impermeable surface and in containers which are not filled to the maximum volume.
- 4.36. Chemical toilets must be provided to the construction personnel. A ratio of one facility for 10 persons must be maintained. The toilets must be emptied by a licensed service provider on a weekly basis.
- 4.37. Construction and local vehicles may make use of a temporary crossing during construction.
- 4.38. Topsoil stripped from the road diversion to the temporary crossing and within the 32m zone from the edge of the Mzintlava river must:
- not exceed two (2) meters in height,
 - not be compacted,
 - be separated from other stockpiles to avoid soil mixing and maintain soil material for rehabilitation, and be covered with Hessian, Shade Cloth or Dam Plastic Course (DPC) in order to avoid erosion.
 - be located on an area of level ground that will not be in the path of runoff water during a storm, away from the working installed area, drainage lines, areas of valuable vegetation and/or on the bases of the watercourse.

General

- 4.39. 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 on the property.
- 4.40. Where any of the contact details of the holder of this authorisation change, including the name of the responsible person, the physical or postal address and/or telephonic details, the holder must notify the Department as soon as the new details become known to them.
- 4.41. The holder of the authorisation must notify the Department, in writing and within forty-eight (48) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. 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 EIA Regulations, 2014.

- 4.42. National Government, Provincial Government, Local Authorities or Committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages 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 authorisation as set out in this document or any other subsequent documents emanating from these conditions of authorisation.

5. Reasons for Decision

5.1 Background

The Ntabankulu Local Municipality applied for Environmental Authorisation for the construction of a 115m² bridge across the Mzintlava river at Dikidiki village, ward 6 in Ntabankulu, Ntabankulu Local Municipal Area under Alfred Nzo District in the Eastern Cape.

The listed activities for Environmental Impact Assessment (EIA), 2014 Regulations (as amended) that were triggered by this intended development are as follows:

Listed activities applied for and which are authorised

Government Notice (GN) number (No.)	Activity Number	Activity description and relevance to the intended project or development
R. 327 of 2017	12 (ii)	<p><i>“The development of infrastructure or structures with a physical footprint of 100 square meters or more within a watercourse”.</i></p> <p><i>A bridge measuring 115 square meters shall be built over the Mzintlava river by the Ntabankulu Local Municipality.</i></p>
R. 327 of 2017	19 (i)	<p><i>“The infilling or depositing of any material of more than 10 cubic meters into, or the dredging, excavation, removal, or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic meters from a water course”.</i></p> <p>The development includes the construction of a 115 square meter bridge at Mzintlava river using infill material of more than 10 cubic meters, at Dikidiki village within Ntabankulu local Municipality.</p>

The Ntabankulu Local Municipality appointed CMM Environmental Consultants as the Environmental Assessment Practitioner (EAP) to manage the Application and Basic Assessment (BA) process as required by the EIA Regulations, 2014 (as amended). The application form and Basic Assessment Report (BAR) were thus submitted to the Department for consideration and decision making.

5.2 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 Application Form and BAR.
- b) 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).
- c) The findings of the site inspection conducted by Mr. L Mali (official of the Department) in the presence of Mr. Makhosi Kholisa (CMM Environmental Consultants) on 29 July 2021.

5.3 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 (EIA) procedures.
- b) The BAR 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.
- c) The BAR identified all legislation and guidelines that have been considered in its preparation.
- d) The methodology used in assessing the potential impacts identified in the BAR was adequate.
- e) The Bridge will improve access and service delivery to the community of ward 6 of Ntabankulu.
- f) The development will create employment opportunities for the local residents during the construction phase.
- g) A sufficient public participation process was undertaken and the holder of this authorisation satisfied the minimum requirements as prescribed in the EIA regulations, 2014 as amended for public involvement, among others: there is available proof in BAR that critical stakeholders and critical authorities to this activity were consulted and notified.

5.4 Findings

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

- The majority of impacts on the natural environment associated with the development are considered to be of low significance.
- The Social Assessment concluded that none of the negative social impacts identified are sufficiently significant to preclude this development from a socio-economic perspective.
- The identification and assessment of impacts are detailed in the Basic Assessment Report (BAR) and sufficient assessment of the key identified issues and impacts was done.
- The procedure followed for impact assessment is adequate for decision-making.
- The proposed mitigation of impacts that were identified and assessed adequately minimises the impacts.
- All legal and procedural requirements have been met.
- The information contained in the Application Form and Basic Assessment Report is sufficient.
- The measures in THE Environmental Management Programme (EMPr) for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation (EA) and the mitigation measures as contained in the Environmental Management Programme Report (EMPr), the proposed activities will not conflict with the general objectives of Integrated Environmental Management (IEM) laid down in Chapter 5 of the National Environmental Management Act (NEMA), 1998 and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels. The environmental authorisation is accordingly granted.

6. APPEAL OF AUTHORISATION

6.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within fourteen (14) days from the date of signature of this environmental authorisation, of the Department's decision to authorise the activity.

6.2 The notification referred must -

- a) specify the date on which the authorisation was issued;
- b) inform the interested and affected party of the appeal procedure provided for in National Appeal Regulations, 2014.
- c) advise the interested and affected party that a copy of the authorisation will be furnished on request; and
- d) give the reasons for the decision.

6.3 An appeal against the decision contained in this authorisation must be addressed in writing, to the MEC within twenty (20) days.

6.4 The address, to which the **original** copies of any such an appeal must be sent, is outlined below. Please note that the originals may also be delivered per hand or courier.

6.5 Appeal Submission must be made in the form obtainable from the Departmental website on www.dedea.gov.za or relevant Regional Office.

Department	Department of Economic Development, Environmental Affairs & Tourism
Attention	Senior Manager: Environmental Impact Management
Address	Private Bag X0054, BHISHO , 5605
In order to facilitate efficient administration of appeals copies of the notice of the appeal and any subsequent appeal documentation must also be submitted as follows:	
General Manager: Environmental Affairs fax:	[043] 605 7300
Manager: Environmental Impact Management 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

6.7. The Appellant must also serve a copy of the appeal to the decision maker in the Alfred Nzo Regional Office as follows:

Department	Department of Economic Development, Environmental Affairs & Tourism
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Attention	Regional Manager: Environmental Affairs
Address	206 Magistrate Street, Maluti / Private Bag x 3513 Kokstad 4700
In order to facilitate efficient administration of appeals <u>copies</u> of appeal and any subsequent appeal documentation must also be submitted as follows:	
Region Director: Alfred Nzo Regional Office Per fax: 039 256 0665	206 Magistrate Street, Maluti / Private Bag x 3513 Kokstad 4700
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

Compiled by:

L. Mali



p/p
Environmental Officer
Environmental Quality Management
Alfred Nzo Region

Date: 2021/12/14

Authorised by:

Miss N. V Ndaba



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Regional Manager: Environmental Affairs
Alfred Nzo

Date: 2021/12/14