

*Northern Cape Department of Co-operative Governance, Human
Settlement and Traditional Affairs*

LERATO PARK INTEGRATED HOUSING DEVELOPMENT

TENDER NUMBER: NC/24/2022

INTERNAL CIVIL ENGINEERING SERVICES: PHASE 6

PORTION 2: CONTRACT

Section C3.5

Management

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Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

*Northern Cape Department of Co-operative Governance, Human
Settlement and Traditional Affairs*

LERATO PARK INTEGRATED HOUSING DEVELOPMENT

TENDER NUMBER: NC/24/2022

INTERNAL CIVIL ENGINEERING SERVICES: PHASE 6

C3.5 MANAGEMENT

C3.5.1 Management of the Works

C3.5.1.1 Applicable Specifications

The Standard Specifications for Civil Engineering Construction SANS 1200 published by the South African Bureau of Standards and referred to as the "Standard Specifications", including the variations and additions specified in Section C3.4.2, shall be applicable to this project.

C3.5.1.2 Concurrent Construction Contracts

The Contractor's attention is drawn to the fact that other contiguous works will be executed concurrently by independent Contractor's under separate contracts in the vicinity of the Site.

The other Works which will be in progress or will come into operation on or adjacent to the Site of the Works during the progress or tenancy of this Contract are likely to include, **but are not limited to the following:**

- a) Construction of internal civil engineering services of adjacent phases in Lerato Park
- b) Construction of internal electrical engineering services of adjacent phases in Lerato Park
- c) Construction of Houses, community rental units and other buildings within Lerato Park
- d) Upgrade of bulk water, sewer, roads and electrical infrastructure

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

The Contractor shall ensure that neither his operations nor those of his subcontractors nor the activities of his employees shall interfere with or hinder the operations of the Employer or of other Contractors and he shall indemnify the Employer against all claims arising through default of this requirement.

The Contractor shall hand over portions of the Site of the Works (whether completed or not), or completed portions of the Works, to these Contractors when required by the Employer or detailed elsewhere in this document. The Contractor shall cause no interference with or delays in the execution of these contiguous contracts.

No discount or commission for the Contractor is allowed on these contracts, and it will be assumed that he has fully allowed in the Contract Price for the presence of these Contractors on Site. Any service rendered or assistance given by the Contractor to these Contractors, save as are provided for in the Project Specifications, shall be for their accounts only since the Employer shall in no way be responsible to the Contractor for any payments in this respect.

The Contractor shall protect all known existing services as well as all work being carried out and structures being erected on the Site by other Contractors. Any damage caused to these services or structures, or any obstructions or hindrance caused to other contractors by the Contractor, and all claims arising there from, will be the sole responsibility of the Contractor.

All repair work shall be carried out at the Contractor's expense to the entire satisfaction of the Engineer.

The same obligations shall be imposed on the Employer and on other Contractors in respect of the Works being executed under this Contract.

C3.5.1.3 Contractor's Project Management Plan

The Contractor is required to prepare and submit a project management plan for the construction. The particular contents that should be included in the Contractor's Project Management Plan are listed below:

- Project structures and agreements

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

The Contractor shall indicate how responsibility for the various work packages will be divided between joint venture partners (where applicable) and sub-contractors. A contract organogram shall be provided showing work apportionment and project management responsibilities. The particular division of work shall match the established capabilities and capacities of each particular partner or subcontractor.

- Plant, materials and equipment

The Contractor shall prepare a Plant and Materials procurement plan, indicating the source of key Plant and Materials designated for inclusion in the Works, and demonstrating that such Plant and Materials have a proven track record of successful maintenance support in South Africa.

The Contractor shall also prepare a plan of Contractor's Equipment, indicating the source and details of construction equipment planned for use on the Contract and based on the Contractor's particular approach.

- Staffing plan

The Contractor shall prepare a detailed staffing plan showing in an organogram all key members of the Contractor's Personnel, providing a detailed CV for each such key position. The Contractor shall also show the numbers and source of all non key staff and indicating the particular local content offering of the Contractor.

- Method statements

The Contractor shall clearly describe the overall methodology proposed for construction of the Works and include particular method statements for each work discipline included in the Works.

C3.5.1.4 Construction Programme

The Contractor shall submit within the period stated in the Contract Data a suitable and realistic construction programme for the consideration of the Engineer.

The programme shall be in the form of a Gantt chart and shall include the following details:

- A work breakdown structure, identifying the major activity groups.

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| Contractor | Witness 1 | Witness 2 | Employer | Witness 1 | Witness 2 |

- For each activity group further details shall be provided with regard to the scheduled start and end dates of individual activities.
- The linkages between activities shall be clearly indicated and the logical network upon which the programme is based shall be separately submitted to the engineer if requested. Any constraints shall be classified as being time-related or resource-related.
- The critical path(s) shall be clearly indicated and floats on non-critical activities shall be shown.
- The Contractor shall indicate the working hours per day, night, week and month allowed for in the programme.
- Where relevant the Contractor shall state the production rates for key activities, e.g. earthworks, etc.

Together with the programme as detailed above the contractor shall submit to the engineer a cash flow projection, indicating projected monthly invoice amounts. The cash flow projection shall be updated at monthly intervals to reflect actual payments to date and anticipated further payments.

The programme will be reviewed at the monthly site meetings at which the Contractor shall provide sufficient detail that will allow the comparison of completed work per activity that has fallen behind. The updated programme shall be submitted to the Engineer at least two days prior to the monthly meetings.

If the programme has to be revised by reason of the Contractor falling behind his programme, he shall produce a revised programme showing how he intends to regain lost time in order to ensure completion of the Works within the time for completion or any granted extension of time. Any proposal to increase the tempo of work must be accompanied by positive steps to increase production by providing more labour and plant on site, or by using the available labour and plant in a more efficient manner.

Failure on the part of the Contractor to submit the programme or to work according to the programme or revised programmes shall be sufficient reason for the Engineer to take steps as provided in the General Conditions of Contract.

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| Contractor | Witness 1 | Witness 2 | Employer | Witness 1 | Witness 2 |

The approval by the Engineer of any programme shall have no contractual significance other than that the Engineer will be satisfied that the work is carried out according to such programme and that the Contractor undertakes to carry out the work in accordance with the programme. It shall not limit the right of the Engineer to instruct the Contractor to vary the programme if required by circumstances.

C3.5.1.5 Quality Assurance

The Contractor shall institute a quality assurance system and provide experienced personnel as well as all the necessary transport, instruments and equipment, to ensure adequate supervision and positive control of the works at all times in order to comply with the requirements. The Contractor shall deliver to the Engineer, for his consideration, quality assurance programmes prior to the Contractor's appointment of any suppliers or commencement of the Works. Failure to comply with these requirements shall be just cause for the Engineer to order supervision of the Works without additional remuneration or for him to recommend termination to the Employer in terms of the Conditions of Contract.

The Contractor shall do at least the quality control tests at the frequencies specified in the Scope of Works. If the scale of the works, construction methods or any other circumstances dictates, the Contractor shall do more tests when required for quality assurance purposes.

The Contractor shall keep systematic records of the test results and all worksheets relating thereto. All test results obtained by the Contractor in the course of his process control of the Works shall be submitted to the Engineer or his Representative prior to requesting inspection of the relevant portions of the Works. Any request for inspection shall be submitted on the prescribed forms.

The employer is at liberty to carry out such tests as he deems necessary to determine compliance with the contract requirements and will make available the results of all tests to the contractor.

Acceptance control, record keeping and payment certificates shall be done in accordance with the Engineer's standard system except if the Engineer approves that the Contractor's standard system may be used. An index to the Engineer's standard site administration forms is appended as Annexure A to section C3.5.1.

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| Contractor | Witness 1 | Witness 2 | Employer | Witness 1 | Witness 2 |

C3.5.1.6 Site Administration

- **Daily Site Diary**

The daily site diary in accordance with the pro forma appended in Annexure A to section C3.5.1 shall be kept up to date by the Contractor's Site Agent and will be signed on a daily basis by the Engineer's Representative.

- **Information in Respect of Plant**

Information relating to plant on Site shall be recorded in the daily site diary. In addition, the Contractor shall deliver to the Engineer, on a monthly basis, a detailed summary of construction plant kept on the Site, full particulars given for each day of the month. Distinction shall be made between plant in working order and plant out-of-order. Such inventory shall be submitted by the first day of the month following the month to be reported.

- **Information in Respect of Employees**

Information relating to labour and management on Site shall be recorded in the daily site diary. In addition, the Contractor shall deliver to the Engineer, on a monthly basis, a detailed summary of supervisory staff, labour employed (own and local labour) by category, and sub-contractors (both local and imported) for each day of the month. Such return shall be submitted by the first day of the month following the month to be reported.

- **Rainfall Records**

Rainfall records for the period of construction shall be taken on Site and recorded in the daily site diary. The Contractor shall provide and install all the necessary equipment for accurately measuring the rainfall. The Contractor shall also provide, erect and maintain a security fence plus gate, padlock and keys at each measuring station, all at his own cost. The Engineer or his Representative shall take and record the daily rainfall readings. The Contractor shall be permitted to attend these readings, in the company of the Engineer's Representative. Access to the measuring gauge(s) shall at all times be under the Engineer's control.

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

C3.5.1.7 Site Instructions

Site instructions by the Engineer, addressed to the Contractor at his office on the Site, will be numbered consecutively and will be deemed to have been received by the Contractor's Representative unless a break in the sequence of numbers is brought to the notice of the Engineer in writing immediately.

C3.5.1.8 Site Meetings

The Contractor and his authorised representative shall attend all meetings held on the Site with the Employer and the professional team at dates and times to be determined by the Engineer. Such meetings will be held to evaluate the progress of the Contract, and to discuss matters pertaining to the Contract which any of the parties represented may wish to raise. It is not the intention to discuss day-to-day technical matters at such meetings.

C3.5.1.9 Payment Certificates

Monthly Progress Payment Certificates shall be submitted to the Engineer's Representative on Site not later than the 20th of each month (or on the last working day prior to this date) in order to allow for checking and reconciliation of all quantities, rates, extensions and additions in the certificate. Each progress payment certificate shall include work executed or reasonably expected to be executed up to the 30th day of the specific month. The Engineer's Representative shall have a period of five (5) calendar days to review the draft certificate in collaboration with the Contractor. All quantity calculations and certificates submitted by the Contractor for checking shall be in accordance with the Engineer's standard site administration forms and formats as referred to in C3.5.1.5.

Upon agreement by the Engineer's Representative by not later than the 25th of each month, the certificate shall be submitted by the Contractor in a neat typed form in accordance with the prescribed format, and with the correct spelling, to the Engineer by not later than the 28th of each month (or on the first working day thereafter), together with four additional copies, for certification.

Where dayworks have been instructed by the Engineer, the Contractor shall submit the returns to the Engineer for signature and approval within twenty-four (24) hours of the

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| Contractor | Witness 1 | Witness 2 | Employer | Witness 1 | Witness 2 |

end of the working day on which the work was executed. Daywork returns shall be submitted on forms according to the Engineer's standard format as referred to in Section C3.5.1.5. Failure to comply with the terms of this clause will result in non-payment for such dayworks.

The tax invoice submitted with the certificate shall be dated the 1st of the month following the period certified. All costs for the preparation and submission of progress certificates shall be borne by the Contractor.

C3.5.1.10 Drawings, Operation and Maintenance Manuals

All information in the possession of the Contractor that is required by the Engineer's Representative in order to complete the As-Built drawings and to prepare a completion report for the Employer must be submitted to the Engineer's Representative before a Certificate of Practical Completion will be issued for the Works. Similarly, the Contractor will be required to submit full details of all pipes, valves, meters and specials in a suitable loose bound format, including any special operational and maintenance procedures related thereto, for incorporation in the overall operation and maintenance manual for the Scheme prior to the issue of a Certificate of Completion for the Works.

Only figured dimensions on the Drawings may be used in the interpretation thereof, and the Drawings shall not be scaled unless the Contractor is so instructed by the Engineer in writing. The Contractor shall notify the Engineer in writing of any lack of information or conflict in the information on the Drawings. The Engineer will upon written request provide any dimensions that may have been omitted from the Drawings.

C3.5.1.11 Environmental Management Plan

The Contractor shall comply with all the conditions of the Record of Decision and the Environmental Management Plan included in Section C4 – Site Information.

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| Contractor | Witness 1 | Witness 2 | Employer | Witness 1 | Witness 2 |

*Northern Cape Department of Co-operative Governance, Human
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LERATO PARK INTEGRATED HOUSING DEVELOPMENT

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INTERNAL CIVIL ENGINEERING SERVICES: PHASE 6

Annexure A
LIST OF SITE ADMINISTRATION FORMS

The following site administration forms are available in the Engineer's office for inspection:

- (a) Site Diary,
- (b) Site Instruction book,
- (c) Rainfall Report,
- (d) Re-instatement of fences form,
- (e) Payment Certificate,
- (f) Daywork return form,
- (g) Inspection Request Sheet,
- (h) Blasting Checklist,
- (i) Concrete
 - Excavation to Structures
 - Request for checking prior to pouring of Concrete
 - Pre-Concrete Inspection Checklist
 - Post Concrete Inspection Report for Civil Works
 - Concrete Cube Test Report

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

- (j) Roads
- Requisition for checking Earthworks up to Base Course
 - Evaluation of Road Levels
 - Requisition for checking Road Signs & Traffic Marking
- (k) Stormwater drainage
- Requisition for checking earthworks: Stormwater
 - Requisition for checking pipelines, culverts, kerb inlets, junction boxes
 - Requisition for checking kerbs and channels
- (l) Sewers
- Requisition for checking earthworks: Sewers
 - Requisition for checking the laying of sewer pipes
 - Requisition for air testing sewers
 - Inspection Request – Pipework - Sewer
- (m) Water reticulation
- Requisition for checking earthworks
 - Requisition for checking pipelines, valve chambers, fire hydrants, pipeline markers, yard connections
 - Requisition for hydraulic testing of water pipes
 - Inspection Request – Pipework - Water
- (n) Snag List

END OF SECTION

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

*Northern Cape Department of Co-operative Governance, Human
Settlement and Traditional Affairs*

LERATO PARK INTEGRATED HOUSING DEVELOPMENT

TENDER NUMBER: NC/24/2022

INTERNAL CIVIL ENGINEERING SERVICES: PHASE 6

PORTION 2: CONTRACT

Part C4 Site Information

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| Contractor | Witness 1 | Witness 2 | Employer | Witness 1 | Witness 2 |

*Northern Cape Department of Co-operative Governance, Human
Settlement and Traditional Affairs*

LERATO PARK INTEGRATED HOUSING DEVELOPMENT

TENDER NUMBER: NC/24/2022

INTERNAL CIVIL ENGINEERING SERVICES: PHASE 6

SITE INFORMATION

CONTENTS LIST

| Section | Description | Page No |
|-------------------|---|----------------|
| PORTION 2: | CONTRACT | |
| PART C4 | SITE INFORMATION | |
| | C4.1.1 Geological and Geotechnical Aspects | |
| | C4.1.2 Record of Decision | |
| | C4.1.3 Environmental Management Plan | |

END OF SECTION

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

*Northern Cape Department of Co-operative Governance, Human
Settlement and Traditional Affairs*

LERATO PARK INTEGRATED HOUSING DEVELOPMENT

TENDER NUMBER: NC/24/2022

INTERNAL CIVIL ENGINEERING SERVICES: PHASE 6

SITE INFORMATION

C4.1 Site Information

C4.1.1 Geological and Geotechnical Aspects

According to published information the site is underlain by shale of the Prince Albert Formation, Ecca Group, Karoo Supergroup. The shale has been extensively intruded by post Karoo dolerite, especially along the southern portions of the study area.

Messer's Southern Geotechnical Engineering in their findings of the geotechnical investigations conducted of the proposed development site, found that the site can be divided into two broad geological zones namely:

- Areas underlain by shallow, very soft rock shale and minor mudstone and,
- Areas underlain by shallow, soft rock or harder dolerite rock.

The majority of the study area is covered by a thin, surface layer of potentially expansive, transported soils. Within areas underlain by very soft rock shale or mudstone at depth, the transported soils are underlain by calcareous, residual shale or mudstone. Calcareous residual shale/mudstone soils are in turn typically underlain by highly weathered, very highly fractured, soft rock or harder shale.

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2

C4.1-1

*Northern Cape Department of Co-operative Governance, Human
Settlement and Traditional Affairs*

LERATO PARK INTEGRATED HOUSING DEVELOPMENT

TENDER NUMBER: NC/24/2022

INTERNAL CIVIL ENGINEERING SERVICES: PHASE 6

SITE INFORMATION

C4.1 Site Information

C4.1.2 Record of Decision

Contractor

Witness 1

Witness 2

Employer

Witness 1

Witness 2



DEPARTMENT OF TOURISM,
ENVIRONMENT AND CONSERVATION

ISEBE LEZOKHENKETHO, INDALO
NOLONDOLOZO

LEFAPHA LA BOJANALA, TIKOLOGO
LE TSHOMARELO

DEPARTEMENT VAN TOERISME,
OMGEWING EN BEWARING

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Enquiries :
Dipatlisiso : S.G Mbanjwa
Imibuzo :
Navrae :

Date :
Latha : 03 July 2006
Umhla :
Datum :

Reference :
Tshupelo : NNO 25/19
Isalathiso : NC/KIM 39/155/2005
Verwysings :

Sol-Plaatje Local Municipality
Mr. de Bruyn
C/o 3 Lodge Road
Kimberley
8300

Fax 053-832 6518

Dear: Mr. G. de Bruyn

APPLICATION FOR AUTHORIZATION: THE CHANGE OF LAND USE FROM AGRICULTURAL OR UNDERTERMINED USE TO ANY OTHER LAND USE: UPGRADING OF THE LERATO PARK FROM INFORMAL SETTLEMENT TO FORMAL INTERGRATED SETTLEMENT, SOL-PLAATJE MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of the powers delegated to me in terms of Section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), I hereby in terms of Section 22(3) of the Act authorize: **Application for Authorization: THE CHANGE OF LAND USE FROM AGRICULTURAL OR UNDERTERMINED USE TO ANY OTHER LAND USE: UPGRADING OF THE LERATO PARK FROM INFORMAL SETTLEMENT TO FORMAL INTERGRATED SETTLEMENT, SOL-PLAATJE MUNICIPALITY, NORTHERN CAPE PROVINCE.** Schedule 1/2 of Government Notice No. R. 1182: activity 2 (c): a detailed description of the activity is given in the final **scoping report** dated (MAY 2006), subject to the conditions listed in the record of decision.

The record of decision including the conditions under which the application is authorized is attached. This authorization is valid for a period of (3) years from the date of issue and if the activity is not undertaken within this period the authorization will be invalidated.

An appeal against this authorization or conditions of authorization may be lodged in writing with: The Member of the Executive Council, Ministry of Tourism, Environment & Conservation, Private Bag X6102, Kimberley 8300, Fax. (053) 8321026, within 30 calendar days from the date of issue of this authorization, setting the grounds of appeal and including all relevant documentation as required by Section 35 of the Environment Conservation Act, 1989 (Act No. 73 of 1989).

Yours Faithfully

Mrs. P. M. N. Mokhall

HOD: DEPARTMENT OF TOURISM, ENVIRONMENT AND CONSERVATION

Date: 06.07.04

Permit No 81/2006



A DESTINATION IN HARMONY WITH NATURE

Northern Cape Province
DEPARTMENT OF TOURISM,
ENVIRONMENT &
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA BOJANALA,
TIKOLOGO LE
SHOMARELO

RECORD OF DECISION

In terms of Section 22(3) of the Environment Conservation Act, 1989 (Act No 73 of 1989) with regard to the undertaking of the activity described below as required by Government Notice No R. 1183 of 5 September 1997

Reference number: NC/KIM39/155/05

Permit number:
81/2006

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|-------------------------------|--|------------------|--------------|-----|----|
| Project title: | The change of land use from : agricultural or undetermined use to any other land use : <u>Upgrading of Lerato Park from informal to formal Integrated settlement</u> | | | | |
| Brief description of project: | The development will consist of the following: <ul style="list-style-type: none"> A full formal integrated settlement | | | | |
| Project location: | KIMBERLEY, NORTHERN CAPE | | | | |
| Co-ordinates: | Latitude: | 28° | 40' | 50" | So |
| | Longitude: | 24° | 42' | 40" | Ea |
| District Municipality | Frances Baard Local Municipality | | | | |
| Local authority/municipality: | Sol Plaatje District Municipality | | | | |
| Name of Property: | Remainder of portion 59 of farm Roodepaan 70 | | | | |
| Farm/Erven Name and Number | As above | | | | |
| Size of Property: | 200 ha | | | | |
| Closest City/Town: | In Kimberley | Distance (in km) | - | | |
| Project Applicant: | Sol Plaatje Municipality | | | | |
| Business Reg. No./ID No. | NC091 | | | | |
| Contact person: | MR G de Bruyn | | | | |
| Postal Address: | C/o 3 Lodge Road, KIMBERLEY | | | | |
| Telephone: | 053 832 6518 | Cell: | 082 822 8201 | | |
| Email: | | Fax: | 053-832 6518 | | |
| Environmental Consultant(s): | B H Erasmus | | | | |

| | | | | | |
|--|-----|---|----|------------------------------|----------------------|
| | | | | Mr B H Erasmus | |
| | | | | 7 Edgar Davis Str, Kimberley | |
| | | | | 053 832 6518 | Cell: 082 822 |
| | | | | — | Fax: 053 832 6518 |
| Site visit | Yes | X | No | | Date of site visit |
| Persons present: D Moleko, B H Erasmus | | | | | |

DECISION

After due consideration of the facts presented to the Northern Cape Department of Tourism, Environment & Conservation (hereafter referred to as the Department), authorization is hereby granted in terms of Section 22(3) of the Environment Conservation Act, 1989 (Act No 73 of 1989) ***the proposed upgrade of Lerato Park from informal to integrated formal settlement*** (Schedule 1 of Government Notice No R.1182: *Activity 2(c) A change of undetermined use to any other land use*). The authorization is granted subject to the following condition

CONDITIONS

General conditions:

1. This authorization is granted only in terms of Section 22(3) of the Environment Conservation Act, 1989 (Act No 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
2. This authorization refers only to the project as specified and described in the final scoping report dated **MAY 2006**. Any other activity listed under Section 21 of the Environment Conservation Act, 1989 (Act No 73 of 1989) which is not specified above, is not covered by this authorization and a separate application will have to be launched and must therefore comply with the requirements of the Environment Conservation Act, 1989 (Act No 73 of 1989) and Government Notice No. R. 1183 of 5 September 1997 and its amendments.
3. **This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those authorities.**
4. No development may take place on the area of concern without the necessary permits/approvals and/or service agreements, where it is relevant, from or between the following authorities, including:
 - National Department of Environmental Affairs & Tourism
 - National Department of Agriculture
 - Department of Housing & Local Government
 - Department of Water Affairs & Forestry.
 - Department of Minerals & Energy
 - Department of Transport, Roads & Public Works
 - McGregor Museum
 - South African Heritage Resources Agency
 - Civil Aviation Authority, and
 - Any other relevant authority whether national, provincial or local

5. The applicant shall within 5 (five) days of receipt of this authorization, provide all interested and affected parties identified during the public consultation process, with copies of this authorization, including all the conditions attached thereto.
6. One week written notice must be given to the Department before commencement with construction activities.
 - 6.1 Such notice shall make clear reference to the site location details and the reference number given above.
 - 6.2 The notice must include proof of compliance with the following conditions described herein:
 - i.e. conditions: 5 & 14
7. All mitigation measures and recommendations as laid down in the Scoping Report are binding and must be implemented, unless stated differently in this ROD.
8. The Environmental Control Officer must ensure that changes in the project resulting in significant environmental impacts and that differ from what was authorized by the Department, must be submitted to this Department for approval prior to such changes being effected.
9. The applicant must notify this Department, in writing, within 24 hours thereof if conditions of the authorization are not complied with.
10. Non-compliance with, or any deviation from, the conditions set out in this authorization constitutes a failure in compliance with the authorization. Such failure in compliance is regarded as an offence and will be dealt with in terms of Sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), as well as any other appropriate legal mechanisms.
11. The Department must be notified of any change of address of the applicant.
12. The Environmental Management Plan (EMP) for construction and management of activities relating to the protection of the natural environment during the construction phase and must be adhered to at all times unless stated differently in this ROD.
13. An Environmental Control Officer (ECO) must be appointed to oversee the implementation of the EMP. The ECO or his representative must visit the site at least once a week for the duration of the construction phase.
14. The conditions of the authorization should be brought to the attention of all persons (employees, sub-consultants, etc) associated with the undertaking of this activity and the applicant should take such measures necessary to bind such persons to these conditions.
15. A copy of the authorization shall be available on site during construction. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract.
16. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction.
17. Appropriate toilets must be supplied for the entire construction period and must be serviced on a regular basis.
18. All waste including general litter must be removed from site and disposed off at an applicable licensed disposal site. No waste material shall be left on site.
19. No fires are permitted on site.
20. No plants must be removed other than required for the layout of the site. However, if the affected plant(s) is endangered or protected, permission must be sought from Northern Cape Department of Tourism, Environment & Conservation for the removal thereof.
21. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.

22. Records relating to the compliance/non-compliance with the conditions of the authorization must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records and also included in the Environmental Audit report.
23. Any complaints regarding the said development must be brought to the attention of the Department within 24 working hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
24. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the department, the addition, change of amendment is environmentally justified. In event that such Impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
25. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
26. The Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions imposed in this ROD must be made known to the new owner and/ or developer and are binding on the new owner and/or developer.
27. In the event of sharing the Conditions imposed in this ROD must be made known to the sharing party. All conditions in this ROD are binding on the sharing party. The applicant is responsible to ensure that all these conditions are complied with.
28. National government, provincial government, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage 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 approval as set out in this document or any other subsequent document emanating from these conditions of approval.
29. If any condition imposed in terms of this authorization is not being complied with, the authorization may be withdrawn after 30 days written notice to the applicant in terms of Section 22 (4).
30. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
31. In the event that any archaeological material is found and it is likely that it will be disturbed, the Department must be alerted immediately.
32. The Department must be supplied with an approval from the landowner giving consent for the applicant to proceed with the project, before construction/upgrading takes place.

Special conditions:

1. All mitigation measures and recommendations as laid down in the Scoping Report by **B H ERASMUS dated MAY 2006** are binding and must be implemented, unless stated differently in this ROD.
2. The measures outlined in the Geo-technical report to favorably design the houses to meet the required conditions, specific to Lerato Park must be adhered to
3. The Environmental Management Plan Report as submitted by **B H ERASMUS on the 23rd MAY 2006** must be implemented to the latter, throughout the pre and post development phases of Lerato Park

KEY FACTORS AFFECTING THE DECISION

The Department's authorization is based upon a review of the final scoping report and appendices dated **MAY 2006**. The Scoping Report findings, given the nature of the projects and the selected sites and study area, concludes that the potential impacts associated with the proposed development are of a nature and extent that can be reduced, limited and eliminated by the introduction of appropriate mitigation measures. The conditions of the ROD and the recommendations made in the final scoping report and appendices dated **MAY 2006** should be sufficient to mitigate and manage the impacts associated with the development.

The legal and procedural requirements have been complied with and the information contained in the Scoping Report and appendices is to the satisfaction of the Department.

PERIOD OF VALIDITY AND RENEWAL OF AUTHORIZATION

This authorization is valid for 3 (three) years from the date of issue and must be renewed 6 (six) months prior to the expiry date. The Department reserves the right to review and amend the conditions of the authorization at any given time.

APPEAL

The applicant must, within 5 calendar days of receipt of this record of decision (ROD) inform all interested and affected parties registered during the EIA process of at least the following:

- i. That an authorization has been issued to the applicant to proceed with the construction and operation of the facilities.
- ii. That any appeal in terms of the Section 10 (1) of regulation 11 of the environmental assessment regulations (Government Notice No R. 1183 of 5 September 1997) against the issuing of the authorization must be lodged with the MEC for Tourism, Environment & Conservation within 30 (thirty) days from the date on which the ROD has been issued to the applicant and at the address stipulated in the authorization.
- iii. Include the date on which the ROD was issued to the applicant in terms of regulation 10 (1) and the date by which the appeals must reach the MEC.
- iv. Indicate where copies of the authorization and ROD can be viewed/obtained


Yours Faithfully

Mrs. P. M. N. Mokhali: HOD
Department of Tourism, Environment and Conservation

Date: 06. 07. 04