



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

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PER MAIL / EMAIL

Dear Ms Machaba

APPLICABILITY OF THE NEMA EIA REGULATIONS, 2014: THE CONSTRUCTION OF THE NEW LUSAKA CLINIC AT MAGAKWE VILLAGE IN PHUTHADITJHABA, THABO MOFUTSANYANE LOCAL MUNICIPALITY, FREE STATE PROVINCE

Your query regarding the National Environmental Management Act (NEMA), Environmental Impact Assessment (EIA) Regulations, 2014, applicability to the abovementioned project, received by the Department on 09 February 2016, the additional information received by the Department on 11 April 2016 and the e-mail correspondence received from you on 26 April 2016 bear reference.

Based on the information provided (*i.e.* the NEMA applicability query, the ecological study submitted as additional information, and the e-mail correspondence), you have indicated that the National Department of Health proposes to construct the new Lusaka Clinic at Makwane village in Phuthaditjhaba, Free State with the footprint size of 1.474 hectares. The proposed site is located in a peri-urban residential area north of a school, and the site appears to have been levelled possibly for soccer or sports field. A tarred road runs west of the site and residential areas are located on its northern and eastern boundaries.

As indicated in the additional ecological study, a site visit that was undertaken by a specialist to assess the fauna and flora occurring in the project footprint area, found that the site is characterised by commonly occurring grasses and pioneer weedy vegetation species. The potential impact that the establishment of a clinic may have on the fauna and flora is considered to be of low significance. No Red Listed species were observed and large sections of the relatively small site have already been totally transformed. Furthermore; in the e-mail correspondence received on 26 April 2016, it was confirmed that the vegetation on site cannot be described as indigenous as it has been largely disturbed and transformed.

Based on the EIA Regulations, 2014, the following activity was identified as being potentially triggered:

- **Activity GN R. 983 Item 27**

The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for-

(i) the undertaking of a linear activity; or

(ii) maintenance purposes undertaken in accordance with a maintenance management plan.

The Department has evaluated the submitted documents and based on the information provided, the Department hereby advises that the proposed construction of the Lusaka clinic in Makwane village **does not trigger** any listed activities in terms of the Environmental Impact Assessment Regulations, 2014.

Reasons for the abovementioned conclusion are as follows:

In order for Activity 27 of GN R.983 to be triggered, the proposed project has to meet the required threshold of 1 hectare or more, **and** also the area to be cleared must have indigenous vegetation. Based on the information provided, this is not the case on the said site as it has been completely transformed and currently characterised mainly by weedy species and grasses occurring along the perimeter of the site. Furthermore; the site has been cleared for the establishment of a soccer field. This is depicted in the pictures of the proposed site and the information submitted.

Therefore, taking the abovementioned factors into consideration, the Department is of the opinion that environmental authorisation is not required from the relevant authority in terms of the EIA Regulations, 2014, prior to the undertaking of the proposed works by the Department of Health. Please note however, that the Department cannot confirm the applicability of Listing Notice 3 (GN R. 985) as this Listing Notice (GN R. 985) is province specific (Sensitive Geographic Areas). You are thus requested to consult with the Free State Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA) as to the applicability of Listing Notice 3, prior to the commencement of any construction activities. A copy of a letter communicating the outcome of your consultation process with DESTEA must be forwarded to this Department for record keeping purposes.

You are reminded of your general duty of care towards the environment in terms of section 28(1) of NEMA which states: *“Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.”*

This Department reserves the right to revise or withdraw its comments or to request further information from you should new information on this matter become available.

Yours faithfully



Mr Sabelo Malaza

Chief Director: Integrated Environmental Authorisations

Department of Environmental Affairs

Letter signed by: Ms Sindiswa Dlomo

Designation: Acting Director: Integrated Environmental Authorisations

Date: 31/05/2016