



## agriculture, environmental affairs & rural development

Department:  
Agriculture, Environmental Affairs  
& Rural Development  
**PROVINCE OF KWAZULU-NATAL**

### **Directorate: Environmental Services: uMgungundlovu District**

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Reference:	<b>Q/2012/15/Mkham</b>	Fax:	<b>033 – 347 1826</b>	Date:	<b>13<sup>th</sup> January 2012</b>
Inkomba:		iFeksi:		Usuku:	
Verwysing:		Faks:		Datum:	

**Umhlaba Environmental Consulting cc**  
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**2030**

**ATTENTION: Preesha Rampersad**

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**cc: Xoli madiba Email: Xoli.Madiba@kzndae.gov.za**  
**Department of Agriculture, Environmental Affairs and Rural Development**

Dear Madam

**RE: Q/2012/15/Mkham: PROPOSED CONSTRUCTION OF A READY MIX PLANT AT UMLAAS ROAD MINING OPERATION, REMAINDER OF PORTION 182 AND PORTION 419 OF THE FARM VAALKOP AND DADEL FONTEIN 885 FT, MKHAMBATHINI MUNICIPALITY.**

The above-mentioned query dated 03<sup>rd</sup> February 2012 and on the 13<sup>th</sup> February 31<sup>st</sup> 2012 refers. The Department of Agriculture, Environmental Affairs and Rural Development (herein referred to as 'this Department') has reviewed the query and responds below.

**Development Proposal:**

The proposed development is as follows:

- The construction of a ready mix plant;
- The ready mix plant will be constructed on the existing Umlaas Road Quarry;

Department of Agriculture, Environmental Affairs and Rural Development	Q/2012/15/Mkham	Proposed Construction of a Ready Mix Plant at Umlaas Road Mining Operation, Remainder of Portion 182 and Portion 419 of the Farm Vaalkop and Dadelfontein 885 FT, Mkhambathini Municipality	Page 1 of 4
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- The proposed development will be approximately 800m<sup>2</sup> in extent situated within the existing mining operation;
- The land is currently zoned as Agriculture;
- There will be no clearance of vegetation for the construction of the ready mix plant and associated infrastructure;
- There will be no construction of additional roads and no upgrade of existing roads; and
- An air emissions permit will not be required for the construction of the ready mix plant.

The GPS co-ordinates for the approximate centre of the site are 29° 42' 27.75"S: 30° 30' 14.47"E.

The possible listed activities for the abovementioned proposal area as follows:

**GNR No. 544 Activity Number 11:** “The construction of:

- (i) canals;
- (ii) channels;
- (iii) bridges;
- (iv) dams;
- (v) weirs;
- (vi) bulk storm water outlet structures;
- (vii) marinas;
- (viii) jetties exceeding 50 square metres in size;
- (ix) slipways exceeding 50 square metres in size;
- (x) buildings exceeding 50 square metres in size; or**
- (xi) infrastructure or structures covering 50 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line”**

- **The above will not apply provided that no infrastructure and or associated infrastructure is located within 32m of a watercourse<sup>1</sup>.**

**GNR No. 546 Activity Number 16<sup>2</sup>:** “The construction of:

- i. jetties exceeding 10 square metres in size;
- ii. slipways exceeding 10 square metres in size;
- iii. **buildings with a footprint exceeding 10 square metres in size; or**
- iv. **infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a**

<sup>1</sup> “**watercourse**” means -

- (a) a river or spring;
- (b) a natural channel or depression in which water flows regularly or intermittently;
- (c) a wetland, lake or dam into which, or from which, water flows; and
- (d) any collection of water which the Minister may, by notice in the Gazette, declare to be a watercourse as defined in the National Water Act, 1998 (Act No. 36 of 1998) and a reference to a watercourse includes, where relevant, its bed and banks.

<sup>2</sup> This is a summary of the listed activity. The full listing is contained in GNR 546 dated 18<sup>th</sup> June 2010 and is available on the Departments website, [www.kzndae.gov.za](http://www.kzndae.gov.za).

Department of Agriculture, Environmental Affairs and Rural Development	Q/2012/15/Mkham	Proposed Construction of a Ready Mix Plant at Umlaas Road Mining Operation, Remainder of Portion 182 and Portion 419 of the Farm Vaalkop and Dadelfontein 885 FT, Mkhambathini Municipality	Page 2 of 4
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**watercourse, excluding where such construction will occur behind the development setback line.”**

- **The above will not apply provided that no infrastructure more than 10 square meters will be located within 32 meters of a watercourse.**

**Decision:**

Based on the information provided in your correspondence on the 03<sup>rd</sup> February 2012, this Department is of the opinion that this specific project does not require Environmental Authorisation in terms of the EIA Regulations 2010 and can not be regarded as an activity listed in terms of Regulations R544, R545 and R546 of the National Environmental Management Act. Should you wish to proceed with the above-mentioned development, this Department brings to your attention your obligations to ensure that:

- 1) The ready mix plant and/ or supporting infrastructure must not be constructed below the 1:100 year floodline and on any river or stream or within 32 (thirty-two) metres of a watercourse.
- 2) Should you wish **to expand the ready mix plant facilities**, or undertake any other activities on the site, a written enquiry must be submitted to this Department to determine if any of the proposed activities are listed in terms of R544, R545 and R546 of 18 June 2010 (as amended) and written approval from this Department must be obtained **prior** to undertaking any of these activities.
- 3) In respect of the above points this Department requires that an Environmental Management Programme (“EMPr”) detailing the proposed impacts of the construction of a ready mix plant and associated infrastructure must be compiled and submitted to the Compliance, Monitoring and Enforcement component with the reference number: **Q/2012/15/Mkham** of this Department **for approval before commencement** of the proposed activity. The EMPr must:-
  - i. be submitted to the Assistant Manager:  
Compliance, Monitoring and Enforcement  
Department of Agriculture, Environmental Affairs and Rural Development  
Private Bag X07  
Cascades  
3202.
  - ii. contain a layout plan of the proposed development that details all development parameters to be undertaken on site.
  - iii. include the access/egress point/s on the layout plan.
  - iv. include a stormwater management plan.
  - v. be adhered to during the commissioning of the activity.
- 4) All relevant parties, including the applicant, all project managers, contractors and sub-contractors, are made aware of their responsibility for compliance with the provisions for *Duty*

Department of Agriculture, Environmental Affairs and Rural Development	Q/2012/15/Mkham	Proposed Construction of a Ready Mix Plant at Umlaas Road Mining Operation, Remainder of Portion 182 and Portion 419 of the Farm Vaalkop and Dadelfontein 885 FT, Mkhambathini Municipality	Page 3 of 4
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*of Care and remediation of environmental damage* contained in Section 28 of the National Environmental Management Act, Act 107 of 1998.

- 5) This correspondence does not grant authorisation or exemption from compliance with any other relevant and applicable legislation.
  
- 6) This Department retains the right to inspect the property at any time during its development.

Should you have any queries or which to discuss the points raised above, please do not hesitate to contact our offices.

Yours sincerely



**For: Head of Department**

Department of Agriculture, Environmental Affairs & Rural Development

Department of Agriculture, Environmental Affairs and Rural Development	Q/2012/15/Mkham	Proposed Construction of a Ready Mix Plant at Umlaas Road Mining Operation, Remainder of Portion 182 and Portion 419 of the Farm Vaalkop and Dadelfontein 885 FT, Mkhambathini Municipality	Page 4 of 4
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