

DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Diamond Corner Building, 68 Eloff & Market Street, Johannesburg
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Reference: Gaut 002/07-08/N1121

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FAX COVER SHEET

Receiver's Details		Sender's Details	
To:	Mr. Shane Jeffery	From:	Ms. Thivhafuni Nemataheni
Company:	Basfour 3512 (Pty) Ltd	Section:	Waste Management
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Tel no.	016) 981-3005	Tel:	(011) 355 1803
Date:		Pages:	13 pages including cover
Re:	ENVIRONMENTAL AUTHORISATION FOR THE ESTABLISHMENT OF A MAUSOLEUM ON PORTIONS 39 OF THE FARM RIETFONTAIN IN RIETFONTAIN KUNGWINI LOCAL MUNICIPALITY.		

CC: Zitholele Consulting (Pty) Ltd

Attn: Etienne Roux
Tel: (011) 254 4970
Fax: (011) 315 0317

City of Tshwane Metropolitan Municipality

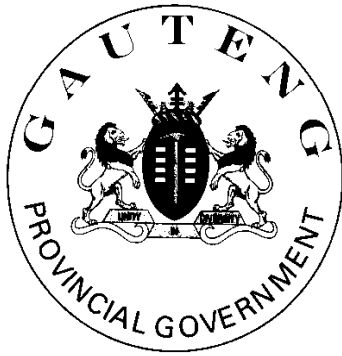
Attn: Livhuwani Siphuma
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Fax: (012) 358 8934

GDARD Environmental Compliance
Monitoring Directorate

Attn: Cecilia Petlane
Tel: (011) 355 1993
Fax: (011) 355 1173

GDARD Hazardous Waste Management
Directorate

Attn: Eunice Rammbasa
Tel: (011) 355 1657
Fax: (086) 632 2017



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Reference:	Gaut 002/07-08/N1121
Enquiries:	Thivhafuni Nemataheni
Telephone:	(011) 355 1803
Email:	Thivhafuni.Nemataheni@gauteng.gov.za

Basfour 3512 (Pty) Ltd
P.O. Box 1226
Vanderbijlpark
1900

Attention: Mr. Shane Jeffery

Tel: (016) 981-3005
Fax: (016) 981-3094

GDARD
Office of the BOD

PER FACSIMILE/REGISTERED MAIL

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Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE ESTABLISHMENT OF A NEW MAUSOLEUM ON PORTIONS 39 OF THE FARM RIETFONTEIN, RIETFONTEIN AH, KUNGWINI LOCAL MUNICIPALITY

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 10 calendar days of the date 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.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, inter alia, lodge a notice of

Department of Agriculture and Rural Development
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intention to appeal with the MEC, within 10 days of the date of this letter, by means of one of the following methods:

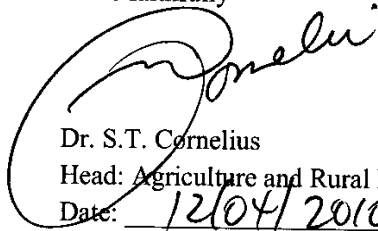
By facsimile: (011) 333 - 0620;

By post: P.O. Box 8769, Johannesburg 2000;

By hand: 16th Floor, Diamond Corner Building, 68 Eloff Street, Johannesburg.

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



Dr. S.T. Cornelius
Head: Agriculture and Rural Development
Date: 12/04/2010

CC:	Zitholele Consulting (Pty) Ltd	Attn:	Etienne Roux
		Tel:	(011) 254 4970
		Fax:	(011) 315 0317
	Kungwini Local Municipality	Attn:	Mr. Joseph Gomba
		Tel:	(013) 932 6210
		Fax:	(013) 932 3752
	GDARD Environmental Compliance Monitoring Directorate	Attn:	Cecilia Petlane
		Tel:	(011) 355 1993
		Fax:	(011) 355 1173
	GDARD Hazardous Waste Management Directorate	Attn:	Eunice Rammbasa
		Tel:	(011) 355 1657
		Fax:	(086) 632 2017

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Department of Agriculture and Rural Development
Environmental Authorisation Ref. No. 002/07-08/N1121



Environmental Authorisation

Authorization register number: *GAUT 002/07-08/N1121*

Holder of authorization: *Basfour 3512 (Pty) Ltd*

Location of activity: *Portions 39 of the farm Rietfontein-375 JR, Rietfontein AH, Kungwini Local Municipality. The activity is located on the following coordinates: 25° 52' 40" (S) and 28° 19' 20" (E).*

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Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the 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, 2006, the Department hereby authorises Basfour 3512 (Pty) Ltd with the following contact details:

Mr. Shane Jeffery
P.O. Box 1226
Vanderbijlpark
1900

Tel: (016) 981 3005

Fax: (016) 981 3094

to undertake the following listed activity herein referred to as listed activity No. 10 in terms of Government Notice No. R. 386 of the Environmental Impact Assessment Regulations, 2006: **“The establishment of cemeteries”**.

The activity entails the establishment of a new Mausoleum (cemetery) on Portions 39 of the farm Rietfontein 375-JR, Rietfontein AH, within the jurisdiction of Kungwini Local Municipal (KLM). Associated with the construction activities are the following infrastructure:

- a) Chapel;
- b) Maintenance shed;
- c) Small access roads;
- d) Toilet facilities;
- e) Admin building;
- f) Remembrance parks;
- g) Crypts;
- h) Small to medium mausoleums (6-12m²); and
- i) Large mausoleums (12+m²).

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The granting of this environmental authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 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.
- 1.2 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.
- 1.3 The activity which is authorised may only be carried out at the property indicated above.
- 1.4 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.
- 1.5 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.
- 1.6 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.

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Appeal of authorisation

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- 1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 10 (ten) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 The notification referred to in 1.7 must:
 - 1.8.1 specify the date on which the authorisation was issued;
 - 1.8.2 inform the interested and affected parties of the appeal procedure provided for in Chapter 8 of the regulations; and
 - 1.8.3 advise the interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

Operation and Management of the activity

- 1.9 The applicant must ensure that all mitigation and management measures detailed in the Environmental Management Plan (EMP), attached as Appendix D of the final Basic Assessment Report dated December 2009, are implemented during the construction and operation phases of the project.
- 1.10 The EMP must be kept on-site and must be used as a guiding tool for the undertaking of the project. The EMP must, therefore, include the conditions set out by other relevant authorities in order to facilitate compliance therewith.
- 1.11 The Department may request the applicant to update/amend the EMP when a need arises. Any updated/amended EMP must be submitted to the Department for approval. The approved EMP will remain in force until the updated/amended EMP has been approved.
- 1.12 An Environmental Control Officer (ECO) must be appointed to ensure compliance with the provisions of this environmental authorisation and the EMP during construction.
- 1.13 Any damage to municipal and provincial roads during the construction phase and funeral processions must immediately be reported to the relevant authorities and must be repaired to their satisfaction.
- 1.14 Proper records of all burials must be kept in accordance with the Bylaws of the KLM.
- 1.15 Members of the public and the KLM must have efficient access to burial records.
- 1.16 The perimeter of the working area must be physically fenced with a wall of a considerable height ahead of construction to ensure that construction activities remain within the designated area.
- 1.17 The perimeter of the wall must be screened with indigenous trees to improve the visual impact to the surrounding landowners.
- 1.18 Dust, noise and erosion control measures must be implemented during the construction and operation phases of the project.
- 1.19 To ensure that noise does not constitute annoyance to the surrounding landowners during construction phase, construction equipment may only operate between the hours of 06h00 and 18h00 on weekdays and Saturdays, operation being prohibited on Sundays and public holidays.
- 1.20 Littering must not be allowed on site. Under no circumstances shall waste be burnt on site and waste bins must always be available on site.
- 1.21 All hazardous materials required during the construction phase must be stored in a secured area with a concrete based floor, which is fenced and has restricted entry.
- 1.22 Hazardous waste must be kept separate from general waste and must be stored in sealed and suitably marked containers for removal to a hazardous waste landfill site.

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- 1.23 Any solid waste must be handled, stored, transported, utilised or disposed of in such a manner as not to cause any flies, health hazards or secondary pollution.
- 1.24 All solid waste material resulting from the construction and operational phases must be disposed of at a permitted and / or authorised solid waste disposal site.
- 1.25 The surrounding landowners must be given an opportunity to inform the site's management of their concerns relating to the construction and operation of the activity. Therefore, a telephone number must be placed on the notice board at the site's entrance at which people can lodge complaints. All complaints received per telephone or otherwise must be recorded in a complaints register and must be followed up within 2 (two) days and a record kept of how these were managed and the recurrence thereof prevented.
- 1.26 Air and groundwater pollution must be prevented by sealing and completely wrapping all coffins by an air and water tight plastic linings and they must also be lined with an absorbent material in order to capture and contain moisture/fluids that could emanate from the decomposing body as stated in the EMP.
- 1.27 The floor and the side walls of each and every mausoleum must also be lined with an absorbent material and be sealed with a rubberised concrete compartment to further prevent any possible seepage of fluids into the groundwater as stated in the EMP.
- 1.28 In case the proposed onsite treatment of sewage is going to fall within the threshold of listed activities under category A (item 11) or category B (item 7) of the Government Notice No. 718 promulgated in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008), such activity will constitute a listed activity and shall not commence without a Waste License in terms of the abovementioned Act.
- 1.29 The applicant should draft and submit an Emergency Management/ Contingency Management Plan to this Department within 60 days after the receipt of this Environmental Authorisation for approval. A contingency plan must indicate all procedures that may be resorted to in the event of accidents or any other failure during the operational phase of the activity. In summary, a contingency plan should provide details as to how the above-mentioned situations are going to be managed.
- 1.30 There must be no structure or building under the electricity lines.
- 1.31 No cremation of the bodies must be undertaken on site.
- 1.32 The applicant must make sure that the builder informs the professional team when the service /foundation trenches are open for inspection. The results of these inspections and quality control must be recorded and submitted to this Department, the local authorities, National Home Builders Registration Council and the Council for Geosciences.

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- 1.33 The professional team involved must carefully consider the appropriate water precautionary measures and ensure that these measures are implemented.
- 1.34 Adequate paving and storm water drainage must be constructed around the structures and all stormwater must be discharged in the municipal sewer.
- 1.35 The risk management programme must be developed and implemented.
- 1.36 The hydro-geological parameters of the borehole utilized for domestic and agricultural use must be obtained and the water level should be measured on a regular basis.
- 1.37 Basfour 3512 (Pty) Ltd must make provision of the power source alternative in case of Eskom power failure and to avoid any inconveniences that comes with Eskom power failure.
- 1.38 Basfour 3512 (Pty) Ltd must inform this Department of the commencement of this project 14 days prior to commencement.

Monitoring

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- 1.39 Ground water quality monitoring must be conducted and the results must be reported to this Department bi-annually in the form of Water Quality Monitoring Report. This report must contain a graphical presentation of all results obtained previously at any specific sampling point, an interpretation and discussion of the results of each monitoring occasion as well as a conclusion and recommendations.
- 1.40 Air quality monitoring must also be undertaken at designated sampling locations to assess the possibility of emissions from the decomposing corpses to the surrounding landowners. If a significant problem is detected, this must be investigated further and appropriate corrective actions must be taken in consultation with the Department. The results of the Air quality monitoring must also be submitted to this Department Bi-annually.
- 1.41 During operation, the mausoleum must be inspected by a qualified and registered civil and structural engineer during excavations for foundations and at least once a month for signs of soil subsidence.
- 1.42 If any area within the site is encountered where the soil structure may look suspicious to the extent that an engineer deem it not fit to accommodate even a single mausoleum, that section must be kept vacant.....
- 1.43 Based on the outcomes of monitoring and auditing, and taking into account legislative reform, this Department reserves the right to set stricter requirements for monitoring and auditing.
- 1.44 The results of all monitoring programmes conducted on-site must be compiled in a monitoring report and submitted to this Department bi-annually during operation and annually after closure for a period of 5 (five) years.

Recording and reporting to the Department

- 1.45 Internal audits of the site must be conducted quarterly. Each of the quarterly internal audit reports must be made available to the external auditor referred to below and to all relevant authorities if requested.
- 1.46 Basfour 3512 (Pty) Ltd must appoint an independent external auditor to audit the site annually. The auditor must compile an audit report that documents the findings of his/her audit. The audit report must:
- 1.46.1 Specifically state whether the conditions of this authorisation are being adhered to;
 - 1.46.2 Contain recommendations regarding non-compliance or potential non-compliance and must specify target dates for the implementation of recommendations; and
 - 1.46.3 Include an interpretation of all available data and test results regarding the operation of the site and all its impacts on the environment.
- 1.47 The first annual external audit report must be submitted to this Department within twelve (12) months from the date of commencement of the operational phase.

Site closure and decommissioning

- 1.48 Closure and decommissioning of the Mausoleum must be approved, in writing, by the Department. In assessing the request for closure and decommissioning, the Department may request such information as it deems necessary to evaluate the impact that the operation had and rehabilitation required with respect to water, air quality, waste management and the management of biophysical and cultural matters to be performed prior to the granting of closure and decommissioning authorisation.

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General

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- 1.49 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 at the property.
- 1.50 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.
- 1.51 The holder of the authorisation must notify the Department, in writing, within 30 days of the receipt of this authorisation if any condition of this authorisation cannot be

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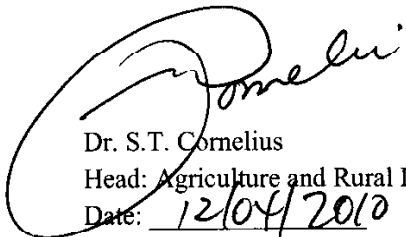
adhered to. Any notification in terms of this condition must be accompanied by reasons for non-compliance.

- 1.52 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.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify and furnish copies of the appeal which will be submitted to the MEC and to all registered interested and affected parties. Proof of such notification must be submitted to the MEC with the appeal. Failure to comply with this provision may result in the MEC refusing to consider the appeal.

Please note that no development may commence prior to the expiry of the time period allowed for the submission of an appeal, or in the event of an appeal being lodged, before the MEC has reached a decision on the appeal.

Yours faithfully


Dr. S.T. Cornelius
Head: Agriculture and Rural Development
Date: 12/04/2010

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Annexure 1: Reasons for Decision**1. Background**

The applicant, Basfour 3512 (Pty) Ltd applied for authorisation to carry out the following activity-

- 1.53 Establishment of a new Mausoleum (cemetery) on portions 39 of the farm Rietfontein 375 JR, Rietfontein AH within the jurisdiction of the Kungwini Local Municipality.

The applicant appointed **Golder Associates Africa (Pty) Ltd** to undertake a Basic Assessment Process.

Zitholele Consulting conducted a public participation process which involved on-site notice, newspaper notice and sending invitation letters to Interested and Affected Parties.

The final Basic Assessment Report with an Environmental Management Plan, a description of the receiving environment and a proof of public participation was compiled and submitted to the Department (GDARD) on the 17th of December 2009.

2. Information considered in making the decision

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

- a) The information contained in the Basic Assessment Report.
- b) Environmental Management Plan attached to the Basic Assessment Report.
- c) Relevant information contained in the Departmental information base including:
 - Geographical Information System (e.g. ridges, Red Data plants and animals, wetlands and pans etc.)
- d) The objectives and requirements of relevant legislation, policies and regulations.
- e) The findings of the site visit undertaken by Nemataheni Thivhafuni, Gereda Ndivhuwo and Muluvhu Livhuwani of this Department on the 28th of January 2010.

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3. Key factors considered in making the decision

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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 outcome of the Public Participation Process (i.e. concerns raised by interested and affected parties are adequately addressed),
- (b) The proposed site is suitable for this kind of development,
- (c) The activity does not involve the cremation of bodies, and
- (d) The selected location reduces the need for the construction of new roads.

4. Findings

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

- i. Public Participation Process was carried out according to the requirements of the Environmental Impact Assessment Regulations, 2006.
- ii. Many burial grounds within Kungwini Local Municipality and Gauteng in general are reaching the carrying capacity, therefore, establishment of a new mausoleum may add up the number of available burial grounds.
- iii. If properly managed, the activity will not have severe impacts on the environment.
- iv. No sensitive environmental features such as rivers, wetlands and drainage lines were noted/or identified during the site inspection.

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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