



edtea

Department :

Economic Development, Tourism and
Environmental Affairs

PROVINCE OF KWAZULU-NATAL

Enquiries: Mr S. Mthembu

Imibuzo :

Navrae :

Telephone: 033 - 343 8300

Ucingo :

Telefoon :

Private Bag : X9152

IsikhwamaSeposi : Pietermaritzburg

PrivaatSak : 3200

Reference: DC23/0030/2013

Inkomba :

Verwysing:

Fax :

iFeksi :

Faks :

Date :

Usuku :

Datum :

Fax Transmission

Okhahlamba Local Municipality

P. O Box 71

BERGVILLE

3350

Attention: Mr N. Malinga and Ms XolileKheswa

Tel : (036) 488 1620/ 036 448 8000

Fax : (036) 488 1194/ 086 605 6626

Email : xolile.keswa@okhahlamba.org

Dear Sir/ Madam

DC23/0030/2013: ENVIRONMENTAL AUTHORIZATION FOR THE PROPOSED EXTENSION OF THE CEMETERY ON PORTION 22 OF ERF 1240 NOODHULP OF WINTERTON WHICH IS LOCATED IN NO. 1 IN WINTERTON LOCATION IN OKHAHLAMBA LOCAL MUNICIPALITY WITHIN UTHUKELA DISTRICT (DC23)

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs has authorized the abovementioned project. This environmental authorization and reasons for the decision are attached herewith.

ENQUIRIES

Please note that:

- All queries regarding this application for environmental authorization (including the Department's decision) must be directed to the official of this Department with contact details provided on the letterhead above.
- Only queries regarding appeals must be submitted to the Office of the MEC (details provided below).

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APPEALS

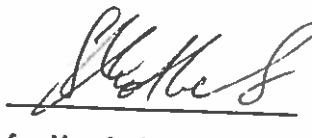
In terms of sub-regulation 10(2) of the EIA Regulations, 2010, you are instructed to notify all registered interested and affected parties in writing within **12 days** of this Department's decision in respect of your application. You are required to comply with the requirements of sub-regulations 10(2)(a)-(d) with regard to this notification. This includes drawing the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010.

In accordance with the provisions of sub-regulation 60(1) of the EIA Regulations, 2010, a notice of intention to appeal must be lodged with the **KwaZulu-Natal MEC of the Department of Economic Development, Tourism and Environmental Affairs** within **20 days** of the date of this decision by posted, faxed, e-mailed or hand delivered to the following address:

POSTAL/ FAX/ E-MAIL:	PHYSICAL:
Private Bag X001 Bishopsgate 4008, Durban Tel: 031 310 5300 Fax: 031 310 5416 E-Mail: mecpa@kznded.gov.za (BonganiMkhabela)	9 th Floor, The Marine Building, 22 Dorothy Nyembe Street, Durban 4001

The appellant is reminded of the requirements of sub-regulations 60(2) and 60(3) in the EIA Regulations, 2010 with regard to the notification of registered interested and affected parties and the applicant (if the appellant is not the applicant) of the notice of intention to appeal.

Yours faithfully

 15/05/2015

for: Head of Department:

KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs

cc: Mr Pravin Singh of PRAVINAMAR Development Planners, Fax no:031 201 7510

Environmental Authorisation for
Extension of an existing Khethani Cemetery within uThukela District Municipality (DC23)



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Department :
Economic Development, Tourism and
Environmental Affairs
PROVINCE OF KWAZULU-NATAL

Environmental Authorisation

In terms of regulation 25 of the
Environmental Impact Assessment Regulations, 2010

Project Title: Proposed extension of an existing Khethani Cemetery

Local Municipality: Okhahlamba Local Municipality

Application number:	DC23/0030/2013
NEAS Number	KZN/EIA/0001344/2013
Date of issue:	15/05/2015
Authorisation holder:	Okhahlamba LocalMunicipality
Location:	Portion 1 of the Khethani & Portion No. 22 of Erf 1240 of Noodhulp of Winterton in Okhahlamba Local Municipality in UThukela DC23

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DECISION

The KwaZulu-Natal Department of Economic Development, Tourism and Environmental Affairs hereafter referred to as 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 is authorised to undertake the activity specified below.

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

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, 2010 the Department hereby authorises –

OKHAHLAMBA LOCAL MUNICIPALITY
(hereafter referred to as "the authorisation holder")

Details of the contact person:

Mr N. Malinga and Ms Xolile Kheswa
Okhahlamba Local Municipality
P. O Box 71
BERGVILLE
3350
Tel : (036) 488 1620/ 036 448 8000
Fax : (036) 488 1194/ 086 605 6626
Email : xolile.keswa@okhahlamba.org

to undertake the following activity (hereafter referred to as the activity") as described below:

1. PROJECT PROPOSAL

The Okhahlamba Local Municipality (OLM) proposes to extend the existing cemetery at Khethani. The properties affected by the proposed expansion are described as Erf 1044 Khethani and Portion 22 of Erf 1240 Noodhulp, Winterton in Okhahlamba Local Municipality in uThukela DC23. The project entails the extension of an existing cemetery site within an area that is approximately 2700 square metres in extent. The facility is intended to service the Winterton area and its surrounding areas.

A copy of the site layout plan is attached as Annexure 2 of this environmental authorisation.

2. ACTIVITIES AUTHORISED

The listed activity, for which authorisation is granted for, fall under Government Notice No. R544, as required in terms of Environmental Impact Assessment Regulations, 2010 of National Environmental Management Act (Act 107) 1998 as amended, which is:

Activity triggered	Activity description	Extent to which Activity is authorised
Activity 21 of GN 544	The establishment of cemeteries of 2500 square metres or more in size.	The cemetery is extended by approximately 2700 square metres in extent.

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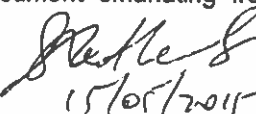
The location of the activity

Winterton is easily accessible by R74 route via a National Route i.e. N3. Access to the project site is obtained directly from unnamed road and R600 route which connects to the R74 route.

Alternative	Latitude			Longitude		
Alternative S1(Preferred or only site alternative)- Starting Point	28°	49'	4.46"	29°	31'	57.85"

3. GENERAL

- 3.1 **Compliance with conditions of this authorisation**
In terms of section 24F of the National Environmental Management Act, 1998 (Act No. 107 of 1998), failure to comply with the conditions of this environmental authorisation constitutes an offence for which a convicted person may be liable to a fine not exceeding R10 million or imprisonment for a period not exceeding ten years or both such fine and such imprisonment.
- 3.2 This environmental authorisation is only applicable to the activity as described in section 2 of this environmental authorisation.
- 3.3 The Department retains the right to inspect the proposed project during construction and operational phases.
- 3.4 The holder of the authorisation is responsible for compliance with the provisions of duty of care and remediation of damage in accordance with section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- 3.5 **Understanding conditions of this authorisation**
It is the responsibility of the authorisation holder to understand the conditions of this authorisation. Any queries regarding this environmental authorisation must be submitted in writing to the Department at the address provided in section 3.13.
- 3.6 In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.7 Should the contact details of the holder of the authorisation 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.
- 3.8 Notice of transfer of rights and obligations must be provided to the Department on the official form within **30 days** of the change in ownership of the project.
- 3.9 The Department 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 document emanating from these conditions of authorisation.


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3.10 Amendments to the project or EMPr

3.10.1 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.¹

3.10.2 Any subsequent amendments to the approved EMPr must also be submitted to the Department for review. The amendments must only be implemented after being approved by the Department.

3.11 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.²

3.13 Contact details for the Department

The following contact details for the Department must be used for all reports, notices, etc. which must be submitted to the Department:

Department of Economic Development, Tourism and Environmental Affairs

Private Bag x9905

LADYSMITH

3370

Fax No: 036 634 1977

Attention: Control Environmental Officer: Compliance Monitoring and Enforcement, uThukela District

4. CONDITIONS OF AUTHORISATION

This Environmental Authorisation is subject to the conditions set out below:

4.1 This activity must commence within a period of **five (5) years** from the date of issue. 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.

4.2 The activity authorised must only be carried out at the property as described in section 1 above and according to the sitelocality plan attached as **Annexure 2**.

Notification to interested and affected parties

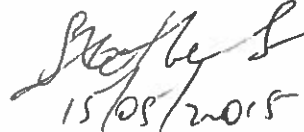
4.3 The holder of the authorisation must notify every registered interested and affected parties, in writing and within **12 (twelve) calendar days**, of receiving notice of the Department's decision to authorise the activity.

4.4 The notification referred to in 4.3 above must –

4.4.1 Specify the date on which the authorisation was issued;

4.4.2 Inform the interested and affected parties of the appeal procedure provided for in Chapter 7 of the EIA Regulations, 2010, as amended; and

4.4.3 Advise the interested and affected parties that a copy of the authorisation will be furnished on request.


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¹ It is the responsibility of the applicant to identify legislation relevant to the proposed activity.

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Environmental Management Programme

- 4.5 The Environmental Management Programme (EMPr) compiled by PRAVINAMAR Development Planners dated 30 January 2015 for the construction phase of the Khethani Cemetery as submitted for the environmental authorisation of this project complies with section 24N of NEMA and regulation 33 of the EIA Regulations, 2010. The EMPr is hereby approved and must be implemented.

Monitoring and reporting to the Department

- 46 The holder of the authorisation must appoint an Environmental Control Officer (ECO) before commencement of any land clearing for the construction phase of the development to ensure that the mitigation and rehabilitation measures referred to in this authorisation and approved EMPr are implemented. The details of appointed ECO must be forwarded to the Department in writing at the address indicated in section 3.13 above.
- 4.7 The ECO must be appointed for the full duration of the operational phase of the cemetery. ECO responsibilities are among others are to:
- 4.7.1 Conduct ground water quality monitoring up-gradient and down-gradient of the cemetery annually.
 - 4.7.2 Conduct water quality monitoring, up-stream and down-stream of the Little Tugela River annually.
 - 4.7.3 Water samples (surface water and groundwater) collected must be submitted to the South African National Accreditation System (SANAS) accredited laboratory for analysis. Monitoring results should be compared to the specifications of the National Water Act.
 - 4.7.4 Educate the construction team about the management measures of the EMPr and Environmental Authorisation.
 - 4.7.5 Responsible for keeping records of compliance as well as records of all environmental incidents and complaints register.
 - 4.7.6 Recommend corrective action for any non-compliance issues as well as good compliance with the EMPr
- 4.8 The holder of the authorisation must submit an environmental audit report prepared by the ECO to the Department on annual basis.
- 4.9 The environmental audit report must 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.
- 4.10 The records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Written notice of the commencement of the construction phase

- 4.11 A **Seven (07)** days written notice must be given to the Department that the construction phase will commence. The notice must include a date on which it is anticipated that the construction will commence and the reference number of this Environmental Authorisation (DC23/0030/2013).

Planning and Designing phase

- 4.12 The Storm water management plan must be developed and implemented to ensure all surface and possibly perched groundwater is suitably channelled through effectively engineering drainage control flow lines to prevent potential pollution of water bodies off site .

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- 4.13 Construction camp must be clearly demarcated and comprise of temporary ablution facilities.

Construction phase

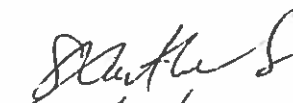
- 4.14 The applicant must comply with the construction phase EMPr as approved by the Department.
- 4.15 Fence should be constructed around the cemetery site.
- 4.16 Should any heritage object be identified during earthmoving activities, all construction activities should stop and Amafa must be contacted as per the requirements of the KwaZulu-Natal Heritage Act (Act No 10 of 1997).
- 4.17 No structures older than sixty years or parts thereof are allowed to be demolished or altered without a permit from Amafa.
- 4.18 Ground water monitoring boreholes must be installed in different location of the cemetery i.e. two (02) up-gradient and two (02) down-gradient.
- 4.19 Bins and skips need to be supplied on site for disposal of waste.
- 4.20 Burning of waste on site is prohibited.
- 4.21 The excavation and use of rubbish pits is prohibited.
- 4.22 General waste must be removed must be disposed of at a registered landfill site.
- 4.23 Contamination of soil by cement, lubricants and other material including oil from land preparation machinery must be prevented at all times.
- 4.24 A Spill-kit and containers for spilled and contaminated material must be available on site.
- 4.25 Hazardous chemicals storage and refuelling areas must be on an impermeable surface.
- 4.26 A vegetation plan must be developed in consultation with a Horticulturist to ensure that indigenous vegetation is planted on site.
- 4.27 Soil clearing must be undertaken with great care to avoid unnecessary vegetation destruction on site.
- 4.28 In areas where construction activities have been completed and where no further disturbance would take place, rehabilitation should commence immediately.
- 4.29 Any complaints from the public during the construction phase of this project must be attended to as soon as possible. The complaints register must be kept up to date and must be produced on request to designated officials of this Department.

Operational phase

- 4.30 The applicant must comply with the operational phase EMPr as approved by the Department.
- 4.31 Formal ablution facilities must be constructed and connected to existing system to prevent any groundwater pollution during operation.
- 4.32 All waste generated should be disposed of at a licensed waste landfill site.
- 4.33 A 30 days written notice must be given to the Department that an operational phase will commence

Site closure and decommissioning

- 4.34 Should the activity ever cease or become redundant Okhahlamba Municipality, must ensure sufficient budget for on-going maintenance management and monitoring of the site after the cemetery has reached its capacity.


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Availability of this environmental authorization

- 4.35 A copy of this authorisation must be kept on site 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 on site.

Date of environmental authorisation:

15/05/2015



for: Acting Head of Department

Department of Economic Development, Tourism and Environmental Affairs

Signed by :

Designation

ANNEXURE 1: REASONS FOR DECISION

Background

Okhahlamba Local Municipality appointed Environmental Assessment Practitioner (EAP) to undertake the Basic Assessment Process (BAR).

The details for the EAP are as follows:

Company: Pravin Amar Development Planners

Contact person: Mr. Pravin Singh

Postal address: P.O. Box 52040
Berea Road
4007

Tel number: 031 201 7510

Fax number: 031 201 8939

E-mail: md@pravinamar.com

Information considered in making the decision

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

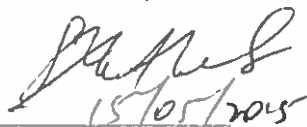
- a) The application for environmental authorisation was received by this Department on 08th of November 2013.
- b) The application for exemption by Pravin Amar Development Planners received by this Department on 11th of February 2014.
- c) The information contained in the BAR by Pravin Amar Development Planners dated 30 January 2015 received on the 06th of February 2015;
- d) Mitigation measures as proposed in the BAR and the EMP by Pravin Amar Development Planners dated 30 January 2015;
- e) 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).
- f) The findings of the site visit undertaken by Makhosi Mlotshwa, Ayanda Khulu, Salome Kubeka, Dumisani Gwede, Busisiwe Ntshingila of this Department and Siyabulela Mbhele from Okhahlamba LM on the 20th of February 2015.

Key factors considered in making the decision

a) Basic Assessment Report

The BAR dated 30 January 2015 complies with the requirements of the EIA Regulations, 2010 and has been accepted by the Department.

- The BAR dated 30 January 2015 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. It also included mitigation measures that will reduce the impact on the environment.
- A Geotechnical Investigation report conducted by GEOSURE (PTY) LTD dated 11 December 2014 as incorporated in the final BAR.
- The Environmental Management Program compiled by Pravin Amar Development Planners dated January 2015 as incorporated in the final BAR.


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b) Public Participation

- The public participation process was conducted according to the guidelines provided in the EIA Regulations, 2010 and comments from the organs of state and interested and affected parties have been included in the BAR.
- Stakeholders who were notified to submit comments on the application include, Okhahlamba Local Municipality, UThukela District: Water Services and Health Services, KZN Department of Agriculture and Rural Development: Okhahlamba Local Office, Landowners, Traditional Authority, and Department of Water and Sanitation.
- Distribution of the Draft BAR and Specialist Studies was sent to stakeholders for comment.
- No objections to the proposed development were received.
- Comments received from the Interested and affected parties (I&AP's and the issues that were raised were responded to.
- The meeting was held on the 21st of March 2014 at Khethani Township Hall between 10am and 12pm.
- IsiZulu and English site notices were erected on the boundary of the property with a commenting period ending on the 23rd of June 2014.
- IsiZulu advert was placed in Isolezwe on the 12 of May 2014.

This Department is satisfied that this application has met the requirements of Regulation 54 of the EIA Regulation of the Government Notice No. R543 of 18 June 2010.

c) Socio-economic impact

This facility will provide the local community with a well-co-ordinated system for burial and attempts to reduce the tendency of the "backyard burial" system which poses environmental threats. Society will benefit through the availability of dignified burial grounds and people will not have to continue burial activities in their backyards or travel long distances to other municipal cemeteries to bury their deceased ones. Health and safety legislation will be implemented to safeguard public health. The expected capital value of the activity on completion is R1 500 000 with expected yearly income of R380 000. It is envisaged that 8 new employment opportunities will be created in the development phase of the activity and 10 permanent employments during the operational phase.

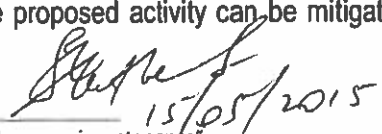
d) Need and Desirability

The need for the extension of the cemetery site is in response to the apparent demand for burial ground as identified by the municipality in terms of the 2013/2014 Okhahlamba Local Municipality IDP Review as well as the UThukela District IDP adopted 2013/2014 IDP. The Okhahlamba Municipality has identified the need for burial space within the municipality since most the two formal cemeteries, i.e. Winterton (which has reached its capacity) and the Bergville cemetery (which is expected to reach its capacity soon).

At present South Africa, especially KwaZulu-Natal is perceived as undergoing some of the highest death rates due to the prevalence of HIV/AIDS and high incidence of road accidents. Despite the struggle to quantify the figures, there is an undisputable impact on mortality rates which are already placing considerable demand for burial space, which in certain municipalities are reaching saturation levels while others are experiencing a shortage of burial space. The need and desirability for cemeteries is a district-wide problem in the UThukela District. The provision of burial grounds is a necessary service delivery necessity for a municipality to ensure the dignity and health of the community. The proposed extension of the Khethani Cemetery will provide much needed burial space for the Okhahlamba Local Municipality.

e) Objectives of integrated environmental management

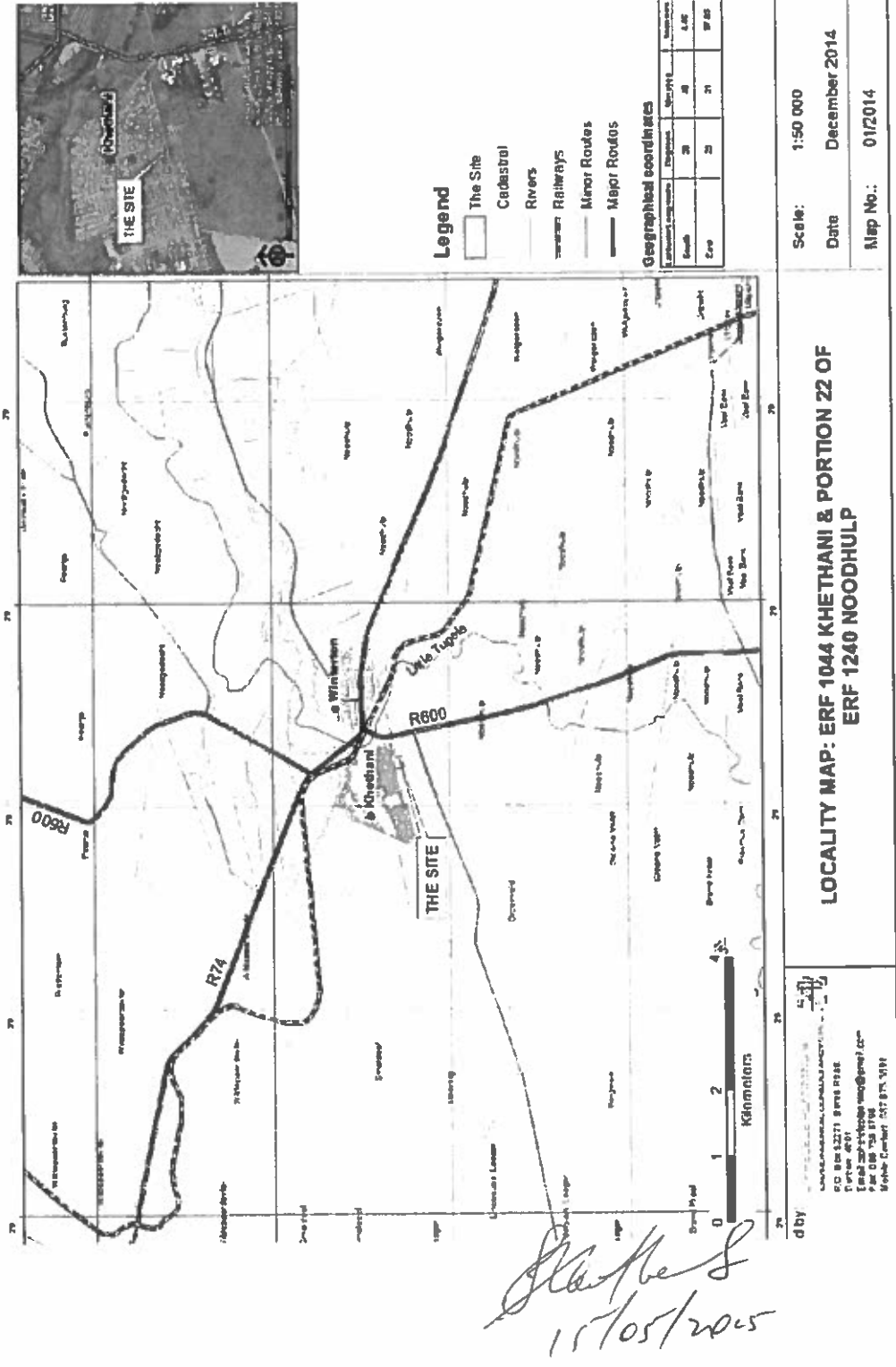
In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental 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.


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Annexure 2: Site Layout Map



Environmental Authorisation for
Extension of an existing Khethani Cemetery within uThukela District Municipality (DC23)
Annexure 3: Site Plan

