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**PART 1 OF 3**

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*The closing time is 15:00 sharp on the following days:*

- 27 December 2018, Thursday for the issue of Friday 04 January 2019
- 04 January, Friday for the issue of Friday 11 January 2019
- 11 January, Friday for the issue of Friday 18 January 2019
- 18 January, Friday for the issue of Friday 25 January 2019
- 25 January, Friday for the issue of Friday 01 February 2019
- 01 February, Friday for the issue of Friday 08 February 2019
- 08 February, Friday for the issue of Friday 15 February 2019
- 15 February, Friday for the issue of Friday 22 February 2019
- 22 February, Friday for the issue of Friday 01 March 2019
- 01 March, Friday for the issue of Friday 08 March 2019
- 08 March, Friday for the issue of Friday 15 March 2019
- 14 March, Thursday for the issue of Friday 22 March 2019
- 22 March, Friday for the issue of Friday 29 March 2019
- 29 March, Friday for the issue of Friday 05 April 2019
- 05 April, Friday for the issue of Friday 12 April 2019
- 11 April, Thursday for the issue of Thursday 18 April 2019
- 17 April, Wednesday for the issue of Friday 26 April 2019
- 25 April, Thursday for the issue of Friday 03 May 2019
- 03 May, Friday for the issue of Friday 10 May 2019
- 10 May, Friday for the issue of Friday 17 May 2019
- 17 May, Friday for the issue of Friday 24 May 2019
- 24 May, Friday for the issue of Friday 31 May 2019
- 31 May, Friday for the issue of Friday 07 June 2019
- 07 June, Friday for the issue of Friday 14 June 2019
- 13 June, Thursday for the issue of Friday 21 June 2019
- 21 June, Friday for the issue of Friday 28 June 2019
- 28 June, Friday for the issue of Friday 05 July 2019
- 05 July, Friday for the issue of Friday 12 July 2019
- 12 July, Friday for the issue of Friday 19 July 2019
- 19 July, Friday for the issue of Friday 26 July 2019
- 26 July, Friday for the issue of Friday 02 August 2019
- 01 August, Thursday for the issue of Friday 08 August 2019
- 08 August, Thursday for the issue of Friday 16 August 2019
- 16 August, Friday for the issue of Friday 23 August 2019
- 23 August, Friday for the issue of Friday 30 August 2019
- 30 August, Friday for the issue of Friday 06 September 2019
- 06 September, Friday for the issue of Friday 13 September 2019
- 13 September, Friday for the issue of Friday 20 September 2019
- 19 September, Thursday for the issue of Friday 27 September 2019
- 27 September, Friday for the issue of Friday 04 October 2019
- 04 October, Friday for the issue of Friday 11 October 2019
- 11 October, Friday for the issue of Friday 18 October 2019
- 18 October, Friday for the issue of Friday 25 October 2019
- 25 October, Friday for the issue of Friday 01 November 2019
- 01 November, Friday for the issue of Friday 08 November 2019
- 08 November, Friday for the issue of Friday 15 November 2019
- 15 November, Friday for the issue of Friday 22 November 2019
- 22 November, Friday for the issue of Friday 29 November 2019
- 29 November, Friday for the issue of Friday 06 December 2019
- 06 December, Friday for the issue of Friday 13 December 2019
- 12 December, Thursday for the issue of Friday 20 December 2019
- 18 December, Wednesday for the issue of Friday 27 December 2019

















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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES****NO. 433****22 MARCH 2019****NOMINATION OF CANDIDATES FOR APPOINTMENT TO THE AGRICULTURAL PRODUCE AGENTS COUNCIL (APAC): AGRICULTURAL PRODUCE AGENTS ACT 1992, (ACT NO. 12 OF 1992)**

The Minister of Agriculture, Forestry and Fisheries hereby invites nominations of suitable persons to be considered for appointment as members of the Agricultural Produce Agents Council (APAC).

The objects of APAC are to regulate the occupations of fresh produce, export and livestock agents and to maintain and enhance the status and dignity of those occupations and the integrity of persons practicing those occupations.

Nominations are hereby called for persons representing the following:

- Livestock Agent (1)
- Export Agent (1)
- The Minister (1)

Nominees should indicate for which category they wish to be considered and a written acceptance of the nomination by the nominee, together with a copy of ID document, a comprehensive Curriculum Vitae, **documentary proof of all qualifications** and a declaration that he or she is not disqualified to serve on the Council in terms of section 3(7) of the above-mentioned Act, should accompany each nomination.

The nomination of candidates to enhance representivity in terms of race and gender are encouraged.

Members of the Council shall be paid such remuneration or allowances from the funds of the Council, as the Council may determine.

Members are appointed for a maximum of three years in terms of section 3(1) of the Act.

Suitable candidates will be subjected to a personnel suitability check regarding citizenship, qualification (s) and criminal record verification.

Nominations should reach the following address on or before 05 April 2019.

Director: DG Office Support  
Department of Agriculture, Forestry and Fisheries  
Private Bag X250  
PRETORIA  
0001

Nominations should be marked for the attention of Ms M. van Rooyen at telephone number (012) 319-6907. e-mail: [MarionVR@daff.gov.za](mailto:MarionVR@daff.gov.za).

## DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES

NO. 434

22 MARCH 2019

## CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT No.43 of 1983)

DECLARATION OF *SERIPHIMUM PLUMOSUM* "BANKRUPT BUSH" IN ALL PROVINCES OF THE REPUBLIC  
OF SOUTH AFRICA, FOR PUBLICATION UNDER THE CONSERVATION OF AGRICULTURAL RESOURCES  
ACT, ACT 43 of 1983 (CARA)

## NOTICE FOR PUBLIC

I, Senzeni Zokwana, Minister for Agriculture, Forestry and Fisheries, under the powers vested in me by Section 29 and Section 2 (3) of the Conservation of Agricultural Resources Act, Act no 43 of 1983 (CARA) hereby declare with immediate effect the *Seriphium plumosum* commonly known as Bankrupt bush as an indicator of bush encroachment in all provinces of South Africa.



SENZENI ZOKWANA

MINISTER FOR AGRICULTURE, FORESTRY AND FISHERIES

**CONSERVATION OF AGRICULTURAL RESOURCES ACT, 1983 (ACT No.43 of 1983)****DECLARATION OF *SERIPHIMUM PLUMOSUM* "BANKRUPT BUSH" IN ALL PROVINCES OF THE REPUBLIC OF SOUTH AFRICA, FOR PUBLICATION UNDER THE CONSERVATION OF AGRICULTURAL RESOURCES ACT, ACT 43 of 1983 (CARA)****NOTICE TO PUBLIC****PURPOSE**

1. The purpose of this notice is to inform the public and all interested and affected parties of the declaration of *Seriphium plumosum* commonly known as Bankrupt bush as an indicator of bush encroachment in all provinces of South Africa.

**DEFINITIONS**

2. In this notice, any word or expression to which a meaning has been assigned in the Act shall have the same meaning so assigned, and unless the context otherwise indicates –

**"The Act"** means the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)

**"CARA"** refers to the Conservation of Agricultural Resources Act, 1983 (Act 43 of 1983)

**"Bankrupt bush"** refers to "*Seriphium plumosum*", which belongs to the plant family Asteraceae. The name *Seriphium* is derived from *seriph*, a stroke or line of a letter; *plumosum* means feathery. *Seriphium plumosum* previously known as *Stoebe vulgaris* (also known as bankrupt bush, Slangbos, Vaalbos or Khoi-kooigoed is indigenous to South Africa. Bankrupt bush has become a problem in most parts of South Africa where it proliferates and densifies in grasslands.

**GAZETTE INCLUDES:**

3. The declaration of the *Seriphium plumosum* commonly known as Bankrupt bush or Slangbos and former known as *Stoebe vulgaris* is hereby made applicable to all Provinces of the Republic of South Africa.

**3.1 The declaration of Bankrupt bush in all Provinces of South Africa**

- 3.1.1 This declaration is made in terms of Section 2(3) which reads: " the Minister may by regulation declare any plant to be a weed or an invader plant for the purposes of this Act, either throughout the Republic or in one or more areas therein".
- 3.1.2 This declaration covers all provinces in South Africa to enable regulation and combating of bankrupt bush to adhere to the department's responsibility as prescribed under Regulation 16 of the Conservation of Agricultural Resources Act, Act 43 of 1983.
- 3.1.3 This declaration extends an old declaration on Table 4 of Bankrupt bush in North West and Free State due to latest infestations that has densified in all provinces although infestations are still minimal in Western Cape and Northern Cape compared to other provinces.

For more information please contact the Executive Officer of the Conservation of Agricultural Resources Act, Act No. 43 of 1983 (CARA), using the details below:

The Director: Land Use and Soil Management, Attention Ms RL Bosoga.

Post to: Private Bag X 120, Pretoria, 0001; or

Deliver To: 244 Delpen Building, Corner Annie Botha and Union Street, Riviera, Pretoria; or Enquiries may be sent to: [LydiaB@daff.gov.za](mailto:LydiaB@daff.gov.za) or call (012) 319 7686; alternatively to: [MpumeN@daff.gov.za](mailto:MpumeN@daff.gov.za) or call (012) 319 7567

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 435

22 MARCH 2019

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)****NOTICE OF IDENTIFICATION, IN TERMS OF SECTION 24(5) OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998, OF A GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME RELEVANT TO AN APPLICATION FOR SUBSTATION AND OVERHEAD ELECTRICITY TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE WHICH REQUIRE ENVIRONMENTAL AUTHORISATION AS IDENTIFIED IN TERMS OF SECTION 24(2) OF THE ACT**

I, Nomvula Paula Mokonyane, Minister of Environmental Affairs, hereby publish, in terms of section 24(5) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (the Act); Regulations 19(4) and 23(4) of the Environmental Impact Assessment Regulations, 2014, as amended; as well as Appendix 4 to such Regulations, the generic environmental management programme relevant to an application for environmental authorisation for substation and overhead electricity transmission and distribution infrastructure as identified in terms of section 24(2)(a) of the Act and which require environmental authorisation for activity 11 or 47 of Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, or for activity 9 of Environmental Impact Assessment Regulations Listing Notice 2 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such infrastructure, as set out in the Schedule hereto.



**NOMVULA PAULA MOKONYANE  
MINISTER OF ENVIRONMENTAL AFFAIRS**

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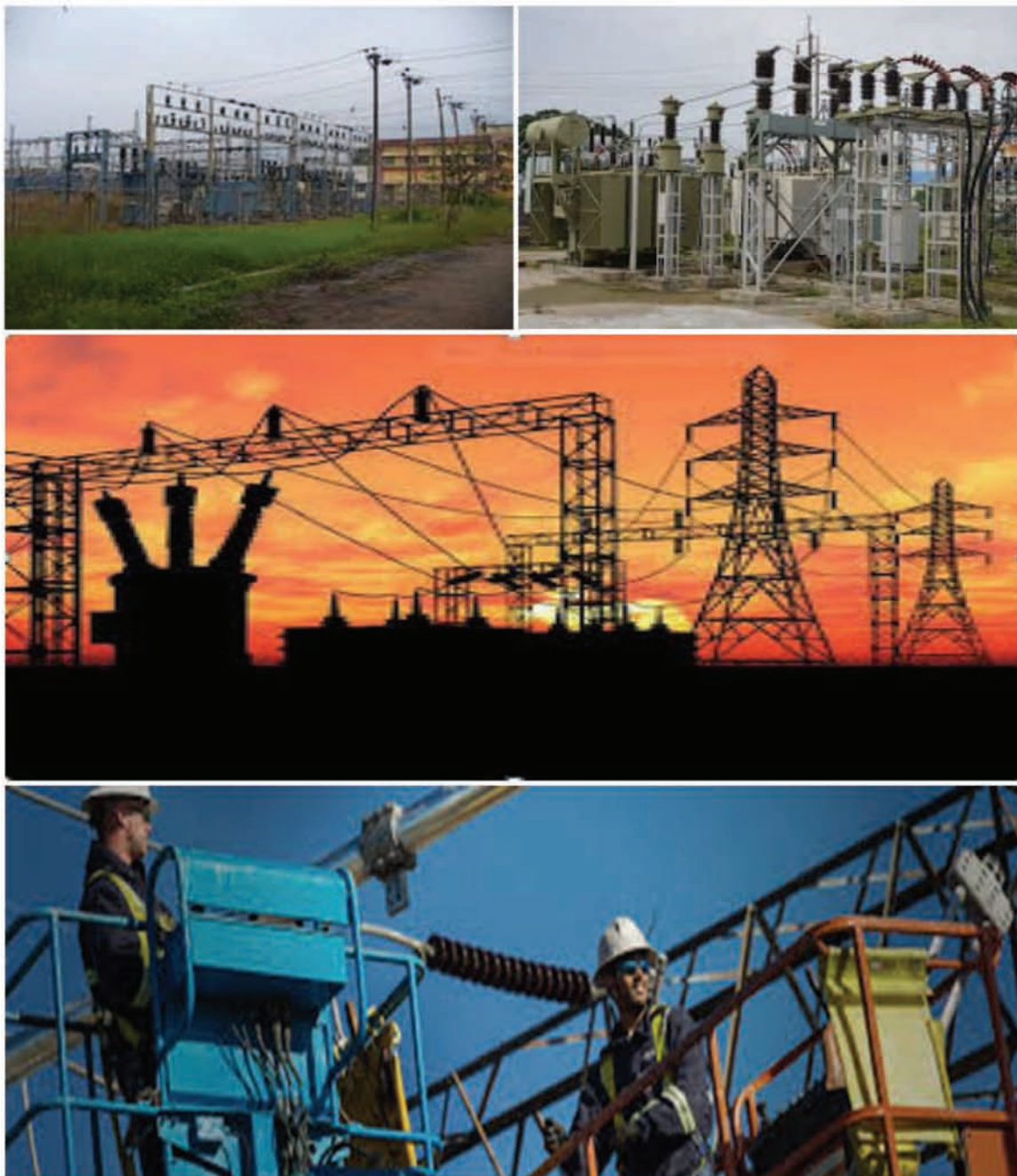
## SCHEDULE

I hereby give Notice that applications for environmental authorisation for substation and overhead electricity transmission and distribution infrastructure, when such facilities trigger—

- activity 11 or 47 of Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and any other listed and specified activities necessary for the realisation of such facilities; or
- activity 9 of Environmental Impact Assessment Regulations Listing Notice 2 of 2014, as amended and any other listed or specified activities necessary for the realisation of such facilities;

must use the generic Environmental Management Programme, contemplated in Regulations 19(4), 23(4) and Appendix 4 to the Environmental Impact Assessment Regulations, 2014, as amended. The generic Environmental Management Programme for substation infrastructure for electricity transmission and distribution is set out in Appendix 1 and the generic Environmental Management Programme for overhead electricity transmission and distribution infrastructure is set out in Appendix 2.

APPENDIX 1  
GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE  
DEVELOPMENT AND EXPANSION OF SUBSTATION INFRASTRUCTURE FOR THE  
TRANSMISSION AND DISTRIBUTION OF ELECTRICITY



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA



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## **INTRODUCTION**

### **1. Background**

The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) requires that an environmental management programme (EMPr) be submitted where an environmental impact assessment (EIA) has been identified as the environmental instrument to be utilised as the basis for a decision on an application for environmental authorisation (EA). The content of an EMPr must either contain the information set out in Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended (EIA Regulations) or must be a generic EMPr relevant to an application as identified and gazetted by the Minister in a government notice. Once the Minister has identified, through a government notice that a generic EMPr is relevant to an application for EA, that generic EMPr must be applied by all parties involved in the EA process, including but not limited to the applicant and the competent authority (CA).

### **2. Purpose**

This document constitutes a generic EMPr relevant to applications for the development or expansion of substation infrastructure for the transmission and distribution of electricity, and all listed and specified activities necessary for the realisation of such infrastructure.

### **3. Objective**

The objective of this generic EMPr is to prescribe and pre-approve generally accepted impact management outcomes and impact management actions, which can commonly and repeatedly be used for the avoidance, management and mitigation of impacts and risks associated with the development or expansion of substation infrastructure for the transmission and distribution of electricity. The use of a generic EMPr is intended to reduce the need to prepare and review individual EMPrs for applications of a similar nature.

### **4. Scope**

The scope of this generic EMPr applies to the development or expansion of substation infrastructure for the transmission and distribution of electricity requiring EA in terms of NEMA. This generic EMPr applies to activities requiring EA, mainly activity 11 and 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and activity 9 of the Environmental Impact Assessment Regulations Listing Notice 2 of 2014, as amended, and all associated listed or specified activities necessary for the realization of such infrastructure.

## 5. Structure of this document

This document is structured in three parts with an Appendix as indicated in the table below:

Part	Section	Heading	Content
A		Provides general guidance and information and is <b>not legally binding</b>	Definitions, acronyms, roles & responsibilities and documentation and reporting.
B	1	Pre-approved generic EMPr template	<p>Contains generally accepted impact management outcomes and impact management actions required for the avoidance, management and mitigation of impacts and risks associated with the development or expansion of substation infrastructure for the transmission and distribution of electricity, which are presented in the form of a template that has been pre-approved.</p> <p>The template in this section is to be completed by the contractor, with each completed page signed and dated by the holder of the EA prior to commencement of the activity.</p> <p>Where an impact management outcome is not relevant, the words "not applicable" can be inserted in the template under the "responsible persons" column.</p> <p>Once completed and signed, the template represents the EMPr for the activity approved by the CA and is legally binding. The template <b>is not required</b> to be submitted to the CA as once the generic EMPr is gazetted for implementation, it has been approved by the CA.</p> <p>To allow interested and affected parties access to the pre-approved EMPr template for consideration through the decision-making process, the EAP on behalf of the applicant /proponent must make the hard copy of this EMPr available at a public location and where the applicant has a website, the EMPr should also be made available on such publicly accessible website.</p>
	2	Site specific information	Contains preliminary infrastructure layout and a declaration that the applicant/holder of the EA

Part	Section	Heading	Content
			<p>will comply with the pre-approved generic EMPr template contained in <u>Part B: Section 1</u>, and understands that the impact management outcomes and impact management actions are <b>legally binding</b>. The preliminary infrastructure layout must be finalized to inform the final EMPr that is to be submitted with the basic assessment report (BAR) or environmental impact assessment report (EIAR), ensuring that all impact management outcomes and impact management actions have been either pre-approved or approved in terms of <u>Part C</u>.</p> <p>This section <b>must be</b> submitted to the CA together with the final BAR or EIAR. The information submitted to the CA will be considered to be incomplete should a signed copy of <u>Part B: section 2</u> not be submitted. Once approved, this Section forms part of the EMPr for the development and is legally binding.</p>
C		Site specific sensitivities/ attributes	<p>If any specific environmental sensitivities/ attributes are present on the site which require site specific impact management outcomes and impact management actions, not included in the pre-approved generic EMPr, to manage impacts, these specific impact management outcomes and impact management actions must be included in this section. These specific environmental attributes must be referenced spatially and impact management outcomes and impact management actions must be provided. These specific impact management outcomes and impact management actions must be presented in the format of the pre-approved EMPr template (<u>Part B: section 1</u>)</p> <p>This section will not be required should the site contain no specific environmental sensitivities or attributes. However, if <u>Part C</u> is applicable to the site, it <b>is required</b> to be submitted together with the BAR or EIAR, for consideration of, and decision on, the application for EA. The information in this section must be prepared by an EAP and must contain his/her name and expertise including a curriculum vitae. Once</p>

Part	Section	Heading	Content
			<p>approved, Part C forms part of the EMPr for the site and is legally binding.</p> <p>This section applies only to <b>additional</b> impact management outcomes and impact management actions that are necessary for the avoidance, management and mitigation of impacts and risks associated with the specific development or expansion and which are not already included in <u>Part B: section 1</u>.</p>
Appendix 1			Contains the method statements to be prepared prior to commencement of the activity. The method statements are <b>not required</b> to be submitted to the competent authority.

#### 6. Completion of part B: section 1: the pre-approved generic EMPr template

The template is to be completed prior to commencement of the activity, by providing the following information for each environmental impact management action:

- For implementation
  - a 'responsible person',
  - a method for implementation,
  - a timeframe for implementation
- For monitoring
  - a responsible person
  - frequency
  - evidence of compliance.

The completed template must be signed and dated by the holder of the EA prior to commencement of the activity. The method statements prepared and agreed to by the holder of the EA must be appended to the template as Appendix 1. Each method statement must be signed and dated on each page by the holder of the EA. This template once signed and dated is legally binding. The holder of the EA will remain responsible for its implementation.

#### 7. Amendments of the impact management outcomes and impact management actions

Once the activity has commenced, a holder of an EA may make amendments to the impact management outcomes and impact management actions in the following manner:

- Amendment of the impact management outcomes: in line with the process contemplated in Regulation 37 of the EIA Regulations; and
- Amendment of the impact management actions: in line with the process contemplated in Regulation 36 of the EIA Regulations.

## **8. Documents to be submitted as part of part B: section 2 site specific information and declaration**

Part B: Section 2 has three distinct sub-sections. The first and third sub-sections are in a template format. Sub-section two requires a map to be produced.

Sub-section 1 contains the project name, the applicant's name and contact details, the site information, which includes coordinates of the property or farm in which the proposed substation infrastructure is proposed as well as the 21-digit Surveyor General code of each cadastral land parcel and, where available, the farm name.

Sub-section 2 is to be prepared by an EAP and must contain his/her name and expertise including a curriculum vitae. This sub-section must include a map of the site sensitivity overlaid with the preliminary infrastructure layout using the national web based environmental screening tool, when available for compulsory use at: <https://screening.environment.gov.za/screeningtool>. The sensitivity map shall identify the nature of each sensitive feature e.g. threatened plant species, archaeological site, etc. Sensitivity maps shall identify features both within the planned working area and any known sensitive features and within 50 m from the development footprint.

Sub-section 3 is the declaration that the applicant (s)/proponent (s) or holder of the EA in the case of a change of ownership must complete which confirms that the applicant/EA holder will comply with the pre-approved 'generic EMPr' template in Section 1 and understands that the impact management outcomes and impact management actions are legally binding.

### **(a) Amendments to Part B: Section 2 – site specific information and declaration**

Should the EA be transferred, Part B: Section 2 must be completed by the new applicant/proponent and submitted with the application for an amendment of the EA in terms of regulations 29 or 31 of the EIA Regulations, whichever applies. The information submitted as part of such an application for an amendment to an EA will be considered to be incomplete should a signed copy of Part B: Section 2 not be submitted. Once approved, Part B: Section 2 forms part of the EMPr for the development and the EMPr becomes legally binding to the new EA holder.



## PART A – GENERAL INFORMATION

### 1. DEFINITIONS

In this EMPr any word or expression to which a meaning has been assigned in the NEMA or EIA Regulations has that meaning, and unless the context requires otherwise –

**"clearing"** means the clearing and removal of vegetation, whether partially or in whole, including trees and shrubs, as specified;

**"construction camp"** is the area designated for key construction infrastructure and services, including but not limited to offices, overnight vehicle parking areas, stores, the workshop, stockpile and lay down areas, hazardous storage areas (including fuels), the batching plant (if one is located at the construction camp), designated access routes, equipment cleaning areas and the placement of staff accommodation, cooking and ablution facilities, waste and wastewater management;

**"contractor"** - The Contractor has overall responsibility for ensuring that all work, activities, and actions linked to the delivery of the contract, are in line with the Environmental Management Programme and that Method Statements are implemented as described.

**"hazardous substance"** is a substance governed by the Hazardous Substances Act, 1973 (Act No. 15 of 1973) as well as the Hazardous Chemical and Substances Regulations, 1995;

**"method statement"** means a written submission by the Contractor to the Project Manager in response to this EMPr or a request by the Project Manager and ECO. The method statement must set out the equipment, materials, labour and method(s) the Contractor proposes using to carry out an activity identified by the Project Manager when requesting the Method Statement. This must be done in such detail that the Project Manager and ECO is able to assess whether the Contractor's proposal is in accordance with this specification and/or will produce results in accordance with this specification;

The method statement must cover as a minimum applicable details with regard to:

- (i) Construction procedures;
- (ii) Plant, materials and equipment to be used;
- (iii) Transporting the equipment to and from site;
- (iv) How the plant/ material/ equipment will be moved while on site;
- (v) How and where the plant/ material/ equipment will be stored;
- (vi) The containment (or action to be taken if containment is not possible) of leaks or spills of any liquid or material that may occur;
- (vii) Timing and location of activities;
- (viii) Compliance/ non-compliance; and
- (ix) Any other information deemed necessary by the Project Manager.

**"slope"** means the inclination of a surface expressed as one unit of rise or fall for so many horizontal units;

**“solid waste”** means all solid waste, including construction debris, hazardous waste, excess cement/concrete, wrapping materials, timber, cans, drums, wire, nails, food and domestic waste (e.g. plastic packets and wrappers);

**“spoil”** means excavated material which is unsuitable for use as material in the construction works or is material which is surplus to the requirements of the construction works;

**“topsoil”** means a varying depth (up to 300 mm) of the soil profile irrespective of the fertility, appearance, structure, agricultural potential, fertility and composition of the soil;

**“works”** means the works to be executed in terms of the Contract

## 2. ACRONYMS and ABBREVIATIONS

<b>CA</b>	Competent Authority
<b>cEO</b>	Contractors Environmental Officer
<b>dEO</b>	Developer Environmental Officer
<b>DPM</b>	Developer Project Manager
<b>DSS</b>	Developer Site Supervisor
<b>EAR</b>	Environmental Audit Report
<b>ECA</b>	Environmental Conservation Act No. 73 of 1989
<b>ECO</b>	Environmental Control Officer
<b>EA</b>	Environmental Authorisation
<b>EIA</b>	Environmental Impact Assessment
<b>ERAP</b>	Emergency Response Action Plan
<b>EMPr</b>	Environmental Management Programme Report
<b>EAP</b>	Environmental Assessment Practitioner
<b>FPA</b>	Fire Protection Agency
<b>HCS</b>	Hazardous chemical Substance
<b>NEMA</b>	National Environmental Management Act, 1998 (Act No. 107 of 1998)
<b>NEMBA</b>	National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
<b>NEMWA</b>	National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
<b>MSDS</b>	Material Safety Data Sheet
<b>RI&amp;AP's</b>	Registered Interested and affected parties

### 3. ROLES AND RESPONSIBILITIES FOR ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) IMPLEMENTATION

The effective implementation of this generic EMPr is dependent on established and clear roles, responsibilities and reporting lines within an institutional framework. This section of the EMPr gives guidance to the various environmental roles and reporting lines, however, project specific requirements will ultimately determine the need for the appointment of specific person(s) to undertake specific roles and or responsibilities. As such, it must be noted that in the event that no specific person, for example, an environmental control officer (ECO) is appointed, the holder of the EA remains responsible for ensuring that the duties indicated in this document for action by the ECO are undertaken.

**Table 1:** *Guide to roles and responsibilities for implementation of an EMPr*

Responsible Person(s)	Role and Responsibilities
Developer's Project Manager (DPM)	<p><u>Role</u></p> <p>The Project Developer is accountable for ensuring compliance with the EMPr and any conditions of approval from the competent authority (CA). Where required, an environmental control officer (ECO) must be contracted by the Project Developer to objectively monitor the implementation of the EMPr according to relevant environmental legislation, and the conditions of the environmental authorisation (EA). The Project Developer is further responsible for providing and giving mandate to enable the ECO to perform responsibilities, and he must ensure that the ECO is integrated as part of the project team while remaining independent.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Be fully conversant with the conditions of the EA;</li> <li>- Ensure that all stipulations within the EMPr are communicated and adhered to by the Developer and its Contractor(s);</li> <li>- Issuing of site instructions to the Contractor for corrective actions required;</li> <li>- Monitor the implementation of the EMPr throughout the project by means of site inspections and meetings. Overall management of the project and EMPr implementation; and</li> <li>- Ensure that periodic environmental performance audits are undertaken on the project implementation.</li> </ul>

Responsible Person(s)	Role and Responsibilities
Developer Site Supervisor (DSS)	<p><u>Role</u></p> <p>The DSS reports directly to the DPM, oversees site works, liaises with the contractor(s) and the ECO. The DSS is responsible for the day to day implementation of the EMPr and for ensuring the compliance of all contractors with the conditions and requirements stipulated in the EMPr.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Ensure that all contractors identify a contractor's Environmental Officer (cEO);</li> <li>- Must be fully conversant with the conditions of the EA. Oversees site works, liaison with Contractor, DPM and ECO;</li> <li>- Must ensure that all landowners have the relevant contact details of the site staff, ECO and cEO;</li> <li>- Issuing of site instructions to the Contractor for corrective actions required;</li> <li>- Will issue all non-compliances to contractors; and</li> <li>- Ratify the Monthly Environmental Report.</li> </ul>
Environmental Control Officer (ECO)	<p><u>Role</u></p> <p>The ECO should have appropriate training and experience in the implementation of environmental management specifications. The primary role of the ECO is to act as an independent quality controller and monitoring agent regarding all environmental concerns and associated environmental impacts. In this respect, the ECO is to conduct periodic site inspections, attend regular site meetings, pre-empt problems and suggest mitigation and be available to advise on incidental issues that arise. The ECO is also required to conduct compliance audits, verifying the monitoring reports submitted by the cEO. The ECO provides feedback to the DSS and Project Manager regarding all environmental matters. The Contractor, cEO and dEO are answerable to the Environmental Control Officer for non-compliance with the Performance Specifications as set out in the EA and EMPr.</p> <p>The ECO provides feedback to the DSS and Project Manager, who in turn reports back to the Contractor and potential and Registered Interested &amp; Affected Parties' (RI&amp;AP's), as required. Issues of non-compliance raised by the ECO must be taken up by the Project Manager, and resolved with the Contractor as per the conditions of his contract. Decisions regarding environmental procedures, specifications and requirements which have a cost implication (i.e. those that are deemed to be a variation, not allowed for in the</p>

Responsible Person(s)	Role and Responsibilities
	<p>Performance Specification) must be endorsed by the Project Manager. The ECO must also, as specified by the EA, report to the relevant CA as and when required.</p> <p><u>Responsibilities</u></p> <p>The responsibilities of the ECO will include the following:</p> <ul style="list-style-type: none"> <li>- Be aware of the findings and conclusions of all EA related to the development;</li> <li>- Be familiar with the recommendations and mitigation measures of this EMPr;</li> <li>- Be conversant with relevant environmental legislation, policies and procedures, and ensure compliance with them;</li> <li>- Undertake regular and comprehensive site inspections / audits of the construction site according to the generic EMPr and applicable licenses in order to monitor compliance as required;</li> <li>- Educate the construction team about the management measures contained in the EMPr and environmental licenses;</li> <li>- Compilation and administration of an environmental monitoring plan to ensure that the environmental management measures are implemented and are effective;</li> <li>- Monitoring the performance of the Contractors and ensuring compliance with the EMPr and associated Method Statements;</li> <li>- In consultation with the Developer Site Supervisor order the removal of person(s) and/or equipment which are in contravention of the specifications of the EMPr and/or environmental licenses;</li> <li>- Liaison between the DPM, Contractors, authorities and other lead stakeholders on all environmental concerns;</li> <li>- Compile a regular environmental audit report highlighting any non-compliance issues as well as satisfactory or exceptional compliance with the EMPr;</li> <li>- Validating the regular site inspection reports, which are to be prepared by the contractor Environmental Officer (cEO);</li> <li>- Checking the cEO's record of environmental incidents (spills, impacts, legal transgressions etc.) as well as corrective and preventive actions taken;</li> <li>- Checking the cEO's public complaints register in which all complaints are recorded, as well as action taken;</li> </ul>

Responsible Person(s)	Role and Responsibilities
	<ul style="list-style-type: none"> <li>- Assisting in the resolution of conflicts;</li> <li>- Facilitate training for all personnel on the site – this may range from carrying out the training, to reviewing the training programmes of the Contractor;</li> <li>- In case of non-compliances, the ECO must first communicate this to the Senior Site Supervisor, who has the power to ensure this matter is addressed. Should no action or insufficient action be taken, the ECO may report this matter to the authorities as non-compliance;</li> <li>- Maintenance, update and review of the EMPr;</li> <li>- Communication of all modifications to the EMPr to the relevant stakeholders.</li> </ul>
developer Environmental Officer (dEO)	<p><u>Role</u></p> <p>The dEOs will report to the Project Manager and are responsible for implementation of the EMPr, environmental monitoring and reporting, providing environmental input to the Project Manager and Contractor's Manager, liaising with contractors and the landowners as well as a range of environmental coordination responsibilities.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Be fully conversant with the EMPr;</li> <li>- Be familiar with the recommendations and mitigation measures of this EMPr, and implement these measures;</li> <li>- Ensure that all stipulations within the EMPr are communicated and adhered to by the Employees, Contractor(s) ;</li> <li>- Confine the development site to the demarcated area;</li> <li>- Conduct environmental internal audits with regards to EMPr and authorisation compliance (on cEO);</li> <li>- Assist the contractors in addressing environmental challenges on site;</li> <li>- Assist in incident management:</li> <li>- Reporting environmental incidents to developer and ensuring that corrective action is taken, and lessons learnt shared;</li> <li>- Assist the contractor in investigating environmental incidents and compile investigation reports;</li> <li>- Follow-up on pre-warnings, defects, non-conformance reports;</li> </ul>

Responsible Person(s)	Role and Responsibilities
	<ul style="list-style-type: none"> <li>- Measure and communicate environmental performance to the Contractor;</li> <li>- Conduct environmental awareness training on site together with ECO and cEO;</li> <li>- Ensure that the necessary legal permits and / or licenses are in place and up to date;</li> <li>- Acting as Developer's Environmental Representative on site and work together with the ECO and contractor;</li> </ul>
Contractor	<p><u>Role</u></p> <p>The Contractor appoints the cEO and has overall responsibility for ensuring that all work, activities, and actions linked to the delivery of the contract are in line with the EMPr and that Method Statements are implemented as described. External contractors must ensure compliance with this EMPr while performing the onsite activities as per their contract with the Project Developer. The contractors are required, where specified, to provide Method Statements setting out in detail how the impact management actions contained in the EMPr will be implemented during the development or expansion of substation infrastructure for the transmission and distribution of electricity activities.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- project delivery and quality control for the development services as per appointment;</li> <li>- employ a suitably qualified person to monitor and report to the Project Developer's appointed person on the daily activities on-site during the construction period;</li> <li>- ensure that safe, environmentally acceptable working methods and practices are implemented and that equipment is properly operated and maintained, to facilitate proper access and enable any operation to be carried out safely;</li> <li>- attend on site meeting(s) prior to the commencement of activities to confirm the procedure and designated activity zones;</li> <li>- ensure that contractors' staff repair, at their own cost, any environmental damage as a result of a contravention of the specifications contained in EMPr, to the satisfaction of the ECO.</li> </ul>

Responsible Person(s)	Role and Responsibilities
contractor Environmental Officer (cEO)	<p><u>Role</u></p> <p>Each Contractor affected by the EMPr should appoint a cEO, who is responsible for the on-site implementation of the EMPr (or relevant sections of the EMPr). The Contractor's representative can be the site agent; site engineer; a dedicated environmental officer; or an independent consultant. The Contractor must ensure that the Contractor's Representative is suitably qualified to perform the necessary tasks and is appointed at a level such that she/he can interact effectively with other site Contractors, labourers, the Environmental Control Officer and the public. As a minimum the cEO shall meet the following criteria:</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Be on site throughout the duration of the project and be dedicated to the project;</li> <li>- Ensure all their staff are aware of the environmental requirements, conditions and constraints with respect to all of their activities on site;</li> <li>- Implementing the environmental conditions, guidelines and requirements as stipulated within the EA, EMPr and Method Statements;</li> <li>- Attend the Environmental Site Meeting;</li> <li>- Undertaking corrective actions where non-compliances are registered within the stipulated timeframes;</li> <li>- Report back formally on the completion of corrective actions;</li> <li>- Assist the ECO in maintaining all the site documentation;</li> <li>- Prepare the site inspection reports and corrective action reports for submission to the ECO;</li> <li>- Assist the ECO with the preparing of the monthly report; and</li> <li>- Where more than one Contractor is undertaking work on site, each company appointed as a Contractor will appoint a cEO representing that company.</li> </ul>



#### 4. ENVIRONMENTAL DOCUMENTATION REPORTING AND COMPLIANCE

To ensure accountable and demonstrated implementation of the EMPr, a number of reporting systems, documentation controls and compliance mechanisms must be in place for all substation infrastructure projects as a minimum requirement.

##### 4.1 Document control/Filing system

The holder of the EA is solely responsible for the upkeep and management of the EMPr file. As a minimum, all documentation detailed below will be stored in the EMPr file. A hard copy of all documentation shall be filed, while an electronic copy may be kept where relevant. A duplicate file will be maintained in the office of the DSS (where applicable). This duplicate file must remain current and up-to-date. The filing system must be updated and relevant documents added as required. The EMPr file must be made available at all times on request by the CA or other relevant authorities. The EMPr file will form part of any environmental audits undertaken as prescribed in the EIA Regulations.

##### 4.2 Documentation to be available

At the outset of the project the following preliminary list of documents shall be placed in the filing system and be accessible at all times:

- Full copy of the signed EA from the CA in terms of NEMA, granting approval for the development or expansion;
- Copy of the generic and site specific EMPr as well as any amendments thereof;
- Copy of declaration of implementing generic EMPr and subsequent approval of site specific EMPr and amendments thereof;
- All method statements;
- Completed environmental checklists;
- Minutes and attendance register of environmental site meetings;
- An up-to-date environmental incident log;
- A copy of all instructions or directives issued;
- A copy of all corrective actions signed off. The corrective actions must be filed in such a way that a clear reference is made to the non-compliance record;
- Complaints register.

##### 4.3 Weekly Environmental Checklist

The ECOs are required to complete a Weekly Environmental Checklist, the format of which is to be agreed prior to commencement of the activity. The ECOs are required to sign and date the checklist, retain a copy in the EMPr file and submit a copy of the completed checklist to the DSS on a weekly basis.

The checklists will form the basis for the Monthly Environmental Reports. Copies of all completed checklists will be attached as Annexures to the Environmental Audit Report as required in terms of the EIA Regulations.

#### 4.4 Environmental site meetings

Minutes of the environmental site meetings shall be kept. The minutes must include an attendance register and will be attached to the Monthly Report that is distributed to attendees. Each set of minutes must clearly record "Matters for Attention" that will be reviewed at the next meeting.

#### 4.5 Required Method Statements

The method statement will be done in such detail that the ECOs are enabled to assess whether the contractor's proposal is in accordance with the EMPr.

The method statement must cover applicable details with regard to:

- development procedures;
- materials and equipment to be used;
- getting the equipment to and from site;
- how the equipment/ material will be moved while on site;
- how and where material will be stored;
- the containment (or action to be taken if containment is not possible) of leaks or spills of any liquid or material that may occur;
- timing and location of activities;
- compliance/ non-compliance with the EMPr; and
- any other information deemed necessary by the ECOs.

Unless indicated otherwise by the Project Manager, the Contractor shall provide the following method statements to the Project Manager no less than 14 days prior to the commencement date of the activity:

- Site establishment – Camps, Lay-down or storage areas, satellite camps, infrastructure;
- Batch plants;
- Workshop or plant servicing;
- Handling, transport and storage of Hazardous Chemical Substance's;
- Vegetation management – Protected, clearing, aliens, felling;
- Access management – Roads, gates, crossings etc.;
- Fire plan;
- Waste management – transport, storage, segregation, classification, disposal (all waste streams);
- Social interaction – complaints management, compensation claims, access to properties etc.;
- Water – use (source, abstraction and disposal), access and all related information, crossings and mitigation;
- Emergency preparedness – Spills, training, other environmental emergencies;
- Dust and noise management methodologies;
- Fauna interaction and risk management – only if the risk was identified – wildlife interaction especially on game farms; and
- Heritage and palaeontology management.

The ECOs shall monitor and ensure that the contractors perform in accordance with these method statements. Completed and agreed method statements between the holder of the EA and the contractor shall be captured in Appendix 1.

#### 4.6 Environmental Incident Log (Diary)

The ECOs are required to maintain an up-to-date and current Environmental Incident Log (environmental diary). The Environmental Incident Log is a means to record all environmental incidents and/or all non-compliance notice would not be issued. An environmental incident is defined as:

- Any deviation from the listed impact management actions (listed in this EMPr) that may be addressed immediately by the ECOs. (For example a contractor's staff member littering or a drip tray that has not been emptied);
- Any environmental impact resulting from an action or activity by a contractor in contravention of the environmental stipulations and guidelines listed in the EMPr which as a single event would have a minor impact but which if cumulative and continuous would have a significant effect (for example no toilet paper available in the ablutions for an afternoon); and
- General environmental information such as road kills or injured wildlife.

The ECOs are to record all environmental incidents in the Environmental Incident Log. All incidents regardless of severity must be reported to the Developer. The Log is to be kept in the EMPr file and at a minimum the following will be recorded for each environmental incident:

- The date and time of the incident;
- Description of the incident;
- The name of the Contractor responsible;
- The incident must be listed as significant or minor;
- If the incident is listed as significant, a non-compliance notice must be issued, and recorded in the log;
- Remedial or corrective action taken to mitigate the incident; and
- Record of repeat minor offences by the same contractor or staff member.

The Environmental Incident Log will be captured in the EAR.

#### 4.7 Non-compliance

A non-compliance notice will be issued to the responsible contractor by the ECOs via the DSS or Project Manager. The non-compliance notice will be issued in writing; a copy filed in the EMPr file and will at a minimum include the following:

- Time and date of the non-compliance;
- Name of the contractor responsible;
- Nature and description of the non-compliance;
- Recommended / required corrective action; and
- Date by which the corrective action to be completed.
- The contractors shall act immediately when a notice of non-compliance is received and correct whatever is the cause for the issuing of the notice. Complaints received regarding activities on the development site pertaining to the environment shall be

recorded in a dedicated register and the response noted with the date and action taken. The ECO should be made aware of any complaints. Any non-compliance with the agreed procedures of the EMPr is a transgression of the various statutes and laws that define the manner by which the environment is managed. Failure to redress the cause shall be reported to the relevant CA for them to deal with the transgression, as it deems fit. The contractor is deemed not to have complied with the EMPr if, inter alia, There is a deviation from the environmental conditions, impact management outcomes and impact management actions activities, as approved in generic and site specific EMPr as relevant as set out in the EMPr, which deviation has, or may cause, an environmental impact.

#### 4.8 Corrective action records

For each non-compliance notice issued, a documented corrective action must be recorded. On receiving a non-compliance notice from the DSS, the contractor's CEO will ensure that the corrective actions required take place within the stipulated timeframe. On completion of the corrective action the CEO is to issue a Corrective Action Report in writing to the ECOs. If satisfied that the corrective action has been completed, the ECOs are to sign-off on the Corrective Action Report, and attach the report to the non-compliance notice in the EMPr file. A corrective action is considered complete once the report has signed off by the ECOs.

#### 4.9 Photographic record

A digital photographic record will be kept. The photographic record will be used to show before, during and post rehabilitation evidence of the project as well used in cases of damages claims if they arise. Each image must be dated and a brief description note attached.

The Contractor shall:

1. Allow the ECOs access to take photographs of all areas, activities and actions.

The ECOs shall keep an electronic database of photographic records which will include:

1. Pictures of all areas designated as work areas, camp areas, development sites and storage areas taken before these areas are set up;
2. All bunding and fencing;
3. Road conditions and road verges;
4. Condition of all farm fences;
5. Topsoil storage areas;
6. All areas to be cordoned off during construction;
7. Waste management sites;
8. Ablution facilities (inside and out);
9. Any non-conformances deemed to be "significant";
10. All completed corrective actions for non-compliances;
11. All required signage;
12. Photographic recordings of incidents;
13. All areas before, during and post rehabilitation; and
14. Include relevant photographs in the Final Environmental Audit Report.

#### 4.10 Complaints register

The ECOs shall keep a current and up-to-date complaints register. The complaints register is to be a record of all complaints received from communities, stakeholders and individuals. The Complaints Record shall:

1. Record the name and contact details of the complainant;
2. Record the time and date of the complaint;
3. Contain a detailed description of the complaint;
4. Where relevant and appropriate, contain photographic evidence of the complaint or damage (ECOs to take relevant photographs); and
5. Contain a copy of the ECOs written response to each complaint received and keep a record of any further correspondence with the complainant. The ECO's written response will include a description of any corrective action to be taken and must be signed by the Contractor, ECO and affected party. Where a damage claim is issued by the complainant, the ECOs shall respond as described in **(section 4.11)** below.

#### 4.11 Claims for damages

In the event that a Claim for Damages is submitted by a community, landowner or individual, the ECOs shall:

1. Record the full detail of the complaint as described in **(section 4.10)** above;
2. The DPM will evaluate the claim and associated damage and submit the evaluation to the Senior Site Representative for approval;
3. Following consideration by the DPM, the claim is to be resolved and settled immediately, or the reason for not accepting the claim communicated in writing to the claimant. Should the claimant not accept this, the ECO shall, in writing report the incident to the Developer's negotiator and legal department; and
4. A formal record of the response by the ECOs to the claimant as well as the rectification of the method of making payments not amount will be recorded in the EMPr file.

#### 4.12 Interactions with affected parties

Open, transparent and good relations with affected landowners, communities and regional staff are an essential aspect to the successful management and mitigation of environmental impacts.

The ECOs shall:

1. Ensure that all queries, complaints and claims are dealt within an agreed timeframe;
2. Ensure that any or all agreements are documented, signed by all parties and a record of the agreement kept in the EMPr file;
3. Ensure that a complaints telephone numbers are made available to all landowners and affected parties; and
4. Ensure that contact with affected parties is courteous at all times;

#### 4.13 Environmental audits

Internal environmental audits of the activity and implementation of the EMPr must be undertaken. The findings and outcomes included in the EMPr file and submitted to the CA at intervals as indicated in the EA.

The ECOs must prepare a monthly EAR. The report will be tabled as the key point on the agenda of the Environmental Site Meeting. The Report is submitted for acceptance at the meeting and the final report will be circulated to the Project Manager and filed in the EMPr file. At a frequency determined by the EA, the ECOs shall submit the monthly reports to the CA. At a minimum the monthly report is to cover the following:

- Weekly Environmental Checklists;
- Deviations and non-compliances with the checklists;
- Non-compliances issued;
- Completed and reported corrective actions;
- Environmental Monitoring;
- General environmental findings and actions; and
- Minutes of the Bi-monthly Environmental Site Meetings.

#### 4.14 Final environmental audits

On final completion of the rehabilitation and/or requirements of the EA a final EAR is to be prepared and submitted to the CA. The EAR must comply with Appendix 7 of the EIA Regulations.

**PART B: SECTION 1: Pre-approved generic EMPr template****5. IMPACT MANAGEMENT OUTCOMES AND IMPACT MANAGEMENT ACTIONS**

This section provides a pre-approved generic EMPr template with aspects that are common to the development of substation infrastructure for the transmission and distribution of electricity. There is a list of aspects identified for the development or expansion of substation infrastructure for the transmission and distribution of electricity, and for each aspect a set of prescribed impact management outcomes and associated impact management actions have been identified. Holders of EAs are responsible to ensure the implementation of these outcomes and actions for all projects as a minimum requirement, in order to mitigate the impact of such aspects identified for the development or expansion of substation infrastructure for the transmission and distribution of electricity.

The template provided below is to be completed by providing the information under each heading for each environmental impact management action.

The completed template must be signed and dated on each page by both the contractor and the holder of the EA prior to commencement of the activity. The method statements prepared and agreed to by the holder of the EA must be appended to the template as Appendix 1. Each method statement must also be duly signed and dated on each page by the contractor and the holder of the EA. This template, once signed and dated, is legally binding. The holder of the EA will remain responsible for its implementation.

### 5.1 Environmental awareness training

<b>Impact management outcome:</b> All onsite staff are aware and understands the individual responsibilities in terms of this EMPr.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All staff must receive environmental awareness training prior to commencement of the activities;</li> <li>– The Contractor must allow for sufficient sessions to train all personnel with no more than 20 personnel attending each course;</li> <li>– Refresher environmental awareness training is available as and when required;</li> <li>– All staff are aware of the conditions and controls linked to the EA and within the EMPr and made aware of their individual roles and responsibilities in achieving compliance with the EA and EMPr;</li> <li>– The Contractor must erect and maintain information posters at key locations on site, and the posters must include the following information as a minimum:               <ul style="list-style-type: none"> <li>a) Safety notifications; and</li> <li>b) No littering.</li> </ul> </li> <li>– Environmental awareness training must include as a minimum the following:               <ul style="list-style-type: none"> <li>a) Description of significant environmental impacts, actual or potential, related to their work activities;</li> <li>b) Mitigation measures to be implemented when carrying out specific activities;</li> </ul> </li> </ul>						



<p>c) Emergency preparedness and response procedures;</p> <p>d) Emergency procedures;</p> <p>e) Procedures to be followed when working near or within sensitive areas;</p> <p>f) Wastewater management procedures;</p> <p>g) Water usage and conservation;</p> <p>h) Solid waste management procedures;</p> <p>i) Sanitation procedures;</p> <p>j) Fire prevention; and</p> <p>k) Disease prevention.</p> <p>– A record of all environmental awareness training courses undertaken as part of the EMPr must be available;</p> <p>– Educate workers on the dangers of open and/or unattended fires;</p> <p>– A staff attendance register of all staff to have received environmental awareness training must be available.</p> <p>– Course material must be available and presented in appropriate languages that all staff can understand.</p>						
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## 5.2 Site Establishment development

<b>Impact management outcome:</b> Impacts on the environment are minimised during site establishment and the development footprint are kept to demarcated development area.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– A method statement must be provided by the contractor prior to any onsite activity that includes the layout of the construction camp in the form of a plan showing the location of key infrastructure and services (where applicable), including but not limited to offices, overnight vehicle parking areas, stores, the workshop, stockpile and lay down areas, hazardous materials storage areas (including fuels), the batching plant (if one is located at the construction camp), designated access routes, equipment cleaning areas and the placement of staff accommodation, cooking and ablution facilities, waste and wastewater management;</li> <li>– Location of camps must be within approved area to ensure that the site does not impact on sensitive areas identified in the environmental assessment or site walk through;</li> <li>– Sites must be located where possible on previously disturbed areas;</li> <li>– The camp must be fenced in accordance with <b>Section 5.5: Fencing and gate installation</b>; and</li> <li>– The use of existing accommodation for contractor staff, where possible, is encouraged.</li> </ul>						

### 5.3 Access restricted areas

<b>Impact management outcome:</b> Access to restricted areas prevented.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Identification of access restricted areas is to be informed by the environmental assessment, site walk through and any additional areas identified during development;</li> <li>– Erect, demarcate and maintain a temporary barrier with clear signage around the perimeter of any access restricted area, colour coding could be used if appropriate; and</li> <li>– Unauthorised access and development related activity inside access restricted areas is prohibited.</li> </ul>						

### 5.4 Access roads

<b>Impact management outcome:</b> Minimise impact to the environment through the planned and restricted movement of vehicles on site.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– An access agreement must be formalised and signed by the DPM, Contractor and landowner before commencing with the activities;</li> </ul>						

<ul style="list-style-type: none"> <li>- All private roads used for access to the servitude must be maintained and upon completion of the works, be left in at least the original condition</li> <li>- All contractors must be made aware of all these access routes.</li> <li>- Any access route deviation from that in the written agreement must be closed and re-vegetated immediately, at the contractor's expense;</li> <li>- Maximum use of both existing servitudes and existing roads must be made to minimize further disturbance through the development of new roads;</li> <li>- In circumstances where private roads must be used, the condition of the said roads must be recorded in accordance with <b>section 4.9: photographic record</b>; prior to use and the condition thereof agreed by the landowner, the DPM, and the contractor;</li> <li>- Access roads in flattish areas must follow fence lines and tree belts to avoid fragmentation of vegetated areas or croplands</li> <li>- Access roads must only be developed on a pre-planned and approved roads.</li> </ul>						
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### 5.5 Fencing and Gate installation

<b>Impact management outcome:</b> Minimise impact to the environment and ensure safe and controlled access to the site through the erection of fencing and gates where required.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance

<ul style="list-style-type: none"> <li>– Use existing gates provided to gain access to all parts of the area authorised for development, where possible;</li> <li>– Existing and new gates to be recorded and documented in accordance with <b>section 4.9: photographic record</b>;</li> <li>– All gates must be fitted with locks and be kept locked at all times during the development phase, unless otherwise agreed with the landowner;</li> <li>– At points where the line crosses a fence in which there is no suitable gate within the extent of the line servitude, on the instruction of the DPM, a gate must be installed at the approval of the landowner;</li> <li>– Care must be taken that the gates must be so erected that there is a gap of no more than 100 mm between the bottom of the gate and the ground;</li> <li>– Where gates are installed in jackal proof fencing, a suitable reinforced concrete sill must be provided beneath the gate;</li> <li>– Original tension must be maintained in the fence wires;</li> <li>– All gates installed in electrified fencing must be re-electrified;</li> <li>– All demarcation fencing and barriers must be maintained in good working order for the duration of the development activities;</li> <li>– Fencing must be erected around the camp, batching plants, hazardous storage areas, and all designated access restricted areas, where applicable;</li> <li>– Any temporary fencing to restrict the movement of life-stock must only be erected with the permission of the land owner.</li> <li>– All fencing must be developed of high quality material bearing the SABS mark;</li> <li>– The use of razor wire as fencing must be avoided;</li> </ul>						
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<ul style="list-style-type: none"> <li>– Fenced areas with gate access must remain locked after hours, during weekends and on holidays if staff is away from site. Site security will be required at all times;</li> <li>– On completion of the development phase all temporary fences are to be removed;</li> <li>– The contractor must ensure that all fence uprights are appropriately removed, ensuring that no uprights are cut at ground level but rather removed completely.</li> </ul>						
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### 5.6 Water Supply Management

<b>Impact management outcome:</b> Undertake responsible water usage.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All abstraction points or bore holes must be registered with the DWS and suitable water meters installed to ensure that the abstracted volumes are measured on a daily basis;</li> <li>– The Contractor must ensure the following:               <ul style="list-style-type: none"> <li>a. The vehicle abstracting water from a river does not enter or cross it and does not operate from within the river;</li> <li>b. No damage occurs to the river bed or banks and that the abstraction of water does not entail stream diversion activities; and</li> <li>c. All reasonable measures to limit pollution or sedimentation of the downstream watercourse are implemented.</li> </ul> </li> <li>– Ensure water conservation is being practiced by:               <ul style="list-style-type: none"> <li>a. Minimising water use during cleaning of equipment;</li> </ul> </li> </ul>						

b. Undertaking regular audits of water systems; and c. Including a discussion on water usage and conservation during environmental awareness training. d. The use of grey water is encouraged.						
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### 5.7 Storm and waste water management

<b>Impact management outcome:</b> Impacts to the environment caused by storm water and wastewater discharges during construction are avoided.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Runoff from the cement/ concrete batching areas must be strictly controlled, and contaminated water must be collected, stored and either treated or disposed of off-site, at a location approved by the project manager;</li> <li>– All spillage of oil onto concrete surfaces must be controlled by the use of an approved absorbent material and the used absorbent material disposed of at an appropriate waste disposal facility;</li> <li>– Natural storm water runoff not contaminated during the development and clean water can be discharged directly to watercourses and water bodies, subject to the Project Manager's approval and support by the ECO;</li> <li>– Water that has been contaminated with suspended solids, such as soils and silt, may be released into watercourses or water bodies only once all suspended solids have been removed from the water by settling out these solids in settlement ponds. The release of settled water back into the</li> </ul>						

environment must be subject to the Project Manager's approval and support by the ECO.

### 5.8 Solid and hazardous waste management

<b>Impact management outcome:</b> Wastes are appropriately stored, handled and safely disposed of at a recognised waste facility.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All measures regarding waste management must be undertaken using an integrated waste management approach;</li> <li>– Sufficient, covered waste collection bins (scavenger and weatherproof) must be provided;</li> <li>– A suitably positioned and clearly demarcated waste collection site must be identified and provided;</li> <li>– The waste collection site must be maintained in a clean and orderly manner;</li> <li>– Waste must be segregated into separate bins and clearly marked for each waste type for recycling and safe disposal;</li> <li>– Staff must be trained in waste segregation;</li> <li>– Bins must be emptied regularly;</li> <li>– General waste produced onsite must be disposed of at registered waste disposal sites/ recycling company;</li> <li>– Hazardous waste must be disposed of at a registered waste disposal site;</li> <li>– Certificates of safe disposal for general, hazardous and recycled waste must be maintained.</li> </ul>						



## 5.9 Protection of watercourses and estuaries

<b>Impact management outcome:</b> Pollution and contamination of the watercourse environment and or estuary erosion are prevented.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All watercourses must be protected from direct or indirect spills of pollutants such as solid waste, sewage, cement, oils, fuels, chemicals, aggregate tailings, wash and contaminated water or organic material resulting from the Contractor's activities;</li> <li>– In the event of a spill, prompt action must be taken to clear the polluted or affected areas;</li> <li>– Where possible, no development equipment must traverse any seasonal or permanent wetland</li> <li>– No return flow into the estuaries must be allowed and no disturbance of the Estuarine functional Zone should occur;</li> <li>– Development of permanent watercourse or estuary crossing must only be undertaken where no alternative access to tower position is available;</li> <li>– There must not be any impact on the long term morphological dynamics of watercourses or estuaries;</li> <li>– Existing crossing points must be favored over the creation of new crossings (including temporary access)</li> <li>– When working in or near any watercourse or estuary, the following environmental controls and consideration must be taken:               <ul style="list-style-type: none"> <li>a) Water levels during the period of construction;</li> </ul> </li> </ul>						

<p>No altering of the bed, banks, course or characteristics of a watercourse</p> <p>b) During the execution of the works, appropriate measures to prevent pollution and contamination of the riparian environment must be implemented e.g. including ensuring that construction equipment is well maintained;</p> <p>c) Where earthwork is being undertaken in close proximity to any watercourse, slopes must be stabilised using suitable materials, i.e. sandbags or geotextile fabric, to prevent sand and rock from entering the channel; and</p> <p>d) Appropriate rehabilitation and re-vegetation measures for the watercourse banks must be implemented timeously. In this regard, the banks should be appropriately and incrementally stabilised as soon as development allows.</p>						
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#### 5.10 Vegetation clearing

<b>Impact management outcome:</b> Vegetation clearing is restricted to the authorised development footprint of the proposed infrastructure.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<p><b>General:</b></p> <ul style="list-style-type: none"> <li>Indigenous vegetation which does not interfere with the development must be left undisturbed;</li> <li>Protected or endangered species may occur on or near the development site. Special care should be taken not to damage such species;</li> </ul>						

<ul style="list-style-type: none"> <li>– Search, rescue and replanting of all protected and endangered species likely to be damaged during project development must be identified by the relevant specialist and completed prior to any development or clearing;</li> <li>– Permits for removal must be obtained from the relevant CA prior to the cutting or clearing of the affected species, and they must be filed;</li> <li>– The Environmental Audit Report must confirm that all identified species have been rescued and replanted and that the location of replanting is compliant with conditions of approvals;</li> <li>– Trees felled due to construction must be documented and form part of the Environmental Audit Report;</li> <li>– Rivers and watercourses must be kept clear of felled trees, vegetation cuttings and debris;</li> <li>– Only a registered pest control operator may apply herbicides on a commercial basis and commercial application must be carried out under the supervision of a registered pest control operator, supervision of a registered pest control operator or is appropriately trained;</li> <li>– A daily register must be kept of all relevant details of herbicide usage;</li> <li>– No herbicides must be used in estuaries;</li> <li>– All protected species and sensitive vegetation not removed must be clearly marked and such areas fenced off in accordance to <b>Section 5.3: Access restricted areas</b>. Alien invasive vegetation must be removed and disposed of at a licensed waste management facility.</li> </ul>						
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### 5.11 Protection of fauna

<b>Impact management outcome:</b> Disturbance to fauna is minimised.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– No interference with livestock must occur without the landowner's written consent and with the landowner or a person representing the landowner being present;</li> <li>– The breeding sites of raptors and other wild birds species must be taken into consideration during the planning of the development programme;</li> <li>– Breeding sites must be kept intact and disturbance to breeding birds must be avoided. Special care must be taken where nestlings or fledglings are present;</li> <li>– Special recommendations of the avian specialist must be adhered to at all times to prevent unnecessary disturbance of birds;</li> <li>– No poaching must be tolerated under any circumstances. All animal dens in close proximity to the works areas must be marked as Access restricted areas;</li> <li>– No deliberate or intentional killing of fauna is allowed;</li> <li>– In areas where snakes are abundant, snake deterrents to be deployed on the pylons to prevent snakes climbing up, being electrocuted and causing power outages; and</li> <li>– No Threatened or Protected species (ToPs) and/or protected fauna as listed according NEMBA (Act No. 10 of 2004) and relevant provincial ordinances may be removed and/or relocated without appropriate authorisations/permits.</li> </ul>						

### 5.12 Protection of heritage resources

<b>Impact management outcome:</b> Impact to heritage resources is minimised.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>Identify, demarcate and prevent impact to all known sensitive heritage features on site in accordance with the No-Go procedure in <b>Section 5.3: Access restricted areas</b>;</li> <li>Carry out general monitoring of excavations for potential fossils, artefacts and material of heritage importance;</li> <li>All work must cease immediately, if any human remains and/or other archaeological, palaeontological and historical material are uncovered. Such material, if exposed, must be reported to the nearest museum, archaeologist/palaeontologist (or the South African Police Services), so that a systematic and professional investigation can be undertaken. Sufficient time must be allowed to remove/collect such material before development recommences.</li> </ul>						

### 5.13 Safety of the public

<b>Impact management outcome:</b> All precautions are taken to minimise the risk of injury, harm or complaints.		
Impact Management Actions	Implementation	Monitoring

	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Identify fire hazards, demarcate and restrict public access to these areas as well as notify the local authority of any potential threats e.g. large brush stockpiles, fuels etc.;</li> <li>– All unattended open excavations must be adequately fenced or demarcated;</li> <li>– Adequate protective measures must be implemented to prevent unauthorised access to and climbing of partly constructed towers and protective scaffolding;</li> <li>– Ensure structures vulnerable to high winds are secured;</li> <li>– Maintain an incidents and complaints register in which all incidents or complaints involving the public are logged.</li> </ul>						

#### 5.14 Sanitation

<b>Impact management outcome:</b> Clean and well maintained toilet facilities are available to all staff in an effort to minimise the risk of disease and impact to the environment.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Mobile chemical toilets are installed onsite if no other ablution facilities are available;</li> <li>– The use of ablution facilities and or mobile toilets must be used at all times and no indiscriminate use of the veld for the purposes of ablutions must be permitted under any circumstances;</li> </ul>						

<ul style="list-style-type: none"> <li>– Where mobile chemical toilets are required, the following must be ensured:               <ul style="list-style-type: none"> <li>a) Toilets are located no closer than 100 m to any watercourse or water body;</li> <li>b) Toilets are secured to the ground to prevent them from toppling due to wind or any other cause;</li> <li>c) No spillage occurs when the toilets are cleaned or emptied and the contents are managed in accordance with the EMP;;</li> <li>d) Toilets have an external closing mechanism and are closed and secured from the outside when not in use to prevent toilet paper from being blown out;</li> <li>e) Toilets are emptied before long weekends and workers holidays, and must be locked after working hours;</li> <li>f) Toilets are serviced regularly and the ECO must inspect toilets to ensure compliance to health standards;</li> </ul> </li> <li>– A copy of the waste disposal certificates must be maintained.</li> </ul>						
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### 5.15 Prevention of disease

<b>Impact Management outcome:</b> All necessary precautions linked to the spread of disease are taken.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Undertake environmentally-friendly pest control in the camp area;</li> <li>– Ensure that the workforce is sensitised to the effects of sexually transmitted diseases, especially HIV AIDS;</li> </ul>						

<ul style="list-style-type: none"> <li>- The Contractor must ensure that information posters on AIDS are displayed in the Contractor Camp area;</li> <li>- Information and education relating to sexually transmitted diseases to be made available to both construction workers and local community, where applicable;</li> <li>- Free condoms must be made available to all staff on site at central points;</li> <li>- Medical support must be made available;</li> <li>- Provide access to Voluntary HIV Testing and Counselling Services.</li> </ul>						
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### 5.16 Emergency procedures

<b>Impact management outcome:</b> Emergency procedures are in place to enable a rapid and effective response to all types of environmental emergencies.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>- Compile an Emergency Response Action Plan (ERAP) prior to the commencement of the proposed project;</li> <li>- The Emergency Plan must deal with accidents, potential spillages and fires in line with relevant legislation;</li> <li>- All staff must be made aware of emergency procedures as part of environmental awareness training;</li> <li>- The relevant local authority must be made aware of a fire as soon as it starts;</li> <li>- In the event of emergency necessary mitigation measures to contain the spill or leak must be implemented (see <b>Hazardous Substances section 5.17</b>).</li> </ul>						



### 5.17 Hazardous substances

<b>Impact management outcome:</b> Safe storage, handling, use and disposal of hazardous substances.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– The use and storage of hazardous substances to be minimised and non-hazardous and non-toxic alternatives substituted where possible;</li> <li>– All hazardous substances must be stored in suitable containers as defined in the Method Statement;</li> <li>– Containers must be clearly marked to indicate contents, quantities and safety requirements;</li> <li>– All storage areas must be bunded. The bunded area must be of sufficient capacity to contain a spill / leak from the stored containers;</li> <li>– Bunded areas to be suitably lined with a SABS approved liner;</li> <li>– An Alphabetical Hazardous Chemical Substance (HCS) control sheet must be drawn up and kept up to date on a continuous basis;</li> <li>– All hazardous chemicals that will be used on site must have Material Safety Data Sheets (MSDS);</li> <li>– All employees working with HCS must be trained in the safe use of the substance and according to the safety data sheet;</li> <li>– Employees handling hazardous substances / materials must be aware of the potential impacts and follow appropriate safety measures. Appropriate personal protective equipment must be made available;</li> </ul>						

<ul style="list-style-type: none"> <li>- The Contractor must ensure that diesel and other liquid fuel, oil and hydraulic fluid is stored in appropriate storage tanks or in bowzers;</li> <li>- The tanks/ bowzers must be situated on a smooth impermeable surface (concrete) with a permanent bund. The impermeable lining must extend to the crest of the bund and the volume inside the bund must be 130% of the total capacity of all the storage tanks/ bowzers (110% statutory requirement plus an allowance for rainfall);</li> <li>- The floor of the bund must be sloped, draining to an oil separator;</li> <li>- Provision must be made for refueling at the storage area by protecting the soil with an impermeable groundcover. Where dispensing equipment is used, a drip tray must be used to ensure small spills are contained;</li> <li>- All empty externally dirty drums must be stored on a drip tray or within a bunded area;</li> <li>- No unauthorised access into the hazardous substances storage areas must be permitted;</li> <li>- No smoking must be allowed within the vicinity of the hazardous storage areas;</li> <li>- Adequate fire-fighting equipment must be made available at all hazardous storage areas;</li> <li>- Where refueling away from the dedicated refueling station is required, a mobile refueling unit must be used. Appropriate ground protection such as drip trays must be used;</li> <li>- An appropriately sized spill kit kept onsite relevant to the scale of the activity/s involving the use of hazardous substance must be available at all times;</li> <li>- The responsible operator must have the required training to make use of the spill kit in emergency situations;</li> </ul>						
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<ul style="list-style-type: none"> <li>– An appropriate number of spill kits must be available and must be located in all areas where activities are being undertaken;</li> <li>– In the event of a spill, contaminated soil must be collected in containers and stored in a central location and disposed of according to the National Environmental Management: Waste Act 59 of 2008. Refer to <b>Section 5.7</b> for procedures concerning <b>storm and waste water management</b> and <b>5.8</b> for <b>solid and hazardous waste management</b>.</li> </ul>						
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#### 5.18 Workshop, equipment maintenance and storage

<b>Impact management outcome:</b> Soil, surface water and groundwater contamination is minimised.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Where possible and practical all maintenance of vehicles and equipment must take place in the workshop area;</li> <li>– During servicing of vehicles or equipment, especially where emergency repairs are effected outside the workshop area, a suitable drip tray must be used to prevent spills onto the soil. The relevant local authority must be made aware of a fire as soon as it starts;</li> <li>– Leaking equipment must be repaired immediately or be removed from site to facilitate repair;</li> <li>– Workshop areas must be monitored for oil and fuel spills;</li> <li>– Appropriately sized spill kit kept onsite relevant to the scale of the activity taking place must be available;</li> <li>– The workshop area must have a bunded concrete slab that is sloped to facilitate runoff into a collection sump or suitable oil</li> </ul>						

/ water separator where maintenance work on vehicles and equipment can be performed; – Water drainage from the workshop must be contained and managed in accordance Section <b>5.7: Storm and waste water management</b> .						
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### 5.19 Batching plants

Impact management outcome: Minimise spillages and contamination of soil, surface water and groundwater.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Concrete mixing must be carried out on an impermeable surface;</li> <li>– Batching plants areas must be fitted with a containment facility for the collection of cement laden water.</li> <li>– Dirty water from the batching plant must be contained to prevent soil and groundwater contamination</li> <li>– Bagged cement must be stored in an appropriate facility and at least 10 m away from any water courses, gullies and drains;</li> <li>– A washout facility must be provided for washing of concrete associated equipment. Water used for washing must be restricted;</li> <li>– Hardened concrete from the washout facility or concrete mixer can either be reused or disposed of at an appropriate licenced disposal facility;</li> <li>– Empty cement bags must be secured with adequate binding material if these will be temporarily stored on site;</li> </ul>						

<ul style="list-style-type: none"> <li>– Sand and aggregates containing cement must be kept damp to prevent the generation of dust (Refer to <b>Section 5.20: Dust emissions</b>)</li> <li>– Any excess sand, stone and cement must be removed or reused from site on completion of construction period and disposed at a registered disposal facility;</li> <li>– Temporary fencing must be erected around batching plants in accordance with Section <b>5.5: Fencing and gate installation</b>.</li> </ul>						
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### 5.20 Dust emissions

<b>Impact management outcome:</b> Dust prevention measures are applied to minimise the generation of dust.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Take all reasonable measures to minimise the generation of dust as a result of project development activities to the satisfaction of the ECO;</li> <li>– Removal of vegetation must be avoided until such time as soil stripping is required and similarly exposed surfaces must be re-vegetated or stabilised as soon as is practically possible;</li> <li>– Excavation, handling and transport of erodible materials must be avoided under high wind conditions or when a visible dust plume is present;</li> <li>– During high wind conditions, the ECO must evaluate the situation and make recommendations as to whether dust-damping measures are adequate, or whether working will cease altogether until the wind speed drops to an acceptable level;</li> </ul>						

<ul style="list-style-type: none"> <li>– Where possible, soil stockpiles must be located in sheltered areas where they are not exposed to the erosive effects of the wind;</li> <li>– Where erosion of stockpiles becomes a problem, erosion control measures must be implemented at the discretion of the ECO;</li> <li>– Vehicle speeds must not exceed 40 km/h along dust roads or 20 km/h when traversing unconsolidated and non-vegetated areas;</li> <li>– Straw stabilisation must be applied at a rate of one bale/10 m<sup>2</sup> and harrowed into the top 100 mm of top material, for all completed earthworks;</li> <li>– For significant areas of excavation or exposed ground, dust suppression measures must be used to minimise the spread of dust.</li> </ul>						
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### 5.21 Blasting

<b>Impact management outcome:</b> Impact to the environment is minimised through a safe blasting practice.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Any blasting activity must be conducted by a suitably licensed blasting contractor; and</li> <li>– Notification of surrounding landowners, emergency services site personnel of blasting activity 24 hours prior to such activity taking place on Site.</li> </ul>						

### 5.22 Noise

<b>Impact Management outcome:</b> Prevent unnecessary noise to the environment by ensuring that noise from development activity is mitigated.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– The Contractor must keep noise level within acceptable limits, Restrict the use of sound amplification equipment for communication and emergency only;</li> <li>– All vehicles and machinery must be fitted with appropriate silencing technology and must be properly maintained;</li> <li>– Any complaints received by the Contractor regarding noise must be recorded and communicated. Where possible or applicable, provide transport to and from the site on a daily basis for construction workers;</li> <li>– Develop a Code of Conduct for the construction phase in terms of behaviour of construction staff. Operating hours as determined by the environmental authorisation are adhered to during the development phase. Where not defined, it must be ensured that development activities must still meet the impact management outcome related to noise management.</li> </ul>						

### 5.23 Fire prevention

<b>Impact management outcome:</b> Prevention of uncontrollable fires.		
Impact Management Actions	Implementation	Monitoring

	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Designate smoking areas where the fire hazard could be regarded as insignificant;</li> <li>– Firefighting equipment must be available on all vehicles located on site;</li> <li>– The local Fire Protection Agency (FPA) must be informed of construction activities;</li> <li>– Contact numbers for the FPA and emergency services must be communicated in environmental awareness training and displayed at a central location on site;</li> <li>– Two way swap of contact details between ECO and FPA.</li> </ul>						

#### 5.24 Stockpiling and stockpile areas

<b>Impact management outcome:</b> Reduce erosion and sedimentation as a result of stockpiling.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All material that is excavated during the project development phase (either during piling (if required) or earthworks) must be stored appropriately on site in order to minimise impacts to watercourses, watercourses and water bodies;</li> <li>– All stockpiled material must be maintained and kept clear of weeds and alien vegetation growth by undertaking regular weeding and control methods;</li> </ul>						



<ul style="list-style-type: none"> <li>– Topsoil stockpiles must not exceed 2 m in height;</li> <li>– During periods of strong winds and heavy rain, the stockpiles must be covered with appropriate material (e.g. cloth, tarpaulin etc.);</li> <li>– Where possible, sandbags (or similar) must be placed at the bases of the stockpiled material in order to prevent erosion of the material.</li> </ul>						
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### 5.25 Civil works

<b>Impact management outcome:</b> Impact to the environment minimised during civil works to create the substation terrace.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Where terracing is required, topsoil must be collected and retained for the purpose of re-use later to rehabilitate disturbed areas not covered by yard stone;</li> <li>– Areas to be rehabilitated include terrace embankments and areas outside the high voltage yards;</li> <li>– Where required, all sloped areas must be stabilised to ensure proper rehabilitation is effected and erosion is controlled;</li> <li>– These areas can be stabilised using design structures or vegetation as specified in the design to prevent erosion of embankments. The contract design specifications must be adhered to and implemented strictly;</li> <li>– Rehabilitation of the disturbed areas must be managed in accordance with <b>Section 5.35: Landscaping and rehabilitation</b>;</li> </ul>						

<ul style="list-style-type: none"> <li>- All excess spoil generated during terracing activities must be disposed of in an appropriate manner and at a recognised landfill site; and</li> <li>- Spoil can however be used for landscaping purposes and must be covered with a layer of 150 mm topsoil for rehabilitation purposes.</li> </ul>						
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#### 5.26 Excavation of foundation, cable trenching and drainage systems

<b>Impact management outcome:</b> No environmental degradation occurs as a result of excavation of foundation, cable trenching and drainage systems.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>- All excess spoil generated during foundation excavation must be disposed of in an appropriate manner and at a licensed landfill site, if not used for backfilling purposes;</li> <li>- Spoil can however be used for landscaping purposes and must be covered with a layer of 150 mm topsoil for rehabilitation purposes;</li> <li>- Management of equipment for excavation purposes must be undertaken in accordance with <b>Section 5.18: Workshop, equipment maintenance and storage</b>; and</li> <li>- Hazardous substances spills from equipment must be managed in accordance with <b>Section 5.17: Hazardous substances</b>.</li> </ul>						

### 5.27 Installation of foundations, cable trenching and drainage systems

<b>Impact management outcome:</b> No environmental degradation occurs during the installation of foundation, cable trenching and drainage system.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Batching of cement to be undertaken in accordance with <b>Section 5.19: Batching plants</b>; and</li> <li>– Residual solid waste must be disposed of in accordance with <b>Section 5.8: Solid waste and hazardous management</b>.</li> </ul>						

### 5.28 Installation of equipment (circuit breakers, current Transformers, Isolators, Insulators, surge arresters, voltage transformers, earth switches)

<b>Impact management outcome:</b> No environmental degradation occurs as a result of installation of equipment.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Management of dust must be conducted in accordance with <b>Section 5.20: Dust emissions</b>;</li> <li>– Management of equipment used for installation must be conducted in accordance with <b>Section 5.18: Workshop, equipment maintenance and storage</b>;</li> <li>– Management hazardous substances and any associated spills must be conducted in accordance with <b>Section 5.17: Hazardous substances</b>; and</li> </ul>						

– Residual solid waste must be recycled or disposed of in accordance with <b>Section 5.8: Solid waste and hazardous management.</b>						
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### 5.29 Steelwork Assembly and Erection

<b>Impact management outcome:</b> No environmental degradation occurs as a result of steelwork assembly and erection.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– During assembly, care must be taken to ensure that no wasted/unused materials are left on site e.g. bolts and nuts</li> <li>– Emergency repairs due to breakages of equipment must be managed in accordance with <b>Section 5.18: Workshop, equipment maintenance and storage</b> and <b>Section 5.16: Emergency procedures.</b></li> </ul>						

### 5.30 Cabling and Stringing

<b>Impact management outcome:</b> No environmental degradation occurs as a result of stringing.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance

<ul style="list-style-type: none"> <li>– Residual solid waste (off cuts etc.) shall be recycled or disposed of in accordance with <b>Section 6.8: Solid waste and hazardous Management</b>;</li> <li>– Management of equipment used for installation shall be conducted in accordance with <b>Section 5.18: Workshop, equipment maintenance and storage</b>;</li> <li>– Management hazardous substances and any associated spills shall be conducted in accordance with <b>Section 5.17: Hazardous substances</b>.</li> </ul>						
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### 5.31 Testing and Commissioning (all equipment testing, earthing system, system integration)

<b>Impact management outcome:</b> No environmental degradation occurs as a result of Testing and Commissioning.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Residual solid waste must be recycled or disposed of in accordance with <b>Section 5.8: Solid waste and hazardous management</b>.</li> </ul>						

### 5.32 Socio-economic

<b>Impact management outcome:</b> enhanced socio-economic development.		
Impact Management Actions	Implementation	Monitoring

	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Develop and implement communication strategies to facilitate public participation;</li> <li>– Develop and implement a collaborative and constructive approach to conflict resolution as part of the external stakeholder engagement process;</li> <li>– Sustain continuous communication and liaison with neighboring owners and residents</li> <li>– Create work and training opportunities for local stakeholders; and</li> <li>– Where feasible, no workers, with the exception of security personnel, must be permitted to stay over-night on the site. This would reduce the risk to local farmers.</li> </ul>						

### 5.33 Temporary closure of site

<b>Impact management outcome:</b> Minimise the risk of environmental impact during periods of site closure greater than five days.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Bunds must be emptied (where applicable) and need to be undertaken in accordance with the impact management actions included in <b>sections 5.17: Hazardous substances and 5.18: Workshop, equipment maintenance and storage;</b></li> <li>– Hazardous storage areas must be well ventilated;</li> </ul>						

<ul style="list-style-type: none"> <li>– Fire extinguishers must be serviced and accessible. Service records to be filed and audited at last service;</li> <li>– Emergency and contact details displayed must be displayed;</li> <li>– Security personnel must be briefed and have the facilities to contact or be contacted by relevant management and emergency personnel;</li> <li>– Night hazards such as reflectors, lighting, traffic signage etc. must have been checked;</li> <li>– Fire hazards identified and the local authority must have been notified of any potential threats e.g. large brush stockpiles, fuels etc.;</li> <li>– Structures vulnerable to high winds must be secured;</li> <li>– Wind and dust mitigation must be implemented;</li> <li>– Cement and materials stores must have been secured;</li> <li>– Toilets must have been emptied and secured;</li> <li>– Refuse bins must have been emptied and secured;</li> <li>– Drip trays must have been emptied and secured.</li> </ul>						
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### 5.34 Dismantling of old equipment

<b>Impact management outcome:</b> Impact to the environment to be minimised during the dismantling, storage and disposal of old equipment commissioning.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
– All old equipment removed during the project must be stored in such a way as to prevent pollution of the environment;						

<ul style="list-style-type: none"> <li>– Oil containing equipment must be stored to prevent leaking or be stored on drip trays;</li> <li>– All scrap steel must be stacked neatly and any disused and broken insulators must be stored in containers;</li> <li>– Once material has been scrapped and the contract has been placed for removal, the disposal Contractor must ensure that any equipment containing pollution causing substances is dismantled and transported in such a way as to prevent spillage and pollution of the environment;</li> <li>– The Contractor must also be equipped to contain and clean up any pollution causing spills; and</li> <li>– Disposal of unusable material must be at a licensed waste disposal site.</li> </ul>						
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### 5.35 Landscaping and rehabilitation

<b>Impact management outcome:</b> Areas disturbed during the development phase are returned to a state that approximates the original condition.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All areas disturbed by construction activities must be subject to landscaping and rehabilitation; All spoil and waste must be disposed of to a registered waste site;</li> <li>– All slopes must be assessed for contouring, and to contour only when the need is identified in accordance with the Conservation of Agricultural Resources Act, No 43 of 1983</li> </ul>						



<ul style="list-style-type: none"> <li>– All slopes must be assessed for terracing, and to terrace only when the need is identified in accordance with the Conservation of Agricultural Resources Act, No 43 of 1983;</li> <li>– Berms that have been created must have a slope of 1:4 and be replanted with indigenous species and grasses that approximates the original condition;</li> <li>– Where new access roads have crossed cultivated farmlands, that lands must be rehabilitated by ripping which must be agreed to by the holder of the EA and the landowners;</li> <li>– Rehabilitation of access roads outside of farmland;</li> <li>– Indigenous species must be used for with species and/grasses to where it compliments or approximates the original condition;</li> <li>– Stockpiled topsoil must be used for rehabilitation (refer to <b>Section 5.24: Stockpiling and stockpiled areas</b>);</li> <li>– Stockpiled topsoil must be evenly spread so as to facilitate seeding and minimise loss of soil due to erosion;</li> <li>– Before placing topsoil, all visible weeds from the placement area and from the topsoil must be removed;</li> <li>– Subsoil must be ripped before topsoil is placed;</li> <li>– The rehabilitation must be timed so that rehabilitation can take place at the optimal time for vegetation establishment;</li> <li>– Where impacted through construction related activity, all sloped areas must be stabilised to ensure proper rehabilitation is effected and erosion is controlled;</li> <li>– Sloped areas stabilised using design structures or vegetation as specified in the design to prevent erosion of embankments. The contract design specifications must be adhered to and implemented strictly;</li> <li>– Spoil can be used for backfilling or landscaping as long as it is covered by a minimum of 150 mm of topsoil.</li> </ul>						
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<p>– Where required, re-vegetation including hydro-seeding can be enhanced using a vegetation seed mixture as described below. A mixture of seed can be used provided the mixture is carefully selected to ensure the following:</p> <ul style="list-style-type: none"> <li>a) Annual and perennial plants are chosen;</li> <li>b) Pioneer species are included;</li> <li>c) Species chosen must be indigenous to the area with the seeds used coming from the area;</li> <li>d) Root systems must have a binding effect on the soil;</li> <li>e) The final product must not cause an ecological imbalance in the area</li> </ul>						
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## 6 ACCESS TO THE GENERIC EMPr

Once completed and signed, to allow the public access to the generic EMPr, the holder of the EA must make the EMPr available to the public in accordance with the requirements of Regulation 26(h) of the EIA Regulations.

**PART B: SECTION 2****7 SITE SPECIFIC INFORMATION AND DECLARATION****7.1 Sub-section 1: contact details and description of the project****7.1.1 Details of the applicant:**

Name of applicant:

Tel No:

Fax No:

Postal Address:

Physical Address:

**7.1.2 Details and expertise of the EAP:**

Name of applicant:

Tel No:

Fax No:

E-mail address:

Expertise of the EAP (Curriculum Vitae included):

**7.1.3 Project name:****7.1.4 Description of the project:****7.1.5 Project location:**

NO	FARM NAME( if applicable)	FARM NUMBER( if applicable)	PORTION NAME	PORTION NUMBER	LATITUDE	LONGITUDE

**7.2 Sub-section 2: Development footprint site map**

This sub-section must include a map of the site sensitivity overlaid with the preliminary infrastructure layout. The sensitivity map must be prepared from the national web based environmental screening tool, when available for compulsory use at: <https://screening.environment.gov.za/screeningtool>. The sensitivity map shall identify the nature of each sensitive feature e.g. threatened plant species, archaeological site, etc. Sensitivity maps shall identify features both within the planned working area and any known sensitive features within 50 m from the development footprint.

**7.3 Sub-section 3: Declaration**

The proponent/applicant or holder of the EA affirms that he/she will abide and comply with the prescribed impact management outcomes and impact management actions as stipulated in part B: section 1 of the generic EMPr and have the understanding that the impact management outcomes and impact management actions are legally binding. The proponent/applicant or holder of the EA affirms that he/she will provide written notice to the CA 14 day prior to the date on which the activity will commence of commencement of construction to facilitate compliance inspections.

Signature Proponent/applicant/ holder of EA

Date:

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**7.4 Sub-section 4: amendments to site specific information (Part B; section 2)**

Should the EA be transferred to a new holder, Part B: Section 2 must be completed by the new holder and submitted with the application for an amendment of the EA in terms of Regulations 29 or 31 of the EIA Regulations, whichever applies. The information submitted for an amendment to an environmental authorisation will be considered to be incomplete should a signed copy of Part B: Section 2 not be submitted. Once approved, Part B: Section 2 forms part of the EMPr for the development and the EMPr becomes legally binding to the new EA holder.

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**PART C****8 SITE SPECIFIC ENVIRONMENTAL ATTRIBUTES**

If any specific environmental sensitivities/attributes are present on the site which require more specific impact management outcomes and actions, not included in the pre-approved generic EMPr template, to manage impacts, those impact management outcomes and impact management actions must be included in this section. These specific management controls must be referenced spatially, and must include impact management outcomes and impact management actions. The management controls including impact management outcomes and impact management actions must be presented in the format of the pre-approved generic EMPr template. This applies only to additional impact management outcomes and impact management actions that are necessary.

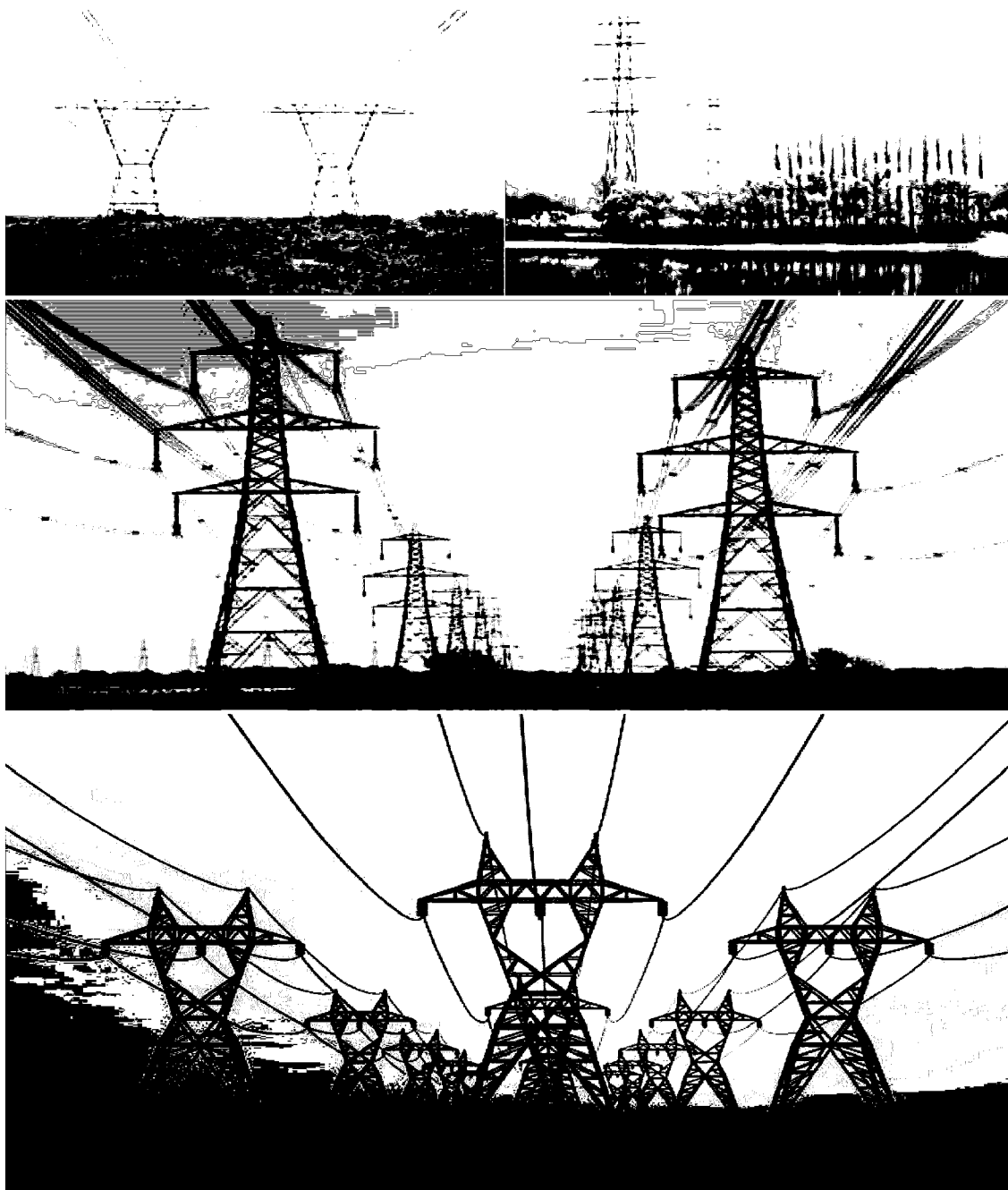
If Part C is applicable to the development as authorised in the EA, it is required to be submitted to the CA together with the BAR or EIAR, for consideration of, and decision on, the application for EA. The information in this section must be prepared by an EAP and the name and expertise of the EAP, including the curriculum vitae are to be included. Once approved, Part C forms part of the EMPr for the site and is legally binding.

This section will **not be required** should the site contain no specific environmental sensitivities or attributes.

**APPENDIX 1: METHOD STATEMENTS**

To be prepared by the contractor prior to commencement of the activity. The method statements are **not required** to be submitted to the CA.

APPENDIX 2  
GENERIC ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) FOR THE  
DEVELOPMENT AND EXPANSION FOR OVERHEAD ELECTRICITY  
TRANSMISSION AND DISTRIBUTION INFRASTRUCTURE



**environmental affairs**

Department:  
Environmental Affairs  
REPUBLIC OF SOUTH AFRICA

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## **INTRODUCTION**

### **1. Background**

The National Environmental Management Act, 1998 (Act No. 107 of 1998) (NEMA) requires that an environmental management programme (EMPr) be submitted where an environmental impact assessment (EIA) has been identified as the environmental instrument to be utilised as the basis for a decision on an application for environmental authorisation (EA). The content of an EMPr must either contain the information set out in Appendix 4 of the Environmental Impact Assessment Regulations, 2014, as amended, (EIA Regulations) or must be a generic EMPr relevant to an application as identified and gazetted by the Minister in a government notice. Once the Minister has identified, through a government notice, that a generic EMPr is relevant to an application for EA, that generic EMPr must be applied by all parties involved in the EA process, including, but not limited to, the applicant and the competent authority (CA).

### **2. Purpose**

This document constitutes a generic EMPr relevant to applications for the development or expansion of overhead electricity transmission and distribution infrastructure, and all listed and specified activities necessary for the realisation of such infrastructure.

### **3. Objective**

The objective of this generic EMPr is to prescribe and pre-approve generally accepted impact management outcomes and impact management actions, which can commonly and repeatedly be used for the avoidance, management and mitigation of impacts and risks associated with the development or expansion of overhead electricity transmission and distribution infrastructure. The use of a generic EMPr is intended to reduce the need to prepare and review individual EMPrs for applications of a similar nature.

### **4. Scope**

The scope of this generic EMPr applies to the development or expansion of overhead electricity transmission and distribution infrastructure requiring EA in terms of NEMA, i.e. with a capacity of 33 kilovolts or more. This generic EMPr applies to activities requiring EA, mainly activity 11 and 47 of the Environmental Impact Assessment Regulations Listing Notice 1 of 2014, as amended, and activity 9 of the Environmental Impact Assessment Regulations Listing Notice 2 of 2014, as amended, and all associated listed or specified activities necessary for the realisation of such infrastructure.

## 5. Structure of this document

This document is structured in three parts with an Appendix as indicated in the table below:

Part	Section	Heading	Content
A		Provides general guidance and information and is <b>not legally binding</b>	Definitions, acronyms, roles & responsibilities and documentation and reporting.
B	1	Pre-approved generic EMPr template	<p>Contains generally accepted impact management outcomes and impact management actions required for the avoidance, management and mitigation of impacts and risks associated with the development or expansion of overhead electricity transmission and distribution infrastructure, which are presented in the form of a template that has been pre-approved.</p> <p>The template in this section is to be completed by the contractor, with each completed page signed and dated by the holder of the EA prior to commencement of the activity.</p> <p>Where an impact management outcome is not relevant, the words "not applicable" can be inserted in the template under the "responsible persons" column.</p> <p>Once completed and signed, the template represents the EMPr for the activity approved by the CA and is legally binding. The template <b>is not required</b> to be submitted to the CA as once the generic EMPr is gazetted for implementation, it has been approved by the CA.</p> <p>To allow interested and affected parties access to the pre-approved EMPr template for consideration through the decision-making process, the EAP on behalf of the applicant /proponent must make the hard copy of this EMPr available at a public location and where the applicant has a website, the EMPr should also be made available on such publicly accessible website.</p>
	2	Site specific information	Contains preliminary infrastructure layout and a declaration that the applicant/holder of the EA will comply with the pre-approved generic EMPr template contained in Part B: Section 1, and understands that the impact management

Part	Section	Heading	Content
			<p>outcomes and impact management actions are <b>legally binding</b>. The preliminary infrastructure layout must be finalized to inform the final EMPr that is to be submitted with the basic assessment report (BAR) or environmental impact assessment report (EIAR), ensuring that all impact management outcomes and actions have been either pre-approved or approved in terms of <u>Part C</u>.</p> <p>This section <b>must be</b> submitted to the CA together with the final BAR or EIAR. The information submitted to the CA will be considered to be incomplete should a signed copy of <u>Part B: section 2</u> not be submitted. Once approved, this Section forms part of the EMPr for the development and is legally binding.</p>
C		Site specific sensitivities/ attributes	<p>If any specific environmental sensitivities/ attributes are present on the site which require site specific impact management outcomes and impact management actions, not included in the pre-approved generic EMPr, to manage impacts, these specific impact management outcomes and impact management actions must be included in this section. These specific environmental attributes must be referenced spatially and impact management outcomes and impact management actions must be provided. These specific impact management outcomes and impact management actions must be presented in the format of the pre-approved EMPr template (<u>Part B: section 1</u>)</p> <p>This section will not be required should the site contain no specific environmental sensitivities or attributes. However, if <u>Part C</u> is applicable to the site, it <b>is required</b> to be submitted together with the BAR or EIAR, for consideration of, and decision on, the application for EA. The information in this section must be prepared by an EAP, and must contain his/her name and expertise including a curriculum vitae. Once approved, Part C forms part of the EMPr for the site and is legally binding.</p> <p>This section applies only <b>to additional</b> impact management outcomes and impact</p>

Part	Section	Heading	Content
			management actions that are necessary for the avoidance, management and mitigation of impacts and risks associated with the specific development or expansion and which are not already included in <u>Part B: section 1</u> .
Appendix 1			Contains the method statements to be prepared prior to commencement of the activity. The method statements are <b>not required</b> to be submitted to the competent authority.

#### 6. Completion of part B: section 1: the pre-approved generic EMP template

The template is to be completed prior to commencement of the activity, by providing the following information for each environmental impact management action:

- For implementation
  - a 'responsible person',
  - a method for implementation,
  - a timeframe for implementation
- For monitoring
  - a responsible person
  - frequency
  - evidence of compliance.

The completed template must be signed and dated by the holder of the EA prior to commencement of the activity. The method statements prepared and agreed to by the holder of the EA must be appended to the template as Appendix 1. Each method statement must be signed and dated on each page by the holder of the EA. This template, once signed and dated, is legally binding. The holder of the EA will remain responsible for its implementation.

#### 7. Amendments of the impact management outcomes and impact management actions

Once the activity has commenced, a holder of an EA may make amendments to the impact management outcomes and impact management actions in the following manner:

- Amendment of the impact management outcomes: in line with the process contemplated in regulation 37 of the EIA Regulations; and
- Amendment of the impact management actions: in line with the process contemplated in regulation 36 of the EIA Regulations.

#### 8. Documents to be submitted as part of part B: section 2 site specific information and declaration

Part B: Section 2 has three distinct sub-sections. The first and third sub-sections are in a template format. Sub-section two requires a map to be produced.

Sub-section 1 contains the project name, the applicant's name and contact details, the site information, which includes coordinates of the corridor in which the proposed overhead electricity transmission and distribution infrastructure is proposed as well as the 21-digit Surveyor General code of each cadastral land parcel and, where available, the farm name.

Sub-section 2 is to be prepared by an EAP and must contain his/her name and expertise including a curriculum vitae. This sub-section must include a map of the site sensitivity overlaid with the preliminary infrastructure layout using the national web based environmental screening tool, when available for compulsory use at: <https://screening.environment.gov.za/screeningtool>. The sensitivity map shall identify the nature of each sensitive feature e.g. raptor nest, threatened plant species, archaeological site, etc. Sensitivity maps must identify features both within the planned working area and any known sensitive features in the surrounding landscape within 50m from the development footprint. The overhead transmission and distribution profile must be illustrated at an appropriate resolution to enable fine scale interrogation. It is recommended that <20 km of overhead transmission and distribution length is illustrated per page in A3 landscape format. Where considered appropriate, photographs of sensitive features in the context of tower positions must be used.

Sub-section 3 is the declaration that the applicant/proponent or holder of the EA in the case of a change of ownership must complete, which confirms that the applicant/EA holder will comply with the pre-approved generic EMP template in Section 1 and understands that the impact management outcomes and actions are legally binding.

**(a) Amendments to Part B: Section 2 – site specific information and declaration**

Should the EA be transferred, Part B: Section 2 must be completed by the new applicant/proponent and submitted with the application for an amendment of the EA in terms of Regulations 29 or 31 of the EIA Regulations, whichever applies. The information submitted as part of such an application for an amendment to an EA will be considered to be incomplete should a signed copy of Part B: Section 2 not be submitted. Once approved, Part B: Section 2 forms part of the EMP for the development and the EMP becomes legally binding to the new EA holder.

## PART A – GENERAL INFORMATION

### 1. DEFINITIONS

In this EMPr any word or expression to which a meaning has been assigned in the NEMA or EIA Regulations has that meaning, and unless the context requires otherwise –

**"clearing"** means the clearing and removal of vegetation, whether partially or in whole, including trees and shrubs, as specified;

**"construction camp"** is the area designated for key construction infrastructure and services, including but not limited to offices, overnight vehicle parking areas, stores, the workshop, stockpile and lay down areas, hazardous storage areas (including fuels), the batching plant (if one is located at the construction camp), designated access routes, equipment cleaning areas and the placement of staff accommodation, cooking and ablution facilities, waste and wastewater management;

**"contractor"** - The Contractor has overall responsibility for ensuring that all work, activities, and actions linked to the delivery of the contract, are in line with the Environmental Management Programme and that Method Statements are implemented as described.

**"hazardous substance"** is a substance governed by the Hazardous Substances Act, 1973 (Act No. 15 of 1973) as well as the Hazardous Chemical and Substances Regulations, 1995;

**"method statement"** means a written submission by the Contractor to the Project Manager in response to this EMPr or a request by the Project Manager and ECO. The method statement must set out the equipment, materials, labour and method(s) the Contractor proposes using to carry out an activity identified by the Project Manager when requesting the Method Statement. This must be done in such detail that the Project Manager and ECO is able to assess whether the Contractor's proposal is in accordance with this specification and/or will produce results in accordance with this specification;

The method statement must cover applicable details with regard to:

- (i) Construction procedures;
- (ii) Plant, materials and equipment to be used;
- (iii) Transporting the equipment to and from site;
- (iv) How the plant/ material/ equipment will be moved while on site;
- (v) How and where the plant/ material/ equipment will be stored;
- (vi) The containment (or action to be taken if containment is not possible) of leaks or spills of any liquid or material that may occur;
- (vii) Timing and location of activities;
- (viii) Compliance/ non-compliance; and
- (ix) Any other information deemed necessary by the Project Manager.

**"slope"** means the inclination of a surface expressed as one unit of rise or fall for so many horizontal units;



**“solid waste”** means all solid waste, including construction debris, hazardous waste, excess cement/concrete, wrapping materials, timber, cans, drums, wire, nails, food and domestic waste (e.g. plastic packets and wrappers);

**“spoil”** means excavated material which is unsuitable for use as material in the construction works or is material which is surplus to the requirements of the construction works;

**“topsoil”** means a varying depth (up to 300 mm) of the soil profile irrespective of the fertility, appearance, structure, agricultural potential, fertility and composition of the soil; and

**“works”** means the works to be executed in terms of the Contract

## 2. ACRONYMS and ABBREVIATIONS

<b>CA</b>	Competent Authority
<b>cEO</b>	Contractors Environmental Officer
<b>dEO</b>	Developer Environmental Officer
<b>DPM</b>	Developer Project Manager
<b>DSS</b>	Developer Site Supervisor
<b>EAR</b>	Environmental Audit Report
<b>ECA</b>	Environmental Conservation Act No. 73 of 1989
<b>ECO</b>	Environmental Control Officer
<b>EA</b>	Environmental Authorisation
<b>EIA</b>	Environmental Impact Assessment
<b>ERAP</b>	Emergency Response Action Plan
<b>EMPr</b>	Environmental Management Programme Report
<b>EAP</b>	Environmental Assessment Practitioner
<b>FPA</b>	Fire Protection Agency
<b>HCS</b>	Hazardous chemical Substance
<b>NEMA</b>	National Environmental Management Act, 1998 (Act No. 107 of 1998)
<b>NEMBA</b>	National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)
<b>NEMWA</b>	National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008)
<b>MSDS</b>	Material Safety Data Sheet
<b>RI&amp;AP's</b>	Registered interested and affected parties

### 3. ROLES AND RESPONSIBILITIES FOR ENVIRONMENTAL MANAGEMENT PROGRAMME (EMPr) IMPLEMENTATION

The effective implementation of this generic EMPr is dependent on established and clear roles, responsibilities and reporting lines within an institutional framework. This section of the EMPr gives guidance to the various environmental roles and reporting lines, however, project specific requirements will ultimately determine the need for the appointment of specific person(s) to undertake specific roles and or responsibilities. As such, it must be noted that in the event that no specific person, for example, an environmental control officer (ECO) is appointed, the holder of the EA remains responsible for ensuring that the duties indicated in this document for action by the ECO are undertaken.

**Table 1:** Guide to roles and responsibilities for implementation of an EMPr

Responsible Person (s)	Role and Responsibilities
Developer's Project Manager (DPM)	<p><u>Role</u></p> <p>The Project Developer is accountable for ensuring compliance with the EMPr and any conditions of approval from the competent authority (CA). Where required, an environmental control officer (ECO) must be contracted by the Project Developer to objectively monitor the implementation of the EMPr according to relevant environmental legislation, and the conditions of the environmental authorisation (EA). The Project Developer is further responsible for providing and giving mandate to enable the ECO to perform responsibilities, and he must ensure that the ECO is integrated as part of the project team while remaining independent.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Be fully conversant with the conditions of the EA;</li> <li>- Ensure that all stipulations within the EMPr are communicated and adhered to by the Developer and its Contractor(s);</li> <li>- Issuing of site instructions to the Contractor for corrective actions required;</li> <li>- Monitor the implementation of the EMPr throughout the project by means of site inspections and meetings. Overall management of the project and EMPr implementation; and</li> <li>- Ensure that periodic environmental performance audits are undertaken on the project implementation.</li> </ul>
Developer Site Supervisor (DSS)	<u>Role</u>

Responsible Person (s)	Role and Responsibilities
	<p>The DSS reports directly to the DPM, oversees site works, liaises with the contractor(s) and the ECO. The DSS is responsible for the day to day implementation of the EMPr and for ensuring the compliance of all contractors with the conditions and requirements stipulated in the EMPr.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Ensure that all contractors identify a contractor's Environmental Officer (cEO);</li> <li>- Must be fully conversant with the conditions of the EA. Oversees site works, liaison with Contractor, DPM and ECO;</li> <li>- Must ensure that all landowners have the relevant contact details of the site staff, ECO and cEO;</li> <li>- Issuing of site instructions to the Contractor for corrective actions required;</li> <li>- Will issue all non-compliances to contractors; and</li> <li>- Ratify the Monthly Environmental Report.</li> </ul>
Environmental Control Officer (ECO)	<p><u>Role</u></p> <p>The ECO should have appropriate training and experience in the implementation of environmental management specifications. The primary role of the ECO is to act as an independent quality controller and monitoring agent regarding all environmental concerns and associated environmental impacts. In this respect, the ECO is to conduct periodic site inspections, attend regular site meetings, pre-empt problems and suggest mitigation and be available to advise on incidental issues that arise. The ECO is also required to conduct compliance audits, verifying the monitoring reports submitted by the cEO. The ECO provides feedback to the DSS and Project Manager regarding all environmental matters. The Contractor, cEO and dEO are answerable to the Environmental Control Officer for non-compliance with the Performance Specifications as set out in the EA and EMPr.</p> <p>The ECO provides feedback to the DSS and Project Manager, who in turn reports back to the Contractor and potential and Registered Interested &amp; Affected Parties' (RI&amp;AP's), as required. Issues of non-compliance raised by the ECO must be taken up by the Project Manager, and resolved with the Contractor as per the conditions of his contract. Decisions regarding environmental procedures, specifications and requirements which have a cost implication (i.e. those that are deemed to be a variation, not allowed for in the Performance Specification) must be endorsed by the Project Manager. The ECO must also, as specified by the EA, report to the relevant CA as and when required.</p>

Responsible Person (s)	Role and Responsibilities
	<p><u>Responsibilities</u></p> <p>The responsibilities of the ECO will include the following:</p> <ul style="list-style-type: none"> <li>- Be aware of the findings and conclusions of all EA related to the development;</li> <li>- Be familiar with the recommendations and mitigation measures of this EMPr;</li> <li>- Be conversant with relevant environmental legislation, policies and procedures, and ensure compliance with them;</li> <li>- Undertake regular and comprehensive site inspections / audits of the construction site according to the generic EMPr and applicable licenses in order to monitor compliance as required;</li> <li>- Educate the construction team about the management measures contained in the EMPr and environmental licenses;</li> <li>- Compilation and administration of an environmental monitoring plan to ensure that the environmental management measures are implemented and are effective;</li> <li>- Monitoring the performance of the Contractors and ensuring compliance with the EMPr and associated Method Statements;</li> <li>- In consultation with the Developer Site Supervisor order the removal of person(s) and/or equipment which are in contravention of the specifications of the EMPr and/or environmental licenses;</li> <li>- Liaison between the DPM, Contractors, authorities and other lead stakeholders on all environmental concerns;</li> <li>- Compile a regular environmental audit report highlighting any non-compliance issues as well as satisfactory or exceptional compliance with the EMPr;</li> <li>- Validating the regular site inspection reports, which are to be prepared by the contractor Environmental Officer (cEO);</li> <li>- Checking the cEO's record of environmental incidents (spills, impacts, legal transgressions etc) as well as corrective and preventive actions taken;</li> <li>- Checking the cEO's public complaints register in which all complaints are recorded, as well as action taken;</li> <li>- Assisting in the resolution of conflicts;</li> <li>- Facilitate training for all personnel on the site – this may range from carrying out the training, to reviewing the training programmes of the Contractor;</li> <li>- In case of non-compliances, the ECO must first communicate this to the Senior Site Supervisor, who has the power to ensure this matter is addressed. Should no action or insufficient action be taken, the ECO may report this matter to the authorities as non-compliance;</li> <li>- Maintenance, update and review of the EMPr;</li> <li>- Communication of all modifications to the EMPr to the relevant stakeholders.</li> </ul>

Responsible Person (s)	Role and Responsibilities
developer Environmental Officer (dEO)	<p><u>Role</u></p> <p>The dEOs will report to the Project Manager and are responsible for implementation of the EMPr, environmental monitoring and reporting, providing environmental input to the Project Manager and Contractor's Manager, liaising with contractors and the landowners as well as a range of environmental coordination responsibilities.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Be fully conversant with the EMPr;</li> <li>- Be familiar with the recommendations and mitigation measures of this EMPr, and implement these measures;</li> <li>- Ensure that all stipulations within the EMPr are communicated and adhered to by the Employees, Contractor(s) ;</li> <li>- Confine the development site to the demarcated area;</li> <li>- Conduct environmental internal audits with regards to EMPr and authorisation compliance (on cEO);</li> <li>- Assist the contractors in addressing environmental challenges on site;</li> <li>- Assist in incident management:</li> <li>- Reporting environmental incidents to developer and ensuring that corrective action is taken, and lessons learnt shared;</li> <li>- Assist the contractor in investigating environmental incidents and compile investigation reports;</li> <li>- Follow-up on pre-warnings, defects, non-conformance reports;</li> <li>- Measure and communicate environmental performance to the Contractor;</li> <li>- Conduct environmental awareness training on site together with ECO and cEO;</li> <li>- Ensure that the necessary legal permits and / or licenses are in place and up to date;</li> <li>- Acting as Developer's Environmental Representative on site and work together with the ECO and contractor;</li> </ul>
Contractor	<p><u>Role</u></p> <p>The Contractor appoints the cEO and has overall responsibility for ensuring that all work, activities, and actions linked to the delivery of the contract are in line with the EMPr and that Method Statements are implemented as described. External contractors must ensure compliance with this EMPr while performing the onsite activities as per their contract with the Project Developer. The contractors are required, where</p>

Responsible Person (s)	Role and Responsibilities
	<p>specified, to provide Method Statements setting out in detail how the impact management actions contained in the EMPr will be implemented during the development or expansion for overhead electricity transmission and distribution infrastructure activities.</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- project delivery and quality control for the development services as per appointment;</li> <li>- employ a suitably qualified person to monitor and report to the Project Developer's appointed person on the daily activities on-site during the construction period;</li> <li>- ensure that safe, environmentally acceptable working methods and practices are implemented and that equipment is properly operated and maintained, to facilitate proper access and enable any operation to be carried out safely;</li> <li>- attend on site meeting(s) prior to the commencement of activities to confirm the procedure and designated activity zones;</li> <li>- ensure that contractors' staff repair, at their own cost, any environmental damage as a result of a contravention of the specifications contained in EMPr, to the satisfaction of the ECO.</li> </ul>
contractor Environmental Officer (cEO)	<p><u>Role</u></p> <p>Each Contractor affected by the EMPr should appoint a cEO, who is responsible for the on-site implementation of the EMPr (or relevant sections of the EMPr). The Contractor's representative can be the site agent; site engineer; a dedicated environmental officer; or an independent consultant. The Contractor must ensure that the Contractor's Representative is suitably qualified to perform the necessary tasks and is appointed at a level such that she/he can interact effectively with other site Contractors, labourers, the Environmental Control Officer and the public. As a minimum the cEO shall meet the following criteria:</p> <p><u>Responsibilities</u></p> <ul style="list-style-type: none"> <li>- Be on site throughout the duration of the project and be dedicated to the project;</li> <li>- Ensure all their staff are aware of the environmental requirements, conditions and constraints with respect to all of their activities on site;</li> <li>- Implementing the environmental conditions, guidelines and requirements as stipulated within the EA, EMPr and Method Statements;</li> <li>- Attend the Environmental Site Meeting;</li> </ul>

Responsible Person (s)	Role and Responsibilities
	<ul style="list-style-type: none"> <li>- Undertaking corrective actions where non-compliances are registered within the stipulated timeframes;</li> <li>- Report back formally on the completion of corrective actions;</li> <li>- Assist the ECO in maintaining all the site documentation;</li> <li>- Prepare the site inspection reports and corrective action reports for submission to the ECO;</li> <li>- Assist the ECO with the preparing of the monthly report; and</li> <li>- Where more than one Contractor is undertaking work on site, each company appointed as a Contractor will appoint a cEO representing that company.</li> </ul>

#### 4. ENVIRONMENTAL DOCUMENTATION REPORTING AND COMPLIANCE

To ensure accountable and demonstrated implementation of the EMPr, a number of reporting systems, documentation controls and compliance mechanisms must be in place for all overhead electricity transmission and distribution infrastructure projects as a minimum requirement.

##### 4.1 Document control/Filing system

The holder of the EA is solely responsible for the upkeep and management of the EMPr file. At a minimum, all documentation detailed below will be stored in the EMPr file. A hard copy of all documentation shall be filed, while an electronic copy may be kept where relevant. A duplicate file will be maintained in the office of the DSS (where applicable). This duplicate file must remain current and up-to-date. The filing system must be updated and relevant documents added as required. The EMPr file must be made available at all times on request by the CA or other relevant authorities. The EMPr file will form part of any environmental audits undertaken as prescribed in the EIA Regulations.

##### 4.2 Documentation to be available

At the outset of the project the following preliminary list of documents shall be placed in the filing system and be accessible at all times:

- Full copy of the signed EA from the CA in terms of NEMA, granting approval for the development or expansion;
- Copy of the generic and site specific EMPr as well as any amendments thereof;
- Copy of declaration of implementing generic EMPr and subsequent approval of site specific EMPr and amendments thereof;
- All method statements;
- Completed environmental checklists;
- Minutes and attendance register of environmental site meetings;
- An up-to-date environmental incident log;
- A copy of all instructions or directives issued;
- A copy of all corrective actions signed off. The corrective actions must be filed in such a way that a clear reference is made to the non-compliance record;
- Complaints register.

##### 4.3 Weekly Environmental Checklist

The ECOs are required to complete a Weekly Environmental Checklist, the format of which is to be agreed prior to commencement of the activity. The ECOs are required to sign and date the checklist, retain a copy in the EMPr file and submit a copy of the completed checklist to the DSS on a weekly basis.

The checklists will form the basis for the Monthly Environmental Reports. Copies of all completed checklists will be attached as Annexures to the Environmental Audit Report as required in terms of the EIA Regulations.



#### 4.4 Environmental site meetings

Minutes of the environmental site meetings shall be kept. The minutes must include an attendance register and will be attached to the Monthly Report that is distributed to attendees. Each set of minutes must clearly record "Matters for Attention" that will be reviewed at the next meeting.

#### 4.5 Required Method Statements

The method statement will be done in such detail that the ECOs are enabled to assess whether the contractor's proposal is in accordance with the EMPr.

The method statement must cover applicable details with regard to:

- development procedures;
- materials and equipment to be used;
- getting the equipment to and from site;
- how the equipment/ material will be moved while on site;
- how and where material will be stored;
- the containment (or action to be taken if containment is not possible) of leaks or spills of any liquid or material that may occur;
- timing and location of activities;
- compliance/ non-compliance with the EMPr; and
- any other information deemed necessary by the ECOs.

Unless indicated otherwise by the Project Manager, the Contractor shall provide the following method statements to the Project Manager no less than 14 days prior to the commencement date of the activity:

- Site establishment – Camps, Lay-down or storage areas, satellite camps, infrastructure;
- Batch plants;
- Workshop or plant servicing;
- Handling, transport and storage of Hazardous Chemical Substance's;
- Vegetation management – Protected, clearing, aliens, felling;
- Access management – Roads, gates, crossings etc.;
- Fire plan;
- Waste management – transport, storage, segregation, classification, disposal (all waste streams);
- Social interaction – complaints management, compensation claims, access to properties etc.;
- Water – use (source, abstraction and disposal), access and all related information, crossings and mitigation;
- Emergency preparedness – Spills, training, other environmental emergencies;
- Dust and noise management methodologies;
- Fauna interaction and risk management – only if the risk was identified – wildlife interaction especially on game farms; and
- Heritage and palaeontology management.

The ECOs shall monitor and ensure that the contractors perform in accordance with these method statements. Completed and agreed method statements between the holder of the EA and the contractor shall be captured in Appendix 1.

#### 4.6 Environmental Incident Log (Diary)

The ECOs are required to maintain an up-to-date and current Environmental Incident Log (environmental diary). The Environmental Incident Log is a means to record all environmental incidents and/or all non-compliance notice would not be issued. An environmental incident is defined as:

- Any deviation from the listed impact management actions (listed in this EMPr) that may be addressed immediately by the ECOs. (For example a contractor's staff member littering or a drip tray that has not been emptied);
- Any environmental impact resulting from an action or activity by a contractor in contravention of the environmental stipulations and guidelines listed in the EMPr which as a single event would have a minor impact but which if cumulative and continuous would have a significant effect (for example no toilet paper available in the ablutions for an afternoon); and
- General environmental information such as road kills or injured wildlife.

The ECOs are to record all environmental incidents in the Environmental Incident Log. All incidents regardless of severity must be reported to the Developer. The Log is to be kept in the EMPr file and at a minimum the following will be recorded for each environmental incident:

- The date and time of the incident;
- Description of the incident;
- The name of the Contractor responsible;
- The incident must be listed as significant or minor;
- If the incident is listed as significant, a non-compliance notice must be issued, and recorded in the log;
- Remedial or corrective action taken to mitigate the incident; and
- Record of repeat minor offences by the same contractor or staff member.

The Environmental Incident Log will be captured in the EAR.

#### 4.7 Non-compliance

A non-compliance notice will be issued to the responsible contractor by the ECOs via the DSS or Project Manager. The non-compliance notice will be issued in writing; a copy filed in the EMPr file and will at a minimum include the following:

- Time and date of the non-compliance;
  - Name of the contractor responsible;
  - Nature and description of the non-compliance;
  - Recommended / required corrective action; and
  - Date by which the corrective action to be completed.
- The contractors shall act immediately when a notice of non-compliance is received and correct whatever is the cause for the issuing of the notice. Complaints received regarding activities on the development site pertaining to the environment shall be

recorded in a dedicated register and the response noted with the date and action taken. The ECO should be made aware of any complaints. Any non-compliance with the agreed procedures of the EMPr is a transgression of the various statutes and laws that define the manner by which the environment is managed. Failure to redress the cause shall be reported to the relevant CA for them to deal with the transgression, as it deems fit. The contractor is deemed not to have complied with the EMPr if, inter alia, There is a deviation from the environmental conditions, impact management outcomes and impact management actions, as approved in generic and site specific EMPr as relevant as set out in the EMPr, which deviation has, or may cause, an environmental impact.

#### 4.8 Corrective action records

For each non-compliance notice issued, a documented corrective action must be recorded. On receiving a non-compliance notice from the DSS, the contractor's cEO will ensure that the corrective actions required take place within the stipulated timeframe. On completion of the corrective action the cEO is to issue a Corrective Action Report in writing to the ECOs. If satisfied that the corrective action has been completed, the ECOs are to sign-off on the Corrective Action Report, and attach the report to the non-compliance notice in the EMPr file. A corrective action is considered complete once the report has signed off by the ECOs.

#### 4.9 Photographic record

A digital photographic record will be kept. The photographic record will be used to show before, during and post rehabilitation evidence of the project as well used in cases of damages claims if they arise. Each image must be dated and a brief description note attached.

The Contractor shall:

1. Allow the ECOs access to take photographs of all areas, activities and actions.

The ECOs shall keep an electronic database of photographic records which will include:

1. Pictures of all areas designated as work areas, camp areas, development sites and storage areas taken before these areas are set up;
2. All bunding and fencing;
3. Road conditions and road verges;
4. Condition of all farm fences;
5. Topsoil storage areas;
6. All areas to be cordoned off during construction;
7. Waste management sites;
8. Ablution facilities (inside and out);
9. Any non-conformances deemed to be "significant";
10. All completed corrective actions for non-compliances;
11. All required signage;
12. Photographic recordings of incidents;
13. All areas before, during and post rehabilitation; and
14. Include relevant photographs in the Final Environmental Audit Report.

#### 4.10 Complaints register

The ECOs shall keep a current and up-to-date complaints register. The complaints register is to be a record of all complaints received from communities, stakeholders and individuals. The Complaints Record shall:

1. Record the name and contact details of the complainant;
2. Record the time and date of the complaint;
3. Contain a detailed description of the complaint;
4. Where relevant and appropriate, contain photographic evidence of the complaint or damage (ECOs to take relevant photographs); and
5. Contain a copy of the ECOs written response to each complaint received and keep a record of any further correspondence with the complainant. The ECO's written response will include a description of any corrective action to be taken and must be signed by the Contractor, ECO and affected party. Where a damage claim is issued by the complainant, the ECOs shall respond as described in **(section 4.11)** below.

#### 4.11 Claims for damages

In the event that a Claim for Damages is submitted by a community, landowner or individual, the ECOs shall:

1. Record the full detail of the complaint as described in **(section 4.10)** above;
2. The DPM will evaluate the claim and associated damage and submit the evaluation to the Senior Site Representative for approval;
3. Following consideration by the DPM, the claim is to be resolved and settled immediately, or the reason for not accepting the claim communicated in writing to the claimant. Should the claimant not accept this, the ECO shall, in writing report the incident to the Developer's negotiator and legal department; and
4. A formal record of the response by the ECOs to the claimant as well as the rectification of the method of making payments not amount will be recorded in the EMPr file.

#### 4.12 Interactions with affected parties

Open, transparent and good relations with affected landowners, communities and regional staff are an essential aspect to the successful management and mitigation of environmental impacts.

The ECOs shall:

1. Ensure that all queries, complaints and claims are dealt within an agreed timeframe;
2. Ensure that any or all agreements are documented, signed by all parties and a record of the agreement kept in the EMPr file;
3. Ensure that a complaints telephone numbers are made available to all landowners and affected parties; and
4. Ensure that contact with affected parties is courteous at all times;

#### 4.13 Environmental audits

Internal environmental audits of the activity and implementation of the EMPr must be undertaken. The findings and outcomes must be included in the EMPr file and be submitted to the CA at intervals as indicated in the EA.

An Environmental Audit Report must be prepared monthly. The report will be tabled as the key point on the agenda of the Environmental Site Meeting. The Report is submitted for acceptance at the meeting and the final report will be circulated to the Project Manager and filed in the EMPr file. At a frequency determined by the EA, the ECOs shall submit the monthly reports to the CA. At a minimum the monthly report is to cover the following:

- Weekly Environmental Checklists;
- Deviations and non-compliances with the checklists;
- Non-compliances issued;
- Completed and reported corrective actions;
- Environmental Monitoring;
- General environmental findings and actions; and
- Minutes of the Bi-monthly Environmental Site Meetings.

#### 4.14 Final environmental audits

On final completion of the rehabilitation and/or requirements of the EA a final EAR is to be prepared and submitted to the CA. The EAR must comply with Appendix 7 of the EIA Regulations.

**PART B: SECTION 1: Pre-approved generic EMPr template****5. IMPACT MANAGEMENT OUTCOMES AND IMPACT MANAGEMENT ACTIONS**

This section provides a pre-approved generic EMPr template with aspects that are common to the development of overhead electricity transmission and distribution infrastructure. There is a list of aspects identified for the development or expansion of overhead electricity transmission and distribution infrastructure, and for each aspect a set of prescribed impact management outcomes and associated impact management actions have been identified. Holders of EAs are responsible to ensure the implementation of these outcomes and actions for all projects as a minimum requirement, in order to mitigate the impact of such aspects identified for the development or expansion of overhead electricity transmission and distribution infrastructure.

The template provided below is to be completed by providing the information under each heading for each environmental impact management action.

The completed template must be signed and dated on each page by both the contractor and the holder of the EA prior to commencement of the activity. The method statements prepared and agreed to by the holder of the EA must be appended to the template as Appendix 1. Each method statement must also be duly signed and dated on each page by the contractor and the holder of the EA. This template, once signed and dated, is legally binding. The holder of the EA will remain responsible for its implementation.

### 5.1 Environmental awareness training

<b>Impact management outcome:</b> All onsite staff are aware and understands the individual responsibilities in terms of this EMPr.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All staff must receive environmental awareness training prior to commencement of the activities;</li> <li>– The Contractor must allow for sufficient sessions to train all personnel with no more than 20 personnel attending each course;</li> <li>– Refresher environmental awareness training is available as and when required;</li> <li>– All staff are aware of the conditions and controls linked to the EA and within the EMPr and made aware of their individual roles and responsibilities in achieving compliance with the EA and EMPr;</li> <li>– The Contractor must erect and maintain information posters at key locations on site, and the posters must include the following information as a minimum:               <ul style="list-style-type: none"> <li>a) Safety notifications; and</li> <li>b) No littering.</li> </ul> </li> <li>– Environmental awareness training must include as a minimum the following:               <ul style="list-style-type: none"> <li>a) Description of significant environmental impacts, actual or potential, related to their work activities;</li> <li>b) Mitigation measures to be implemented when carrying out specific activities;</li> </ul> </li> </ul>						

c) Emergency preparedness and response procedures; d) Emergency procedures; e) Procedures to be followed when working near or within sensitive areas; f) Wastewater management procedures; g) Water usage and conservation; h) Solid waste management procedures; i) Sanitation procedures; j) Fire prevention; and k) Disease prevention.						
<ul style="list-style-type: none"> <li>– A record of all environmental awareness training courses undertaken as part of the EMPr must be available;</li> <li>– Educate workers on the dangers of open and/or unattended fires;</li> <li>– A staff attendance register of all staff to have received environmental awareness training must be available.</li> <li>– Course material must be available and presented in appropriate languages that all staff can understand.</li> </ul>						

## 5.2 Site Establishment development

**Impact management outcome:** Impacts on the environment are minimised during site establishment and the development footprint are kept to demarcated development area.

Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance



<ul style="list-style-type: none"> <li>– A method statement must be provided by the contractor prior to any onsite activity that includes the layout of the construction camp in the form of a plan showing the location of key infrastructure and services (where applicable), including but not limited to offices, overnight vehicle parking areas, stores, the workshop, stockpile and lay down areas, hazardous materials storage areas (including fuels), the batching plant (if one is located at the construction camp), designated access routes, equipment cleaning areas and the placement of staff accommodation, cooking and ablution facilities, waste and wastewater management;</li> <li>– Location of camps must be within approved area to ensure that the site does not impact on sensitive areas identified in the environmental assessment or site walk through;</li> <li>– Sites must be located where possible on previously disturbed areas;</li> <li>– The camp must be fenced in accordance with <b>Section 5.5: Fencing and gate installation</b>; and</li> <li>– The use of existing accommodation for contractor staff, where possible, is encouraged.</li> </ul>						
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### 5.3 Access restricted areas

<b>Impact management outcome:</b> Access to restricted areas prevented.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Identification of access restricted areas is to be informed by the environmental assessment, site walk through and any additional areas identified during development;</li> <li>– Erect, demarcate and maintain a temporary barrier with clear signage around the perimeter of any access restricted area, colour coding could be used if appropriate; and</li> <li>– Unauthorised access and development related activity inside access restricted areas is prohibited.</li> </ul>						

### 5.4 Access roads

<b>Impact management outcome:</b> Minimise impact to the environment through the planned and restricted movement of vehicles on site.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Access to the servitude and tower positions must be negotiated with the relevant landowner and must fall within the assessed and authorised area;</li> </ul>						

<ul style="list-style-type: none"> <li>- An access agreement must be formalised and signed by the DPM, Contractor and landowner before commencing with the activities;</li> <li>- The access roads to tower positions must be signposted after access has been negotiated and before the commencement of the activities;</li> <li>- All private roads used for access to the servitude must be maintained and upon completion of the works, be left in at least the original condition</li> <li>- All contractors must be made aware of all these access routes.</li> <li>- Any access route deviation from that in the written agreement must be closed and re-vegetated immediately, at the contractor's expense;</li> <li>- Maximum use of both existing servitudes and existing roads must be made to minimize further disturbance through the development of new roads;</li> <li>- In circumstances where private roads must be used, the condition of the said roads must be recorded in accordance with <b>section 4.9: photographic record</b>; prior to use and the condition thereof agreed by the landowner, the DPM, and the contractor;</li> <li>- Access roads in flattish areas must follow fence lines and tree belts to avoid fragmentation of vegetated areas or croplands</li> <li>- Access roads must only be developed on pre-planned and approved roads.</li> </ul>						
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### 5.5 Fencing and Gate installation

**Impact management outcome:** Minimise impact to the environment and ensure safe and controlled access to the site through the erection of fencing and gates where required.

Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Use existing gates provided to gain access to all parts of the area authorised for development, where possible;</li> <li>– Existing and new gates to be recorded and documented in accordance with <b>section 4.9: photographic record</b>;</li> <li>– All gates must be fitted with locks and be kept locked at all times during the development phase, unless otherwise agreed with the landowner;</li> <li>– At points where the line crosses a fence in which there is no suitable gate within the extent of the line servitude, on the instruction of the DPM, a gate must be installed at the approval of the landowner;</li> <li>– Care must be taken that the gates must be so erected that there is a gap of no more than 100 mm between the bottom of the gate and the ground;</li> <li>– Where gates are installed in jackal proof fencing, a suitable reinforced concrete sill must be provided beneath the gate;</li> <li>– Original tension must be maintained in the fence wires;</li> <li>– All gates installed in electrified fencing must be re-electrified;</li> <li>– All demarcation fencing and barriers must be maintained in good working order for the duration of overhead transmission and distribution electricity infrastructure development activities;</li> </ul>						

<ul style="list-style-type: none"> <li>– Fencing must be erected around the camp, batching plants, hazardous storage areas, and all designated access restricted areas, where appropriate and would not cause harm to the sensitive flora;</li> <li>– Any temporary fencing to restrict the movement of life-stock must only be erected with the permission of the land owner.</li> <li>– All fencing must be developed of high quality material bearing the SABS mark;</li> <li>– The use of razor wire as fencing must be avoided;</li> <li>– Fenced areas with gate access must remain locked after hours, during weekends and on holidays if staff is away from site. Site security will be required at all times;</li> <li>– On completion of the development phase all temporary fences are to be removed;</li> <li>– The contractor must ensure that all fence uprights are appropriately removed, ensuring that no uprights are cut at ground level but rather removed completely.</li> </ul>						
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### 5.6 Water Supply Management

<b>Impact management outcome:</b> Undertake responsible water usage.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All abstraction points or bore holes must be registered with the DWS and suitable water meters installed to ensure that the abstracted volumes are measured on a daily basis;</li> <li>– The Contractor must ensure the following:</li> </ul>						

<ul style="list-style-type: none"> <li>a. The vehicle abstracting water from a river does not enter or cross it and does not operate from within the river;</li> <li>b. No damage occurs to the river bed or banks and that the abstraction of water does not entail stream diversion activities; and</li> <li>c. All reasonable measures to limit pollution or sedimentation of the downstream watercourse are implemented.</li> </ul> <ul style="list-style-type: none"> <li>– Ensure water conservation is being practiced by:               <ul style="list-style-type: none"> <li>a. Minimising water use during cleaning of equipment;</li> <li>b. Undertaking regular audits of water systems; and</li> <li>c. Including a discussion on water usage and conservation during environmental awareness training.</li> <li>d. The use of grey water is encouraged.</li> </ul> </li> </ul>						
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### 5.7 Storm and waste water management

<b>Impact management outcome:</b> Impacts to the environment caused by storm water and wastewater discharges during construction are avoided.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Runoff from the cement/ concrete batching areas must be strictly controlled, and contaminated water must be collected, stored and either treated or disposed of off-site, at a location approved by the project manager;</li> <li>– All spillage of oil onto concrete surfaces must be controlled by the use of an approved absorbent material and the used absorbent material disposed of at an appropriate waste disposal facility;</li> </ul>						

<ul style="list-style-type: none"> <li>– Natural storm water runoff not contaminated during the development and clean water can be discharged directly to watercourses and water bodies, subject to the Project Manager's approval and support by the ECO;</li> <li>– Water that has been contaminated with suspended solids, such as soils and silt, may be released into watercourses or water bodies only once all suspended solids have been removed from the water by settling out these solids in settlement ponds. The release of settled water back into the environment must be subject to the Project Manager's approval and support by the ECO.</li> </ul>						
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### 5.8 Solid and hazardous waste management

<b>Impact management outcome:</b> Waste is appropriately stored, handled and safely disposed of at a recognised waste facility.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All measures regarding waste management must be undertaken using an integrated waste management approach;</li> <li>– Sufficient, covered waste collection bins (scavenger and weatherproof) must be provided;</li> <li>– A suitably positioned and clearly demarcated waste collection site must be identified and provided;</li> <li>– The waste collection site must be maintained in a clean and orderly manner;</li> <li>– Waste must be segregated into separate bins and clearly marked for each waste type for recycling and safe disposal;</li> </ul>						

<ul style="list-style-type: none"> <li>– Staff must be trained in waste segregation;</li> <li>– Bins must be emptied regularly;</li> <li>– General waste produced onsite must be disposed of at registered waste disposal sites/ recycling company;</li> <li>– Hazardous waste must be disposed of at a registered waste disposal site;</li> <li>– Certificates of safe disposal for general, hazardous and recycled waste must be maintained.</li> </ul>						
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### 5.9 Protection of watercourses and estuaries

<b>Impact management outcome:</b> Pollution and contamination of the watercourse environment and or estuary erosion are prevented.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All watercourses must be protected from direct or indirect spills of pollutants such as solid waste, sewage, cement, oils, fuels, chemicals, aggregate tailings, wash and contaminated water or organic material resulting from the Contractor's activities;</li> <li>– In the event of a spill, prompt action must be taken to clear the polluted or affected areas;</li> <li>– Where possible, no development equipment must traverse any seasonal or permanent wetland</li> <li>– No return flow into the estuaries must be allowed and no disturbance of the Estuarine Functional Zone should occur;</li> <li>– Development of permanent watercourse or estuary crossing must only be undertaken where no alternative access to tower position is available;</li> </ul>						



<ul style="list-style-type: none"> <li>– There must not be any impact on the long term morphological dynamics of watercourses or estuaries;</li> <li>– Existing crossing points must be favored over the creation of new crossings (including temporary access)</li> <li>– When working in or near any watercourse or estuary, the following environmental controls and consideration must be taken:               <ul style="list-style-type: none"> <li>a) Water levels during the period of construction; No altering of the bed, banks, course or characteristics of a watercourse</li> <li>b) During the execution of the works, appropriate measures to prevent pollution and contamination of the riparian environment must be implemented e.g. including ensuring that construction equipment is well maintained;</li> <li>c) Where earthwork is being undertaken in close proximity to any watercourse, slopes must be stabilised using suitable materials, i.e. sandbags or geotextile fabric, to prevent sand and rock from entering the channel; and</li> <li>d) Appropriate rehabilitation and re-vegetation measures for the watercourse banks must be implemented timeously. In this regard, the banks should be appropriately and incrementally stabilised as soon as development allows.</li> </ul> </li> </ul>						
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### 5.10 Vegetation clearing

<b>Impact management outcome:</b> Vegetation clearing is restricted to the authorised development footprint of the proposed infrastructure.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance

<p><b>General:</b></p> <ul style="list-style-type: none"> <li>– Indigenous vegetation which does not interfere with the development must be left undisturbed;</li> <li>– Protected or endangered species may occur on or near the development site. Special care should be taken not to damage such species;</li> <li>– Search, rescue and replanting of all protected and endangered species likely to be damaged during project development must be identified by the relevant specialist and completed prior to any development or clearing;</li> <li>– Permits for removal must be obtained from the Department of Agriculture, Forestry and Fisheries prior to the cutting or clearing of the affected species, and they must be filed;</li> <li>– The Environmental Audit Report must confirm that all identified species have been rescued and replanted and that the location of replanting is compliant with conditions of approvals;</li> <li>– Trees felled due to construction must be documented and form part of the Environmental Audit Report;</li> <li>– Rivers and watercourses must be kept clear of felled trees, vegetation cuttings and debris;</li> <li>– Only a registered pest control operator may apply herbicides on a commercial basis and commercial application must be carried out under the supervision of a registered pest control operator, supervision of a registered pest control operator or is appropriately trained;</li> <li>– A daily register must be kept of all relevant details of herbicide usage;</li> <li>– No herbicides must be used in estuaries;</li> </ul>						
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<ul style="list-style-type: none"> <li>- All protected species and sensitive vegetation not removed must be clearly marked and such areas fenced off in accordance to <b>Section 5.3: Access restricted areas.</b></li> </ul> <p><b>Servitude:</b></p> <ul style="list-style-type: none"> <li>- Vegetation that does not grow high enough to cause interference with overhead transmission and distribution infrastructures, or cause a fire hazard to any plantation, must not be cut or trimmed unless it is growing in the road access area, and then only at the discretion of the Project Manager;</li> <li>- Where clearing for access purposes is essential, the maximum width to be cleared within the servitude must be in accordance to distance as agreed between the land owner and the EA holder</li> <li>- Alien invasive vegetation must be removed according to a plan (in line with relevant municipal and provincial procedures, guidelines and recommendations) and disposed of at a recognised waste disposal facility;</li> <li>- Vegetation must be trimmed where it is likely to intrude on the minimum vegetation clearance distance (MVCD) or will intrude on this distance before the next scheduled clearance. MVCD is determined from SANS 10280;</li> <li>- Debris resulting from clearing and pruning must be disposed of at a recognised waste disposal facility, unless the landowners wish to retain the cut vegetation;</li> <li>- In the case of the development of new overhead transmission and distribution infrastructures, a one metre "trace-line" must be cut through the vegetation for stringing purposes only and no vehicle access must be cleared along the "trace-line". Alternative methods of stringing which limit impact to the environment must always be considered.</li> </ul>						
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### 5.11 Protection of fauna

<b>Impact management outcome:</b> Minimise disturbance to fauna.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– No interference with livestock must occur without the landowner's written consent and with the landowner or a person representing the landowner being present;</li> <li>– The breeding sites of raptors and other wild birds species must be taken into consideration during the planning of the development programme;</li> <li>– Breeding sites must be kept intact and disturbance to breeding birds must be avoided. Special care must be taken where nestlings or fledglings are present;</li> <li>– Nesting sites on existing parallel lines must be documented;</li> <li>– Special recommendations of the avian specialist must be adhered to at all times to prevent unnecessary disturbance of birds;</li> <li>– Bird guards and diverters must be installed on the new line as per the recommendations of the specialist;</li> <li>– No poaching must be tolerated under any circumstances. All animal dens in close proximity to the works areas must be marked as Access restricted areas;</li> <li>– No deliberate or intentional killing of fauna is allowed;</li> <li>– In areas where snakes are abundant, snake deterrents to be deployed on the pylons to prevent snakes climbing up, being electrocuted and causing power outages; and</li> <li>– No Threatened or Protected species (ToPs) and/or protected fauna as listed according NEMBA (Act No. 10 of 2004) and</li> </ul>						

relevant provincial ordinances may be removed and/or relocated without appropriate authorisations/permits.						
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### 5.12 Protection of heritage resources

<b>Impact management outcome:</b> Minimise impact to heritage resources.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>Identify, demarcate and prevent impact to all known sensitive heritage features on site in accordance with the No-Go procedure in <b>Section 5.3: Access restricted areas</b>;</li> <li>Carry out general monitoring of excavations for potential fossils, artefacts and material of heritage importance;</li> <li>All work must cease immediately, if any human remains and/or other archaeological, palaeontological and historical material are uncovered. Such material, if exposed, must be reported to the nearest museum, archaeologist/palaeontologist (or the South African Police Services), so that a systematic and professional investigation can be undertaken. Sufficient time must be allowed to remove/collect such material before development recommences.</li> </ul>						

### 5.13 Safety of the public

<b>Impact management outcome:</b> All precautions are taken to minimise the risk of injury, harm or complaints.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>Identify fire hazards, demarcate and restrict public access to these areas as well as notify the local authority of any potential threats e.g. large brush stockpiles, fuels etc.;</li> <li>All unattended open excavations must be adequately fenced or demarcated;</li> <li>Adequate protective measures must be implemented to prevent unauthorised access to and climbing of partly constructed towers and protective scaffolding;</li> <li>Ensure structures vulnerable to high winds are secured;</li> <li>Maintain an incidents and complaints register in which all incidents or complaints involving the public are logged.</li> </ul>						

### 5.14 Sanitation

<b>Impact management outcome:</b> Clean and well maintained toilet facilities are available to all staff in an effort to minimise the risk of disease and impact to the environment.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance

<ul style="list-style-type: none"> <li>– Mobile chemical toilets are installed onsite if no other ablution facilities are available;</li> <li>– The use of ablution facilities and or mobile toilets must be used at all times and no indiscriminate use of the veld for the purposes of ablutions must be permitted under any circumstances;</li> <li>– Where mobile chemical toilets are required, the following must be ensured: <ul style="list-style-type: none"> <li>a) Toilets are located no closer than 100 m to any watercourse or water body;</li> <li>b) Toilets are secured to the ground to prevent them from toppling due to wind or any other cause;</li> <li>c) No spillage occurs when the toilets are cleaned or emptied and the contents are managed in accordance with the EMPr;</li> <li>d) Toilets have an external closing mechanism and are closed and secured from the outside when not in use to prevent toilet paper from being blown out;</li> <li>e) Toilets are emptied before long weekends and workers holidays, and must be locked after working hours;</li> <li>f) Toilets are serviced regularly and the ECO must inspect toilets to ensure compliance to health standards;</li> </ul> </li> <li>– A copy of the waste disposal certificates must be maintained.</li> </ul>						
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### 5.15 Prevention of disease

<b>Impact Management outcome:</b> All necessary precautions linked to the spread of disease are taken.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Undertake environmentally-friendly pest control in the camp area;</li> <li>– Ensure that the workforce is sensitised to the effects of sexually transmitted diseases, especially HIV AIDS;</li> <li>– The Contractor must ensure that information posters on AIDS are displayed in the Contractor Camp area;</li> <li>– Information and education relating to sexually transmitted diseases to be made available to both construction workers and local community, where applicable;</li> <li>– Free condoms must be made available to all staff on site at central points;</li> <li>– Medical support must be made available;</li> <li>– Provide access to Voluntary HIV Testing and Counselling Services.</li> </ul>						

### 5.16 Emergency procedures

<b>Impact management outcome:</b> Emergency procedures are in place to enable a rapid and effective response to all types of environmental emergencies.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Compile an Emergency Response Action Plan (ERAP) prior to the commencement of the proposed project;</li> <li>– The Emergency Plan must deal with accidents, potential spillages and fires in line with relevant legislation;</li> <li>– All staff must be made aware of emergency procedures as part of environmental awareness training;</li> <li>– The relevant local authority must be made aware of a fire as soon as it starts;</li> <li>– In the event of emergency necessary mitigation measures to contain the spill or leak must be implemented (see <b>Hazardous Substances section 5.17</b>).</li> </ul>						

### 5.17 Hazardous substances

**Impact management outcome:** Safe storage, handling, use and disposal of hazardous substances.

Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– The use and storage of hazardous substances to be minimised and non-hazardous and non-toxic alternatives substituted where possible;</li> <li>– All hazardous substances must be stored in suitable containers as defined in the Method Statement;</li> <li>– Containers must be clearly marked to indicate contents, quantities and safety requirements;</li> <li>– All storage areas must be bunded. The bunded area must be of sufficient capacity to contain a spill / leak from the stored containers;</li> <li>– Bunded areas to be suitably lined with a SABS approved liner;</li> <li>– An Alphabetical Hazardous Chemical Substance (HCS) control sheet must be drawn up and kept up to date on a continuous basis;</li> <li>– All hazardous chemicals that will be used on site must have Material Safety Data Sheets (MSDS);</li> <li>– All employees working with HCS must be trained in the safe use of the substance and according to the safety data sheet;</li> <li>– Employees handling hazardous substances / materials must be aware of the potential impacts and follow appropriate safety measures. Appropriate personal protective equipment must be made available;</li> </ul>						

<ul style="list-style-type: none"> <li>- The Contractor must ensure that diesel and other liquid fuel, oil and hydraulic fluid is stored in appropriate storage tanks or in bowzers;</li> <li>- The tanks/ bowzers must be situated on a smooth impermeable surface (concrete) with a permanent bund. The impermeable lining must extend to the crest of the bund and the volume inside the bund must be 130% of the total capacity of all the storage tanks/ bowzers (110% statutory requirement plus an allowance for rainfall);</li> <li>- The floor of the bund must be sloped, draining to an oil separator;</li> <li>- Provision must be made for refueling at the storage area by protecting the soil with an impermeable groundcover. Where dispensing equipment is used, a drip tray must be used to ensure small spills are contained;</li> <li>- All empty externally dirty drums must be stored on a drip tray or within a bunded area;</li> <li>- No unauthorised access into the hazardous substances storage areas must be permitted;</li> <li>- No smoking must be allowed within the vicinity of the hazardous storage areas;</li> <li>- Adequate fire-fighting equipment must be made available at all hazardous storage areas;</li> <li>- Where refueling away from the dedicated refueling station is required, a mobile refueling unit must be used. Appropriate ground protection such as drip trays must be used;</li> <li>- An appropriately sized spill kit kept onsite relevant to the scale of the activity/s involving the use of hazardous substance must be available at all times;</li> <li>- The responsible operator must have the required training to make use of the spill kit in emergency situations;</li> </ul>						
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<ul style="list-style-type: none"> <li>- An appropriate number of spill kits must be available and must be located in all areas where activities are being undertaken;</li> <li>- In the event of a spill, contaminated soil must be collected in containers and stored in a central location and disposed of according to the National Environmental Management: Waste Act 59 of 2008. Refer to <b>Section 5.7</b> for procedures concerning <b>storm and waste water management</b> and <b>5.8</b> for <b>solid and hazardous waste management</b>.</li> </ul>						
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#### 5.18 Workshop, equipment maintenance and storage

<b>Impact management outcome:</b> Soil, surface water and groundwater contamination is minimised.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>- Where possible and practical all maintenance of vehicles and equipment must take place in the workshop area;</li> <li>- During servicing of vehicles or equipment, especially where emergency repairs are effected outside the workshop area, a suitable drip tray must be used to prevent spills onto the soil. The relevant local authority must be made aware of a fire as soon as it starts;</li> <li>- Leaking equipment must be repaired immediately or be removed from site to facilitate repair;</li> <li>- Workshop areas must be monitored for oil and fuel spills;</li> <li>- Appropriately sized spill kit kept onsite relevant to the scale of the activity taking place must be available;</li> <li>- The workshop area must have a bunded concrete slab that is sloped to facilitate runoff into a collection sump or suitable oil</li> </ul>						

/ water separator where maintenance work on vehicles and equipment can be performed; – Water drainage from the workshop must be contained and managed in accordance <b>Section 5.7: storm and waste water management</b> .						
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#### 5.19 Batching plants

Impact management outcome: Minimise spillages and contamination of soil, surface water and groundwater.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>Concrete mixing must be carried out on an impermeable surface;</li> <li>Batching plants areas must be fitted with a containment facility for the collection of cement laden water.</li> <li>Dirty water from the batching plant must be contained to prevent soil and groundwater contamination</li> <li>Bagged cement must be stored in an appropriate facility and at least 10 m away from any water courses, gullies and drains;</li> <li>A washout facility must be provided for washing of concrete associated equipment. Water used for washing must be restricted;</li> <li>Hardened concrete from the washout facility or concrete mixer can either be reused or disposed of at an appropriate licenced disposal facility;</li> <li>Empty cement bags must be secured with adequate binding material if these will be temporarily stored on site;</li> </ul>						

<ul style="list-style-type: none"> <li>– Sand and aggregates containing cement must be kept damp to prevent the generation of dust (Refer to <b>Section 5.20: Dust emissions</b>)</li> <li>– Any excess sand, stone and cement must be removed or reused from site on completion of construction period and disposed at a registered disposal facility;</li> <li>– Temporary fencing must be erected around batching plants in accordance with <b>Section 5.5: Fencing and gate installation.</b></li> </ul>						
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### 5.20 Dust emissions

<b>Impact management outcome:</b> Dust prevention measures are applied to minimise the generation of dust.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Take all reasonable measures to minimise the generation of dust as a result of project development activities to the satisfaction of the ECO;</li> <li>– Removal of vegetation must be avoided until such time as soil stripping is required and similarly exposed surfaces must be re-vegetated or stabilised as soon as is practically possible;</li> <li>– Excavation, handling and transport of erodible materials must be avoided under high wind conditions or when a visible dust plume is present;</li> <li>– During high wind conditions, the ECO must evaluate the situation and make recommendations as to whether dust-damping measures are adequate, or whether working will</li> </ul>						



cease altogether until the wind speed drops to an acceptable level; – Where possible, soil stockpiles must be located in sheltered areas where they are not exposed to the erosive effects of the wind; – Where erosion of stockpiles becomes a problem, erosion control measures must be implemented at the discretion of the ECO; – Vehicle speeds must not exceed 40 km/h along dust roads or 20 km/h when traversing unconsolidated and non-vegetated areas; – Straw stabilisation must be applied at a rate of one bale/10 m <sup>2</sup> and harrowed into the top 100 mm of top material, for all completed earthworks; – For significant areas of excavation or exposed ground, dust suppression measures must be used to minimise the spread of dust.						
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### 5.21 Blasting

<b>Impact management outcome:</b> Impact to the environment is minimised through a safe blasting practice.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
– Any blasting activity must be conducted by a suitably licensed blasting contractor; and – Notification of surrounding landowners, emergency services site personnel of blasting activity 24 hours prior to such activity taking place on Site.						

**5.22 Noise**

<b>Impact Management outcome:</b> Unnecessary noise is prevented by ensuring that noise from construction activities is mitigated.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– The Contractor must keep noise level within acceptable limits, Restrict the use of sound amplification equipment for communication and emergency only;</li> <li>– All vehicles and machinery must be fitted with appropriate silencing technology and must be properly maintained;</li> <li>– Any complaints received by the Contractor regarding noise must be recorded and communicated. Where possible or applicable, provide transport to and from the site on a daily basis for construction workers;</li> <li>– Develop a Code of Conduct for the construction phase in terms of behaviour of construction staff. Operating hours as determined by the environmental authorisation are adhered to during the development phase. Where not defined, it must be ensured that development activities must still meet the impact management outcome related to noise management.</li> </ul>						

**5.23 Fire prevention**

<b>Impact management outcome:</b> Prevention of uncontrollable fires.		
Impact Management Actions	Implementation	Monitoring

	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Designate smoking areas where the fire hazard could be regarded as insignificant;</li> <li>– Firefighting equipment must be available on all vehicles located on site;</li> <li>– The local Fire Protection Agency (FPA) must be informed of construction activities;</li> <li>– Contact numbers for the FPA and emergency services must be communicated in environmental awareness training and displayed at a central location on site;</li> <li>– Two way swap of contact details between ECO and FPA.</li> </ul>						

#### 5.24 Stockpiling and stockpile areas

<b>Impact management outcome:</b> Erosion and sedimentation as a result of stockpiling are reduced.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All material that is excavated during the project development phase (either during piling (if required) or earthworks) must be stored appropriately on site in order to minimise impacts to watercourses, watercourses and water bodies;</li> <li>– All stockpiled material must be maintained and kept clear of weeds and alien vegetation growth by undertaking regular weeding and control methods;</li> <li>– Topsoil stockpiles must not exceed 2 m in height;</li> </ul>						

<ul style="list-style-type: none"> <li>– During periods of strong winds and heavy rain, the stockpiles must be covered with appropriate material (e.g. cloth, tarpaulin etc.);</li> <li>– Where possible, sandbags (or similar) must be placed at the bases of the stockpiled material in order to prevent erosion of the material.</li> </ul>						
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### 5.25 Finalising tower positions

<b>Impact management outcome:</b> No environmental degradation occurs as a result of the survey and pegging operations.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– No vegetation clearing must occur during survey and pegging operations;</li> <li>– No new access roads must be developed to facilitate access for survey and pegging purposes;</li> <li>– Project manager, botanical specialist and contractor to agree on final tower positions based on survey within assessed and approved areas;</li> <li>– The surveyor is to demarcate (peg) access roads/tracks in consultation with ECO. No deviations will be allowed without the prior written consent from the ECO.</li> </ul>						

### 5.26 Excavation and Installation of foundations

<b>Impact management outcome:</b> No environmental degradation occurs as a result of excavation or installation of foundations.
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Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All excess spoil generated during foundation excavation must be disposed of in an appropriate manner and at a recognised disposal site, if not used for backfilling purposes;</li> <li>– Spoil can however be used for landscaping purposes and must be covered with a layer of 150 mm topsoil for rehabilitation purposes;</li> <li>– Management of equipment for excavation purposes must be undertaken in accordance with <b>Section 5.18: Workshop equipment maintenance and storage</b>; and</li> <li>– Hazardous substances spills from equipment must be managed in accordance with <b>Section 5.17: Hazardous substances</b>.</li> <li>– Batching of cement to be undertaken in accordance with <b>Section 5.19 : Batching plants</b>;</li> <li>– Residual cement must be disposed of in accordance with <b>Section 5.8: Solid and hazardous waste management</b>.</li> </ul>						

#### 5.27 Assembly and erecting towers

<b>Impact management outcome:</b> No environmental degradation occurs as a result of assembly and erecting of towers.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Prior to erection, assembled towers and tower sections must be stored on elevated surface (suggest wooden blocks) to minimise damage to the underlying vegetation;</li> </ul>						

<ul style="list-style-type: none"> <li>– In sensitive areas, tower assembly must take place off-site or away from sensitive positions;</li> <li>– The crane used for tower assembly must be operated in a manner which minimises impact to the environment;</li> <li>– The number of crane trips to each site must be minimised;</li> <li>– Wheeled cranes must be utilised in preference to tracked cranes;</li> <li>– Consideration must be given to erecting towers by helicopter or by hand where it is warranted to limit the extent of environmental impact;</li> <li>– Access to tower positions to be undertaken in accordance with access requirements in specified in Section 8.4: Access Roads;</li> <li>– Vegetation clearance to be undertaken in accordance with general vegetation clearance requirements specified in Section 8.10: Vegetation clearing;</li> <li>– No levelling at tower sites must be permitted unless approved by the Development Project Manager or Developer Site Supervisor;</li> <li>– Topsoil must be removed separately from subsoil material and stored for later use during rehabilitation of such tower sites;</li> <li>– Topsoil must be stored in heaps not higher than 1m to prevent destruction of the seed bank within the topsoil;</li> <li>– Excavated slopes must be no greater than 1:3, but where this is unavoidable, appropriate measures must be undertaken to stabilise the slopes;</li> <li>– Fly rock from blasting activity must be minimised and any pieces greater than 150 mm falling beyond the Working Area, must be collected and removed;</li> <li>– Only existing disturbed areas are utilised as spoil areas;</li> </ul>						
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<ul style="list-style-type: none"> <li>– Drainage is provided to control groundwater exit gradient with the spill areas such that migration of fines is kept to a minimum;</li> <li>– Surface water runoff is appropriately channeled through or around spoil areas;</li> <li>– During backfilling operations, care must be taken not to dump the topsoil at the bottom of the foundation and then put spoil on top of that;</li> <li>– The surface of the spoil is appropriately rehabilitated in accordance with the requirements specified in Section 5.29: Landscaping and rehabilitation;</li> <li>– The retained topsoil must be spread evenly over areas to be rehabilitated and suitably compacted to effect re-vegetation of such areas to prevent erosion as soon as construction activities on the site is complete. Spreading of topsoil must not be undertaken at the beginning of the dry season.</li> </ul>						
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### 5.28 Stringing

<b>Impact management outcome:</b> No environmental degradation occurs as a result of stringing.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
– Where possible, previously disturbed areas must be used for the siting of winch and tensioner stations. In all other instances,						

<p>the siting of the winch and tensioner must avoid Access restricted areas and other sensitive areas;</p> <ul style="list-style-type: none"> <li>– The winch and tensioner station must be equipped with drip trays in order to contain any fuel, hydraulic fuel or oil spills and leaks;</li> <li>– Refueling of the winch and tensioner stations must be undertaken in accordance with Section 5.17: Hazardous substances;</li> <li>– In the case of the development of overhead transmission and distribution infrastructure, a one metre "trace-line" may be cut through the vegetation for stringing purposes only and no vehicle access must be cleared along "trace-lines". Vegetation clearing must be undertaken by hand, using chainsaws and hand held implements, with vegetation being cut off at ground level. No tracked or wheeled mechanised equipment must be used;</li> <li>– Alternative methods of stringing which limit impact to the environment must always be considered e.g. by hand or by using a helicopter;</li> <li>– Where the stringing operation crosses a public or private road or railway line, the necessary scaffolding/ protection measures must be installed to facilitate access. If, for any reason, such access has to be closed for any period(s) during development, the persons affected must be given reasonable notice, in writing;</li> <li>– No services (electrical distribution lines, telephone lines, roads, railways lines, pipelines fences etc.) must be damaged because of stringing operations. Where disruption to services is unavoidable, persons affected must be given reasonable notice, in writing;</li> </ul>						
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<ul style="list-style-type: none"> <li>– Where stringing operations cross cultivated land, damage to crops is restricted to the minimum required to conduct stringing operations, and reasonable notice (10 work days minimum), in writing, must be provided to the landowner;</li> <li>– Necessary scaffolding protection measures must be installed to prevent damage to the structures supporting certain high value agricultural areas such as vineyards, orchards, nurseries.</li> </ul>						
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### 5.29 Socio-economic

<b>Impact management outcome:</b> Socio-economic development is enhanced.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Develop and implement communication strategies to facilitate public participation;</li> <li>– Develop and implement a collaborative and constructive approach to conflict resolution as part of the external stakeholder engagement process;</li> <li>– Sustain continuous communication and liaison with neighboring owners and residents</li> <li>– Create work and training opportunities for local stakeholders; and</li> <li>– Where feasible, no workers, with the exception of security personnel, must be permitted to stay over-night on the site. This would reduce the risk to local farmers.</li> </ul>						

### 5.30 Temporary closure of site

<b>Impact management outcome:</b> Minimise the risk of environmental impact during periods of site closure greater than five days.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– Bunds must be emptied (where applicable) and need to be undertaken in accordance with the impact management actions included in <b>sections 5.17: management of hazardous substances</b> and <b>5.18 workshop, equipment maintenance and storage</b>;</li> <li>– Hazardous storage areas must be well ventilated;</li> <li>– Fire extinguishers must be serviced and accessible. Service records to be filed and audited at last service;</li> <li>– Emergency and contact details displayed must be displayed;</li> <li>– Security personnel must be briefed and have the facilities to contact or be contacted by relevant management and emergency personnel;</li> <li>– Night hazards such as reflectors, lighting, traffic signage etc. must have been checked;</li> <li>– Fire hazards identified and the local authority must have been notified of any potential threats e.g. large brush stockpiles, fuels etc.;</li> <li>– Structures vulnerable to high winds must be secured;</li> <li>– Wind and dust mitigation must be implemented;</li> <li>– Cement and materials stores must have been secured;</li> <li>– Toilets must have been emptied and secured;</li> <li>– Refuse bins must have been emptied and secured;</li> <li>– Drip trays must have been emptied and secured.</li> </ul>						

### 5.31 Landscaping and rehabilitation

<b>Impact management outcome:</b> Areas disturbed during the development phase are returned to a state that approximates the original condition.						
Impact Management Actions	Implementation			Monitoring		
	Responsible person	Method of implementation	Timeframe for implementation	Responsible person	Frequency	Evidence of compliance
<ul style="list-style-type: none"> <li>– All areas disturbed by construction activities must be subject to landscaping and rehabilitation; All spoil and waste must be disposed to a registered waste site and certificates of disposal provided;</li> <li>– All slopes must be assessed for contouring, and to contour only when the need is identified in accordance with the Conservation of Agricultural Resources Act, No 43 of 1983</li> <li>– All slopes must be assessed for terracing, and to terrace only when the need is identified in accordance with the Conservation of Agricultural Resources Act, No 43 of 1983;</li> <li>– Berms that have been created must have a slope of 1:4 and be replanted with indigenous species and grasses that approximates the original condition;</li> <li>– Where new access roads have crossed cultivated farmlands, that lands must be rehabilitated by ripping which must be agreed to by the holder of the EA and the landowners;</li> <li>– Rehabilitation of tower sites and access roads outside of farmland;</li> <li>– Indigenous species must be used for with species and/grasses to where it compliments or approximates the original condition;</li> </ul>						

<ul style="list-style-type: none"> <li>– Stockpiled topsoil must be used for rehabilitation (refer to Section <b>5.24: Stockpiling and stockpiled areas</b>);</li> <li>– Stockpiled topsoil must be evenly spread so as to facilitate seeding and minimise loss of soil due to erosion;</li> <li>– Before placing topsoil, all visible weeds from the placement area and from the topsoil must be removed;</li> <li>– Subsoil must be ripped before topsoil is placed;</li> <li>– The rehabilitation must be timed so that rehabilitation can take place at the optimal time for vegetation establishment;</li> <li>– Where impacted through construction related activity, all sloped areas must be stabilised to ensure proper rehabilitation is effected and erosion is controlled ;</li> <li>– Sloped areas stabilised using design structures or vegetation as specified in the design to prevent erosion of embankments. The contract design specifications must be adhered to and implemented strictly;</li> <li>– Spoil can be used for backfilling or landscaping as long as it is covered by a minimum of 150 mm of topsoil.</li> <li>– Where required, re-vegetation including hydro-seeding can be enhanced using a vegetation seed mixture as described below. A mixture of seed can be used provided the mixture is carefully selected to ensure the following: <ul style="list-style-type: none"> <li>a) Annual and perennial plants are chosen;</li> <li>b) Pioneer species are included;</li> <li>c) Species chosen must be indigenous to the area with the seeds used coming from the area;</li> <li>d) Root systems must have a binding effect on the soil;</li> <li>e) The final product must not cause an ecological imbalance in the area</li> </ul> </li> </ul>						
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## **6 ACCESS TO THE GENERIC EMPr**

Once completed and signed, to allow the public access to the generic EMPr, the holder of the EA must make the EMPr available to the public in accordance with the requirements of regulation 26(h) of the EIA Regulations.

**PART B: SECTION 2****7 SITE SPECIFIC INFORMATION AND DECLARATION****7.1 Sub-section 1: contact details and description of the project**

## 7.1.1 Details of the applicant:

Name of applicant:

Tel No:

Fax No:

Postal Address:

Physical Address:

## 7.1.2 Details and expertise of the EAP:

Name of applicant:

Tel No:

Fax No:

E-mail address:

Expertise of the EAP (Curriculum Vitae included):

## 7.1.3 Project name:

## 7.1.4 Description of the project:

## 7.1.5 Project location:

NO	FARM NAME( if applicable)	FARM NUMBER( if applicable)	PORTION NAME	PORTION NUMBER	LATITUDE	LONGITUDE

## 7.1.6 Preliminary technical specification of the overhead transmission and distribution:

- Length
- Tower parameters
  - Number and types of towers
  - Tower spacing (mean and maximum)
  - Tower height (lowest, mean and height)
  - Conductor attachment height (mean)
  - Minimum ground clearance

## 7.2 Sub-section 2: Development footprint site map

This sub-section must include a map of the site sensitivity overlaid with the preliminary infrastructure layout. The sensitivity map must be prepared from the national web based environmental screening tool, when available for compulsory use at: <https://screening.environment.gov.za/screeningtool>. The sensitivity map shall identify the nature of each sensitive feature e.g. raptor nest, threatened plant species, archaeological site, etc. Sensitivity maps shall identify features both within the planned working area and any known sensitive features in the surrounding landscape. The overhead transmission and distribution profile shall be illustrated at an appropriate resolution to enable fine scale interrogation. It is recommended that <20 km of overhead transmission and distribution length is illustrated per page in A3 landscape format. Where considered appropriate, photographs of sensitive features in the context of tower positions shall be used.

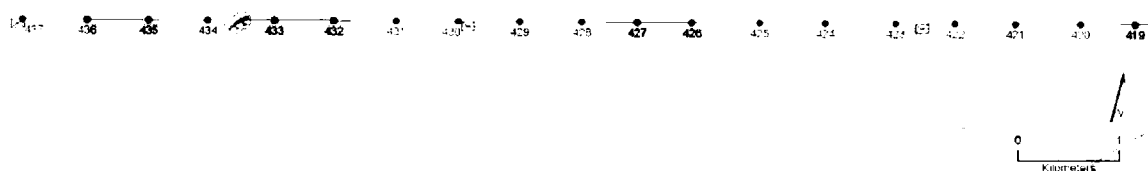


Figure 1: Example of an environmental sensitivity map in the context of a final overhead transmission and distribution profile

## 7.3 Sub-section 3: Declaration

The proponent/applicant or holder of the EA affirms that he/she will abide and comply with the prescribed impact management outcomes and impact management actions as stipulated in part B: section 1 of the generic EMP and have the understanding that the impact management outcomes and impact management actions are legally binding. The proponent/applicant or holder of the EA affirms that he/she will provide written notice to the CA 14 days prior to the date on which the activity will commence or commencement of construction to facilitate compliance inspections.

Signature Proponent/applicant/ holder of EA

Date:

**7.4 Sub-section 4: amendments to site specific information (Part B; section 2)**

Should the EA be transferred to a new holder, Part B: Section 2 must be completed by the new holder and submitted with the application for an amendment of the EA in terms of Regulations 29 or 31 of the EIA Regulations, whichever applies. The information submitted for an amendment to an environmental authorisation will be considered to be incomplete should a signed copy of Part B: Section 2 not be submitted. Once approved, Part B: Section 2 forms part of the EMPr for the development and the EMPr becomes legally binding to the new EA holder.



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**PART C****8 SITE SPECIFIC ENVIRONMENTAL ATTRIBUTES**

If any specific environmental sensitivities/attributes are present on the site which require more specific impact management outcomes and impact management actions, not included in the pre-approved generic EMPr template, to manage impacts, those impact management outcomes and actions must be included in this section. These specific management controls must be referenced spatially, and must include impact management outcomes and impact management actions. The management controls including impact management outcomes and impact management actions must be presented in the format of the pre-approved generic EMPr template. This applies only to additional impact management outcomes and impact management actions that are necessary.

If Part C is applicable to the development as authorised in the EA, it is required to be submitted to the CA together with the BAR or EIAR, for consideration of, and decision on, the application for EA. The information in this section must be prepared by an EAP and the name and expertise of the EAP, including the curriculum vitae are to be included. Once approved, Part C forms part of the EMPr for the site and is legally binding.

This section will **not be required** should the site contain no specific environmental sensitivities or attributes.

**APPENDIX 1: METHOD STATEMENTS**

To be prepared by the contractor prior to commencement of the activity. The method statements are **not required** to be submitted to the CA.

## DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NO. 436

22 MARCH 2019

**NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998  
(ACT NO. 107 OF 1998)****NOTICE OF ADOPTION OF AN ENVIRONMENTAL MANAGEMENT INSTRUMENT AND  
EXCLUSION, IN TERMS OF SECTION 24(2)(e) OF THE NATIONAL ENVIRONMENTAL  
MANAGEMENT ACT, 1998, OF PHASE 1 OF THE SQUARE KILOMETRE ARRAY FROM THE  
REQUIREMENT TO OBTAIN ENVIRONMENTAL AUTHORISATION**

I, Nomvula Paula Mokonyane, Minister of Environmental Affairs, hereby adopt the Integrated Environmental Management Plan (IEMP) for the Square Kilometre Array (SKA) (Phase 1) as an environmental management instrument. Based on this adoption and compliance with Chapter 5 of the IEMP, I hereby exclude, in terms of section 24(2)(e) of the National Environmental Management Act, 1998 (Act No. 107 of 1998), the National Research Foundation from the requirement to obtain environmental authorisation for activities identified in terms of section 24(2)(a) and (b) of the Act, which are associated with the development of phase 1 of the SKA, and which are described in Chapter 2 of the IEMP, as set out in the Schedule hereto.



**NOMVULA PAULA MOKONYANE  
MINISTER OF ENVIRONMENTAL AFFAIRS**

## SCHEDULE

### 1. INTRODUCTION

This Schedule applies to the Integrated Environmental Management Plan (IEMP) for the Square Kilometre Array (SKA) (Phase 1), as submitted to the Minister of Environmental Affairs by the National Research Foundation.

A Strategic Environmental Assessment (SEA) has been undertaken for the South African mid-frequency array of the SKA (SKA1\_MID) project (Phase 1) in order to identify site environmental sensitivities and to prepare an IEMP for adoption by the Minister as an environmental management instrument.

### 2. ADOPTION OF THE INTEGRATED ENVIRONMENTAL MANAGEMENT PLAN FOR THE SQUARE KILOMETRE ARRAY (PHASE 1)

The IEMP for the SKA (Phase 1), as submitted by the National Research Foundation, has been reviewed and has been found to meet the requirements of and general principles contained in sections 2, 24(1) and 24N of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (the Act). The IEMP is therefore adopted as an environmental management instrument for the purposes of section 24(2)(e) of the Act.

### 3. EXCLUSION OF ACTIVITIES IDENTIFIED IN TERMS OF SECTION 24(2)(a) AND (b) OF THE ACT

Based on the adopted IEMP, in terms of section 24(2)(e) of the Act, the National Research Foundation is excluded from the requirement to obtain environmental authorisation for activities contemplated in Chapter 2: Part IV of the IEMP

### 4. CONDITIONS OF EXCLUSION

#### 4.1 The National Research Foundation—

4.1.1 must, prior to commencement of any activities contemplated in section 3 of this Schedule or site preparation—

4.1.1.1 facilitate a walkthrough by ecological, terrestrial and heritage specialists on the proposed final development footprint to confirm the “areas unsuitable for development”;

4.1.1.2 prepare a map, signed off by the specialists contemplated in section 4.1.1.1, which consolidates the “areas unsuitable for development” and overlays the final proposed development footprint to confirm that no development will take place on these areas;

- 4.1.1.3 submit the consolidated map contemplated in section 4.1.1.2 together with the written notice of commencement contemplated in section 4.1.3; and
- 4.1.1.4 ensure the inclusion of the consolidated map as Appendix C to Chapter 5 of the IEMP (hereinafter referred to as the "Environmental Management Programme);
- 4.1.2 must comply with the conditions contained in the Environmental Management Programme;
- 4.1.3 must provide written notice to the compliance monitoring unit within the competent authority 14 days prior to the date on which the first of the activities contemplated in section 3 of this Notice, including site preparation, will commence in order to facilitate compliance inspections;
- 4.1.4 must conduct independent external environmental audits annually, commencing 12 months after the notification contemplated in section 4.1.3, and submit audit reports to the compliance monitoring unit within the competent authority on completion of such audits;
- 4.1.5 may not amend impact management outcomes contained in the Environmental Management Programme;
- 4.1.6 may amend the impact management actions contained in the Environmental Management Programme, if required in order to achieve the impact management outcomes, by—
  - 4.1.6.1 obtaining approval of such amendments from the independent external Environmental Control Officer and signature of the relevant contractor, after which the amendments to these actions will be regarded as binding and should be effected immediately thereafter; and
  - 4.1.6.2 reflecting such amendments in the independent external environmental audit report as contemplated in section 4.1.4 and the Environmental Management Programme.
- 5. Failure to comply with the conditions and commitments contemplated in this notice constitutes an offence in terms of section 49A(1)(d) of the Act.
- 6. The IEMP for the SKA (Phase 1) and the SEA Report for the South Africa mid-frequency array of SKA Phase 1 (SKA\_MID), 2016 can be accessed at:

<http://www.SKA.ac.za>;  
<http://www.skaphase1.csir.co.za>, and  
<https://egis.environment.gov.za/SKAphase1>;

and the Gazetted notice can be accessed at:  
[https://www.environment.gov.za/legislation/gazetted\\_notices](https://www.environment.gov.za/legislation/gazetted_notices).

## DEPARTMENT OF HIGHER EDUCATION AND TRAINING

NO. 437

22 MARCH 2019

**NOTICE OF FEES FOR SERVICES RENDERED AT THE INSTITUTE FOR THE  
NATIONAL DEVELOPMENT OF LEARNERSHIPS, EMPLOYMENT SKILLS AND  
LABOUR ASSESSMENTS (INDLELA)**

I, Mrs Grace Naledi Mandisa Pandor, MP, Minister of Higher Education and Training, hereby publish the following schedule attached hereto of costs for services rendered by INDLELA as a public Trade Test Centre accredited by the Quality Council for Trades and Occupations and furthermore repeal Government Notice No 343 published in Government Gazette No 32050 dated 23 March 2009, related to trade test fees at INDLELA.



**Mrs GNM Pandor, MP**

**Minister of Higher Education and Training**

**Date:** 6-2-2019

## **SCHEDULE 1**

With effect from 1 April 2019 the following costs will apply to services rendered by the Institute for the National Development of Learnerships, Employment Skills and Labour Assessments (INDLELA) situated in Olifantsfontein as a Quality Council for Trades and Occupations (QCTO) accredited public Trade Test Centre.

1. Trade test fees for all trade tests conducted at INDLELA for which the institution is accredited will be R500.00 per full trade test, as well as for a trade test where recognition for tasks were granted in previous trade test attempts and are still valid and applicable in terms of the Trade Test Regulations.
2. Costs for Artisan Recognition of Prior Learning (ARPL) services rendered at INDLELA within the institution's scope of accreditation will be as follows:
  - 2.1. The provisioning of administration and evaluation services R250.00 per applicant.
  - 2.2. The provisioning of gap training to a maximum of 20 days at R125.00 per day.
  - 2.3. Accommodation for ARPL candidates, Trade Test candidates and gap training learners will be provided for the duration of the specific activity on request from the applicant at an additional cost of R200 per person per day which will include bed and breakfast.

## INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA

NO. 438

22 MARCH 2019

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA ACT  
NO. 13 OF 2000****POSITION PAPER ON UNRESERVED POSTAL SERVICES**

1. The Independent Communications Authority of South Africa ("the Authority") gave notice of its intention to conduct an inquiry into the effectiveness of the Regulations on Unreserved Postal Services, 2010 ("Regulations") in terms of section 4B of the Independent Communications Authority of South Africa Act no. 13 of 2000 ("ICASA Act"), as indicated in a Discussion Document on Unreserved Postal Services ("Discussion Document") published in Government Gazette No. 41928 of 28 September 2018.
2. The Authority has since received responses to the said Discussion Document. No public hearings were held.
3. The Authority hereby publishes the attached notice regarding the conclusion of the inquiry into the the effectiveness of the Regulations in terms of section 4B of the ICASA Act.

A handwritten signature in black ink, appearing to read 'Rubben Mohlalogu', written over a light blue rectangular background.

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**RUBBEN MOHLALOGA****CHAIRPERSON**





## **INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

### **POSITION PAPER ON UNRESERVED POSTAL SERVICES**

1. On 28 September 2018, the Independent Communications Authority of South Africa ("the Authority") published a notice of its intention to conduct an inquiry into the Regulations on Unreserved Postal Services, 2010 ("Regulations") in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("the ICASA Act"), as indicated in a Discussion Document on Unreserved Postal Services ("Discussion Document")<sup>1</sup>
2. The purpose of the Inquiry was to evaluate the effectiveness of the Regulations on Unreserved Postal Services, 2010, ("Regulations")<sup>2</sup> primarily focusing on regulatory challenges that affect the unreserved postal sector.
3. The closing date for written submissions on the Discussion Document was 03 December 2018. The Authority received three (03) submissions from interested parties in response to the Discussion Document. The written submissions were received from the South African Post Office ("SAPO"), South African Express Parcel Association ("SAEPA"), DHL International (Pty) Ltd ("DHL Express").
4. The Authority has concluded the inquiry into the effectiveness of the Regulations. In summary, the Authority's findings are that -

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<sup>1</sup> Government Gazette No. 41928 Notice No. 1000 of 2018.

<sup>2</sup> Government Gazette No. 32859. Notice No. 13 of 8 January 2010.

the Regulations are inefficient to address challenges of the unreserved postal services due to the following reasons:

- The registration process is inadequate for regulation of the sector;
- Fees payable are not applicable to the current environment; and
- The duration of the registration certificate is inadequate.

Therefore, the Authority will review the Regulations. The review will be informed by the Postal Services Act no. 124 of 1998 as amended ("PSA") in its current form.

5. A copy of the Authority's Position Paper into the effectiveness of the Regulations is available on the Authority's website ([www.icasa.org.za](http://www.icasa.org.za)) and at the Authority's head office library (Block C, 350 Witch-Hazel Avenue, Eco Point Office Park Eco Park, Centurion) during office hours (Mon-Fri from 09h00 to 16h30).



**Independent Communications Authority of South Africa**

350 Witch-Hazel Avenue, Eco Point Office Park  
Eco Park, Centurion.

Private Bag X10, Highveld Park 0169  
Telephone number: (012) 568 3000/1

**POSITION PAPER ON UNRESERVED POSTAL SERVICES**

**MARCH 2019**

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## 1 INTRODUCTION

- 1.1. On 28 September 2018, the Independent Communications Authority of South Africa ("the Authority") published a Discussion Document<sup>3</sup> ("Discussion Document") in terms of section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("the ICASA Act").
- 1.2. The purpose of the Inquiry was to evaluate the effectiveness of the current Regulations on Unreserved Postal Services, 2010<sup>4</sup>, ("Regulations") primarily focusing on regulatory challenges that affect the unreserved postal sector.
- 1.3. The closing date to submit written submissions on the Discussion Document was 03 December 2018. The Authority received three (03) submissions from stakeholders in response to the Discussion Document. The written submissions are from the South African Post Office ("SAPO"), South African Express Parcel Association ("SAEPA") and DHL International (Pty) Ltd ("DHL Express").
- 1.4. The Authority has since reviewed the submissions in conjunction and included in the Discussion Document and has accordingly compiled a Position Paper on this process.
- 1.5. This Position Paper sets out a summary of the written submissions by industry stakeholders to the questions posed by the Authority in the Discussion Document, and the Authority's findings and positions in the following manner:
  - The objects of the PSA;
  - Definitions;
  - Licensing and Registration;
  - Fees and Registration;

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<sup>3</sup> Government Gazette No. 41928 Notice No. 1000 of 2018

<sup>4</sup> Government Gazette No. 32859. Notice No. 13 of 8 January 2010.

- Compliance, Monitoring and Enforcement;
- Universal Service Obligation and Funding; and
- Contraventions and Penalties.

## **2 BACKGROUND**

- 2.1. The postal market in South Africa is delineated into two main categories, being the reserved and unreserved postal services. SAPO has a legal mandate to provide all mail items and parcels under one (01) kilogram as per Schedule 1 of the PSA.
- 2.2. Unreserved postal services relate to services that have not been reserved for SAPO, and comprise of all letters, postcards, printed matter, small parcels and other postal articles larger than and/or heavier than the reserved dimensions up to and including thirty (30) kilograms as per Schedule 2 of the PSA.
- 2.3. The Authority initiated an Inquiry into unreserved postal services through the publication of a Discussion Document in terms of section 4B of the ICASA Act. The Discussion Document took into consideration the regulatory framework for unreserved postal services provided for by the National Integrated ICT Policy White Paper, 2016 ("White Paper")<sup>5</sup> and the legislative review process on the PSA with respect to unreserved postal services undertaken by the Department of Telecommunication and Postal Services ("DTPS").

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<sup>5</sup> Government Gazette No. 40325 Notice No. 1212 of 3 October 2016.

### 3 LEGISLATIVE FRAMEWORK

- 3.1. In terms of section 2 read with section 3 (1A) of the ICASA Act, the Authority is established to regulate electronic communications, broadcasting and postal services.
- 3.2. In terms of section 4B of the ICASA Act, the Authority is empowered to conduct an inquiry into any matter to achieve the objects of the ICASA Act and underlying statutes, to regulate and provide guidelines, to ensure compliance with the said legislation and licence terms and conditions, in exercising and performing its powers, functions and duties.
- 3.3. With regards to the regulation of unreserved postal services, some of the primary objects of the PSA are to promote the regulation and control of the postal services sector in the public interest and for that purpose the Authority is to:

*“(d) encourage investment and innovation in the postal industry;*

*(e) promote the development of postal services that are responsive to the needs of users and consumers;*

*(g) develop greater equity in respect of the distribution of services, particularly within the areas of historically disadvantaged communities, including rural areas;*

*(j) ensure fair competition within the postal industry;*

*(k) promote stability in the postal industry;*

*(l) protect the interests of postal users and consumers;*

*(m) promote the effective maintenance of an efficient system of collecting, sorting and delivering mail nationwide, in a manner responsive to the needs of all categories of mail users; and*

*(q) promote small, medium and macro-enterprises within the postal industry."*

- 3.4. Section 20 of the PSA prohibits any operator from operating unreserved postal services unless registered with the Authority and issued with a registration certificate, while section 21 of PSA empowers the Authority to prescribe procedure and fees applicable for registration.

## **THE NATIONAL INTEGRATED ICT POLICY WHITE PAPER AND POSTAL SERVICES BILL**

The White Paper provides for change in law as follows:

- That the Authority must prescribe Regulations that will shift the licensing framework from registering to licensing unreserved postal services;
- The Regulations must be accompanied by the standard terms and conditions for the license categories.

Although the Postal Services Amendment Bill (2017) No. 41246<sup>6</sup> ("The Bill") is yet to be finalised, the Authority probed issues raised by the White Paper, the impact of which will affect the existing regulatory framework, particularly with respect to unreserved postal services.

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<sup>6</sup> Government Gazette No. 41246 Notice No. 1255 of 10 November 2017.



## 4 ANALYSIS OF SUBMISSIONS

### OBJECTS OF THE PSA

- 4.1. The section dealing with the objects of the PSA in the Discussion Document, was not placed under issues for public discussion. However, a few questions were posed for comments on several objects of the PSA, which support unreserved postal services.

#### **Question 1: In your view, do the Regulations achieve the objectives as stipulated in section 2 of the PSA?**

**4.1.1. *Objective 1: Promote the provision of a wide range of postal services in the interest of the economic growth and development of the Republic:***

- 4.1.1.1. SAPO is of the view that there has been growth in the sector with numerous entrants into the market of both large and small-scale players. The key weakness is the apparent lack of mechanisms to measure the contribution of the sector to the Gross Domestic Product and whether market dominance is a factor.
- 4.1.1.2. SAEPA submits that, given the ever-present threat of expropriation of business under the current legislative framework, the Regulations are not conducive to new or additional investment in unreserved postal services. SAEPA members account for a substantial amount of the unreserved postal services business but argue that they are constantly under threat of losing business to the reserved postal service operator and will continue to do so unless the Regulations are clarified.
- 4.1.1.3. SAEPA further states that in terms of section 62 of the PSA, the failure to produce a licence or registration certificate is a criminal

offence for which a fine or imprisonment for a period of no more than two (2) years may be imposed. Thus, SAEPA submits that given the ambiguity surrounding the exact scope of "postal services" discussed above, and as already seen by the Authority in practice, the imposition of imprisonment for engaging in acts that are criminalised by a statute that is ambiguous at best is excessive and discourages participation in the sector to the detriment of customers and the economy.

- 4.1.1.4. DHL Express submits that the wider regulatory context, both in the current regulatory regime and the one proposed in the current version of the Bill poses unnecessary obstacles i.e. restricting the provision of a wide range of postal services in South Africa to the courier industry, and in the achievement of this object in the Act.

4.1.2. ***Objective 2: Make progress towards the universal provision of postal services:***

- 4.1.2.1. SAPO submits that progress towards the universal provision of postal services has been less successful. While players in the unreserved market have grown the sector, they have largely concentrated in urban and accessible markets, leaving SAPO to service previously disadvantaged, remote and largely rural communities. Perhaps the introduction of a universal service fund will offset this bias.
- 4.1.2.2. SAEPA submits that this objective is considered by its nature to not and should not, apply to private unreserved postal services operators since unreserved postal services fall outside the auspices of the Universal Postal Union ("UPU") where the universal service obligation originates. Moreover, unreserved postal services operators are required to invest in their own transportation network from their own funds.

4.1.2.3. DHL Express is of the view that private enterprises and courier companies already pay taxes towards the achievement of public aims. Usually, where government requires a private company to carry out investment and works for public benefit, it is done as a Public-Private-Partnership where the company gets compensated.

4.1.3. ***Objective 3: Encourage investment and innovation in the postal industry:***

4.1.3.1. SAPO submits that investment in the sector has been largely in the form of infrastructure, transportation and technology. Innovation has largely been driven by technological processes i.e. track and trace.

4.1.3.2. SAEPA posits that Regulations that carry the risk that a national operator has a monopoly over the conveyance of sub 1-kilogram items altogether, will have a detrimental impact on innovation in that market as there will be no incentive to improve services. The ultimate result is that new entrants and, Small, Medium and Micro Enterprises ("SMME's") with innovative postal and courier services are deterred from investment, entry and participation because of the ever-present threat of business expropriation.

4.1.3.3. DHL Express argues that defining reserved services should ideally be set out and specified. For example, the provision of "SWIP boxes" as a measure to allow collection of deliveries from collection lockers, effectively introducing automation into the process where otherwise there would have to be a manned location. The "reserved" sector definition should allow for healthy innovation along these lines.

**4.1.4. Objective 4: Promote the development of postal services that are responsive to the needs of users and consumers**

4.1.4.1. SAPO is of the view that, to some degree, the sector has responded to consumer needs and preferences, but in many cases this has been inhibited by the lack of total commitment to servicing the last mile. While Regulations allow for it, commercial imperatives have restricted its full impact.

4.1.4.2. SAEPA submits that the way regulators and the executive of government have sought to interpret Schedules 1 and 2 of the PSA restricts consumers to conveying their personal items which weigh less than 1 kg with the reserved postal operator. This is not only out of touch with reality but is a patently irrational restriction and distortion of consumer choice. This, according to SAEPA, is at odds with the objectives of the PSA as well as other legislation including the Consumer Protection Act, 2008<sup>7</sup> ("CPA") and the Competition Act, 1998<sup>8</sup> ("Competition Act").

**4.1.5. Objective 5: Ensure fair competition within the postal industry.**

4.1.5.1. SAPO submits that there is relatively fair competition in the industry. However, the fact that many players can participate in the industry without registration suggests that there is still scope for improvement in this aspect.

4.1.5.2. DHL Express submits that, there is no true "level playing field" between the national postal operator and courier companies, because the national postal operator enjoys benefits and privileges that courier companies could never access. If the courier market is going to be treated as part of the postal industry, and regulated as such,

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<sup>7</sup> Act No. 68 of 2008.

<sup>8</sup> Act No. 89 of 1998, as amended.

then such regulation should be promulgated in line with the legislative objectives recorded in the Act.

**4.1.6. Objective 6: Promote stability in the postal industry:**

4.1.6.1. SAPO submits that the perennial tension between the unreserved and reserved markets in the postal sector does not lead to stability. Litigation between players across the markets suggests that in fact there is instability. Regulations need to be clearer with respect to these markets and consideration needs to be given to the possibility of a single market.

4.1.6.2. SAEPA submits that there is no stability in the postal industry by citing the current litigation between SAPO and PostNet (Pty) Ltd.

4.1.6.3. DHL Express submits that the non-definition of the reserved and unreserved postal services left to be determined by the Minister in the recent postal services Bill would appear to introduce an element of uncertainty into the legislative process. DHL Express is of the view that the representations on the current regime remain valid.

**4.1.7. Objective 7: Protect the interests of postal users and consumers:**

4.1.7.1. SAPO is of the view that current the Regulations tend to favour service providers in the sector. The consumer's ability to find redress is severely curtailed by the processes and timeframes that must be adhered to, in order to find a procedurally correct complaint.

4.1.7.2. SAEPA submits that the Regulations do not achieve this objective, as in their view, the interpretation of Schedules 1 and 2 of the PSA restricts consumers to conveying their personal items which weigh

less than 1 kg with the reserved postal operator. This is not only out of touch with reality but is a patently irrational restriction and distortion of consumer choice according to SAEPA. Further, SAEPA states that this is at odds with the objectives of the PSA as well as other legislation including the CPA and the Competition Act.

- 4.1.7.3. DHL Express submits that the Regulations do not achieve this objective in line with their submissions to this question.

**4.1.8. *Objective 8: Promote small, medium and micro enterprises within the postal industry:***

- 4.1.8.1. SAPO submits that while the Regulations do not hinder the entrance into the sector by such players, there are no specific measures in place to offer tangible assistance to these players. Thus, the ability of these players to scale up their operations is severely limited.
- 4.1.8.2. SAEPA submits that this sharp decline noted by the Authority in the Discussion Document may be attributed to the ambiguity in relation to the scope of the reserved and unreserved postal services. Given this ambiguity, it is likely that many unreserved postal service operators are simply not aware that they operate in this space and are therefore not aware of the obligation to apply for a registration certificate in accordance with regulation 4(1) of the Regulations.
- 4.1.8.3. SAEPA further argues that the registration fees that are imposed upon unreserved postal service operators are a likely barrier to entry into the market for SMMEs. SAEPA also states that it is currently not clear whether the abovementioned licensing fees are intended to cover the Authority's administrative costs in processing registration and renewal applications, or whether they are intended as a means of generating revenue for the Authority or the fiscus.

#### 4.1.9. The Authority's Findings

- 4.1.9.1. The Authority found that the view of stakeholders is that there is growth in the sector, with various players large and small, entering the market. However, there is a threat of losing business due to the ambiguity in the definition or scope of postal services. This threat is seen as excessive by SAEPA and may compromise growth by way of investment and innovation in the sector.
- 4.1.9.2. Although this is the view of stakeholders, no evidence was provided to substantiate these submissions. Further, operating without a licence being criminalised is seen as excessive and a deterrent to new entry into the sector to the detriment of consumers.
- 4.1.9.3. The Authority found that the Regulations do not promote progress towards the universal provision of postal services. Although this is the view of stakeholders, no evidence was provided to substantiate these submissions. They argue that players in the unreserved market have grown the sector but are largely concentrated in urban and accessible markets.
- 4.1.9.4. Another view is that this objective should not apply to private unreserved postal services operators since unreserved postal services fall outside the auspices of the Universal Postal Union ("UPU").
- 4.1.9.5. The Authority found different views on whether or not the Regulations achieve the objective of encouraging investment and innovation in the postal industry. One view is that there is investment in infrastructure, transportation and technology.
- 4.1.9.6. However, the other view is that there can never be achievement of this objective because of the national operator's monopoly over the conveyance of sub 1-kilogram items. The result of the monopoly is

that new entrants and, Small, Medium and Micro Enterprises ("SMME's") with innovative postal and courier services are deterred from investment, entry and participation because of the ever-present threat of business expropriation. Although this is the view of stakeholders, no evidence was provided to substantiate these submissions.

- 4.1.9.7. With respect to the development of postal services responsiveness to the needs of consumers, the Authority found different views. Although this is the view of stakeholders, no evidence was provided to substantiate these submissions. On the one hand it is argued that to some degree the sector responded to consumer needs however, this was inhibited by commitment to servicing the last mile.
- 4.1.9.8. On the other hand, the Regulations adopted an interpretation of Schedule 1 and 2 of the PSA which results in limited consumer choice in conveying parcels. Although this is the view of stakeholders, no evidence was provided to substantiate these submissions.
- 4.1.9.9. The Authority found that stakeholders are of the view that the Regulations relatively promote competition in the sector. This is primarily because registered operators compete with unregistered operators, leading to unfair competition. Although this is the view of stakeholders, no evidence was provided to substantiate these submissions.
- 4.1.9.10. The Authority found that stakeholders are of the view that the Regulations do not promote stability in the postal industry. Where there is no assurance on which services can be provided by unreserved operators then there cannot be investment.
- 4.1.9.11. With respect to the protection of consumer interests, the Authority found that stakeholders are of the view that the Regulations adopted interpretation of the PSA Schedules that hinders consumer choice of



personal items conveyance. Moreover, the Regulations tend to favour the Operators and not provide better mechanisms for redress of consumer complaints.

4.1.9.12. Lastly, the Authority found that some stakeholders are of the view that the Regulations do not hinder entrance into the sector. However, they do not provide specific measures to offer tangible assistance to SMMEs.

4.1.9.13. While other stakeholders state that the Regulations do hinder entrance into the sector. This is attributed to ambiguity of the scope of reserved and unreserved postal services and registration fees that deter new entrants.

#### **4.2. Question 2: What do you think are the contributing factors to the declining number of registered operators?**

4.2.1. SAPO is of the view that the realisation by operators that they can operate without registration has promoted most new entrants to skip that requirement. Furthermore, there are no clear benefits to registration as opposed to not registering. SAPO therefore, proposes that there must be clear incentives to registration and equally clear impediments to not registering.

4.2.2. SAEPA submits that many unregistered postal service operators are simply not aware that they provide an unregistered postal service and are therefore not aware of their obligations to register their operations and make payment of the application and licensing fees. In addition, payment of an annual fee of R5,000 may also be a deterrent for several SMMEs.

4.2.3. DHL Express submits that this could be due to market challenges (contributed to by ambiguities and difficulties in the regulatory environment) or could be due to the operation of market forces, which are the biggest determinant of a courier company's operational viability.

#### 4.2.4. The Authority's Findings

- 4.2.4.1. With respect to the promotion of SMME's in the postal sector and the declining number of registered operators, the Authority found that stakeholders are of the view that the lack of awareness of legislation and the payment of applicable registration fees has led to a decrease in the introduction of new and registered SMME's.

### DEFINITIONS

- 4.3. The Discussion Document recognises multiple efforts undertaken internationally to provide a definition that will give a better description of unreserved postal services. The PSA, which is the overarching legislation for postal services in the country provides a definition and description of the unreserved postal services in Schedule 2. The Discussion Document posed the following questions:

**Question 3: Do you find the above definition (of unreserved postal services) enough for the current operations? Please elaborate.**

- 4.3.1. SAPO submits that there is a matter before the Complaints and Compliance Committee which is brought precisely because the definition is apparently unclear, particularly whether the 0-1 kg prohibition applies with respect to the reserved market or to courier services.
- 4.3.2. DHL Express submits that courier and post are very distinct industries and courier companies are susceptible to market forces and are effectively regulated by the market. If the courier market is treated as part of the postal industry and regulated as such, then regulations should be promulgated in line with the legislative objective of the PSA. Without providing a suggestion for a definition of unreserved postal services, DHL Express supports the detailed submission by SAEPA on this issue.

- 4.3.3. SAEPA argues that the provision of the definitions on reserved and unreserved postal services in the PSA is the central regulatory barrier in unreserved postal services. The definition lacks clarity and the wording used causes uncertainty as items described under reserved services are repeated under the definition of unreserved services. However, no further description of postal articles falling outside the ambit of the reserved services is provided. Furthermore, the interpretation that conveyance of sub-1kg postal articles is exclusive to the sole reserved postal services licensee is not reflective of the reality and is an incorrect interpretation of the Legislature's intention.
- 4.3.4. SAEPA further submits that a version which is reflective of reality and a more realistic interpretation of the PSA consistent with international conventions which South Africa is a signatory would be that the two markets are distinguished by the form of conveyance. Whereby, postal articles (whether sub-1kg or above and up to 30kg) conveyed under unreserved would not bear an issued postage stamp, not collected through a roadside collection box and not addressed for delivery to an address box.
- 4.3.5. In addition to the definitions of reserved and unreserved postal services, SAEPA submits that it is not clear from the PSA what exactly comprises courier services but there is wide consensus that unreserved postal services comprise a much wider array of services, of which courier service is but a sub-segment.
- 4.3.6. SAEPA proposes the use of the definition of "courier" as provided by the United Nations Central Product Classification and the World Trade Organisation's General Agreement on Trade and Services ("GATS") which is *"services consisting of pick up, transport and delivery services, whether for domestic or foreign destinations of letters, parcels and packages rendered by a courier and using one or more modes of transport, other than by the national parcel administration."* SAEPA submits that the meaning of address boxes as referred to in Schedule 1 of the PSA is not defined by the Act. It is not clear whether the PSA grants SAPO a monopoly over any "box" to which parcels may be

delivered for collection, such as collection lockers used by couriers. SAEPA is of the view that only address boxes to which post may be delivered (such as roadside address boxes and post office address boxes) are granted as monopoly for the reserved area of the SAPO Office.

**Question 4: Section 22 (d) (ii), (iii), (iv) provides that a person considered to provide courier services undertakes to provide track and trace and deliver within a timeframe. Should the Authority intervene in setting and monitoring delivery standards (in terms of a track and trace system, and timeframes) for unreserved operators? Please Elaborate.**

- 4.3.7. SAPO submits that the Authority can intervene in setting and monitoring delivery standards (in terms of track and trace system and time deliveries) for unreserved operators. However, the Authority must first enquire the intention of the section and observe whether the intention was achieved. Furthermore, should the Authority intervene, the effectiveness of the section is entirely reliant on the capacity to effectively monitor, regulate and penalise. SAPO is of the view that monitoring and regulation is lacking.
- 4.3.8. DHL Express submits that market forces act as a power regulatory influence and the courier industry is motivated to provide exemplary services always. Furthermore, GATS obligations to courier services include no limitations on market access or national treatment. There is little need for the Authority to impose statutory standards for what is essentially a market driven feature. Consumers should be allowed to choose products at price levels that suits them, which may have differing time frames for delivery.
- 4.3.9. SAEPA is the view that there is very little need, if any, for the Authority to impose regulatory or statutory standards. Prescribing minimum standards may inadvertently increase operator's costs and therefore increase price, drive participants out of the market and inhibit new entry.

4.3.10. In addition, SAEPA argues that the industry is extremely competitive, and operators are forced to offer a competitive and efficient service by the threat of losing market share to their competitors. Accordingly, service standards such as delivery time frames, collection and delivery terms are dictated by market forces and the regular rules of competition and as such, regulatory intervention in this respect is unnecessary and may be too restrictive. The market and consumers are in any event already adequately protected by generally applicable legislation such as the Competition Act and the CPA. SAEPA also states that, all its members already provide the minimum standards imposed by Section 22 (d) of the PSA.

#### 4.3.11. **The Authority's Findings**

4.3.11.1. The Authority found that all submissions are of the view that the definition for unreserved postal services is limiting for current operations in the unreserved area. Stakeholders argue that the challenge emanates from the understanding and implementation of the limitation of 1kg amongst stakeholders.

4.3.11.2. Furthermore, according to stakeholders, service standards such as delivery time frames, collection and delivery terms are dictated by market forces, regulatory intervention in this respect is seen as unnecessary and that it may be too restrictive.

#### 4.3.12. **The Authority's Position**

4.3.12.1. The Authority will apply the definition in the PSA in its current form. Furthermore, the Authority will engage and recommend to the Ministry to address any changes that may result from the Bill being made law.

4.3.12.2. In terms of the Authority intervening in setting and monitoring delivery standards, the Authority accepts that in certain countries,

market forces dictate such standards. However, it is the position of the Authority that registration certificates must contain minimum standards. Minimum standards must pertain to time frames for collection and delivery and a track and trace system in line with the PSA and relevant Regulations.

## **LICENSING AND REGISTRATION**

4.4. In the licensing and registration section, the Discussion Document provided the background of the process to register and spoke of the proposed licensing regime which includes licensing categories and obligations provided in the Bill. The Discussion Document posed the following questions:

### **Question 5: Do you believe that the current application procedure is efficient? Please elaborate.**

- 4.4.1. SAPO submits that current application procedure is clear and not time consuming.
- 4.4.2. DHL Express considers the current licensing regime sufficient, as it does not impose obligations with respect to universal service. Further, license fees represent the proportional administrative cost of monitoring calculated in line with the employment costs for regulatory personnel.
- 4.4.3. SAEPA submits that the difference in licensing procedures for reserved and unreserved postal service providers is appropriate. However, the licensing fees may be burdensome for some SMMEs. The Authority must make it clear and transparent that the application fees and annual fees are commensurate to the Authority's administrative costs and the cost of monitoring the industry.

**Question 6: Do you believe that the current 3-year licence validity period is sufficient for business purposes? Please elaborate.**

- 4.4.4. SAPO is of the view that the current three (03) year licence validity period is insufficient for business purposes as it is a truism that most new businesses require five (05) years just to reach breakeven and be sustainable. SAPO further states that coupled with investments that are required to reach that stage, three (3) years would appear to be inadequate for long term planning and longevity in the market. Lastly, SAPO states that the new categorisation of licenses will be helpful in setting realistic licence duration periods.
- 4.4.5. SAEPA submits that it does not have any objections to the current three (03) year licence validity period. However, given the substantial renewal costs involved, it may be beneficial for the industry, particularly SMMEs, if the licence validity period was extended to five (05) years with a commensurate increase, if any, of the renewal fees.
- 4.4.6. DHL Express has no objections to the three (03) year licence period if the licence fees remain commensurate and proportional, and crucially, a fixed amount that represents the actual administrative costs and that is the same for all licensees.
- 4.4.7. DHL Express argues that a fee that is capable of fluctuation is difficult to plan for, and a fee that is expressed to be a percentage of a company's revenue would be manifestly uncommercial. Companies that can offer consumers the best service would naturally grow, and this should not be a reason for the same company, operating in an intensely competitive environment, to pay higher licence fees. A fee that is calculated as a percentage of revenue would amount to more successful companies subsidising the costs of regulating the other market players, and effectively being punished for their success.

**Question 7: Considering the licensing framework above, which licence conditions should the Authority consider distinguishing between licensing categories?**

- 4.4.8. DHL Express is of the view that there should not be separate processes and fees for courier companies based on their size and scale, otherwise such would be manifestly uncommercial.
- 4.4.9. SAPO submits that international private postal operators and national postal operators should be categorised together and a similar registration and annual application fee should be applied. However, SAPO suggests that provincial postal operators together with municipal and metropolitan postal operators should fall under a separate category and different registration and annual application fees should apply.
- 4.4.10. SAEPA argues that the imposition and prescription of unreasonable licence conditions or fees may amount to a limit in market access and would be discriminatory, which is in breach of the GATS commitment by South Africa. In addition, SAEPA submits that it is not necessary for the Authority to have a separate application and approval processes or classifications for unreserved postal service providers based on the scale of their operations. The current single unreserved postal service market for all operators is sufficient. Moreover, fees collected are to cover the Authority's administration and monitoring which SAEPA would expect to be the same for each operator irrespective of size, then the Authority would not need to extract different fees.
- 4.4.11. Considering the Bill, the intention to require both SAPO and unreserved postal services to provide mandatory insurance for postal articles is submitted by SAEPA to be discriminatory under the WTO agreement. Furthermore, SAEPA argues that such an obligation would require unreserved service providers to also become financial service providers or intermediaries in accordance with the South African Financial services sector laws such as the Financial Advisory and Intermediary Services



Act, 2002 (Act No. 37 of 2002), and increase costs and ultimately the price to the detriment of consumers.

4.4.12. DHL Express is of the view that there is no need for a mandate that a courier company offer insurance, as any insurance product would be subjected to the heavily regulated insurance market. A more sensible and appropriate requirement would be that courier companies offer the following:

- (a) Additional or enhanced liability;
- (b) Against an increased fee; and
- (c) On terms agreed with the customer.

#### 4.4.13. **The Authority's Findings**

4.4.13.1. The Authority found that stakeholders are of the view that the licensing and registration process is efficient. However, the three (03) year validity period of the registration certificate is viewed as insufficient, and a proposal is to extend same to five (05) years for businesses to reach breakeven point and be sustainable.

4.4.13.2. Lastly, the introduction of further licensing categories and conditions as proposed in the Bill, is seen as cumbersome and unnecessary.

#### 4.4.14. **The Authority's Position**

4.4.14.1. There is a need for improvement on the registration procedure. This will be achieved by including, but not limited to, application turnaround times, amending application forms to cater for notification of change of information, amendments, surrender and transfer of the registration certificate in line with section 21 of the PSA.

4.4.14.2. The Authority is of the view that the three (03) year validity period must be amended to a minimum of five (05) years. This will ease the financial burden that is associated with renewal costs, particularly for SMMEs to allow for growth and sustainability of same.

4.4.14.3. Further, this will align the validity period of postal registrations to other five (05) year services licensed by the Authority, such as class broadcasting services.

4.4.14.4. With respect to licensing categories and conditions mentioned in the Bill, the Authority will apply the PSA in its current form for this process. Any changes that may result from the Bill being made law will be addressed by the Authority accordingly at such point.

## **REGISTRATIONS FEES**

4.5. The Discussion Document focused on the current fees payable by all unreserved postal services operators and took into consideration the Bill, which proposes that the Authority must determine the licensing fees. The Discussion Document posed the following questions:

**Question 8: Do you believe that the prescribed fees are economically feasible for all Operators? Please elaborate and provide suggestions on how the Authority should prescribe registration fees using the table below?**

4.5.1. DHL Express supports the current licensing framework and does not see why there should be separate processes and fees for courier companies based on their size and scale.

4.5.2. SAEPA, submits that it does not have any objection to the current fee structure. It raises the concern against the prescription of fees on a sliding scale as this would be discriminatory and may in fact be contrary to South Africa's GATS obligations.

4.5.3. SAPO is of the view that the application and renewal fee should be increased. SAPO further proposes that such fees be reviewed and that they be market related, applying the Malaysian model.

- 4.5.4. SAPO also argues that the registration fee must be scientifically calculated and applied taking into consideration the licence category, and percentage of the annual audited revenue generated.

**Question 9: Considering the licence categories prescribed by the White Paper, how should the Authority differentiate licence fees payable? Please elaborate.**

- 4.5.5. DHL Express is of the view that licence fees should remain commensurate and proportional. Moreover, it proposes that the licence fee should be a fixed amount that represents the actual administrative costs which would apply equally to all licences.
- 4.5.6. DHL Express also raises a concern that a fee that is capable of fluctuation is difficult to plan for, and a fee that is expressed to be a percentage of a company's revenue would be clearly uncommercial. Further, DHL Express also states that a licence fee that is calculated as a percentage of revenue would amount to more successful companies subsidising the costs of regulating the other market players, and effectively being punished for their success.
- 4.5.7. SAEPA disagrees with the proposal to have separate application and approval processes or classifications for unreserved postal service providers, based on the scale of their operations. SAEPA is of the view that the current single unreserved postal service market for all operators is sufficient.
- 4.5.8. SAEPA further states that it fails to understand the White Paper's proposal to impose different fees for operators based on the scale of their operations to cover the Authority's administrative and monitoring costs. SAEPA would expect such costs to be the same for each operator irrespective of size.
- 4.5.9. SAEPA, argues that Article VI:5 of GATS imposes a rule that any new restrictions must comply with certain basic norms, unless those restrictions were reasonably anticipated at the time of the commitment. SAEPA further posits that GATS Article VI:5 (a) provides that service sectors for which

commitments have been made by a country shall not apply licensing and qualification requirements and technical standards that, nullify or impair such specific commitments in a manner. SAEPA states, inter alia, that the fees imposed should not be more burdensome than necessary to ensure the quality of the service and in the case of licensing procedures, do not in themselves constitute a restriction on the supply of the service.

4.5.10. SAPO is of the view that the licence fee should be based on the size of the potential market. SAPO proposes that the licence fees should not be a barrier for entry for national, provincial and at municipal levels. Rather, licence fees should be determined per the market which the operator plays in.

#### **4.5.11. The Authority's Findings**

4.5.11.1. The Authority found different views on this matter. Some stakeholders do not oppose the current application, registration and renewal fees. However, others propose that the Authority's justification for fees must be to cover administration and compliance monitoring functions.

4.5.11.2. Other views state that the Authority must review the fees structure as the current fees might be a barrier for new operators to register. However, the Authority must not have separate application and approval processes or classifications for unreserved postal service providers based on the scale of their operations.

#### **4.5.12. The Authority's Position**

4.5.12.1. The Authority's position is that the fee structure must be reviewed taking into consideration that the current fees are outdated and do not take into consideration the current operational costs, as well as regulatory and compliance costs.

## COMPLIANCE MONITORING AND ENFORCEMENT

4.6. All unreserved service operators are required to register with the Authority. Upon registration, the Authority issues a registration certificate which the operator is obliged to display in their premises for compliance monitoring purposes. Postal compliance inspectors conduct random visits to the operator's premises to monitor compliance with legislation and the Authority's regulations. The Discussion Document posed the following questions:

**Question 10: Do you find the Authority's monitoring and enforcement of the unreserved postal services effective? Please elaborate in your answer and make suggestions in this regard.**

- 4.6.1. DHL Express has not necessarily provided a response on the Authority's effectiveness on the monitoring and enforcement of the Regulations in the unreserved postal services sector. However, DHL Express is of the view that the sector is effectively regulated by market forces. Thus, it proposes further liberalisation of the courier market.
- 4.6.2. SAEPA is of the view that the key objectives of monitoring and enforcement should be an effective but also equitable regulatory environment. Clarity and transparency are also other crucial metrics that should be borne in mind.
- 4.6.3. SAEPA further submits that there are areas where the regulatory environment needs improvement. Bearing in mind the GATS obligation that South Africa is subject to, the move should be towards liberalisation rather than the imposition of onerous or further obligations.
- 4.6.4. SAPO is of the view that the Authority's monitoring and enforcement is not effective. It argues that due to a lack of appropriate and relevant primary and secondary legislation, the Authority cannot carry out its mandate effectively. Further, SAPO states there is insufficient

inspectorate presence in the market, auditing of operators and monitoring.

4.6.5. SAPO submits that there could be an argument made with respect to the unreserved market that the rationale for monitoring without ensuring that all players are licensed to participate is questionable. In other words, according to SAPO, once a player is licensed and appropriate fees have been rendered, what would be the usefulness of monitoring and enforcement?

4.6.6. Considering the arguments above, SAPO recommends the following:

- that the Authority urgently introduce new regulations aligned to the Bill;
- the strengthening of the Inspectorate to carry out monitoring and enforcement;
- to address the shortcomings in the market through regular stakeholder meetings between operators and the Authority; and
- stiff penalties for violations of the Regulations.

**Question 11: Do you think the Authority should impose an obligation for registered operators to report unregistered operators to improve compliance? Please elaborate.**

4.6.7. DHL Express is of the view that it is unnecessary and inappropriate to impose an obligation for registered operators in a market-driven industry such as courier services.

4.6.8. SAEPA is of the view that the availability of an avenue to report is certainly commendable, however, creating an obligation to report unregistered operators would appear to amount to the imposition of an onerous liability, not in keeping with a market-focused approach.

4.6.9. SAPO is of the view that enforcing compliance is the Authority's mandate, and therefore SAPO proposed that the Authority should strengthen the capacity of its Inspectorate. SAPO further proposes that any reporting of unlicensed operators by registered operator should not be mandatory but voluntary and should be viewed as an addition or support of the Authority's monitoring and enforcement.

#### 4.6.10. **The Authority's Finding**

4.6.10.1. The Authority found that stakeholders are of the view that the Authority's compliance monitoring and enforcement is not effective and there are areas where the regulatory environment needs improvement. Some reasons posed by stakeholders are that there is a lack of appropriate and relevant primary and secondary legislation, making the Authority unable to carry out its mandate effectively. Further, there is insufficient Inspectorate presence in the market according to stakeholders. Therefore, some stakeholders propose the strengthening of the Authority's Inspectorate, while other views lean towards the liberalisation of the sector.

4.6.10.2. With regards to the obligation to report unregistered operators, stakeholders are opposed to same. The suggestion is for the Authority to establish an avenue for interested operators to report illegal operations but not impose it as an obligation to operators.

#### 4.6.11. **The Authority's Position**

4.6.11.1. The Authority will not make it mandatory for operators to report unregistered operators, but voluntary reporting will be supported. Any registered operator that contracts with an unregistered operator is an accomplice in promoting illegal operations, and such an operator must be penalised.

## UNIVERSAL SERVICE OBLIGATIONS AND FUNDING

- 4.7. The Discussion Document did not pose any specific question in relation to Universal Service Obligations and funding. Central to the discussion is the White Paper which proposes a creation of a Universal Services Fund ("USF") for postal services. The proposal is that an operator licensed to provide postal services shall contribute to the provision of universal services and/or contribute to the fund established by the Minister.
- 4.7.1. Submissions from stakeholders dealt with universal services issues as part of Question 1 above, which asked whether the Regulations have helped make progress towards the universal provision of postal services.
- 4.7.2. SAPO is of the view that the introduction of a USF as a necessity will offset bias in the provision of universal postal services. The view is informed by SAPO's acceptance that while players in the unreserved market have grown the sector, they are largely concentrated in urban and accessible markets. This leaves SAPO to service previously disadvantaged, remote and largely rural communities.
- 4.7.3. SAEPA argues that while the universal provision of postal services is a commendable objective, it is properly one that is to be met by public companies and funds rather than by private unreserved operators. SAEPA is of the view that unreserved postal service operators as an industry is distinct from national post, falling outside the auspices of the UPU (from where the universal service obligation originates). Similarly, while national postal operators have access to public funds and can be expected to work towards public interest goals, unreserved postal service operators are required to invest in their own transportation network from their own funds.
- 4.7.4. DHL Express submits that the national postal operator is a different kind of entity, having recourse to public funds and privileges that are derived from the UPU. There is no true "level playing field" between the national postal operator and courier companies, because the national postal



operator enjoys benefits and privileges that courier companies could never access. This is the rationale underlying why a national postal operator is the appropriate entity through which public sector aims, such as universal service and affordable standard letter delivery, are to be achieved.

- 4.7.5. DHL Express further argues that private enterprises and courier companies already pay taxes towards the achievement of public aims. Moreover, the services they provide contribute to economic growth. Usually, where a government requires a private company to carry out investment and works for public benefit, this is done as a Public-Private-Partnership where the company gets compensated. Obliging private companies to contribute to public aims as a quid-pro-quo for being allowed to operate is far from what would be expected in a modern and forward-thinking economy.

4.7.6. **The Authority's Findings**

- 4.7.6.1. The Authority found that there are different views on this matter. Some stakeholders support the view of the establishment of the USF. On the other hand, other stakeholders oppose the view of universal service obligations and the establishment of the USF for unreserved postal services.

4.7.7. **The Authority's Position**

- 4.7.7.1. The Authority needs to assess issues of universal services and obligations mentioned in the Bill, if or when enacted into law. Furthermore, an important issue for consideration will be how to introduce regulatory parity in the provision of universal service obligations for unreserved postal services. Nevertheless, the Authority will apply the PSA in its current form for this process. Any changes that may result from the Bill being made law will be addressed by the Authority accordingly at such point.

## CONTRAVENTIONS AND PENALTIES

4.8. The Discussion Document focused on suspension and cancellation of any operator's registration certificate, should an operator contravene the provisions of the PSA and licensing conditions. There is also the possibility of a fine or imprisonment when an operator refuses or fails to produce a licence or registration certificate for inspection or operate without a licence or registration certificate. The Discussion Document posed the following question:

**Question 12: Do you consider the prescribed penalty fee suitable? Please elaborate in your answer.**

- 4.8.1. DHL Express argues that the rationale for imprisonment as a potential penalty is unclear. Thus, it proposes that penalties should be proportionate to the level of the infraction such as actual damages suffered by third parties, and intent of the contravener. Provided the aforementioned principles are adhered to in actual levies, a penalty system extending up to R 250,000 would appear reasonable.
- 4.8.2. SAEPA submits that the provision regarding imprisonment is one that should be reconsidered. The penalty fee of up to R250,000 is appropriate, insofar as the exact amount of penalty will be determined on a case by case basis considering the relevant factors such as the materiality of breach and effects of that breach on the market.
- 4.8.3. SAPO is of the view that the prescribed penalty fee is not suitable. SAPO argues that the penalty of R250,000 as per the regulation 4(4) of the Regulations, must be amended to one that will be applied as per the category of licence, on a percentage basis. Secondly, SAPO suggests that the fine in terms of section 80 (2) (b) of the PSA, of not exceeding R100 for every letter received, must be increased in accordance with current market related penalties.

#### 4.8.4. **The Authority's Findings**

4.8.4.1. The Authority found that stakeholders have different views, some in favour of whilst others are opposed to the penalty fee as prescribed by the Regulations. Those who are opposed to the said penalty fee, state that the fine as per section 80 (2) (b) of the PSA (not exceeding R100 for every letter received) ought to be increased to align it to market related penalties. Whilst those in favour of the prescribed penalty fee state that the rationale for imprisonment as a potential penalty is unclear. Thus, it is proposed that penalties should be proportionate to the level of the infraction, actual damages suffered to third parties, and intent.

#### 4.8.5. **The Authority's Position**

4.8.5.1. The Authority's position is that the section in the Regulations dealing with contraventions and penalties should be reviewed. This will take into consideration any other contraventions and penalties identified in this process and those that need to be amended.

### **5 CONCLUSION**

5.1. The Authority would like to thank all participants for their inputs to this process. The Authority considered written submissions and findings above together with the current legislation and research conducted in the Discussion Document to come up with the positions provided above.

5.2. Considering the discussions and findings above, it is the position of the Authority that the Regulations are inefficient to address challenges of the unreserved postal services, due to reasons that:

- The registration process is inadequate for regulation of the sector;
- Fees payable are not applicable to the current environment;
- The duration of the registration certificate is inadequate.

- 5.3. Therefore, the Authority will review the Regulations. The review will be informed by the PSA as the Bill is still undergoing parliamentary processes and is not binding law.

**INDEPENDENT COMMUNICATIONS AUTHORITY OF SOUTH AFRICA**

NO. 439

22 MARCH 2019



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**COMMUNITY BROADCASTING SERVICES REGULATIONS**

The Independent Communications Authority of South Africa ("the Authority"), in terms of section 4(3)(j) of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000), as amended ("ICASA Act") read with sections 4(1) and 5(7) of the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended ("ECA") hereby prescribes the Community Broadcasting Services Regulations in the schedule.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a dotted line.

**RUBBEN MOHLALOGA****CHAIRPERSON**

## SCHEDULE

### 1. Definitions

In these Regulations, unless the context otherwise indicates, a word or expression to which a meaning has been assigned in the ICASA Act and the underlying statutes, the meaning is so assigned:

**“alliance with a political party”** means any cooperation and/or agreement between non-political organisations and political parties;

**“applicant”** means a person applying to the Authority to register for a community broadcasting service licence;

**“community”** has the same meaning as defined in the Broadcasting Act, No.4 of 1999 as amended and the Electronic Communications Act, No.36 of 2005 as amended;

**“community broadcasting services”** has the same meaning as defined in the Broadcasting Act, 1991 (Act No.4 of 1999), as amended and the Electronic Communications Act, 2005 (Act No.36 of 2005) as amended;

**“ECA”** means the Electronic Communications Act, 2005 (Act No. 36 of 2005), as amended;

**“licence”** has the same meaning as defined in the Broadcasting Act, 1999 (Act No.4 of 1999), as amended;

**“licensee”** has the same meaning as defined in Electronic Communications Act, 2005 (Act No.36 of 2005) as amended;

**“local origination programmes”** means local programmes sourced from the coverage area:

- (a) produced by a broadcasting service licensee; or
- (b) programmes produced by a resident of the coverage area; or

- (c) produced by a juristic person, the majority of directors, or members of whom are residents of the coverage area; or
- (d) produced in a co-production in which persons referred above have at least fifty percent financial interest.

**“non-profit entity”** has the same meaning as defined in the Non-Profit Organisations Act, 1997 (Act No. 71 of 1997);

**“Processes and Procedures Regulations”** means the Class Licensing Processes and Procedures Regulations (as amended), 2010 published in Government Gazette No. 33297, Notice No. 526 of 14 June 2010, as amended by Government Gazette No. 39874, Notice No. 157 of 30 March 2016, including any future amendments;

**“political office bearers”** means persons listed in regulation 9 of these Regulations;

**“political party”** has the same meaning as defined in Electronic Communications Act, 2005 (Act No.36 of 2005) as amended;

**“programme sharing/networking”** means programmes produced by one broadcaster and shared amongst different broadcasting licensees;

**“programme syndication”** means programmes produced at a central hub, distributed and broadcast simultaneously by broadcasting licensees;

**“record”** has the same meaning as defined in section 1 of the National Archives and Records Service of South Africa, 1996 (Act No 43 of 1996);

**“Standard Terms and Conditions Regulations”** means Standard Terms and Conditions Regulations (as amended), 2010 published in Government Gazette No. 9311, Notice No. 525 of 14 June 2010, as amended by Government Gazette No. 39872, Notice No. 609 of 30 March 2016, including any future amendments.

## **2. Scope**

These Regulations apply to persons who are intending to register for or holding a community sound or television broadcasting service licence.

## **3. Purpose**

The purpose of these Regulations is to prescribe:

- (a) the framework under which community broadcasting licensees will operate;
- (b) registration, renewal, transfer and amendment process of community broadcasting licences;
- (c) governance and management structures of a community broadcasting licensee; and
- (d) the basic principles of community participation.

## **4. Licence Application**

- (1) An applicant must be registered as a non-profit entity at least two (2) years prior to lodging an application to register as a community broadcasting service licensee.
- (2) Subject to sub-regulation (1), an applicant must demonstrate community development and empowerment with respect to the community located within the coverage area it would like to render community broadcasting services.
- (3) An applicant must submit a pre-registration notice as per the requirements set out in Form B of the Processes and Procedures Regulations, which must be accompanied by the following documents:



- 
- (a) the applicant's founding documents such as the Constitution and Memorandum of Incorporation;
  - (b) Curriculum vitae of board members and management;
  - (c) Disclosure of interest of board members and management;
  - (d) Programming plan;
  - (e) Business plan comprising a 3-5 years' financial plan;
  - (f) Tax clearance certificate;
  - (g) Demand, need and support including profiled community broadcasters in the coverage area and programming format;
  - (h) Projects reporting on management, governance and finances; and
  - (i) Corporate governance and operational policies including, but not limited to:
    - i. Technical operations;
    - ii. Human resource;
    - iii. Financial;
    - iv. Programming policy;
    - v. Editorial policy;
    - vi. Social media policy; and
    - vii. Political branding at the station and affiliation policy.
- (4) The criteria of whether to grant or not to grant a community broadcasting service licence, is based on the following:
- (a) The registration does not contain the information set out in Form B of the Processes and Procedures Regulations;
  - (b) The registration contains false or misleading information or misrepresentation of fact;

- (c) The applicant is in contravention of the Act or the related legislation in relation to other licences that such person may hold;
  - (d) The applicant is fully controlled by a non-profit entity and carried on or is to be carried on for non-profit purposes;
  - (e) The applicant has never been convicted of an offence in terms of this Act or related legislation;
  - (f) The applicant's ability to fulfil the diverse needs of the community within the coverage area;
  - (g) programming to reflect the needs of the community as identified and prioritised by that community in a forum or any other manner to the satisfaction of the Authority;
  - (h) contribution towards the general enrichment of the lives of members of the community within the coverage area;
  - (i) distinction of the applicant from other applicants and/or broadcasters, including individual licensees, serving the same geographical coverage area;
  - (j) application is made where a community licensee exists with similar services within the coverage area; and
  - (k) the demonstration of competency to self-provide, where a licensee chooses to self-provide for signal distribution.
- (5) An applicant must submit a pre-registration notice within the time frames to be prescribed by the Authority through the invitation to pre-register.
- (6) The Authority will inform the applicant of the outcome of the pre-registration notice 90 days after the closing date for submission of the pre-registration notice.

- (7) Where the Authority is satisfied that the applicant meets the requirements for the granting of a licence, the Authority will communicate such decision to the applicant in writing, following which the applicant may lodge the registration notice within 30 days of the Authority's written communication.
- (8) The Authority shall, where frequencies are available, grant a licence.
- (9) Where the Authority deems it necessary, the Authority will conduct public hearings prior to making a decision on the application to register a community broadcasting service.
- (10) The Authority will not consider an incomplete application form with regard to an application to register a community broadcasting service licence.

## **5. Governance and Management**

- (1) The founding documents of an applicant must reflect defined roles of management and the board members.
- (2) The composition of the Board must exclude immediate family members such as: parents; siblings; children connected by birth or adoption; spouses through marriage, civil partnership or cohabitation; grandparents; great-grandparents; grandchildren; great-grandchildren; aunts; uncles; siblings-in-law; half-siblings; cousins; adopted children and step-parents/step-children.
- (3) The role of the Board includes, but not limited to:
  - (a) ensuring compliance with all relevant laws, regulations and codes of good practice;
  - (b) approving policies for the station;
  - (c) giving strategic direction to the licensee;
  - (d) development of a corporate code of conduct;

- (e) identification of risk areas and performance indicators;
  - (f) appointing and supervising the Station Manager;
  - (g) approving the appointment of other senior management of the station;
  - (h) monitor implementation of the Board's plans; and
  - (i) supporting the station management in fundraising activities through its networks.
- (4) The role of the Station Manager includes, but not limited to:
- (a) planning of action such as initiating projects to fulfil the mandate of the licensee;
  - (b) recruiting staff and volunteers including drafting contracts with detailed job descriptions;
  - (c) directing as well as training management for sound human relations and operational skills;
  - (d) managing daily operations and delegating control of other departments such as programming, sales and marketing, news, music, finance, technical and administration;
  - (e) instilling discipline through written and approved policies that detail corrective actions and procedures;
  - (f) networking and meeting potential clients, funders and donors; and
  - (g) ensuring that the licensee affiliates/signs with the relevant forums such as the National Association of Broadcasters and the National Community Radio Forum.

- (5) The Station Manager must serve as *ex-officio* member of the board and report to the board.
- (6) Managers below the Station Manager must report to the Station Manager in respect of the operations in their respective departments.
- (7) Management is responsible for the daily administration duties of a licensee.
- (8) The Board must not interfere in the daily operations of a licensee.

## **6. Licence Amendment**

- (1) The Authority shall deal with each licence amendment application based on its own merits.
- (2) In deciding whether to approve or not to approve a licence amendment application, the Authority shall take into account the provisions of regulation 4 of these Regulations.
- (3) A licensee intending to amend its licence must fully comply with the amendment requirements in the Processes and Procedures Regulations.

## **7. Licence Renewal**

- (1) A licensee intending to renew its licence must submit an application for renewal as per the requirements in the Processes and Procedures Regulations comprising the following information:
  - (a) feasibility and sustainability report;
  - (b) Five (5) year financial statement revealing how a licensee has been performing;
  - (c) community support detailing how community members have been given access to the airwaves;

- (d) details of whether the broadcaster has been off air;
  - (e) legality of office bearers;
  - (f) the existence of another community broadcasting licensee in the same geographical area; and
  - (g) compliance report in respect of relevant legislation, the Authority's regulations and licence conditions, including instances of non-compliance if any.
- (2) The Authority will not renew a community broadcasting licence if the Authority determines that a licensee has;
- (a) fails to meet the criteria in terms of regulation 4 (4) (a) to (g) of these Regulations; and
  - (b) fails to comply with a decision or ruling of the Authority.
- (3) Where necessary, the Authority will publish a notice to conduct public hearings for community broadcasting licence renewal.
- (4) Where a licensee meets the licence renewal requirements, the Authority will issue a new licence on the same terms and conditions as the expired licence and update the Community Broadcasting licensees register by renewing the period of a licence.
- (5) Where a licensee's licence has not been renewed, the Authority will update the register by removing a licensee from the Community Broadcasting licensees register.

## **8. Licence transfer**

- (1) An intention to transfer of a licence from one entity to the other must be tabled and endorsed by the licensee's constituency either at its annual general meeting or special general meeting.

- (2) Full disclosure of the intended transfer must be tabled and submitted to the community served.
- (3) Subject to sub-regulation 2 above, the licensee must submit the intended transfer to the Authority for consideration.
- (4) The licence transfer application must be lodged in terms of the Processes and Procedures Regulations.
- (5) The criteria of whether to transfer or not to transfer a community broadcasting service licence, is the same as contained in regulation 4 (4) of these regulations.
- (6) Where necessary, the Authority will publish a notice to conduct public hearings for community broadcasting licence transfer.

## **9. Prohibited Office Bearers**

- (1) The following political office bearers must not play any role in the Board, Management and Staff of a Community Broadcasting Service:
  - (a) Members of the Local Executive Committees of political parties, the youth affiliates and women's affiliates of political parties, and any organisation that is in an alliance with a political party;
  - (b) members of the Regional Executive Committees of political parties, the youth affiliates and women's affiliates of political parties and any organisation that is in an alliance with a political party;
  - (c) members of the Provincial Executive Committees of political parties, the youth affiliates and women's affiliates of political parties and any organisation that is in an alliance with a political party;
  - (d) members of the National Executive Committees of political parties, the youth wings and women's wings of political parties and any organisation that is in an alliance with a political party;

- (e) Councillors;
- (f) Mayors;
- (g) Members of Provincial Legislatures; and
- (h) Members of Parliament.

#### **10. Programming**

- (1) Majority of programmes, news bulletins and current affairs broadcast by a community broadcasting service must be local origination programmes.
- (2) Programme syndication/network and programme sharing shall not exceed 20% of the community broadcasting licensee's programming.
- (3) A licensee must have policies dealing with programming matters that include, amongst others:
  - (a) mechanisms for community participation;
  - (b) programming format; and
  - (c) language policy.

#### **11. Surplus Funds**

- (1) A community broadcasting service licensee must, in the event of a surplus, utilise and/or invest the funds in the community served for the purposes of community development.
- (2) A community broadcasting service licensee must submit annually, a report with supporting documents, detailing how it has utilised or invested the surplus within the financial year.



## **12. Management Contract**

- (1) Management contracts must be lodged with the Authority for approval.
- (2) The Authority will consider the following conditions for approval of a management contract:
  - (a) ownership of the community broadcasting licensee remains with the community being served;
  - (b) administrative control in the operations of the community broadcasting licensee remains with the board of directors and management;
  - (c) method of reimbursement and the duration of the management contract;
  - (d) a licensee retains editorial and programming control and independence;
  - (e) Management contract does not render a third-party entity a shareholder/owner of a community broadcasting licensee;
  - (f) fiduciary duties remain the responsibility of the board;
  - (g) The board of directors must be from the coverage area; and
  - (h) The duration of the management contract which must not exceed a period of two (2) years.
- (3) Renewal and amendment of a management contract must be lodged with the Authority for approval. The Authority will consider factors set out in regulation 12(2) for approval.

## **13. Community participation**

- (1) A licensee must ensure that ownership of the community broadcasting licensee remains with the community served.

- (2) A licensee must involve the community members in the management of the community broadcasting licensee.
- (3) A licensee must establish programming councils/committees to enable community members to participate in the selection and provision of programmes.
- (4) The programming councils/committees must be representative of different interest groups within the community served, such as youth, women, or people with disabilities.
- (5) A licensee must submit proof of community participation at every annual general meeting, and other forums that require community participation.

#### **14. Code of Conduct**

A licensee must adhere to the Authority's Code of Conduct for Broadcasters, 2009, or to the Broadcasting Complaints Commission of South Africa's Code of Conduct for Broadcasters if the licensee is a member of the National Association of Broadcasters, or any amendment or replacement thereto.

#### **15. Technical Standards and Specifications**

A licensee must adhere to the Authority's regulations relating to technical standards and specifications, this will include regulations speaking to:

- (a) spectrum management;
- (b) licence fees; and
- (c) Standard Terms and Conditions Regulations applicable to Class licences.

#### **16. Record keeping**

- (1) A licensee must in line with the National Archives and Records Service of South Africa Act, 1996 (Act No. 43 of 1996), as amended and any other applicable legislation, keep the following records relating to its broadcasting activities:

- (a) documentation relating to the person or entity who or which is in control of or in a position to exercise control over the licensee concerned including documentation relating to;
  - i. Its legal status including all founding documentation pertaining to the licensed entity and any member organizations of the entity;
  - ii. Details of the board members or trustees including gender, race and address of such person or entity, as the case may be; and
  - iii. Disclosure of interest of Board members in programming and finance.
- (b) a list of capital assets, books of account, financial records and financial statements compiled by an accounting officer;
- (c) a list of donors and details of all financial and non-monetary donations;
- (d) documentation pertaining to the opening, maintenance and changes in the status to banking accounts;
- (e) contracts entered into by or on behalf of the licensee in connection with the daily operational activities of the licensee;
- (f) a log of programmes broadcast in the form acceptable to the Authority;
- (g) a public file for keeping written complaints received by the licensee and correspondence between the licensee and complainant;
- (h) a log of telephonic complaints received by the licensee;
- (i) a log of advertisements broadcast;
- (j) a log of the percentage air-time per hour allocated to advertisements;

- (k) during an election period, a log of party election broadcasts broadcast by the licensee;
  - (l) a log of sponsorship for programmes together with details of payment, financial or otherwise, received for such sponsorship;
  - (m) copies of correspondence with the Authority; and
  - (n) a log of all direct and indirect on-air fundraising activities for the stations.
- (2) A licensee may, by written notice directed to it, be required to produce or furnish to the Authority, at a time and place specified in the notice such records, including documents, accounts, estimates, returns and information as may be specified in such notice and relating to any matter in respect of which a duty or obligation is imposed on the licensee by the Act or these regulations or by the relevant license.
- (3) The logs, statistical forms and records contemplated in regulation 16(1) and (2) must be preserved for the duration of the broadcasting licensee's license period.
- (4) A licensee must publish its policies on its website or have them available for public scrutiny at its premises or public space like libraries.
- (5) A licensee must report on its funding, surplus and the distribution of surplus at its annual general meetings and to the Authority.

## **17. Contraventions and Penalties**

- (1) Any person that contravenes Regulations 9, 10, 11, 12, 13 and 16 is liable for a fine not exceeding 10% of its annual turnover.

## **18. Short Title and Commencement**

These regulations are called the Community Broadcasting Services Regulations and will come into force on the date of publication in the Government Gazette.

**19. Repeal and Amendment of Regulations**

- (1) The regulations set out in Schedule 1 are hereby repealed or amended, as the case may be, to the extent specified therein.
- (2) The Authority may further amend or repeal these regulations by notice in the *Gazette*.

## SCHEDULE 1

## REPEALED REGULATIONS

Regulations	Extent of repeal or amendment
<p>Class Licensing Processes and Procedures Regulations (as amended), 2010 published in <i>Government Gazette</i> No. 33297, Notice No. 526 of 14 June 2010, as amended by <i>Government Gazette</i> No. 39874, Notice No. 157 of 30 March 2016.</p>	<ol style="list-style-type: none"> <li>1. Repeal of Regulations 7(1), 7(2), 7(5), 7(6) and 7(8).</li> <li>2. Amendment of regulation 4 by the substitution in subregulation (1)(a) and (1)(b) of the words “(Regulation 7(1))” and “(Regulation 7(2))” with the word “(Regulation 4(5)) of the Community Broadcasting Services Regulations”.</li> <li>3. Amendment of Form A by deletion of the words “Regulation 7(1)”.</li> <li>4. Amendment of Form B by the deletion of the words “Regulations 7(2)”.</li> </ol>
<p>Standard Terms and Conditions Regulations (as amended), 2010 published in <i>Government Gazette</i> No. 9311, Notice No. 525 of 14 June 2010, as amended by <i>Government Gazette</i> No. 39872, Notice No. 609 of 30 March 2016.</p>	<p>Repeal of Regulations 10A(2), 10A(7), 10A(8), 10A(11), 10A (12) and 10A(14).</p>



Independent Communications Authority of South Africa (ICASA) 2019

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## REGULATORY FRAMEWORK FOR COMMUNITY BROADCASTING

### REASONS DOCUMENT

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## 1. ACKNOWLEDGEMENTS

1.1 The Independent Communications Authority of South Africa ("the Authority / ICASA") would like to acknowledge all stakeholders who participated in the process aimed at developing a regulatory framework for community broadcasting services: sound and television.

### **1.2 The following stakeholders submitted written representations to the Draft regulations on Community Broadcasting Services published on 06 April 2018<sup>1</sup>:**

- (1) Anthony Duke
- (2) Association of Christian Media
- (3) Cape Town Sports Radio
- (4) Cape TV
- (5) Capricorn Community Concepts
- (6) Kagiso Media
- (7) Kasie FM 97.1
- (8) KZN NCRF
- (9) Makhado FM
- (10) NAB
- (11) NCRF
- (12) NCRF Western Cape
- (13) Primedia
- (14) Pulpit Media Group
- (15) South African Community Radio Organization
- (16) Sentech
- (17) Tshepo FM
- (18) Tshwane TV

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<sup>1</sup> Government Gazette 41561 Notice 266 of 6 April 2018

## **2. INTRODUCTION**

- 2.1 On 03 March 2017, the Authority published the Discussion Document on Regulatory Framework for Community Broadcasting Services ("the Discussion Document"),<sup>2</sup> in accordance with section 4B of the Independent Communications Authority of South Africa Act, 2000 (Act No. 13 of 2000) ("ICASA Act"). The purpose of the Discussion Document was to generate comments from stakeholders on the review of the Regulatory Framework for Community Broadcasting Services for both television and radio in South Africa.<sup>3</sup>
- 2.2 The closing date for the written representations on the Discussion Document was extended from 10 May 2017 to 02 June 2017 due to requests from stakeholders. The Authority received thirteen (13) written submissions, of which eight (8) made oral representations on 19 and 20 July 2017. Subsequent to that, the Authority published the Findings Document on the Regulatory Framework for Community Broadcasting ("the Findings Document") and the Draft Regulations for Community Broadcasting Services: Radio and Television ("the Draft Regulations") for comments on 06 April 2018 in Government Gazette 41561. Thereafter the Authority conducted extensive workshops in all the provinces from 15 May to 06 June 2018 and held public hearings on 23 July 2018.
- 2.3 The Community Broadcasting tier focuses on addressing grassroots issues that are not addressed by commercial and public broadcasters, due to its proximity to communities. Community broadcasting is not supposed to compete with, but should complement public and commercial broadcasting's role of providing information, entertainment and education. Thus, the Authority needed to come up with a regulatory

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<sup>2</sup> General Notice No 170 of Government Gazette No.40660 of 03 March 2017.

<sup>3</sup> Para 1.1 of the Discussion Document.

framework to support the growth and sustainability of this tier of broadcasting.

- 2.4 The Authority has now finalised the process of reviewing the Regulatory Framework for Community Broadcasting and is satisfied that the new regulations will promote sustainability in the community broadcasting sector. This Reasons Document summarises the views expressed by interested persons with respect to the published Draft Regulations and also provides explanations to provisions in the final Community Broadcasting Services Regulations ("the Regulations").

### **3. PROPOSED DEFINITIONS IN THE REGULATIONS**

- 3.1 The ACM states that the definition of non-profit entity is potentially problematic as it does not harmonize sufficiently with the related legislation dealing with non-profit entities. Specifically, the Income Tax Act, 1962 (Act No. 58 of 1962) definition and provisions of the public benefit organization ("PBO").<sup>4</sup>
- 3.2 The ACM goes on further to highlight that the Income Tax Act permits only 4 types of trading form or legal entity to trade as a PBO. They make reference to a branch established in the Republic by a foreign charitable entity which is exempt from income tax in its country of origin.<sup>5</sup>
- 3.3 ACM furthermore highlights to the Authority that the South African Revenue Services has subsequently removed the mandatory requirement of being registered as a PBO and subsequently being registered as an NPO with the Department of Social Development.<sup>6</sup>

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<sup>4</sup> ACM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

- 3.4 NCRF Western Cape furthermore submits that Non-Profit Entity should be aligned with the Companies Act on non-profit entities.<sup>7</sup>
- 3.5 SENTECH is of the view that the proposed definition of "licensee" will create confusion as a consequence of a different definition stated in the ECA (as amended). SENTECH proposes that ICASA should rather make use of the term "Community Licensee" for the definition proposed by the Authority.<sup>8</sup>
- 3.6 The NAB states that in accordance to the ECA a "political party" means any registered party defined in section 1 of the Electoral Act, 1998 (Act No. 73 of 1998); or any alliance of such registered parties. The NAB recommends that the definition in the ECA is sufficient.<sup>9</sup>
- 3.7 NCRF Western Cape submits that the definition of "*Alliance with political party*" is too broad and should only extend to political parties. For example, NCRF Western Cape argues that, a community radio or TV station can have a partnership with an organisation such as Rape Crisis (a non-political organisation), in turn Rape Crisis can have a relationship with the ANC Women's League in fighting against rape, and this definition can then stretch to include this relationship. They allude that an organisation such as Afriforum for example has political bearing and should be added as an example that has political allegiance.<sup>10</sup>
- 3.8 NCRF Western Cape is of the view that the definition of "community" needs to be defined within the Draft Regulations instead of referring to it in another regulation.<sup>11</sup>

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<sup>7</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 3.

<sup>8</sup> SENTECH, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 3.

<sup>9</sup> NAB, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

<sup>10</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 2.

<sup>11</sup> Ibid.

- 3.9 NCRF Western Cape states that the local programmes should be relevant and serve the needs and interests of the broadcasting community.<sup>12</sup>
- 3.10 NCRF Western Cape argues that in terms of the definition of local origination programmes, point (c) referring to juristic person as well as the majority of directors should be removed. They are of the view that juristic person is too broad and the directors producing programmes is a conflict of interest as directors should not be involved in daily operations of the station.<sup>13</sup>
- 3.11 NCRF Western Cape argues that the definition of “Political Office Bearers” should be amended to include that Political office bearers at all levels shall not play any role in the Board, Management and Staff. They recommend that person with political influence or employed in the office of a political party should also be included (e.g. spokespersons of political parties).<sup>14</sup>
- 3.12 **With regard to Alliance with a political party being broad, the Authority refers to section 52 of the ECA which talks to alliance to a political party. Section 52 states that no broadcasting service licensee may be granted to a party, movement, organisation, body or alliance which is of a party-political nature.**
- 3.13 **The Authority has decided not to include the definition of “community” in the Regulations due to the fact that the empowering legislation sufficiently defines the term.**
- 3.14 **Under local origination programming, the Authority is of the view that local origination programming should be produced by a juristic person, the majority of directors, or members of whom are**

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<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> NCRF Western Cape, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, p 3.

**residents of the coverage area. The directors being referred to are the directors producing programmes and does not refer to the directors of the licensee.**

- 3.15 Political office bearers are not to play any role in the Board, Management and Staff of a community broadcasting licensee due to the influence they have as a result of the office they hold.**

#### **4. LICENSING**

##### **Licence application**

- 4.1 Kagiso Media is concerned that its submission did not find its way into the Findings Document and the Draft Regulation, specifically the issue of quasi commercial broadcasters masquerading as community broadcasters.<sup>15</sup> It goes on to say that regulation 4 of the Draft Regulations does not specifically address the latter matter to state clearly that 'no community broadcasting service licences will be granted to a community stations with a music format service exceeding 20% geographically-based community sound broadcasters or 40% for community of interest'. It further suggest that regulation 2(4)(e) of the Draft Regulations be amended to read as follows: "the format or coverage of an individual licence, it being recorded that no class sound broadcasting service licence will be granted in respect of a community sound broadcasting service where the music constitutes:

- 4.1.1 20% of the format for a geographically-based sound broadcasting service; or
- 4.1.2 40% of the format for a community of interest-based sound broadcasting service".<sup>16</sup>

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<sup>15</sup> Kagiso Media, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television.

<sup>16</sup> Ibid.

- 4.2 Kagiso Media submits that, certain stations that ICASA has licensed are problematic and blurring the lines between commercial and community broadcasters. This they state has harmful consequences for competing commercial (and public) broadcasters due to the different regulatory burdens pertaining to the two sectors.<sup>17</sup>
- 4.3 Kagiso Media is of the view that the Authority's Inquiry into Community Broadcasting Services falls within the definition of a public enquiry in terms of section 4(2) of the Promotion of Administrative Justice Act (2000) (PAJA) in respect of administrative action affecting the public and consequently any administrative action resulting therefrom (such as its Findings Document and any subsequent regulations) must ensure that "relevant considerations are taken into account" as required by section 6(2)(a)(e)(iii) of PAJA or risk being judicially reviewed by a court or tribunal as provided for in section 6 of PAJA .<sup>18</sup>
- 4.4 Kasie FM submits that there must be a limit of 2 to 3 community radio station per city or district and 1 community Tv station per city or region to avoid overcrowding and allow opportunity of sustainability. Furthermore they would like the community of interest community radio to be discouraged because in most cases it only serve one part of interest.<sup>19</sup>
- 4.5 NCRF National indicates that there is no justification for the waiting period of 2 years, or even for the empowerment activities to take a period of 2 years prior to the lodgment of the application as a community

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Kasie FM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

broadcasting service. The criteria must rather be about deliverables stated on section 2 (3) (a) to (i) of the draft regulations.<sup>20</sup>

- 4.6 In relation to Regulation 2 (6) which states that “the Authority will inform the applicant of the outcome of the pre-registration notice 90 days after the closing date for submission of the pre-registration notice”, the NCRF National submits that if a suitable candidate is not found, a further notice should be given. According to NCRF this is particularly important for communities that do not have access to Community Broadcasting Service.<sup>21</sup>
- 4.7 The NCRF supports Regulation 2 (8) which states that “the Authority shall, where frequencies are available, grant a community broadcasting licence if the applicant satisfies the pre-registration requirements”, and further emphasizes that it must always be read with section Regulation 2 (4) (f) which states that “application is not made where a community licensee exists with similar services”.<sup>22</sup>
- 4.8 South African Community Radio Organization (“SACRO”) submits that the 2 year requirement to be registered as an NPO for purposes of community broadcasting may be seen as unfair as the person/s or entity lodging the application may not have initially considered community broadcasting as a goal but may have been very active and successful in community based-projects. Such applicants will be unfairly penalized with a 2 year waiting period. This requirement epitomizes the type and quality of applicant for a community broadcasting license that the sector needs. This, with the

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<sup>20</sup> NCRF, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.



other license application prerequisites, will result in better service to communities and a stronger community radio sector.<sup>23</sup>

4.9 NCRF National requires clarity on the circumstances where the Authority will or may deem it necessary, to conduct public hearings prior to making a decision on the applicant to register a community broadcasting service as stated in Regulation 2(9).<sup>24</sup>

4.10 The NAB states that in terms of section 17 of the ECA, ICASA is deemed to have granted a licence in the event that a licensee has complied with the requirements for registration and ICASA has failed to give notice of a delay in considering the application within the prescribed thirty (30) day period. The provision brings certainty for applicants in respect of the status of their applications and expedites the application process.<sup>25</sup>

4.11 The NAB highlights to the Authority that the current Draft Regulations don't have a similar deeming provision in respect of the pre-registration notice in regulation 2(6).<sup>26</sup>

4.12 PMG is of the view that one of the most serious problems with the Draft Regulations is the fact that no serious consideration is given to the difference between a geographic community broadcasting service and a community of interest broadcasting service, despite the distinction being made clearly available in the definition of "community" in section 1 of the ECA. The PMG argues all too often, restrictions that are appropriate for geographically-founded community broadcasting services are simply imposed upon community of interest services without the regulatory

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<sup>23</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, P 3.

<sup>24</sup> NCRF, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television.

<sup>25</sup> NAB, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

<sup>26</sup> Ibid.

nuance required by the provisions of the ECA.<sup>27</sup> Thus they propose the following:

- Regulation 2(3) of the Draft Regulations be amended by the insertion of a new sub-section (j) at the end thereof to read as follows:
  - “(j) A clear and detailed statement of the community of interest or geographic community that is proposed to be served by the broadcasting service which distinction will be contained in the license itself, if such license is granted.”;
- Regulation 2(4)(a) of the Draft Regulations be amended to read as follows:
  - (a) The applicant to fulfil the:
    - (i) diverse needs of the community in the coverage area, in the case of a geographically-based community station; or
    - (ii) the particular needs of the community of interest in the coverage area, in the case of a community of interest community station.<sup>28</sup>

4.13 PMG also submits that another thorny issue in the sector, one that was canvassed in the Findings Document at paragraphs 5.7 – 5.15 and at 11.3, is the issue of commercial stations, particularly, music formatted stations masquerading as community stations. This is antithetical to the concept of community radio and yet the issue is barely dealt with in the Draft Regulations.<sup>29</sup>

4.14 Consequently, the PMG propose that regulation 2(4)(e) of the Draft Regulations be amended to read as follows:

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<sup>27</sup> Pulpit Media Group, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 3.

<sup>28</sup> Ibid.

<sup>29</sup> Pulpit Media Group, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 4.

(e) "the format or coverage of an individual license, it being recorded that no class community sound broadcasting service license will be granted in respect of a community sound broadcasting service where music constitutes:

- (i) 20% or more of the format for a geographically-based sound broadcasting service; or
- (ii) 40% or more of the format for a community of interest-based sound broadcasting service".<sup>30</sup>

4.15 NCRF Western Cape agrees with the 2 years period for new applications or when certain indicators are met after 1 year. These indicators should be 2(3) a – i of the published draft regulations. NCRF Western Cape suggests that new radio stations should undergo training during this period.<sup>31</sup>

4.16 NCRF Western Cape submits that the Authority should add the provision that the applicant needs to be based in the coverage area under the criteria of whether to grant a licence or not. Where stations already exist, no other similar community radio station should be licensed.<sup>32</sup>

4.17 Cape Town Sports Radio submits that it would seem that ICASA is creating an impediment or another form of a hurdle in the acquisition of community broadcasting licence. As prospective role players in the broadcasting space, they feel it is stifling to have a 2 year waiting period in that regard.<sup>33</sup>

4.18 Cape Town Sports Radio further submits that the license application requirement listed in regulation 2 (1) and (3) should be required from

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<sup>30</sup> Ibid.

<sup>31</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 3.

<sup>32</sup> Ibid.

<sup>33</sup> Cape Town Sports Radio, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television.

currently existing Community Broadcasting Licensees who have been in operation and who during their initial license application alluded to the community development they would engage in once they were granted licenses.<sup>34</sup>

- 4.19 SENTECH proposes a review of the wording of the proposed sub-regulation 2(4) (e). The concern is the inclusion of the wording “individual license”, as the phrase is defined in section 1 of the ECA. The following substitution is proposed:

*(e) the format or coverage of a **services** license.*<sup>35</sup>

- 4.20 Regulation 2(1) of the Draft Regulations states that an applicant is required to have been registered as a non-profit entity for community broadcasting 2 years prior to the lodgement of the application as a community broadcasting service. ACM states that it is unclear as specifically who the entity is required to be registered as a non-profit entity with and requires clarity.<sup>36</sup>

- 4.21 Regulation 4(a) of the Draft Regulations states the applicant must fulfil the diverse needs of community within the coverage area. The ACM suggests that the diverse needs of a “community of interest” may differ from those of a “geographic community”.<sup>37</sup>

- 4.22 With respect to documents submitted for a pre-registration notice SACRO would like the Authority to conduct spot checks on details contained in the CVs. Any act of dishonesty should disqualify a person from holding a position on the board or in the management of the licensee. Furthermore

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<sup>34</sup> Ibid.

<sup>35</sup> SENTECH, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 4.

<sup>36</sup> ACM, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>37</sup> Ibid.

they emphasize that there should be disclosure of interests and not interest for board members and management only.<sup>38</sup>

4.23 SACRO agrees that ICASA is responsible to identify and address programming overlap with other community radio stations in the same area.<sup>39</sup>

4.24 SACRO points out that the purpose of the business plan must be, inter alia, to provide assurances to ICASA that the broadcaster will become self-sustainable. Sustainability infers profitability and any surplus should not be used for self-enrichment and should be channelled into projects serving the community. However, they believe that the submission paint a rosy picture in submitting the business plan, overstating expected income/revenue and understating costs. They allude that the budgets in the business plan are less accurate from years 3 to 5 but rather suggest that monthly budgets should be submitted for years 1 and 2 and quarterly budgets should be submitted for years 3 to 5. Cost budgets should be substantiated by recent, written quotations. Revenue budgets should be substantiated by letters of intent from prospective advertisers and from prospective buyers of airtime from the radio station.<sup>40</sup>

4.25 SACRO cautions the Authority that start-up NPOs have difficulty in obtaining a Tax Clearance Certificate (TCC) as no financial history has been created up to that point. It therefore suggests that the application to SARS for a Tax Clearance Certificate must accompany the licence application to ICASA. The award of the community broadcasting licence

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<sup>38</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 3.

<sup>39</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 4.

<sup>40</sup> Ibid, p 3.

<sup>40</sup> Ibid, p 4.

<sup>40</sup> Ibid.

can then be subject to the submission of the TCC to ICASA when received by the licence applicant.<sup>41</sup>

- 4.26 SACRO is concerned that it may be difficult for an aspiring community radio broadcaster to obtain an accurate profile of an existing community broadcaster in the same coverage area as an incumbent broadcaster might not be willing to share such information with a possible new competitor.<sup>42</sup>
- 4.27 SACRO submits that whilst the intention is clear, it may not be practical to expect a start-up community broadcaster to be in a position to report on matters such as projects reporting on management, governance and finances. This is because most entrepreneurial-type community projects are launched informally and not necessarily with formal processes and formal recordings of activities/performance. SACRO indicates that the Constitution contains Memorandum of incorporation (Regulation 2(3)(i)(a-b)) so they should be required as one. The Code of Conduct of the radio station is an important document and should be included.<sup>43</sup>
- 4.28 SACRO raises a concern that the invitation to pre-register implies that an approach similar to the ITA used for commercial licence applicants is being adopted by ICASA for community licence applicants. This may result in unnecessary delays in the processing and issuing of a community broadcasting service licence. There is also concern that ICASA may be considering a public hearing process which is time consuming and expensive/unaffordable for most applicants for a community licence. It is held that these regulations will be incomplete without the pre-registration notice timeframe being specified in the regulations.<sup>44</sup>

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<sup>41</sup> Ibid.

<sup>42</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 4.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid, p 5.

- 4.29 SACRO believes that the 90 day period for the Authority to assess the application unnecessarily delays service to the community which the licence applicant is trying to serve. It also implies inefficiency on the part of the Authority and is contrary to the message communicated by the Authority that it is continually striving to improve its internal processes and procedures. They allude that the application for a community broadcasting licence should not be dealt with as an application for a commercial licence where other applicants are given 90 days within which to object to such application. They suggest that the fixed 90 day period be replaced by 'within 45 days as this should provide sufficient time for an efficient Authority to process the application. Similarly, conducting public hearings will delay the granting of a license.<sup>45</sup>
- 4.30 SACRO indicate that the reference to frequencies availability before granting a licenses suggest that this clause (regulation 2(8)) should refer to the Authority issuing a spectrum licence if frequencies are available.<sup>46</sup>
- 4.31 The Authority through licensing promotes plurality of services in licensing community broadcasting services however, it does not advocate for duplication of services within the same coverage area.**
- 4.32 The decision on the format of a community broadcasting licensee pertaining to music is part of the licence conditions and is decided on case by case basis depending on the kind of service the community broadcasters provides.**
- 4.33 The Authority will further require that a community broadcasting applicant submits a notice for pre-registration, whereby the applicant will submit the necessary qualification information**

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<sup>45</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 5.

<sup>46</sup> Ibid.

before a registration is submitted. This will allow the Authority to among others assess and ensure the sustainability of the applicant.

**4.34** The Authority requires that an applicant for community broadcasting licence must have been in operation for 2 years and carried out activities for 2 years as an NPO before application to develop on areas such as corporate governance and financial planning before applying for a community broadcasting license. Furthermore, the Authority encourage applicants to start operations for community broadcasting anytime within the 2 years that it is operating as an NPO before submission of a pre-registration notice. This will allow the applicant to garner support from the community and do background work before deciding on issues such as the languages the radio station will broadcast in and the programming plan.

**4.35** The Authority has challenges with community broadcasting licensees which are registered as Trusts with regards to:

- the appointment of their Board of Directors/Trustees;
- their financial management of the station;
- community participation;
- founding documents; and
- the manner in which they conduct their AGMs.

**4.36** The Authority is of the view that Trustees or Board of Directors of the NPO must be nominated and elected by the community in an Annual General Meeting. The proof of the meeting must be submitted to the Authority. In a trust, Board of Directors elected in the AGM must be registered as trustees.



**4.37 It is the Authority's view that campus community broadcasting services should account separately from the institution of learning.**

**4.38 The Authority also requires that an applicant submit pre-registration information that will enable the Authority to consider sustainability. The Authority has to satisfy itself that the service being registered becomes sustainable.**

**4.39 The pre-registration requirements are:**

- **An applicant must have been an NPO in operation and carried out activities for at least 2 years before application.**
- **An applicant fully completed application form as prescribed by the Process and Procedure Regulations**
- **Proof that the applicant is a registered NPO;**
- **The applicant must submit its founding documents<sup>47</sup>, e.g Constitution, Articles of Association, etc;**
- **An applicant must not assume the scope or coverage of an individual licence;**
- **Whether a geographic community licence exists with a similar mandate or service;**
- **3-5 years financial plan to ensure sustainability (feasibility study showing the possibility of funding).**

**4.40 The Authority may hold public hearings upon the notice for registration where there is a need to collect more information or get clarity before taking a decision to register a class license. This will also assist when there are competing interests in the license area such as the existence of a community broadcasting service in the area providing a similar service. In some instances the**

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<sup>47</sup> The Authority have provided an example of what should be included in the Founding Document, attached as Annexure A.

**Authority would need to verify that an applicant has support in the license area it proposes to serve.**

**4.41 After assessing whether the applicant meets the requirement for registration the Authority will inform the applicant of the outcome. Successful applicants will submit a notice for registration whilst those not successful will be guided in terms of areas of improvement to meet the requirements for registering as a class license.**

**4.42 Increasing footprint for community broadcasters, whether interest or geographic will reduce community ownership and participation and blur the distinction between community and commercial broadcasting. The Authority is not amenable to increasing the maximum coverage area for class licences.**

#### **Licence amendment**

4.43 NCRF Western Cape would like licence amendment to be clarified on how the amendment affect the current licence term, whether it start afresh after re-issue of amended licence or continues. NCRF Western Cape proposes that it starts afresh from the amendment date.

4.44 SACRO submits that regulation 4(2) should regulate the approval of licence amendment application and not licence application.<sup>48</sup>

#### **Licence renewal**

4.45 SACRO suggests that in the event that the Authority decides to hold a public hearing during the license renewal process, the Authority should provide the licensee with a temporary broadcast licence so that the

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<sup>48</sup> Ibid, p 7.

licensee may continue to provide service to its community until the outcome of the public hearing and the licence renewal application are known.<sup>49</sup>

4.46 SACRO submits that the Authority is silent on what steps it will take to ensure that the licensee whose licence has not been renewed is no longer broadcasting. There is also no mention of an instruction to the unsuccessful applicant in terms of:

- (a) Notifying the community of such decision by the Authority before ending its broadcasting service.
- (b) Notifying the advertisers of such decision by the Authority before ending its broadcasting service.
- (c) Switching off of the relevant studio and transmitter broadcasting equipment.
- (d) Monitoring by the Authority to ensure compliance with the above.<sup>50</sup>

4.47 NCRF Western Cape articulates that in terms of regulation 5.1 (a), ICASA should clarify what measures will be used in the feasibility and sustainability report and also consider the costs for these as it can become punitive and prevent some stations from complying with this.<sup>51</sup>

4.48 NCRF Western Cape further submits that regulation 5.1 (c) should be clarified regarding how stations should demonstrate "community access to the airwaves". They further request clarity on regulation 5.1 (f) on how

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<sup>49</sup> Ibid.

<sup>50</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 8.

<sup>51</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 4.

the process will unfold in the event where there is already an existing licensee in relation to a new applicant in the same broadcast area. NCRF Western Cape proposes that the frequency spectrum licence is aligned to the broadcast license and they are not running concurrently. They request that ICASA should educate stations on the different licensees that are issued to community broadcasters.<sup>52</sup>

4.49 SENTECH submits that the Authority should not use regulation 5(f) ("*the existence of another community broadcasting licensee in the same geographical area;*") of the draft regulations for refusal of the renewal application of a community broadcasting licence. SENTECH proposes that draft regulation 5(1)(f) of the draft regulations be removed as the existence of two or more broadcasting licensees in the same geographical area cannot be a fault of either of the broadcasting licensees. The proposed regulation 5(f) will reduce the number of stations nationally in an area based purely on the existence of two or more stations in an area.<sup>53</sup>

4.50 SENTECH is of the view that issues of plurality are more significant to the issue of having two or more community broadcasters in the same area. Taking into consideration section 6(1) and (2) of the constitution, and sections 15(1) and (2) and 16(1), it will likely be a difficult process for the Authority to determine which radio station has the right to exist. The proposed provision is also contrary to the objects of the EC Act, particularly section 2(g), (k), (r) and s(i).<sup>54</sup>

4.51 NCRF National argues that a requirement for Community Broadcasters to submit feasibility and sustainability reports are good business practices and this practice must be encouraged, but that this must not be a consideration for license renewal. Community Broadcasting Services must

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<sup>52</sup> Ibid.

<sup>53</sup> SENTECH, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 4.

<sup>54</sup> Ibid.

never be a resource solely reserved for economically viable communities as this may serve to prejudice the rural communities. The effect of this provision, read together with provisions on section 5 (3) and (4) and (5), will further entrench the already disadvantaged position of the impoverished communities.<sup>55</sup>

4.52 Act- SA<sup>56</sup>, Capricorn Concepts<sup>57</sup> and Tshwane TV<sup>58</sup> submits that Section 19 of the ECA does not make provision for the powers to the Authority to refuse to renew a Class License. Regulation 5 is therefore not authorised by Section 19 of the ECA, in so far as it allows the Authority to refuse to renew a class license, in this instance, a community broadcasting license. Regulation 5(2) (3) (4) and (8) must therefore be deleted from the draft Regulations. They note that the above-mentioned Regulation is based on the flawed findings in the Findings Document.

**4.53 The licensee has to satisfy the conditions for renewal before the renewal is granted. The Authority prescribe the terms of renewal of a class licence in line with section 19 (3) of the ECA.**

**4.54 A licensee should submit, as conditions for renewal of a class license:**

- **Feasibility/financial sustainability;**
- **A historical 5-year financial statement revealing how it has been performing;**

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<sup>55</sup> NCRF, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television.

<sup>56</sup> Act-SA, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 May 2018, p 4.

<sup>57</sup> Capricorn Community Concepts, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 04 May 2018.

<sup>58</sup> Tshwane TV, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 May 2018, p 4.

- **Community support detailing how community members have been given access to the airwaves. Community participation refers to mechanisms to ensure community participation in the running of the operations, policy making, and programming of the licensee, and representation of the different sectors of the community in influencing the direction the licensee should take;**
- **On or off air status;**
- **Legality of office bearers in order to ensure that persons not allowed, in terms of legislation and regulations, to be in the licensee's Board, Management, and staff are not in such positions;**
- **An indication of the existence of another community broadcasting licensee in the same geographical area. The Authority will assess the effects of close proximity of radio stations on the community and the sustainability of the station. In order to get clarity on this, the Authority might call the stations in proximity to convince the Authority in terms of sustainability and the difference in their mandate. The Authority might request the licensees to come with plans of ensuring that they do not have similar programming and they are able to create revenue; and**
- **Non-compliance.**

**4.55 The Authority may hold public hearings upon the notice to renew a class licence where there is a need to collect more information or get clarity before taking a decision to renew a class licence. This will also assist when there are competing interests in the**

**license area such as the existence of a community broadcasting service in the area providing a similar service. In some instances the Authority would need to verify that the licensee has support in the licence area it serves.**

**4.56 The Authority will update the register for community broadcasting licensees by either deletion or renewing the licence.**

### **Licence Transfer**

4.57 The NAB<sup>59</sup> and ACM<sup>60</sup> submit that regulation 6(1) of the Draft Regulation states that an intention to transfer a licence from one entity to another must be tabled and endorsed by the radio station's constituency either at its annual general meeting or special general meeting. They question as to why the regulation refers only to radio stations.

4.58 NCRF Western Cape could not definitely agree whether license transfers should stay or be removed from the draft Regulations. They further articulates that both arguments have merit, and under special circumstances there is a need for license transfer. NCRF Western Cape would like to put both arguments forward for further investigation.<sup>61</sup>

4.59 NCRF Western Cape submits that in terms of 6 (1) the decision to transfer the license should only be done at the Annual General Meeting, as it is the highest decision making body of the station. The decision that is made at the Special General Meeting, can be overturned or endorsed by the Annual General Meeting.<sup>62</sup>

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<sup>59</sup> NAB, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

<sup>60</sup> ACM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>61</sup> NCRF-WC, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 2018, p 4.

<sup>62</sup> Ibid.

4.60 NCRF Western Cape further articulates that in some instances, the Chairperson of the Board or the Board can refuse to call a meeting to decide to transfer the license, in spite of the need and demand from community members, and in this case, a Special General Meeting might be needed to take such decision.<sup>63</sup>

4.61 The NCRF National finds Section 6 of the draft regulations rather confusing that a provision is made for a Community Broadcast License to be transferrable to another community of the same community. They submit that the transferring of community is the same as the receiving community. It must be emphasized that the License is owned by the community. The NCRF National is of the view that it is impossible to determine why this whole section is necessary and therefore submits that the whole section be removed.<sup>64</sup>

4.62 **Transfer of a community broadcasting license is pronounced in terms of section 16 (6) of the ECA. Section 16(6) gives the Authority the responsibility to approve the transfer of a class licensee. As a result Authority has developed the requirements for license transfer to ensure predictability when approached by community broadcasters requesting transfer of their license. Transfer of a license might happen, amongst others, when two community broadcasters within the same vicinity wants to merge. Regulation on the transfer of class license apply to television and sound broadcasting.**

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<sup>63</sup> Ibid, p 5.

<sup>64</sup> NCRF, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 13 June 2018.



## 5. FUNDING

- 5.1 SACRO suggests that a report on how community broadcasting service licensees have utilised or invested the surplus must be submitted within 3 months of the end of the financial year.<sup>65</sup>
- 5.2 Kasie FM submits that the MDDA must fund and monitor radio stations and not position itself as another Broadcasting Authority Body. The Government must direct fund station through the city or regional structure and still continue to place advertisements. They suggest that the percentage of funding be based on annual budget toward production/technical or equipments on community shows and not salaries.<sup>66</sup>
- 5.3 Tshepo FM submits that the Authority should regulate government officials who charge different prices to broadcasters for the same project with the same duration. The GCIS should be held accountable to spending 30% on local media. Community broadcasters should not be disadvantaged due to listener statistics when partnering on content such as health issues.<sup>67</sup>
- 5.4 The KZN NCRF submits that a clear government funding model should be set and be budgeted for by the National Treasury to support the community radio development e.g. payment for signal distribution, housing of the stations, content development, skills development, administration operational costs and staff stipends. In addition, the KZN NCRF is of the view that government departments should be regulated by law to spend at least 30% to advertise its programmes on community

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<sup>65</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 9.

<sup>66</sup> Kasie FM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

<sup>67</sup> Tshepo FM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 1.

broadcasting stations, while municipalities should be forced to set aside budgets for existing community radios within their operational jurisdictions.<sup>68</sup>

- 5.5 Regulation 9(1) refers to how surplus funds are to be utilized by the NPO. The ACM brings to the attention of the Authority that this requirement is very problematic and potentially contravenes other related legislation. The NAB brings to the attention of the Authority that these regulations are not clear on what would be considered a surplus.<sup>69</sup>
- 5.6 NCRF National indicates that the Authority makes a provision that, in the event of making a surplus, the licensee should utilise and/or invest the funds in the community served for the purposes of community development. They note that the regulator does not define the term "surplus" and the NCRF used the basic definition that says that a surplus is any amount remaining after the expenditure within a financial year. The NCRF deems this provision to be contrary to proper business planning and long term financial planning principles, and believes that ICASA may be going beyond its mandate in regulating Community Broadcasting Services.<sup>70</sup>
- 5.7 Mr. Anthony Duke ("Mr Duke") is of the view that although community broadcasting sector is not for profit in that it has no shares for equity (shareholders) and profit for a benefit (dividends), it's essential that funds are reinvested into the station, by law, so the station's strategy should be geared to attempt to make income exceed expense.<sup>71</sup>

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<sup>68</sup> KZN NCRF, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, email submission.

<sup>69</sup> ACM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>70</sup> NCRF, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television.

<sup>71</sup> Duke, A., Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 18 May 2018.

**5.8 The Broadcasting Act<sup>72</sup> and the ECA<sup>73</sup> make provision that community broadcasting service may be funded by donations, grants, sponsorships or advertising or membership fees, or by any combination of the aforementioned.**

**5.9 The Authority has placed no restrictions or caps on the number of minutes per hour for advertising by community sound broadcasting licensees. Many community broadcasting licensees have and continue to encounter great difficulty in acquiring sufficient income to meet the financial needs of the stations. Some of the problems identified include:**

- the inability of stations to properly market themselves;**
- lack of knowledge of potential advertisers that could be approached within their areas;**
- lack of adequate audience profiles of the community broadcasting sector that could be used by advertisers; and**
- expressed dependence on one form of revenue stream.**

**5.10 Some community broadcasting licensees have been raising substantial amounts of money through pledges by community members. It is believed that communities would not mind making pledges if they felt that the radio station was there for the advancement and development of the said community and that the community owned the radio station. The community can only have a sense of ownership if community groups or sectors participate meaningfully in the running of the radio station.**

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<sup>72</sup> Section 1 of The Broadcasting Act (4/199).

<sup>73</sup> Section 1 of the Electronic Communications Act (36/2005).

**5.11 Class licensees must plough back the surplus to the community. The surplus must not be utilized for unintended means such as sharing by employees, management or the board. Class licensees must not have a profit accrual system. This does not prohibit the broadcaster from investing the surplus for future use by the radio station.**

## **6. MANAGEMENT CONTRACTS**

- 6.1 NCRF Western Cape believes that management contracts should be to enhance the stations operations and sustainability, and not take over, or outsource. The ownership and control of the community broadcaster is important and should be separate from all management contracts. They further articulate that any management contracts should include upskilling of community members so that the capacity within the station is built.<sup>74</sup>
- 6.2 NCRF Western Cape submits that editorial policies of the station should guide the production of programmes, including sponsored programmes which should not be in the interest of corporations, but serve the needs to the broadcast community. Sponsored programmes should also be allowed on air as it assists with the financial sustainability of the stations.<sup>75</sup>
- 6.3 NCRF Western Cape states that, with regards to the definition of local origination programmes, (d) should be removed as they cannot understand how co-producers can have 50% financial interest within

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<sup>74</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 5.

<sup>75</sup> Ibid, p 2.

productions without wanting to influence editorial policies of the stations.<sup>76</sup>

- 6.4 Regulation 10(2)(a) states that the ownership of the community broadcasting licensee remains with the community being served. ACM states the word ownership; in reference to community broadcasting gives rise to the notion that it can be sold and suggests that the Authority should rather make use the word stewardship/stewarded.<sup>77</sup>
- 6.5 Cape Television notes that there is no definition for "management contract". It suggests a possible definition as follows; "Management contract is when a third party or private company provides a community broadcaster with personnel to run certain operational areas such as Production, Sales, HR, Technical Operations or any other managerial function within the organization, or if any such functions are entirely outsourced to a third party on a full-time basis." ICASA must provide community broadcasting licensees with an instruction on a clear and specific time line to draw and complete management contracts. The community broadcasting licensees must submit these management contracts to ICASA within allocated time in order that they can be properly perused and verified. The management contracts must be limited to a year in order to discourage private companies to influence the community broadcasting sector. The community broadcasters must not be allowed to entitle one contractor to produce their programming as this will exclude the contribution of the communities.<sup>78</sup>

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<sup>76</sup> Ibid, p 3.

<sup>77</sup> ACM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>78</sup> National Community Radio Forum Western Cape Submission on the Draft Regulations for Community Broadcasters, 2018.

- 6.6 ACT SA<sup>79</sup>, Capricorn Concepts<sup>80</sup> and Tshwane TV<sup>81</sup> suggests that the Authority must approve the management contract within 30 days of submission of the contract, failure to approve the contract within 30 days will be considered automatic approval.
- 6.7 **The Authority views management contract as an arrangement under which operational control of a licensee is vested by contract in a separate entity/company that performs the necessary managerial/administrative functions in return for a fee or payment. The main purpose of management agreement is to assuage lack of skill and knowledge of operation within a licensee**
- 6.8 **Regulation 7 (12) in the Regulations on Standard Terms and Conditions in Terms of the Electronic Communications Act, (No. 36 of 2005) states that "if a licensee intends on entering into a management agreement with another entity, it should attach details and nature of the agreement, including timelines. Should a management agreement's time line lapse, if and when renewed, such must first be lodged with the Authority."**
- 6.9 **All management contracts must be lodged for approval with the Authority. The approval criteria will only deal with aspects that pertain to regulatory matters. The Authority will always be guided and consider section 2 (y) of the ECA in interrogating management contracts.**
- 6.10 **Management agreements with another entity are allowed for skills transfer, but not to exert control of the broadcasting**

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<sup>79</sup> Act - SA, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 May 2018, p 4.

<sup>80</sup> Capricorn Community Concepts, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 May 2018.

<sup>81</sup> Tshwane TV, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 May 2018, p 4.

**service. The agreement should clearly state the method of reimbursement and the duration of the agreement. The licensee must at all times retain editorial and programming control and independence. The licensee should not cede powers of the board of directors and management to another entity nor should another entity be the shareholder of a licensee. Fiduciary duties are the responsibility of the board of the licensee.**

- 6.11 Management contract duration should not exceed two years to ensure that undue influence is not exerted unintentionally.**

## **7. COMMUNITY PARTICIPATION**

- 7.1 ACM contends that the consistent use by the Authority of the terms “community” and “ownership” in relation to each other is concerning and suggests an alternative use of terminology.<sup>82</sup>
- 7.2 In respect of Regulation 10 (2) of the Draft Regulation ACM states that including the community in the management of the licensee is impractical. The ACM suggests that community should be involved in the election of a fiduciary board, for example at the annual general meeting of the licensee.<sup>83</sup>
- 7.3 Regulation 11(3) of the Draft Regulation states that a community broadcasting licensee must establish programming councils/ committees to enable community members to participate in the selection and provision of programs. The ACM draws the Authority’s attention to the cost implications certain forums carry for the licensee and advocates that

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<sup>82</sup> ACM, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>83</sup> Ibid.

social media should be recognized as a platform not a supplementary platform for community participation.<sup>84</sup>

- 7.4 SACRO is of the view that the inference is that the community owns the licensee through the Board elected from members of the community. However, stories are rife of people being bussed in from areas outside of the community in order to influence the election of the Board. Board members that live in areas outside of the community are, as a result, elected to the Board. SACRO urges the Authority to urgently and decisively address this anomaly as it goes directly against the principle of community.<sup>85</sup>
- 7.5 SACRO requests the Authority to be more specific about what the term 'involve' in regulation 11(2) entails and must be careful not to confuse the community about its role versus that of the radio station management. For example, one cannot have members from the community walking in from the street and dictating how the station should be managed.<sup>86</sup>
- 7.6 The PMG is very concerned that ICASA does not appear to understand how Not For Profit Companies without Members as provided for in the Companies Act, 2008 operate. While such companies do hold AGMs, these are essentially meetings of the Board as, in terms of the PMG's MOI, the directors are, in effect, the members of the company, and represent a broad array of Christian churches and interest groups. Further, the stations in the PMG regularly hold audience focus groups as well as ongoing community of interest interaction between the station and its community through, among other means: letters, emails, phone-ins, Facebook posts, SMSes, Tweets, What's App groupings and the like.

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<sup>84</sup> Ibid.

<sup>85</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 10.

<sup>86</sup> Ibid.



These keep PMG intimately involved with its Christian community on a basis that is far closer and more interactive than an AGM.<sup>87</sup>

- 7.7 Consequently, PMG suggests the following amendment to section 11(5) of the Draft Regulations:

“(5) A community broadcasting licensee must submit proof of community participation at every annual general meeting and/or other forums that require community participation.”<sup>88</sup>

- 7.8 NCRF Western Cape recommends that a community licensee should involve the community through relevant platforms and organisational structures to participate in the affairs of the community broadcasting licensee.<sup>89</sup>

- 7.9 PMG states that Radio Pulpit and Cape Pulpit hold Annual General Meeting, although an Annual General Meeting is not Mandatory for non-profit companies. Furthermore, the Board members are selected according to their competencies in corporate governance as prescribed by the Companies Act. PMG states that the Board members include members of a variety of Christian constituencies such as churches and NGOs.<sup>90</sup>

- 7.10 PMG states that besides considering radio presenting talent during the appointment of presenters, it also consider the diverse range of Christian denomination and groupings that an individual represent. Presenters are required to consult with their constituencies twice a year for programming

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<sup>87</sup> Pulpit Media Group, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 5.

<sup>88</sup> Ibid, p 6.

<sup>89</sup> NCRF Western Cape, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, p 5.

<sup>90</sup> Pulpit Media Group, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 30 July 2018.

inputs. Proposals by different constituencies are incorporated in the programme planning on bi-annual basis. The meetings are minuted.<sup>91</sup>

- 7.11 PMG highlights that Radio Pulpit communicates with listeners through communication and listener community engagement plan. This includes frequent visits to churches to identify participants. During visits participation in the form of sermons by pastors, testimonies of individual and inserts by knowledgeable individuals is encouraged. The identified participants are invited to the radio station to participate in the creation of programme content. Gospel artists are also provided with an exposure by the radio station through interviews broadcast on air.<sup>92</sup>
- 7.12 Ownership of Community Radio by community members does not mean that community members should participate in AGMs and in the election of Board members. PMG states that since Board members that get appointed are from community and different organisation including churches, therefore, ownership by community does exist.<sup>93</sup>
- 7.13 PMG suggests that community participation through social media networks, letters, emails, telephone and through consultation by presenters or programming team for programming purposes should be sufficient.<sup>94</sup>
- 7.14 Primedia notes that the Authority has taken steps through regulation to ensure that there is greater participation of communities in the affairs of community sound broadcasters. They are of the view that there are a number of community broadcasters particularly sound broadcasters who do not demonstrate clear indications of which interest groups they serve within their communities and further show a lack of any community

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<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

participation in the affairs of the radio station. Primedia agrees with and supports the view expressed by Kagiso Media in the Regulatory Framework for Community Broadcasters Findings Document that there are “quasi-commercial sound broadcasters masquerading as community”.<sup>95</sup>

- 7.15 The community broadcasting operating model challenges the traditional division between broadcasters on one side and listeners on the other side. In community sound broadcasting the listener becomes the broadcaster. Listeners get access to the airwaves. Community participation means availing mechanisms that ensure the participation by members of the community served, in the running of the operations, policy making, and programming of the licensee, and representation of the different sectors of the community in influencing the direction the licensee should take. This in turn results in the equitable representation of the linguistic, cultural and religious diversity within the geographical boundaries of the area.**
- 7.16 Affording community members who are experts in various fields such as community health, education, culture, language, customs, environment, science, etc, an opportunity to host programmes in their respective fields, is one of the means of ensuring community access to the airwaves.**
- 7.17 The community must get involved in the production and management of communication systems and in the ownership and control of the means of communication. As far as community participation in the selection and provision of programmes is concerned, community television broadcasters should establish**

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<sup>95</sup> Primedia, Written Submission on ICASA’s draft regulations on Community Broadcasting Services: Radio and Television, 2018.

**programming councils/committees. These councils/committees should be representative of different sectors within the community served.**

- 7.18 Without community participation, community broadcasting ceases being for the community and by the community. Community broadcasting licensees must continue submitting proof of community participation in annual general meetings, and all other forms that require community participation.**
- 7.19 Community broadcasters should strive to understand the community they are serving. Also, they should know what is available in terms of skills, revenue streams and build on the strengths of their community. They should build relationships and partnerships with common interest to realize the vision and meet goals of the community.**
- 7.20 The method of participation must not disadvantage part of the community that is already disadvantaged in terms of social media access and knowledge to clearly voice their views timeously, be understood and be able to engage with issues thoroughly. The broadcaster should realise a difference between a discussion and a once off comment. However, social media can be used to enhance community participation, although not as a primary method for community participation.**
- 7.21 Schedule 4(1) of the Companies Act provides that a non-profit company is not required to have members, but its memorandum of incorporation (MOI) may provide for it to do so. Licensees operate within a regulated environment. Consequently, the regulator may require a company to amend its MOI in line with section 16 of the Companies Act.**

- 7.22 **The Authority understands that non-profit entities vary from each other as some are trusts, others are companies whilst others are pure associations. Thus, they all have different rules and laws applicable to them due to their nature. Once an entity decides to acquire a licence to operate as a broadcaster additional rules and laws apply to that entity.**
- 7.23 **A non-profit company which is a licensee of the Authority must comply with the regulatory requirements of the sector, including having members. It is in this sense that the Authority requires non-profit companies licensed for the purpose of community broadcasting to hold AGMs irrespective of the fact that the Companies Act does not compel them.**
- 7.24 **Community broadcasting licensees are solely meant for the benefit of the community not the board, individuals and/or directors of the entity/company that holds the licence. Therefore, a non-profit company that holds a licence must account or report back to the community it serves as a community broadcaster. The AGMs are the best way to report and account to communities. This also brings the licensee close to the people it serves.**

## **8. PROGRAMMING OBLIGATIONS**

- 8.1 Regulation 8(1) of the Draft Regulation states that majority of the programmes, news bulletins and current affairs broadcast by a community broadcasting service must be produced and sourced locally. The NAB states that the wording conflicts with the term 'local origination programmes' as defined in regulation 1. Notably<sup>96</sup>, the regulations also

do not give a clear indication of what would constitute a 'majority' for compliance purpose.<sup>97</sup>

- 8.2 The PMG submits that it appears that ICASA entirely ignores the programming constraints and requirements of community of interest stations despite the fact that the very definition of "community" in section 1 of the ECA requires ICASA to recognize a distinction between geographically-based community stations and community of interest community stations.<sup>98</sup>
- 8.3 The PMG reiterates that ICASA's position regarding locally-sourced programming and limiting programming syndication or programme sharing to 20% is, of course, entirely appropriate for geographically-based communities which have unique needs, interests and concerns arising out of the grass roots conditions pertaining to that particular geographical area. However, ICASA's position is entirely inappropriate for community of interest stations which are required to meet the needs of a particular sub-community in a geographic area and which may indeed need content from outside that particular geographic area in order to connect with and service the needs of particular communities of interest in different geographical areas.<sup>99</sup>
- 8.4 PMG suggests the following amendment to section 8(1) of the Draft Regulations:
- "(1) In respect of geographically-based community stations:

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<sup>97</sup> NAB, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

<sup>98</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 9.

<sup>98</sup> Pulpit Media Group, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 4.

<sup>99</sup> Ibid, p 4.

- (a) the majority of programs, news bulletins and current affairs broadcast by a community broadcasting service must be produced and sourced locally; and
- (b) programme syndication/network and programme sharing shall not exceed 20% of the community licensee's programming."

The above amendment would then require the deletion of section 8(2) of the Draft Regulations which will have been incorporated into section 8(1) as proposed above. This would then require section 8(3) to be renumbered 8(2).<sup>100</sup>

- 8.5 With regards to regulation 8(1) ACM states that this places a restriction on the broadcaster and may prove difficult if quality and variation are to be maintained.<sup>101</sup>
- 8.6 Makhado Community Radio submits that in Limpopo there are approximately eleven Community broadcasters who because of the challenge of unemployment creates jobs and training for the broadcasting industry.<sup>102</sup> Makhado Community radio continues to submit that 'it is difficult for advertisers to place advertisements in all of these broadcasters, in that regard their submission is that 'stations in the same area be allowed to syndicate some hours wherein advertisers will be able to advertise in those hours.<sup>103</sup>
- 8.7 Mr Duke believes that it is imprudent to think that the quality of the programme doesn't matter just because a station is 'community'. It is only fair that those behind the operations are equipped to deliver a product that is unique. The biggest strength of community radio is its

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<sup>100</sup> Ibid, p 5.

<sup>101</sup> ACM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>102</sup> Makhado FM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 12 June 2018.

<sup>103</sup> Ibid.

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**PART 3 OF 3**

uniqueness. The Unique Selling Point (USP) for community radio is that its staff can touch, see and feel their audience and the land around them, at any time of the day. They are different to those stations that do not live in your district, township, village or street as your listener does.<sup>104</sup>

**8.8 The majority of programmes broadcast by a community broadcasting service, news bulletins and current affairs shows in particular, are supposed to be produced and sourced locally. Community broadcasting applicants/licensees should submit their proposed programming format with majority of programmes produced and sourced locally. Programme syndication/networking and programme sharing between broadcasting licensees shall not exceed 20% of the community licensee's programming.**

**8.9 The Authority still holds a position that programming must reflect community needs and interests in accordance with legislation, to ensure that programming provided reflects the needs of the people in the community which must include amongst others cultural, religious, language and geographic needs and must:**

- **provide a distinct broadcasting service dealing specifically with community issues which are not normally dealt with by the broadcasting service covering the same area;**
- **be informational, educational and entertaining;**
- **focus on the provision of programmes that highlight grassroots community issues, including, but not limited to, developmental issues, health care, basic information and general education,**

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<sup>104</sup> Duke, A., Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 18 May 2018.

**environmental affairs, local and international, and the reflection of local culture; and**

- **promote the development of a sense of common purpose with democracy and improve quality of life.**

**8.10 Community broadcasting licensees must broadcast programming that supports and promotes sustainable development, participatory democracy and human rights as well as the educational objectives, information needs, language, culture and entertainment interests of different groups such as women, youth, civic and sport interest groups.**

**8.11 Licensees must have policies dealing with programming matters that include, amongst others:**

- **mechanisms for community participation;**
- **programming format;**
- **language policy;**
- **the provision of access to views/opinions under-represented by the mainstream media;**
- **the accurate presentation of factual material and ensuring that reasonable efforts are made to correct substantial errors of fact at the earliest possible opportunity;**
- **clear distinction between factual material, commentary and analysis;**

- **avoiding the misrepresentation of viewpoints by giving misleading information;**
- **editing out of context or withholding relevant available facts;**
- **respect for different cultures, customs and religions;**
- **seeking appropriate advice on how to best respect different cultures, customs and religions; and**
- **the promotion and development of local musicians and other artists.**

**8.12 Whilst taking advantage of other platforms such as online broadcasting and social media, the programming content should be relevant to the community being served within the licence area. The other platforms should be a means to share the local experience or stories but not to dilute the localness of the community broadcaster. Broadcasting of local music and programming is important for community broadcasting due to its grassroots mandate of servicing and reflecting the communities served so that they can relate to and promote the community broadcasting service.**

## **9. GOVERNANCE AND MANAGEMENT**

- 9.1 The KZN NCRF is of the view that annual financial reporting requirement should be a licence condition instead of being a regulation. The KZN NCRF also argues that community radio stations should have clear constitution document regulating the Boards and policy documents regulating staff

members.<sup>105</sup> Furthermore, the KZN NCRF submits that the clear roles of the Board vs Management and the Station Manager should be set by the license conditions to avoid conflicts.<sup>106</sup>

- 9.2 NCRF Western Cape articulates that instead of only identifying who should be excluded, they feel that there is a need to include those that should be included on the board. They further submit that new board members should have the following skills amongst others: Financial, human resource, legal, community development, senior management skills and fundraising; and also board members should take an oath of office when they start their term. NCRF Western Cape would also like to include "involve in the process of appointment of senior management" so that the board has a say in their appointment, but the accountability will still be with the Station Manager, to ensure that Station Managers do not appoint their family or friends, etc. in positions of management. The role of the board should be aligned in terms of the new Companies act.<sup>107</sup>
- 9.3 NCRF Western Cape submits that ordinary community members who do not necessarily have skills are also selected onto board.<sup>108</sup>
- 9.4 NCRF Western Cape would like to amend 3(i) to "supporting the station management in fundraising activities through potential credible fundraisers and partners".<sup>109</sup>
- 9.5 Mr Duke's experience is that station management can subvert the process and conspire to undermine or make profit from a business. He feels the clause on 'board not ***interfering*** with management duties' needs to be reworded to make sure that the board keeps a tight finger on the pulse

<sup>105</sup> The Kwa-Zulu Natal National Community Radio Forum (KZN NCRF), Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, email submission.

<sup>106</sup> Ibid.

<sup>107</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 4.

<sup>108</sup> Ibid, p 3.

<sup>109</sup> Ibid, p 4.

of the station. After all, two heads are better than one. Mr Duke believes that the term '*Interfere*' is open to interpretation and could be used to hide a multitude of wrongdoings.<sup>110</sup>

9.6 Mr Duke does not believe that station managers can be trusted with running stations without an actual interference of the board. And thus, he is of the view that the term '*interference*' needs to be clearly defined.<sup>111</sup>

9.7 ACM states that the Authority should rather adopt the provisions of the Income Tax Act in relation to a connected person instead of Regulation 3(2) of the Draft Regulations.<sup>112</sup>

9.8 The NAB<sup>113</sup> recommends that regulation 3(4)(g) be redrafted in the following manner:

*Ensuring that the licensee affiliates/ signs with the relevant forums such as the National Association of Broadcasters, the National Community Radio Forum or any other broadcasting industry forum as may be recommended by the Authority.*

9.9 SACRO agrees with the Authority that the Board should not consist of family members and would like the Authority to specify in the regulations how it proposes to monitor and regulate this important aspect.<sup>114</sup>

9.10 SACRO suggests that the role of the Station Manager should include initiating and executing projects. In addition, the Station Manager should

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<sup>110</sup> Duke, A., Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 18 May 2018.

<sup>111</sup> Ibid.

<sup>112</sup> ACM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

<sup>113</sup> NAB, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

<sup>114</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 6.

be responsible for creating and maintaining a safe, secure and healthy work environment.<sup>115</sup>

9.11 Kasie FM suggests that the board appointment must be revised, to be appointed like SABC either by local government or GCIS and the board members must submit CVs. Board members cannot be elected because they talk too much without governance expertise, broadcasting knowledge nor management understanding while they are expected to give radio station vision and strategic direction. They get tempted by having access to staff salaries when they do not have source of income and they start to recruit for anti-station management/board move or have their close people within the board.<sup>116</sup>

9.12 Kasie FM would like management to be allowed to present the shows because this assist the station to save on finance, notwithstanding the need to create employment. They allude that the idea of volunteering in our county is not viable one to run the station nor abuse people to work 5 days a week and still be called volunteer where the rate of unemployment is high.<sup>117</sup>

**9.13 The findings denote that a large number of non-compliance instances emanate from unclear provisions in the licensees' constitutions. Despite the existing regulatory tools and the monitoring and compliance enforcement in place, there is still a high number of community broadcast licensees that are not compliant.**

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<sup>115</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 6.

<sup>116</sup> Kasie FM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018.

<sup>117</sup> Ibid.

**9.14 Community broadcasting licensees must have clearly defined roles of management and the board members in their policies. The roles of Board/Trustees, Station Manager and Management must be as outlined below.**

**The Role of the Board/Trustees:**

**9.15 The Board represents the community and is there to ensure, amongst others, that the interests of community are served. Board members are not employees of the radio station. The Board is not supposed to control daily administrative functions of the station as this is the responsibility of the Station Manager. The Board is also responsible for the employment of the station manager, to assist with the formulation and updating of the legal/founding documents, policy documents and the overall oversight of the licensee's operations.**

**9.16 In addition to the above, the Authority is of the view that the role of the Board includes, but is not limited to, the following:**

- monitoring of management in respect of implementation of the Board's plans;**
- ensuring compliance with all relevant laws, regulations and codes of good practice;**
- giving strategic direction to the licensee;**
- development of a corporate code of conduct; and**
- identification of risk areas and performance indicators.**



**Role of the Station Manager**

**9.17 The Station Manager oversees the administrative, financial, technical responsibilities and business functions of a community broadcasting licensee.**

**9.18 The Station Manager has the responsibility to put the overall strategic objectives into action through:**

- Plan of Action (Development of projects to fulfil the mandate);**
- Recruitment of staff and volunteers (Drafting of contracts with clear and detailed job descriptions, and recruitment of the right people for the job);**
- Direct as well as train management staff for sound human relations and operational skills;**
- Management (Manage operations and delegate control of other departments), e.g. Programming, Sales and Marketing, News, Music, Finance, Technical and Administration;**
- Instil discipline (Through documented and adopted policies that detail corrective actions and procedures); and**
- Network (Meet potential clients, funders and donors, and affiliate/sign the licensee with relevant forums such as NAB, NCRF, etc.)**

### **The Role of Management**

**9.19 The management is made up of the Station Manager and other departmental managers who report to the Station Manager. The Station Manager must serve as ex-officio of the board and report to the board. Management below the Station Manager must report to the Station Manager on the operations of their respective departments. Management controls the daily administration of the station and is accountable to the Board.**

**9.20 Corporate governance policies should consist of:**

- **Management;**
- **Technical operations;**
- **Human resource;**
- **Financial;**
- **Day to day operations;**
- **Editorial policy.**

**9.20 The Authority encourages the community broadcasters' associations to play an active role in ensuring that all licensees comply with regulations.**

## **10. COMPLIANCE**

10.1 NCRF Western Cape submits that compliance officers need to do monitoring and support of new entities.<sup>118</sup>

10.2 Primedia encourages that in the event the Authority implements the Draft Regulations, it ensures that it steadfastly enforces the compliance with

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<sup>118</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 3.

regulation particularly on issues of community participation as provided for in draft regulation 11 of the Draft Regulations.<sup>119</sup>

- 10.3 According to Primedia, the publication of the Draft Regulations is a move in the right direction in building and maintaining a robust community broadcasting sector. The Authority may be aware that this tier of broadcasting is an essential part of ensuring that our communities have access to services that serve their interests and is an integral part of disseminating local community focused information.<sup>120</sup>
- 10.4 Primedia states that it has observed that there remains a challenge with compliance within the community broadcasting sector. This challenge is also alluded to by the Authority in its Discussion Document on Regulatory Framework for Community Broadcasting Services ("the Discussion Document"). The Authority notes in the Discussion Document that it initiated the inquiry process to address shortcomings in the regulatory and operational environment of community broadcasting sector. The Authority further notes the disregard of inter alia stations' community participation mandate and the exclusion of community members from participation in the affairs of the stations.<sup>121</sup>
- 10.5 Primedia agrees with the Authority on the above-mentioned challenges, and hopes that these Draft Regulations will be the first step in ensuring that community sound broadcasting licensees comply with their licensing obligations and further hope that following the adoption of these the Draft Regulations the Authority will also play its part by ensuring enforcement of these regulations within the community broadcasting sector. Regulation is only as good as its enforcement by the regulator, therefore there needs to be a consented effort by the Authority to ensure

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<sup>119</sup> Primedia, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 2018.

<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

compliance by community broadcasters if these Draft Regulations are to have the intended effect.<sup>122</sup>

- 10.6 **Licensees must report on their funding, profit and the distribution of profit and such must happen at their annual general meetings. The report should include non-monetary donations and sponsorship.**
- 10.7 **Community broadcasting services funds should be put into an account whereby stations will be able to account for such funds.**
- 10.8 **The Authority will endeavour to strengthen and improve monitoring of broadcasters with all licence terms and conditions as well as regulations.**

## **11. CODE OF CONDUCT FOR BROADCASTERS**

- 11.1 PMG notes that many community broadcasting services are members of the NAB and, consequently, are bound by the Code of Conduct for Free to air Broadcasters prescribed by the Broadcasting Complaints Commission of South Africa (BCCSA). According to PMG this is provided for in section 54(3) of the ECA as an alternative to being bound by ICASA's Code of Conduct and consequently the requirements of section 12 of the Draft Regulations is *ultra vires* in terms of the ECA with regard to NAB members.<sup>123</sup>

- 11.2 Consequently, PMG suggests the following amendment to section 12 of the Draft Regulations:

*"(12) Community broadcasting services licensees must adhere to either the Authority's Code of Conduct for Broadcasters, 2009, or*

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<sup>122</sup> Ibid.

<sup>123</sup> Pulpit Media Group, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 6.

*to the BCCSA's Code of Conduct for Free to Air Broadcasters, or any amendment or replacement thereto.*"<sup>124</sup>

**11.3 In terms of section 54 of the ECA, broadcasters must comply with ICASA's Code of Conduct and with BCCSA Code of Conduct for those who are signatories of the BCCSA.**

**12. RECORD KEEPING**

12.1 NCRF Western Cape recommends on regulation 14 (f) that the copies of programmes are kept for 90 days, while logs can be kept for 5 years as community broadcasters do not have the capacity to keep recordings for 5 years.<sup>125</sup>

12.2 SENTECH states that the draft sub-regulation 14(3) has a typographical error and should read "The logs, statistical forms and records contemplated in regulation **14(1) and (2)** (instead of regulation 13(1) and (2)) must be preserved for the duration of the broadcasting licensee's licence period."<sup>126</sup>

12.3 ACM is in contention with the use of the word "audited" in Regulation 10(1)(b) and advocated for the inclusion of an alternative for either "audited" financial statement or financial statements that have been "independently reviewed", raising costs concerns.<sup>127</sup>

12.4 NCRF National submits that section 14 (3) states that "the logs, statistical forms and records contemplated in regulation 13 (1) and (2) must be

<sup>124</sup> Ibid.

<sup>125</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 6.

<sup>126</sup> SENTECH, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 6.

<sup>127</sup> ACM, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 14 June 2018.

preserved for the duration of the broadcasting licensee's license period". They assume that the intention is to refer to section 14 (1) and (2) of the regulation. Section 13 deals with "Technical Standards and Specifications" while section 14 deals with "Record Keeping".<sup>128</sup>

- 12.5 The Authority have considered concerns on the affordability of auditors and will request that the financial statements be compiled by an accounting officer at the least.**

### **13. PENALTIES**

13.1 SACRO suggests that the term 'non-compliance' be used rather than 'contravene' as it has a closer link to the requirement of compliance. Imposing a monetary penalty of 10% of annual turnover does not seem appropriate in the community broadcasting environment. It is contended that non-compliance with some of the license compliance criteria should not warrant penalties.<sup>129</sup>

13.2 NCRF Western Cape proposes that other avenues should be explored and that a fine should be the last resort after all other interventions have been exhausted.<sup>130</sup>

13.3 SENTECH states that considering that Community broadcasters do not operate for profit, a fine in the event of non-compliance with the regulation should not exceed **2%** of their annual turnover (as opposed to the 10%) suggested in the draft regulation 15.<sup>131</sup>

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<sup>128</sup> NCRF, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television.

<sup>129</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 11.

<sup>130</sup> NCRF Western Cape, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, p 6.

<sup>131</sup> SENTECH, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 6.

- 13.4 NCRF National submits that the Authority does not provide a compelling case as to why every contravention should result in financial penalty. Therefore they are of the view that the Authority appears to have done no investigation on the application of penalties. They make a note that the Authority further aims to use these contraventions against the licensee during the license renewal process and believe that this amounts to double jeopardy.<sup>132</sup>
- 13.5 SACRO proposes that the Authority provides for performance incentives, reasoning that incentives for good performance are seen as a more powerful motivator than penalties for poor performance. Below average performance accumulates de-merit points which may result in intervention by ICASA through support and/or correction. Above average performance on a criterion that previously performed below average will cancel out the applicable de-merit points.<sup>133</sup>
- 13.6 **The Authority does intervene in cases of non-compliance to assist the broadcasters to comply, before penalties are imposed through the CCC process.**
- 13.7 **The Authority is mindful of the nature of the sector when determining and imposing the amount payable for penalties. A fine not exceeding 10% is appropriate as it is a maximum penalty.**

#### **14. REPEAL OF REGULATIONS**

- 14.1 The PMG is extremely concerned that the Draft Regulations do not propose to amend or repeal any previous regulations relating to

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<sup>132</sup> NCRF, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television.

<sup>133</sup> SACRO, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 11.

community broadcasting. The result of the failure to deal with the previous regulations is that members of the community broadcasting sector now have to deal with four different sets of regulations many of which deal with the same subject matter in the same way, leading to confusion as to which one to refer to or, worse, deal with the same subject matter yet contain different, contradictory provisions.<sup>134</sup>

**14.2 The Authority is repealing the following regulations so that community broadcasters do not have to refer to few regulations on the same issue;**

Regulations	Extent of repeal or amendment
Class Licensing Processes and Procedures Regulations (as amended), 2010 published in <i>Government Gazette</i> No. 33297, Notice No. 526 of 14 June 2010, as amended by <i>Government Gazette</i> No. 39874, Notice No. 157 of 30 March 2016.	<ol style="list-style-type: none"> <li>1. Repeal of Regulations 7(1), 7(2), 7(5), 7(6) and 7(8).</li> <li>2. Amendment of regulation 4 by the substitution in subregulation (1)(a) and (1)(b) of the words "(Regulation 7(1))" and "(Regulation 7(2))" with the word "(Regulation 4(5)) of the Community Broadcasting Services Regulations".</li> <li>3. Amendment of Form A by deletion of the words "Regulation 7(1)".</li> <li>4. Amendment of Form B by the deletion of the words "Regulations 7(2)".</li> </ol>

<sup>134</sup> Pulpit Media Group, Written Submission on ICASA's draft regulations on Community Broadcasting Services: Radio and Television, 15 June 2018, p 2.



Standard Terms and Conditions Regulations (as amended), 2010 published in Government <i>Gazette</i> No. 9311, Notice No. 525 of 14 June 2010, as amended by Government <i>Gazette</i> No. 39872, Notice No. 609 of 30 March 2016.	Repeal of Regulations 10A(2), 10A(7), 10A(8), 10A(11), 10A(12) and 10A(14).
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## 15. CONCLUSION

The Authority would like to thank all stakeholders, interested parties and everyone who made submissions and participated in the development of the regulatory framework on Community Broadcasting Services.

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 440

22 MARCH 2019

## GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr Tatani Alfred Mlangeni ID NO 490820 5247 083** on behalf of **Mlangeni family** on the following property mentioned hereunder situated under **Albert Luthuli Local Municipality, Gert Sibande District, Mpumalanga Province: 5293**

## NOOITGEZIEN 3 IU

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 3 IU	Provincial Government of Mpumalanga	T8864/1975	696.0336 h	None	None	VA184/2017 in favour of Kangwane Government

## SOODORST 2 IU

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 2 IU	Provincial Government of Mpumalanga	T9917/1975	667.2384 h	None	None	VA2255/2013 in favour of Kangwane Government

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to:

**Commissioner for Restitution of Land Rights**

**Private Bag X11330**

**Nelspruit**

**1200**

**Or 30 Samora Machel Drive**

**Nelspruit**

**1200**

**Tel No: 013 756 6000**

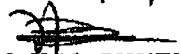
**Fax No: 013 752 3859**



**CHECKED BY: MR S MNISI**

**ACTING D.D LEGAL**

**DATE: 23/01/2019**



**MR L H MAPHUTHA**

**THE REGIONAL LAND CLAIMS COMMISSIONER**

**MPUMALANGA PROVINCE**

**DATE: 2019/01/30**

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 441

22 MARCH 2019

## GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for **Restitution of Land Rights** has been lodged by the following below on the following property mentioned hereunder situated under **Albert Luthuli Local Municipality, Gert Sibande District, Mpumalanga Province**:

SURNAME AND NAME	IDENTITY NUMBER	KRP
Mr Majamfana Moses Mkhonza	110102 5074 084	5281
Mrs Matyetye Elitta Mkhonza	360704 0197 088	5287
Piet Paulos Mkhonza	560702 5416 089	5288

## NOOITGEZIEN 3 IU

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 3 IU	Provincial Government of Mpumalanga	T8864/1975	696.0336 h	None	None	VA184/2017 in favour of Kangwane Government

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within **30 [thirty days]** from the date of publication of this notice to submit any comments, or further information to:

**Commissioner for Restitution of Land Rights**

**Private Bag X11330**

**Nelspruit**

**1200**

**Or 30 Samora Machel Drive**

**Nelspruit**

**1200**

**Tel No: 013 756 6000**

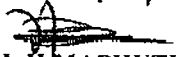
**Fax No: 013 752 3859**



**CHECKED BY: MR S MNISI**

**ACTING D.D LEGAL**

**DATE: 23/01/2019**



**MR L H MAPHUTHA**

**THE REGIONAL LAND CLAIMS COMMISSIONER**

**MPUMALANGA PROVINCE**

**DATE: 20/01/20**

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 442

22 MARCH 2019

**GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED**

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a land claim for **Restitution of Land Rights** has been lodged by **Mr Makoli Amon Shungube ID NO 2912`16 5169 081** on behalf of **Shungube family** on the following property mentioned hereunder situated under **Albert Luthuli Local Municipality, Gert Sibande District, Mpumalanga Province: 5290**

**NOOITGEZIEN 3 IU**

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
The Remaining Extent of the farm 3 IU	Provincial Government of Mpumalanga	T8864/1975	696.0336 h	None	None	VA184/2017 in favour of Kangwane Government

The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to:

**Commissioner for Restitution of Land Rights**

**Private Bag X11330**

**Nelspruit**

**1200**

**Or 30 Samora Machel Drive**

**Nelspruit**

**1200**

**Tel No: 013 756 6000**

**Fax No: 013 752 3859**



**CHECKED BY: MR S MNISI**

**ACTING D.D LEGAL**

**DATE: 23/01/2019**



**MR L H MAPHUTHA**

**THE REGIONAL LAND CLAIMS COMMISSIONER**

**MPUMALANGA PROVINCE**

**DATE: 2019/01/30**

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 443

22 MARCH 2019

## GENERAL NOTICE IN TERMS OF RESTITUTION OF LAND RIGHTS ACT, 1994 [ACT 22 OF 1994] AS AMENDED

Notice is hereby given in terms of Section 11[1] of the Restitution of the Land Rights Act 1994 [Act 22 of 1994] as amended, that a Land claim for Restitution of Land Rights has been lodged by the Mrs. Rachel Kgolani Makola ID No: 430901 0499 087 on behalf of Tshehla family on the property mentioned hereunder situated in Emalahleni Local Municipality, Nkangala District in Mpumalanga Province: KRP: 7959

CURRENT PARTICULARS OF THE PROPERTY  
ERF 471

Description of property	Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other Endorsements
ERF 471	Malaza Sheuu Samuel {105789844}	TL43332/1985	304.0000 sqm	None	None	ART 2 WET 112/91 in favour of Nou Eiendomsreg



The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in terms of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to:

**Commissioner for Restitution of Land Rights**

**Private Bag X7201**

**Witbank**

**1035**

**Or High- Tech House**

**23 Botha Avenue**

**Witbank**

**1035**

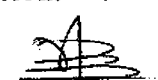
**TEL NO: 013 – 655 1000**

**FAX NO: 013 – 690 3438**

  
**CHECKED BY: RENALL SINGH**

**ACTING D.D. LEGAL RESTITUTION ADVISOR**

**DATE: 12/02/2019**

  
**MR. L.H. MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER**  
**MPUMALANGA PROVINCE**

**DATE: 2019/02/26**



rural development  
& land reform

Department:  
Rural Development and Land Reform  
REPUBLIC OF SOUTH AFRICA

**GENERAL NOTICE IN TERMS OF THE LABOUR TENANTS ACT 3, 1996 (ACT NO. 3 OF 1996)**

Notice is hereby given in terms of section 17 of the Labour Tenants Act, Act No. 3 of 1996, that labour tenancy applications have been lodged on the properties mentioned below. **The details of the properties and names of the applicants are as follows:**

ITEM	APPLICANT'S NAME	FARM DESCRIPTION	DISTRICT	LOCAL MUNICIPALITY	FARM OWNER
1.	Abel Mgadula & MM Matjeyeni	Grootboom 485 KT	Sekhukhune	Greater Tubatse	Marx Frederick Gerhardus
2.	Msuthoana Johannes Jiyane & Lettie Ndlamaha Mahlangu	Roodewal 193 JS	Sekhukhune	Elias Motsoaledi	Daniel Smith
3.	Kwaiman Njimonyana Mukuwa	Ptn1 of Kruiserivier 74 JS	Sekhukhune	Elias Motsoaledi	Hendrik Prinsloo
4.	Simon Motsitsa & Others	Luipershoek 149 JS	Sekhukhune	Elias Motsoaledi	ESKOM Holdings Ltd

5.	Lucas Makua & Others	Ptn 8 of Thorncliff 374 KT	Sekhukhune	Greater Tubatse	Louw Jacobus Johannes
6.	Piet Mathope Mashilangoako & Family	Stynsdrift 145 JS	Sekhukhune	Elias Motsoaledi	Gouws Nicolaas Petrus
7.	Setjie Mashao William and others	Brenhilda 546 MS	Vhembe	Makhado	Interstate Clearing 172 PTY LTD
8.	Puledi Mahlaela and others	Portion 0 of the Farm Rietfontein 706 KS	Sekhukhune	Ephraim Mogale	Hannes Bekker Trust


**Take further notice** that the Office of the Provincial Shared Service Centre: Limpopo is processing the applications. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing within **30** (thirty) days of publication of this notice, any comment, and/ or objection to these applications to the Provincial Shared Service Centre: Limpopo at the addresses set out below.

**Take further notice** that a meeting of all interested parties will be convened upon publication of this notice, for the purpose of information sharing and outlining of the labour tenancy application process.

SUBMISSIONS CAN BE SUBMITTED TO THE DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM TO THE ADDRESSES BELOW:

Provincial Shared Service Centre:  
Limpopo  
Private Bag X9312  
POLOKWANE  
0700

Provincial Shared Service Centre: Limpopo  
ABSA Building  
70 Hans Van Rensburg Street  
POLOKWANE  
0700

  
.....  
Mrs. S MARABA  
ACTING DIRECTOR: TENURE SYSTEMS AND IMPLEMENTATION  
DATE: 28/02/2018

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

NO. 445

22 MARCH 2019

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that a claim for Restitution of Land Rights has been lodged on Portion 5 of the farm Welgevonden 85 KS now consolidated into the farm Block C 94 KS situated within the Polokwane Local Municipality, Capricorn District, Limpopo.

The claimants have opted for land restoration as a form of redress as provided for in the Restitution of Land Rights Act 22 of 1994 (Act No 22 of 1994) as amended.

Dimakatjo Jonas Mphafodi lodged a land claim on the property mentioned in the table below on the 31<sup>st</sup> of December 1998.

PROPERTY	CURRENT OWNER	TITLE DEED	EXTENT	BONDS AND RESTRICTIVE CONDITIONS
Portion 5 of the farm Welgevonden 85 KS	National Government of the Republic of South Africa	T25645/1982PTA T85368/2006PTA	481.1250	None


**Take further notice** that the Office of the Regional Land Claims Commissioner: Limpopo is in a process of settling this land claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing within **14** days of publication of this notice, any comment, and/ or objection to this land claim to the Office of the Regional Land Claims Commissioner: Limpopo at the address set out below under reference number **KRP: 10662**

Office of the Regional Land Claims

Submissions may also be delivered to:

Commissioner: Limpopo  
Private Bag x9552  
POLOKWANE  
0700

First Floor, 96 Kagiso House  
Corner Rissik & Schoeman Streets  
POLOKWANE  
0700

  
L.H. MAPHUTHA  
REGIONAL LAND CLAIMS COMMISSIONER  
DATE: 2019/02/19

## DEPARTMENT OF TRADE AND INDUSTRY

NO. 446

22 MARCH 2019

**DESIGNATION NOTICE****DESIGNATION BY THE MINISTER OF TRADE AND INDUSTRY IN TERMS OF  
SECTION 24 OF THE SPECIAL ECONOMIC ZONES ACT, 2014 (ACT NO. 16 OF  
2014)**

I, Dr Rob Davies, Minister of Trade and Industry, hereby designate the Nkomazi Special Economic Zone in terms of the Special Economic Zones Act No. 16 of 2014, which land areas are bordered by the N4 highway to the north, the Komatipoort-Swaziland railway line to the east, a predefined cadastral boundary to acquire a township to the south and the D1837 road to the west, with a total land area of 155 hectares, consisting of the following zones:

Zone 1A, erf no. 1-24, 56-59 and 114-117 is bordered on the north by the N4 Highway, to the west by zone 2A, to the east by the Komatipoort-Swaziland railway line and to the south by zone 3A;

Zone 1B, erf no. 25-29, 74-97 and 125-155 is bordered on the north by the N4 highway, to the west by D1837, to the east by zone 2A and 3A and south by the public open space being an environmental sensitive area;

Zone 1C, erf no. 169-181 and 210-235 is bordered on the north by zone 2B, to the west by zone 3B, to the east by zone 3C and to the south by the Remaining Extent of the farm Komatipoort Townlands 182-JU;

Zone 2A, erf no. 30-55, 60-73 and 98-113 is bordered on the north and east by zone 1A, to the west by zone 1B and to the south by zone 3A;


Zone 2B, erf no. 156-158, 186-191, 193 and 195-208 is bordered on the north by the public open space being an environmental sensitive area, to the west by zone 3B, to the east by zone 3C and to the south by zone 1C;

Zone 3A, erf no. 118-124 is bordered on the north by zone 1A and 2A, to the west by zone 1B, to the east by the Komatipoort-Swaziland railway line and to the south by the public open space being an environmental sensitive area;

Zone 3B, erf no. 159-168, 192 and 194 is bordered on the north and west by the public open space being an environmental sensitive area, to the east by zone 2B and zone 1C and to the south by the Remaining Extent of the farm Komatipoort Townlands 182-JU;

Zone 3C, erf no. 182-185, 206 and 209 is bordered on the north by Komatipoort Townlands 182, to the west by zone 2B and zone 1C, to the east by the Komatipoort-Swaziland railway line and to the south by the Remaining Extent of the farm Komatipoort Townlands 182-JU;

As is further set out in the table listing the erven numbers and a map indicating the boundaries of the Special Economic Zone in the annexure hereto.



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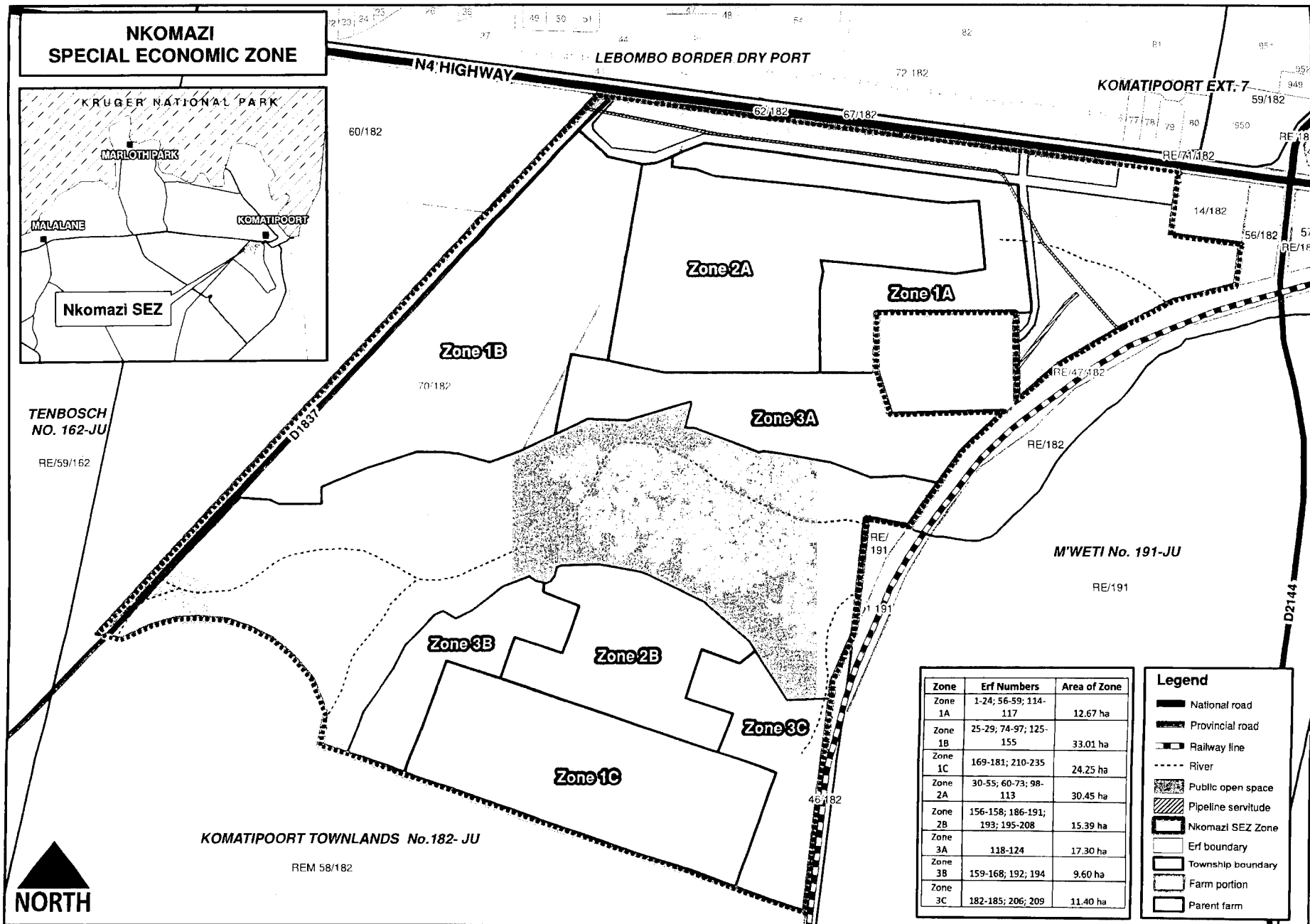
**Dr Rob Davies, MP**  
**Minister of Trade and Industry**

\_\_\_\_/\_\_\_\_/2019

**Annexure A: Table with Erf numbers**

DESCRIPTION	ERF NO.	EXTENT (ha)
Zone 1A	1-24 56-59 114-117	70
Zone 1B	25-29 74-97 125-155	
Zone 1C	169-181 210-235	
Zone 2A	30-55 60-73 98-113	46
Zone 2B	156-158 186-191 193 195-208	
Zone 3A	118-124	
Zone 3B	159-168 192 194	39
Zone 3C	182-185 206 209	
<b>TOTAL EXTENT</b>		<b>155</b>





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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT****NOTICE 144 OF 2019****PROMOTION OF ACCESS TO INFORMATION ACT, 2000****DESCRIPTION SUBMITTED IN TERMS OF SECTION 15(1)**

I, Tshililo Michael Masutha, Minister of Justice and Correctional Services, hereby publish under section 15(2) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the descriptions submitted to me in terms of section 15(1) of the said Act by the –

**MPUMALANGA PROVINCIAL GOVERNMENT: DEPARTMENT OF CO-  
OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS**

As set out in the Schedule

**TSHILILO MICHAEL MASUTHA, MP (ADV)****MINISTER FOR JUSTICE AND CORRECTIONAL SERVICES**

# MPUMALANGA PROVINCIAL DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

## "FORM D"

**AUTOMATICALLY AVAILABLE RECORDS AND ACCESS TO SUCH RECORDS:  
Section 15 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000)**

**[Regulation 5A]**

DESCRIPTION OF CATEGORY OF RECORDS AUTOMATICALLY AVAILABLE IN TERMS OF SECTION 15(1)(a) OF PAIA	MANNER OF ACCESS TO RECORDS (SECTION 15(1)(b) OF PAIA)
<b>FOR INSPECTION IN TERMS OF SECTION 15(1)(a)(i) OF PAIA</b>	
<p>Departmental Information Manual; Strategic Plans; Annual Performance Plan; Annual Performance Report; Detailed Implementation Plans; Service Charter and Service Standards; Integrated Development Plan (IDP); Local Government Turnaround Strategy; Integrated Municipal Support Plan (IMSP); Draft Mpumalanga Spatial Development Framework; Notices published in the <i>Provincial Gazettes</i>; Tender Adverts; Tender appointments; Media Statements; Speeches; Legislation administered by the Department; Departmental Policies (selected); Section 47 Municipal Reports; Internal newsletters; and "Know your Traditional Leaders" booklet.</p>	<p>The records may be inspected at the Department on request in writing addressed to:</p> <p>The Head Department/Information Officer Mpumalanga Provincial Government Department of Co-operative Governance and Traditional Affairs Private Bag X11304 <b>MBOMBELA</b> 1200</p>

**FOR PURCHASING IN TERMS OF SECTION 15(1)(a)(ii) OF PAIA**

<p>Strategic Plans;  Annual Performance Plans;  Annual Performance Report;  Detailed Implementation Plans;  Service Charter and Service Standards;  Integrated Development Plan (IDP);  Local Government Turnaround Strategy;  Integrated Municipal Support Plan (IMSP);  Draft Mpumalanga Spatial Development Framework;  Notices published in the <i>Provincial Gazettes</i>;  Tender Adverts;  Tender appointments;  Media Statements;  Speeches;  Legislation administered by the Department;  Departmental Policies (selected); and  Section 47 Municipal Reports.</p>	<p>The records may be purchased from the Department:</p> <p>The Head Department/Information Officer  Mpumalanga Provincial Government  Department of Co-operative Governance and Traditional Affairs  Private Bag X 11304  <b>MBOMBELA</b>  1200</p>
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**FREE OF CHARGE IN TERMS OF SECTION 15(1)(a)(iii) OF PAIA**

<p>Departmental Information Manual;  Internal newsletters;  Government forms; and  "Know your Traditional Leaders" booklet.</p>	<p>The records may be freely obtainable from the Department on request from:</p> <p>The Head Department/Information Officer,  Mpumalanga Provincial Government  Department of Co-operative Governance and Traditional Affairs  Private Bag X 11304  <b>MBOMBELA</b>  1200</p>
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## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

## NOTICE 145 OF 2019

## GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT 1994, (ACT No. 22 OF 1994) AS AMENDED.

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. These claims for the restitution of land rights have been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follows:

**Project Name** : Jones Family  
**Number of Claims** : 01  
**Area** : Simon's Town, City of Cape Town, Western Cape  
**Type of Claim** : Tenancy  
**Property** : As listed below

Ref. number	Claimant	Lodgement date	Property description	Current owner(s)
J485	LA Jones	31/12/1998	Erf 529, Simon's Town	City of Cape Town

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 60 days from the publication of this notice, any comments/ information to:

The Regional Land Claims Commission: Western Cape  
Private Bag X9163  
Cape Town  
8000

Tel: (021) 409-0300  
Fax: (021) 424-5146

CHECKED.....

DATE..15/02/2019

APPROVED.....

DATE 20/02/20

Mr. L.H Maphutha  
Regional Land Claims Commissioner

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM**  
**NOTICE 146 OF 2019**

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given that by virtue of an Court Order dated 29 October 2018 granted by the Land Claims Court of South Africa in the Case No. LCC 285/2016 , the properties described in the schedule attached to Notice 887 of 2007 published in the Government Gazette No.30074 dated 20 July 2007 are with effect from date of the court order no longer subject to any land claim by claimants whose claim was adjudicated by the court under the said case number and all the properties listed in the schedule attached hereto are since 29 October 2018 are being withdrawn from the from initial notices in terms of section 11 A(4) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), with the exception of the properties owned by the state.

<b>Property</b>	<b>:</b>	<b>see attached schedule</b>
<b>Extent of property</b>	<b>:</b>	<b>see the attached schedule</b>
<b>Magistrate District</b>	<b>:</b>	<b>Mtubatuba</b>
<b>Administrative District</b>	<b>:</b>	<b>KwaZulu-Natal</b>
<b>Current Title Deed No.</b>	<b>:</b>	<b>see attached schedule</b>
<b>Current owner</b>	<b>:</b>	<b>see the attached schedule</b>
<b>Claimants</b>	<b>:</b>	<b>Mzokufa Amos Mthiyane on behalf of the Dukuduku Community comprising of 37 persons</b>
<b>Date claim lodged</b>	<b>:</b>	<b>21 December 1998</b>
<b>Reference Number</b>	<b>:</b>	<b>KRN6/2/2/E/28/0/0/18</b>

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355 - 8400  
Fax: (033) 342 - 3409

**MR HARRY LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER**  
**DATE:**

## SCHEDULE

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	The farm U 149 No. 14275	50, 4024 h	T36667/2003	Morkel Family Trust-Trustees	B8506/2004 K4682/2005s
2	The farm U 148 No. 14291	49, 4197 ha	T10009/2004	Morkel Family Trust-Trustees	B8506/2004 K4683/2005s
3	Remainder of the farm U 133 No. 12880	71, 9706 ha	T10009/2004	Morkel Family Trust-Trustees	B8506/2004 K4683/2005s
4	The farm U 156 No. 137171	9, 6499 ha	T10009/2004	Morkel Family Trust-Trustees	B8506/2004 K4683/2005s
5	The farm U 139 No. 14386	49, 5150 ha	T10008/2004	Morkel Family Trust-Trustees	B8506/2004 K4684/2005s
6	The farm U 152 No. 14273	49, 3903 ha	T31942/2000	Kelvin Johnson Family Trust-Trustees	B19152/2000 K3385/2005s
7	The farm Riaden No. 16245	84, 5006 ha	T32241/1991	Paul Dennis van Rooyen	B19700/1998 B5568/1999 K2380/2005s
8	The farm U 151 No. 14274	49, 5127 ha	T16752/1999	Kelvin Johnson Family Trust-Trustees	B7512/1999 K3387/2005s
9	The farm U 150 No. 14272	49, 5182 ha	T11883/1996	Kelvin Keith Johnson	K3734/2005s
10	The farm Zapolwana Hill No. 16436	14, 0218 ha	T33509/1993	Monzi Farmers Assoc-Trustees	K1222/1993RM
11	The farm U 233 No. 14301	30, 3515 ha	T3415/1999	Doug Lund Trust-Trustees	B1755/1999 B18022/2003 K1256/2005s
12	The farm Hancke No. 15950	29, 8828 ha	T32747/2003	Doug Lund Trust-Trustees	B18021/2003 K1225/2005s
13	The farm U 242 No. 15913	36, 4387 ha	T46654/2001	Kelvin Johnson Family Trust-Trustees	B14863/2004 K3388/2005s
14	The farm Franken No. 15951	30, 0681 ha	T16901/2004	Kelvin Johnson Family Trust-Trustees	B14862/2004 K106/1991RM K1114/1994s

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
					K1115/1994s K3386/2005s
15	The farm U 244 No. 15915	96, 2207 ha	T10007/2004	Morkel Family Trust-Trustees	B8506/2004 K4685/2005s
16	The farm U 240 No. 15911	88, 0066 ha	T22932/1998	Lonsdale Family Trust-Trustees	B8386/2002 K1572/2005s
17	The farm U 250 No. 15921	30, 7360 ha	T19414/1997	Eric Crawford McLaren	B18874/1997 B18875/1997 K762/1997s
18	The farm U 249 No. 15920	37, 1150 ha	T38096/1996	Bernard John Hagemann	B17955/1998 B19870/1997 B40882/1995 K4487/2005s K647/1992s VA1738/1995
19	The farm U 248 No. 15919	33, 9036 ha	T3654/1994	Paul Dennis van Rooyen	B19700/1998 B5568/1999 K2379/2005s
20	The farm U 246 No. 15917	20, 8777 ha	T63692/2004	Henque 4201 cc	B56283/2004
21	The farm U 238 No. 15909	96, 1048 ha	T3475/1995 T43646/2002	Petrus Gerhardus van Biljon Fryer Property Trust	B25836/2002 K3601/2005s
22	The farm U 221 No. 14336	40, 3350 ha	T7102/1984	Ann Irene Watkins	B1846/1994 B28540/2000 B30458/1995 K48/1994s
23	The farm U 222 No. 14318	40, 3471 ha	T17370/1987	Marion Christine Fryer	B25836/2002 K3602/2005s K992/1993s
24	The farm U 223 No. 14355	40, 3226 ha	T4581/1993	Keith Roger Morrison	B6921/1993 K4133/2005s
25	The farm U 239 No. 15910	26, 6457 ha	T1187/1994	Ann Irene Watkins	I-16253/1998LG B1846/1994 B30458/1995



NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
					K48/1994s
26	The farm Omega No. 15948	21, 8664 ha	T40263/1999	Atherstone Farm (Pty) Ltd	B18201/1999 K1925/2005s
28	The farm U 247 No. 15918	33, 1197 ha	T46655/2001	Paul Dennis van Rooyen	B27851/2001 K2381/2005s K510/1994s
29	Portion 1 of the farm Futululu No. 12675	Not Registered			
30	The farm Peggy No. 16328	74, 1152 ha	T40926/2005	Lawrie Brothers cc	B45816/2005 K4070/2004s
31	The farm Argyll No. 16327	59, 9295 ha	T19726/1995	Kirkroy Sugar Estates cc	K2449/2005s
32					
33	The farm Lot U 231 No. 14421	8, 0931 ha	T19327/1996	Munnik Familie Trust-Trustees	None
34	The farm Lot 80 Umfolozi No. 13381	152, 6544 ha	T10993/1956	Proksch Estates (Pty) Ltd Proksch Estates cc	K4368/2005s
35	Remainder of the farm Lot 65 Umfolozi No. 12861	Not Registered			
36	Portion 1 of the farm Lot 65 Umfolozi No. 12861	Not Registered			
37	The farm Lot 81A Umfolozi No. 13303	12, 2240 ha	T38246/1995	Paul Wattam Family Trust-Trustees	K1727/2005s
38	The farm Lot 82A Umfolozi No. 12570	11, 2856 ha	T18152/1998	Paul Wattam Family Trust-Trustees	None
39	The farm Lot 83A Umfolozi No. 12012	Not Registered			
40	The farm Lot U 196 No. 13906	213, 0280 ha	T11668/1986	Mondi South Africa Ltd	None
41	The farm U 234 No. 15905	103, 9060 ha	T13674/1994	Marthinus Jacobus Vermaak	B19072/1994 K428/1994s
42	The farm Lot U 180 No. 13326	0, 8102 ha	T20905/1973	Christopher John Heaton Stanley	None
43	The farm Dukuduku No. 17396	800 dum	Not Registered		I-50/2002LG
44	Remainder of the farm Sonika No. 15468	4, 7746 ha	T16973/1993	Jenkris Estate cc	None
45	The farm Lot U 170 No. 13298	83, 2109 ha	T9223/2001	Ratray Agri Trust-Trustees	I-8348/1997c-20/8/19 B14040/2003 B5543/2001 K1229/1996s K4562/2005s
46	Remainder of the farm Lot U 120 No. 12793	38, 4572 ha	T9657/2003	Mark Frank Ross Armstrong Trust-Trustees	B6366/2006 K2767/2005s

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
					T2982/1938RM
47	The farm Lot U 119 No. 13325	82, 2190 ha	T20905/1973	Christopher John Heaton Stanley	K958/1983s
48	The farm U 137 No. 14277	100, 2516 ha	T56308/1999	Pejay Trust-Trustees	K2008/2005s
49	Remainder of the farm U L O A No. 14142	83, 4366 ha	T9653/2003	Ross Peter Graeme Armstrong Trust-Trustees	B15303/2006 K1144/2006s K19/1956RM
50	The farm Adprop No. 16329	44, 6422 ha	T65051/2004	Mark Frank Ross Armstrong Trust-Trustees Ross Peter Graeme Armstrong Trust-Trustees	None
51	The farm Lot U 179 No. 12794	0, 8102 ha	T17938/1980 T48122/2002	Fryer Property Trust-Trustees	None
52	The farm Lot U 186 No. 13088	0, 8102 ha	T5056/1995	Marion Christine Fryer	None
53	The farm Lot U 190 No. 13181	0, 8102 ha	T13081/2002	Doug Lund Trust-Trustees	None
54	The farm Lot 84 Umfolozi No. 13297	20, 6754 ha	T3947/1997	Charles Walley Family Trust-Trustees	B19648/2003 K1226/2005s
55					
56					
57	The farm U 230 No. 14437	8, 0290 ha	T15335/1964	Enzimane Sugar Farm cc	K4118/2005s
58	The farm Lot 18 Umfolozi No. 13295	155, 6269 ha	T3947/1997	Charles Walley Family Trust-Trustees	B19648/2003 K1226/2005s
59	Remainder of the farm Lot 64 Umfolozi No. 12930	472, 0001 ha	T7529/1997	Sappi Manufacturing (Pty) Ltd	T4914/1939RM
60	Portion 1 of the farm Lot U 184 No. 13128	2, 0234 ha	T27849/1984	Nicolaas Harmse, Maria Elizabeth Harmse and Matthew Harmse	I-746/2000AT B16531/1991
61	Portion 2 of the farm Lot U 184 No. 13128	13, 4742 ha	T65051/2004	Mark Frank Ross Armstrong Trust-Trustees Ross Peter Graeme Armstrong Trust-Trustees	None
62	Portion 4 of the farm Lot U 184 No. 13128	0, 2754 ha	T32543/1994	Monzi Cash Stores cc	B22026/2002
63	Portion 5 of the farm Lot U 184 No. 13128	0, 3746 ha	T32543/1994	Monzi Cash Stores cc	B22026/2002
64	Remainder of the farm U 241 No. 15912	43, 0695 ha	T43647/2002	Fryer Property Trust	B25836/2002 K3604/2005s
65	Portion 1 of the farm U 241 No. 15921	50, 7329 ha	T22933/1998	Lonsdale Family Trust-Trustees	B8386/2002

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
					K1573/2005s
66	Portion 1 of the farm U 237 No. 15908	42, 4037 ha	T6019/1998	Bernard John Hageman	B17955/1998 K4486/2005s
67	Remainder of Portion 2 of the farm U 237 No. 15908	33, 5040 ha	T53391/2004	Hentiq 3208 (Pty) Ltd	K3795/2005s
68	Remainder of Portion 3 of the farm U 237 No. 15908	16, 1352 ha	T53390/2004	Norton Estates cc	B46570/2004 K3630/2005s
70	Portion 1 of the farm Mybie No. 15952	38, 4927 ha	T51203/1999	Atherstone Farms (Pty) Ltd	B23753/1999 K1924/2005s
71	Portion 2 of the farm Mybie No. 15952	17, 6265 ha	T54666/2000	Phumasingene Coop Ltd	None
72	Remainder of the farm Lot U 192 No. 13299	61, 8695 ha	T9223/2001	Rattray Agri Trust-Trustees	B14040/2003 B5543/2001 K1229/1996s K4562/2005s K89/1998s
73	Portion 3 of the farm Lot U 192 No. 13299	20, 2337 ha	T9222/2001	Monzi Resort cc	None
74	Remainder of Portion 1 of the farm Lot 19 Umfolozi No. 13771	63, 1263 ha	T9224/2001	Rattray Agri Trust-Trustees	B14040/2003 B5543/2001 K4563/2005s K484/1994s
75	Portion 2 of the farm Lot 19 Umfolozi No. 13771	129, 7065 ha	T64841/2004	P C Johnson Estate cc	K4161/2005s
76	Portion 1 of the farm U4 Beah No. 16210	0, 3865 ha	T3943/1998	Douglas Robert Lund	None
77	Portion 2 of the farm U4 Beah No. 16210	1, 3651 ha	T27494/1993	Craig Edward Edgar	B46100/2005
78	Portion 3 of the farm U4 Beah No. 16210	0, 2035 ha	T12131/2005	Penelope Anne Ridgway	None
79	Portion 4 of the farm U4 Beah No. 16210	0, 2446 ha	T12268/2005	Jill Hansen Family Trust-Trustees	None
80	Portion 5 of the farm U4 Beah No. 16210	0, 2314 ha	T10793/1996	Cynthia Jean Janse van Rensburg	B18298/2005 B29109/1997
81	Remainder of the farm Woodlands No. 16672	128, 9350 ha	T64905/2004	Angela Elizabeth Ross Armstrong Trust-Trustees Louise Alexandra Ross Armstrong Trust-Trustees	K1230/1996s K2058/2005s
82	Portion 1 of the farm Woodlands No. 16672	5, 5191 ha	T64904/2004	Mark Frank Ross Armstrong Trust-Trustees Ross Peter Graeme Armstrong Trust-	None

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
				Trustees	
83	Portion 2 of the farm Woodlands No. 16672	0, 2439 ha	T32815/2000	Doug Lund Trust-Trustees	None
84	Portion 3 of the farm Woodlands No. 16672	0, 3008 ha	T32816/2000 T64904/2004  T64904/2004	Woodlands Ushukela (Pty) Ltd Ross Peter Graeme Armstrong Trust-Trustees Mark Frank Ross Armstrong Trust-Trustees	None
85	Portion 4 of the farm Woodlands No. 16672	4, 2367 ha	T64904/2004	Mark Frank Ross Armstrong Trust-Trustees Ross Peter Graeme Armstrong Trust-Trustees	None
86	Portion 5 of the farm Woodlands No. 16672	23, 1027 ha	T64904/2004	Mark Frank Ross Armstrong Trust-Trustees Ross Peter Graeme Armstrong Trust-Trustees	None
87	Remainder of the farm Lot U 232 No. 14422	7, 5237 ha	T110/1987	Hylton William Aylward	B6202/2006
88	Portion 1 of the farm Lot U 232 No. 14422	0, 6122 ha	T32981/1997	Lot U232 Monzi cc	B34081/1997
89	Remainder of the farm Lot 81 Umfolozi No. 13302	88, 4812 ha	T38246/1995	Paul Wattam Family Trust-Trustees	K1727/2005s
90	Portion 1 of the farm Lot 81 Umfolozi No. 13302	38, 3826 ha	T5782/1980	U Fifteen (Pty) Ltd	K175/2006s K464/1987s
91	Remainder of the farm Lot U 183 No. 13332	104, 2720 ha	T7102/1984	Ann Irene Watkins	B28540/2000 B30458/1995 K1229/1996s K1230/1996s K1343/1997s K756/1996s
92	Portion 1 of the farm Lot U 183 No. 13332	2, 0235 ha	T8011/1996	Gavin Charles Burril Walley	B34005/1996 K89/1998s
93	Portion 2 of the farm Lot U 183 No. 13332	2, 0011 ha	T4970/2006	Christoffel Johannes van den Berg	B6620/2006
94	Portion 3 of the farm Lot U 183 No. 13332	2, 0003 ha	T50706/2000	Albertus Johannes Coertzen and Marianne Coertzen	B19322/2002 B6966/2006
95	Portion 4 of the farm Lot U 183 No. 13332	2, 0031 ha	T46515/2003	John Centin Baxter	None
96	Portion 5 of the farm Lot U 183 No. 13332	2, 1744 ha	T17/1998	Mzumbe Farm (Pty) Ltd	None

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
97	Portion 6 of the farm Lot U 183 No. 13332	2, 0532 ha	T73280/2002	Cardav (Pty) Ltd	B43811/2002 B47938/2004 B56429/2005
98	Portion 7 of the farm Lot U 183 No. 13332	2, 2176 ha	T28798/1996	Maitland Wilberforce Family Trust-Trustees	B30958/1996 B5766/1999
99	Portion 8 of the farm Lot U 183 No. 13332	2, 0611 ha	T28607/1998	George Frederik van Wyk and Tosca Bodbijl	None
100	Portion 9 of the farm Lot U 183 No. 13332	2, 0032 ha	T488/2002	Robert William Miles Hunt	None
101	Portion 10 of the farm Lot U 183 No. 13332	2, 0263 ha	T19494/1996	Marie Joseph Michel Rey and John Joseph Rey	None
102	Portion 12 of the farm Lot U 183 No. 13332	15, 7919 ha	T33210/1996	Gavin Charles Burril Walley	None
103	Portion 14 of the farm Lot U 183 No. 13332	2, 1418 ha	T32750/2005	Peter James Walker	None
104	Portion 15 of the farm Lot U 183 No. 13332	2, 0750 ha	T20326/1998	Lindie Janse van Rensburg	None
105	Portion 16 of the farm Lot U 183 No. 13332	2, 2769 ha	T2541/1998	Maitland Wilberforce Family Trust-Trustees	None
106	Portion 17 of the farm Lot U 183 No. 13332	2, 0559 ha	T18318/2001	Fernando Alsides Luis and Michele Irene Luis	B10955/2001 B37214/2005
107	Portion 18 of the farm Lot U 183 No. 13332	2, 3434 ha	T44349/2005	Shane Chudleigh and Anneri Chudleigh	B49289/2005
108	Portion 19 of the farm Lot U 183 No. 13332	2, 6116 ha	T37316/1997	Mandakor Trust-Trustees	None
109	Portion 20 of the farm Lot U 183 No. 13332	5, 2671 ha	T20469/2000	Republic of South Africa	I-5702/20000c
110	Remainder of Portion 1 of the farm U 181 No. 15643	5, 9486 ha	T3319/2005	Nicolaas Hendrik Theron and Susanna Catharina Johanna Theron	B34892/2005 B3634/2005
111	Portion 2 of the farm U 181 No. 15643	8, 1173 ha	T61288/2002	Robin Kirkwood Family Trust-Trustees	None
112	Remainder of Portion 3 of the farm U 181 No. 15643	6, 5824 ha	T3441/1996	Andrew Guy Lund	None
113	Portion 4 of the farm U 181 No. 15643	8, 0301 ha	T23050/1994	Monzi Farmers (Pty) Ltd	None
114	Portion 5 of the farm U 181 No. 15643	8, 1256 ha	T7500/2000	A H Schroder Family Trust-Trustees	B1526/2002 B5005/2000
115	Portion 7 of the farm U 181 No. 15643	8, 1654 ha	T4581/1993	Keith Roger Morrison	B6921/1993 K4133/2005s
116	Portion 8 of the farm U 181 No. 15643	8, 1249 ha	T8691/2003	Dimitrios Aristovolos Papanicolaou	None
117	Portion 9 of the farm U 181 No. 15643	8, 0922 ha	T30187/1980	Paul Dennis van Rooyen	B19700/1998 B5568/1999
118	Portion 10 of the farm U 181 No. 15643	8, 0525 ha	T42448/2001	Cillou Eight cc	B25461/2001

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
					VA2156/2001
119	Portion 11 of the farm U 181 No. 15643	8, 1396 ha	T22829/2003	Wise Family Trust-Trustees	B12929/2003 K1215/1993s
120	Remainder of Portion 12 of the farm U 181 No. 15643	8, 1040 ha	T6919/1988	Derek John Worthington	B25662/1995 B27486/1996 B50197/2004
121	Remainder of Portion 13 of the farm U 181 No. 15643	4, 1065 ha	T27003/1980	Jacob Bride	I-1241/1984LG
122	Portion 14 of the farm U 181 No. 15643	8, 1880 ha	T12428/1982	Denise Elizabeth Mary Leonard	B21148/1989 B32577/1990
123	Portion 15 of the farm U 181 No. 15643	8, 0597 ha	T2524/2006	Richard Charles Daugherty and Sarah Irving Daugherty	B2809/2006 K510/1994s
124	Portion 16 of the farm U 181 No. 15643	8, 1322 ha	T38096/1995	Bernard John Hageman	B6976/2001 K4487/2005s
125	Portion 17 of the farm U 181 No. 15643	8, 1850 ha	T10170/2005	Brenda Mary Harrison	B11652/2005
126	Portion 18 of the farm U 181 No. 15643	20, 1950 ha	T12192/1962	Patrick Donald Kennedy	VA1572/1998
127	Portion 19 of the farm U 181 No. 15643	8, 0684 ha	T20914/2000	Bergljot Bowles	B12525/2000 B266/2005
128	Portion 20 of the farm U 181 No. 15643	8, 0906 ha	T10009/2004	Morkel Family Trust-Trustees	B8506/2004
129	Portion 21 of the farm U 181 No. 15643	8, 1078 ha	T44744/2004	P C Johnson Estate cc	None
130	Portion 22 of the farm U 181 No. 15643	8, 1049 ha	T21647/2005	Karl Wang Family Trust-Trustees	None
131	Portion 23 of the farm U 181 No. 15643	8, 1020 ha	T27443/1993	Sandstones Inv cc	B2336/2005
132	Portion 24 of the farm U 181 No. 15643	8, 0760 ha	T11883/1996	Kelvin Keith Johnson	None
133	Portion 25 of the farm U 181 No. 15643	7, 9751 ha	T1139/1963	Sonrooy Estates (Pty) Ltd	B2125/1998
134	Portion 26 of the farm U 181 No. 15643	7, 9832 ha	T14531/1994	Groom Farming Enterprises cc	K644/1997s
135	Portion 27 of the farm U 181 No. 15643	8, 0966 ha	T5429/1976	Isabel Anne Yeld	B21527/1986
136	Portion 28 of the farm U 181 No. 15643	8, 1646 ha	T1987/2003	Brenda Ann Harrison	B18500/2005
137	Portion 29 of the farm U 181 No. 15643	8, 0839 ha	T31455/1980	Peter Cyril Johnson	I-1241/1984LG B33665/1980
138	Remainder of Portion 30 of the farm U 181 No. 15643	4, 1236 ha	T7585/2004	Shaun A. Yeld and Shannon O. Yeld	B6650/2004
139	Portion 31 of the farm U 181 No. 15643	8, 0756 ha	T40329/1995	Groom Farming Enterprises cc	B43279/1995
140	Portion 32 of the farm U 181 No. 15643	8, 0412 ha	T22932/1998	Lonsdale Family Trust-Trustees	B8388/2002

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
141	Portion 33 of the farm U 181 No. 15643	8, 0940 ha	T2663/1994	Neil Bevelley Hopwood	VA1192/1996
142	Portion 34 of the farm U 181 No. 15643	8, 0978 ha	G91/1960	Eric Crawford McLaren	VA1000/1997
143	Portion 35 of the farm U 181 No. 15643	0, 8164 ha	T31942/2000	Kelvin Johnson Family Trust-Trustees	None
144	Portion 36 of the farm U 181 No. 15643	0, 8134 ha	T30187/1980	Paul Dennis van Rooyen	B19700/1998 B5568/1999
145	Portion 37 of the farm U 181 No. 15643	0, 8088 ha	T18245/1989	Eric Crawford McLaren	None
146	Portion 38 of the farm U 181 No. 15643	0, 8116 ha	T4581/1993	Keith Roger Morrison	B6921/1993 K4133/2005s
147	Portion 39 of the farm U 181 No. 15643	0, 8189 ha	T7499/2000	A H Schroder Family Trust-Trustees	B1526/2002 B5005/2000
148	Portion 40 of the farm U 181 No. 15643	0, 8202 ha	T2308/1991	Abraham Johannes Hendrik van Heerden	B2954/1991 K3312/2005s VA2156/2001
149	Portion 41 of the farm U 181 No. 15643	0, 8275 ha	T14359/1994	Barry Rodney Adendorff	None
150	Portion 42 of the farm U 181 No. 15643	0, 8013 ha	T33385/1993	Karl Wang Family Trust-Trustees	K1215/1993s
151	Portion 43 of the farm U 181 No. 15643	0, 8355 ha	T65545/2003	Stable Properties Forty Eight cc	None
152	Portion 44 of the farm U 181 No. 15643	0, 8376 ha	T12092/2006	Angela Leah Nalson	None
152	A portion of the consolidated Portion 60 of the farm U 181 No. 15643, known before consolidation as Portion 45 of the farm U 181 No. 15643	0, 8053 ha	T12092/2006	Angela Leah Nalson	I-1241/1984LG
153	Portion 46 of the farm U 181 No. 15643	0, 8036 ha	T17582/2000	Lonsdale Family Trust-Trustees	None
154	Portion 47 of the farm U 181 No. 15643	0, 8124 ha	T10007/2004	Morkel Family Trust-Trustees	B8056/2004
155	Portion 48 of the farm U 181 No. 15643	0, 8183 ha	T22932/1998	Lonsdale Family Trust-Trustees	B8386/2002
156	Portion 49 of the farm U 181 No. 15643	0, 8094 ha	T27443/1993	Sandstones Inv cc	B2336/2005
157	Portion 50 of the farm U 181 No. 15643	0, 8139 ha	T10009/2004	Morkel Family Trust-Trustees	B8506/2004
158	Portion 51 of the farm U 181 No. 15643	0, 8141 ha	T11883/1996	Kelvin Keith Johnson	None
159	Portion 52 of the farm U 181 No. 15643	0, 8131 ha	T17377/1997	Groom Farming Enterprises cc	K644/1997s
160	Portion 53 of the farm U 181 No. 15643	0, 8191 ha	T2840/1993	Republic of South Africa	VA1192/1996
161	Portion 54 of the farm U 181 No. 15643	0, 8213 ha	T38096/1995	Bernard John Hageman	B17955/1998 B19870/1997 B40882/1995 K4487/2005s K647/1992s

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
					VA1738/1995
162	Portion 60 of the farm U 181 No. 15643	1, 6344 ha	T12092/2006	Angela Leah Nalson	K510/1994s
163	Remainder of Portion 70 of the farm U 181 No. 15643	4, 1392 ha	T42058/2000	Graeme Sydney McKinley and Lynn Cheryl McKinley	B25768/2000 B704/2004
164	Portion 71 of the farm U 181 No. 15643	4, 1073 ha	T5052/1995	Marion Christine Fryer	None
165	The farm Quantita No. 15946			Not Registered	
166	The farm U 90 No. 1455			Not Registered	
167	The farm Lot U 99 No. 13165	807, 2345 ha	T21201/1990	Mondi South Africa Ltd	None
168	Remainder of the farm Lot U 100 No. 13530	548, 7341 ha	T7529/1997	Sappi Manufacturing (Pty) Ltd	none
169	Remainder of the farm Lot U 101 No. 13594	373, 6621 ha	T7529/1997	Sappi Manufacturing (Pty) Ltd	None
170	The farm Fernwood Station No. 13215	0, 3999 ha	T3202/1944	Transnet Ltd	None



**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM****NOTICE 147 OF 2019****NOTICE OF WITHDRAWAL IN TERMS OF SECTION 11A (3) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11A (3) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended, that the notice of the claim lodged by Thulisile Cynthia Nxumalo on behalf of the Masakhane Mphakathi Community, in the District of Port Shepstone, KwaZulu-Natal, under reference number **KRN6/2/2/E/41/0/0/49** and which was published under Notice No. 3228 of 2003 in *Government Gazette* No. 25690 dated 14 November 2003 and Notice No. 517 of 2004 in *Government Gazette* No. 26164 dated 26 March 2004, has been **WITHDRAWN** by the Regional Land Claims Commissioner.

**LEBJANE MAPHUTHA**

**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU NATAL**

**DATE:**

**DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM****NOTICE 148 OF 2019****GENERAL NOTICE IN TERMS OF SECTION 11 (A) (2) OF THE RESTITUTION OF LAND RIGHTS ACT, NO 22 OF 1994**

**WHEREAS** a land claim was lodged by Felakhona Joseph Ndlovu behalf of the Ndlovu Community, which claim was published in terms of section 11 (1) of the Restitution of Land Rights Act, No 22 of 1994 (as amended), herein referred to as the Act.

**NOW THEREFORE NOTICE** is hereby given in terms of section 11(A) (2) of the Act that at the expiry of **thirty (30) days** from the date of the publication of this notice in the Government Gazette, the notice of the claim previously published in terms of section 11 (1) of the Act under Notice No. 612 of 2018 published in Government Gazette No. 41955 dated 5 October 2018, will be amended to:

1. **INCLUDE** the properties listed below; and
2. **EXCLUDE** the properties listed below ,

unless cause to the contrary is shown to the satisfaction of the Regional Land Claims Commissioner.

The details of Notice No. 612 of 2018 published in Gazette No. 441955 dated 5 October 2018, include the following:

<b>Reference No.</b>	:	<b>KRN6/2/2/E/19/0/0/18</b>
<b>Claimant</b>	:	<b>Felakhona Joseph Ndlovu on behalf of the Ndlovu Community</b>
<b>Property Description</b>	:	<b>see attached schedule</b>
<b>Total extent</b>	:	<b>see attached schedule</b>
<b>Owner</b>	:	<b>see attached schedule</b>

Any party who may have an interest in the above mentioned land claim is hereby invited to make representations, within 30 days from the publication of this notice, as to show cause why the claim should not be amended in terms of section 11 (A) (4) of the Act.

The representations must be forwarded to

The Regional Land Claims Commissioner: KwaZulu-Natal  
Private Bag X9120  
Pietermaritzburg 3200

Tel: (033) 355-8400  
Fax: (033) 342-3409

Submissions may also be delivered to African Life Building, Second Floor, 200 Church Street, Pietermaritzburg 3201.

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**LEBJANE MAPHUTHA**  
**REGIONAL LAND CLAIMS COMMISSIONER: KWAZULU-NATAL**  
**DATE:**

**1. INCLUDE PROPERTIES IN SCHEDULE BELOW**

<b>NO.</b>	<b>PROPERTY DESCRIPTION</b>	<b>EXTENT</b>	<b>CURRENT TITLE DEED NO.</b>	<b>CURRENT OWNER</b>	<b>BONDS &amp; RESTRICTIVE CONDITIONS (INTERDICTS)</b>
1	Portion 1 of the farm Lot 53 No. 1817	1, 6680 ha	T38609/2008 T5144/2015 T41794/2015	Christine Bro John Pickup	None
2	Portion 2 of the farm Lot 53 No. 1817	0, 2675 ha	T41794/2015 T50972/2008 T5145/2014	John Pickup Christine Bro	VA4200/2008
3	A portion of Portion 3 of the farm Lot 53 No. 1817	126, 4929 ha	T20370/1985	W G Maxwell Inv (Pty) Ltd	B10637/2010 VA2293/2018
4	Portion 4 of the farm Lot 53 No. 1817	20, 6847 ha	T20370/1985	W G Maxwell Inv (Pty) Ltd	VA2293/2018
5	Portion 5 of portion 3 of the farm Lot 53 No. 1817	20, 2469 ha	T48638/2000	Alison Mary Carter	B16507/2017
6	Portion 6 of the farm Lot 53 No. 1817	23, 0261 ha	T19913/2016	The Greenhill Family Trust	None
7	Portion 7 of the farm Lot 53 No. 1817	26, 4959 ha	T5146/2014	Trade Avail 161 cc	B3134/2014
8	Portion 8 of the farm Lot 53 No. 1817	20, 4536 ha	T18259/1998	Robert William James Parker	VA2499/2008
9	Portion 9 of the farm Lot 53 No. 1817	21, 4711 ha	T19491/2016	Wayne Marc Woodley	B8680/2016
10	Portion 10 of the farm Lot 53 No. 1817	22, 3928 ha	T19490/2016	Richard Michael Neaves Shacklock	B8679/2016
11	Portion 11 of the farm Lot 53 No. 1817	21, 2371 ha	T25877/2017	Lucile Godwin	B11868/2017
12	Portion 12 of the farm Lot 53 No. 1817	20, 7737 ha	T15541/1988	Little Yarrow Farm cc	None
13	Portion 13 of the farm Lot 53 No. 1817	21, 1312 ha	T27581/1996	Patrick James McCort	None
14	Portion 14 of the farm Lot 53 No. 1817	21, 0595 ha	T22773/1992	Anthony Arba Croxford	B48800/1993
15	Portion 15 of the farm Lot 53 No. 1817	20, 5141 ha	T24666/1984	Lynette Houston	None
16	A portion of the consolidated Portion 21 of the farm Lot 53 No. 1817, know before consolidation as Portion 16 of the farm Lot 53 No. 1817	25, 0247 ha	T1889/1993	Celia Mary Croxford	None
17	Remainder of Portion 17 of the farm Lot 53 No. 1817	17, 4940 ha	T29863/2008	Real Oregon Furniture cc	None
18	Portion 18 of the farm Lot 53 No. 1817	20, 3152 ha	T14617/1994	Vaughan Sutherland Wilson and Shirlene Wilson	B20017/1994 B29703/1997
19	Portion 19 of the farm Lot 53 No. 1817	20, 2449 ha	T37248/2017	Michelle Marian Washington	None
20	A portion of the consolidated Portion 21 of the farm Lot 53 No. 1817, know before consolidation as Portion 20 of the farm Lot 53 No. 1817	3, 2623 ha	T1889/1993	Celia Mary Croxford	None
21	Portion 21 of the farm Lot 53 No. 1817	28, 2870 ha	T1889/1993	Celia Mary Croxford	None

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
22	A portion of the consolidated Portion 0 of the farm Hawkstone No. 15344, known before consolidation as Portion 22 of the farm Lot 53 No. 1817	108, 6625 ha	T19751/1993	Hawkstone Family Trust-Trustees	None
23	Portion 23 of the farm Lot 53 No. 1817	182, 6701 ha	T15564/2008	Triam Trust-Trustees	B13659/2008 VA364/2011
24	A portion of Portion 0 of the farm Hawkstone No. 15344	108, 6625 ha	T19751/1993	Hawkstone Family Trust-Trustees	B18940/2014 B3293/2003 B68208/2007

## 2. EXCLUDE PROPERTIES IN SCHEDULE BELOW

NO.	PROPERTY DESCRIPTION	EXTENT	CURRENT TITLE DEED NO.	CURRENT OWNER	BONDS & RESTRICTIVE CONDITIONS (INTERDICTS)
1	Portion 21 of the farm Welgevonden No. 969	94, 9582 ha	T39216/2015	The Two Rivers Trust	None
2	Portion 0 (remaining extent) of the farm Lot 53 No. 1817	87, 6028 ha	T697/1999	Sappi Manufacturing (Pty) Ltd	None

## AMENDMENT NOTICE

### GENERAL NOTICE IN TERMS OF SECTION 11 A (4) OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Amending Notice No's. 2554 of 2002, 2555 of 2002, 2556 of 2002, 2557 of 2002, 2558 of 2002, 2559 of 2002, 2560 of 2002, 2561 of 2002, 2562 of 2002, 2563 of 2002, 2564 of 2002, 2565 of 2005, 2566 of 2002, 2567 of 2002, 2568 of 2002, 2569 of 2002, 2570 of 2002 and 1366 of 2009 of 2010 published in Government Gazette No. 23996 dated 8 November 2002 and Government Gazette No. 32615 dated 9 October 2009 in respect of the St Paul Community, under Reference No. **KRO6/2/2/D/8/1017/0/0/21** to correct an error in the property descriptions and replace it with the correct properties as per the schedules below:

#### 1. REPLACE

No.	Notice Number	Previous Property Description	Extent
1	Notice No. 2554 of 2002	Remainder of farm 86	832, 8388 ha
2	Notice No. 2555 of 2002	Portion 1 of farm 86	170, 1602 ha
3	Notice No. 2556 of 2002	Portion 6 of farm 86	9, 8551 ha
4	Notice No. 2557 of 2002	Portion 1 of farm 92	359, 4566 h
5	Notice No. 2558 of 2002	Portion 2 of farm 92	115, 2392 ha
6	Notice No. 2559 of 2002	Portion 3 of farm 92	637, 6967 ha
7	Notice No. 2560 of 2002	Remainder of farm 94	985, 8683 ha
8	Notice No. 2561 of 2002	Remainder of farm 96	1242, 1142 ha
9	Notice No. 2562 of 2002	Portion 1 of farm 98	590, 2936 ha
10	Notice No. 2563 of 2002	Remainder of farm 102	71, 4287 ha
11	Notice No. 2564 of 2002	Portion 2 of farm 102	91, 7552 ha
12	Notice No. 2565 of 2002	Portion 2 of farm 103	211, 3489 ha
11	Notice No. 2566 of 2002	Remainder of farm 137	582, 3745 ha
14	Notice No. 2567 of 2002	Portion 1 of farm 137	23, 1936 ha
15	Notice No. 2568 of 2002	Farm 505	783, 4839 ha
16	Notice No. 2569 of 2002	Portion 1 of farm 506	210, 9875 ha
17	Notice No. 2570 of 2002	Portion 1 of farm 506	6, 9294 ha
18	Notice No. 1366 of 2009	Remainder of the farm Weston No. 95	427, 8766 ha

## 2. WITH

No.	Notice Number	Current Property Description	Extent
1	Notice No. 2554 of 2002	Remainder of the farm Schoonhoven No. 18154	832, 8388 ha
2	Notice No. 2555 of 2002	Portion 1 of the farm Schoonhoven No. 18154	170, 1602 ha
3	Notice No. 2556 of 2002	Portion 6 of the farm Schoonhoven No. 18154	9, 8551 ha
4	Notice No. 2557 of 2002	Portion 1 of the farm Nieuw Dorp No. 18160	359, 4566 h
5	Notice No. 2558 of 2002	Portion 2 of the farm Nieuw Dorp No. 18160	115, 2392 ha
6	Notice No. 2559 of 2002	Portion 3 of the farm Nieuw Dorp No. 18160	637, 6967 ha
7	Notice No. 2560 of 2002	Remainder of the farm Clifton No. 18162	985, 8683 ha
8	Notice No. 2561 of 2002	Remainder of the farm Mooi Plaats No. 18164	1242, 1142 ha
9	Notice No. 2562 of 2002	Portion 1 of the farm Pilaars Fontein No. 18167	590, 2936 ha
10	Notice No. 2563 of 2002	Remainder of the farm Aphelele No. 18171	71, 4287 ha
11	Notice No. 2564 of 2002	Portion 2 of the farm Aphelele No. 18171	91, 7552 ha
12	Notice No. 2565 of 2002	Portion 2 of the farm Inkanyezi No. 18172	211, 3489 ha
11	Notice No. 2566 of 2002	Remainder of the farm Niez Hout Fontein No. 18205	582, 3745 ha
14	Notice No. 2567 of 2002	Portion 1 of the farm Niez Hout Fontein No. 18205	23, 1936 ha
15	Notice No. 2568 of 2002	The farm Singisi Plantation No. 505	783, 4839 ha
16	Notice No. 2569 of 2002	Portion 1 of the farm Malenga No. 506	210, 9875 ha
17	Notice No. 2570 of 2002	Portion 2 of the farm Malenga No. 506	6, 9294 ha
18	Notice No. 1366 of 2009	Remainder of the farm Weston No. 18163	427, 8766 ha

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 LEBJANE MAPHUTHA

REGIONAL LAND CLAIMS COMMISISONER: KWAZULU NATAL

DATE:

## DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM

## NOTICE 150 OF 2019

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT  
1994, (ACT No. 22 OF 1994) AS AMENDED.**

Notice is hereby given in terms of Section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994), as amended. This claim for the restitution of land rights have been submitted to the Regional Land Claims Commissioner for the Western Cape. The particulars regarding this claim are as follow:

Claimant : Ms Johanna Susan Alexander  
ODI : Mr Isaac Petersen  
Property Description : Erf 81727 Retreat, Cape Town Metropole,  
Western Cape measuring 4065m<sup>2</sup>  
Date Submitted : 28 December 1998  
Reference no : KRK6/2/3/A/6/0/1989/8 (A695)

The Regional Land Claims Commission will investigate this claim in terms of provisions of the Act in due course. Any party who has an interest in the above-mentioned land is hereby invited to submit, within 14 days from the publication of this notice, any comments / information to:

The Regional Land Claims Commission: Western Cape  
Private Bag X9163  
Cape Town  
8000

Tel: (021)409-0300  
Fax: (021)409-0539

CHECKED.....

DATE..... 06/02/2018

APPROVED.....

DATE..... 2019/03/13

**Mr. L.H Maphutha**  
**Regional Land Claims Commissioner**

## DEPARTMENT OF TELECOMMUNICATIONS AND POSTAL SERVICES

## NOTICE 151 OF 2019

**Determination of the transfer date of the Postbank enterprise:**

In terms of section 6 of the South African Postbank Limited Act, 2010, 1 April 2019 is hereby determined as the transfer date of the enterprise of the former Postbank Division of the South African Post Office to the South African Postbank Company SOC Limited.



**DEPARTMENT OF TRADE AND INDUSTRY****NOTICE 152 OF 2019****STANDARDS ACT, 2008  
STANDARDS MATTERS**

In terms of the Standards Act, 2008 (Act No. 8 of 2008), the Board of the South African Bureau of Standards has acted in regard to standards in the manner set out in the Schedules to this notice.

**SECTION A: DRAFTS FOR COMMENTS**

The following draft standards are hereby issued for public comments in compliance with the norm for the development of the South Africa National standards in terms of section 23(2)(a) (ii) of the Standards Act.

<b>Draft Standard No. and Edition</b>	<b>Title, scope and purport</b>	<b>Closing Date</b>
SANS 60799 Ed 2	<i>Electrical accessories - Cord sets and interconnection cord sets.</i> Specifies requirements for cord sets and interconnection cord sets for household and similar general purpose equipment.	2019-05-20
SANS 60601-2-66 Ed 2	<i>Medical electrical equipment Part 2-66: Particular requirements for the basic safety and essential performance of hearing instruments and hearing instrument systems.</i> Applies to the basic safety of hearing instruments and hearing instrument systems.	2019-05-20
SANS 60079-7 Ed 4	<i>Explosive atmospheres Part 7: Equipment protection by increased safety "e".</i> Specifies the requirements for the design, construction, testing and marking of electrical equipment and Ex Components with type of protection increased safety "e" intended for use in explosive gas atmospheres.	2019-05-14
SANS 10131 Ed 2	<i>Above-ground storage tanks for petroleum products.</i> Contains recommendations for the above-ground storage and handling of petroleum products at consumer installations with a total storage capacity not exceeding 200 m <sup>3</sup> .	2019-05-14

**SCHEDULE A.1: AMENDMENT OF EXISTING STANDARDS**

The following draft amendments are hereby issued for public comments in compliance with the norm for the development of the South African National Standards in terms of section 23(2)(a) (ii) of the Standards Act.

<b>Draft Standard No. and Edition</b>	<b>Title</b>	<b>Scope of amendment</b>	<b>Closing Date</b>
SANS 164-0 Ed 1.6	<i>Plug and socket-outlet systems for household and similar purposes for use in South Africa - Part 0: General requirements.</i>	Amended to update referenced standards, to update general requirements, and to include the requirements on USB outlets for fixed installation.	2019-05-20

**SCHEDULE A.2: WITHDRAWAL OF THE SOUTH AFRICAN NATIONAL STANDARDS**

In terms of section 24(1)(C) of the Standards Act, the following published standards are issued for comments with regard to the intention by the South African Bureau of Standards to withdraw them.

<b>Draft Standard No. and Edition</b>	<b>Title</b>	<b>Reason for withdrawal</b>	<b>Closing Date</b>

**SCHEDULE A.3: WITHDRAWAL OF INFORMATIVE AND NORMATIVE DOCUMENTS**

In terms of section 24(5) of the Standards Act, the following documents are being considered for withdrawal.

Draft Standard No. and Edition	Title	Reason for withdrawal	Closing Date

**SECTION B: ISSUING OF THE SOUTH AFRICAN NATIONAL STANDARDS****SCHEDULE B.1: NEW STANDARDS**

The following standards have been issued in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 60076-57-129:2019 Ed 1	<i>Power transformers - Part 57-129: Transformers for HVDC applications.</i> Specifies requirements of liquid-immersed three-phase and single-phase converter transformers for use in high voltage direct current (HVDC) power transmission systems including back-to-back applications.
SANS 61960-3:2019 Ed 1	<i>Secondary cells and batteries containing alkaline or other non-acid electrolytes - Secondary lithium cells and batteries for portable applications - Part 3: Prismatic and cylindrical lithium secondary cells, and batteries made from them edition 1.</i> Specifies performance tests, designations, markings, dimensions and other requirements for secondary lithium single cells and batteries for portable applications.
SANS 1725-2:2019 Ed 1	<i>End user related Quality of Service parameter definitions and measurements; Part 2: Mobile data services.</i> Specifies requirements, definitions and measurement methods for a range of user perceivable Quality of Service parameters specific to Mobile data packet switch networks.

**SCHEDULE B.2: AMENDED STANDARDS**

The following standards have been amended in terms of section 24(1)(a) of the Standards Act.

Standard No. and year	Title, scope and purport
SANS 1545-9:2019 Ed 1.1	<i>Safety rules for the construction and installation of lifts Part 9: Lift landing doors - Fire resistance testing. Consolidated edition incorporating amendment No.1.</i> Amended to update the list of parts in the foreword, to update referenced standards, to move reference to a national body to the foreword, and to update the annex on Essential requirements applicable to South Africa or other provisions of EU or South African directives.

**SCHEDULE B.3: WITHDRAWN STANDARDS**

In terms of section 24(1)(C) of the Standards Act, the following standards have been withdrawn.

Standard No. and year	Title
SANS 60079-16:1990	<i>Electrical apparatus for explosive gas atmospheres Part 16: Artificial ventilation for the protection of analyzer(s) houses.</i>

**SCHEDULE B.4: ESTABLISHMENT OF TECHNICAL COMMITTEES**

In terms of section 4(2) (l) the South African Bureau of Standards has established the following technical committees:

Technical Committee No.:	Title	Scope

**SCHEDULE B.4: DISBANDMENT OF TECHNICAL COMMITTEES**

In terms of section 4(2) (l) the South African Bureau of Standards has disbanded the following technical committees:

Technical Committee No.:	Title	Scope

If your organization is interested in participating in these committees, please send an e-mail to [Dsscomments@sabs.co.za](mailto:Dsscomments@sabs.co.za) for more information.

**SCHEDULE 5: ADDRESSES OF THE SOUTH AFRICAN BUREAU OF STANDARDS OFFICES**

The addresses of offices of the South African Bureau of Standards where copies of the standards mentioned in this notice can be obtained, are as follows:

1. Gauteng Head Office, 1 Dr Lategan Road, Groenkloof, Private Bag X191, Pretoria 0001.
2. Western Cape Regional Office, SABS, Liesbeek Park Way, Rosebank, PO Box 615, Rondebosch 7701.
3. Eastern Cape Regional Office, SABS, 30 Kipling Road, cor. Diaz and Kipling Roads, Port Elizabeth, PO Box 3013, North End 6056.
4. KwaZulu-Natal Regional Office, SABS, 15 Garth Road, Waterfall Park, Durban, PO Box 30087, Mayville 4058.

## BOARD NOTICES • RAADSKENNISGEWINGS

## BOARD NOTICE 33 OF 2019



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**THE ADOPTION OF INTERNATIONAL QUALITY CONTROL, AUDITING, REVIEW, OTHER ASSURANCE, AND RELATED SERVICES PRONOUNCEMENTS IN TERMS OF THE AUDITING PROFESSION ACT, 26 OF 2005 (THE ACT)**

Notice is hereby given, in accordance with the provision of Section 4(1)(e) of the Auditing Profession Act, 26 of 2005 (the Act), regarding the following:

The Independent Regulatory Board for Auditors (the IRBA) hereby resolves to adopt, issue and prescribe the following publications known as the:

1. ***Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2018 Edition Volume I*, ISBN 978-1-60815-389-3.**
2. ***Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2018 Edition Volume II*, ISBN 978-1-60815-389-3.**
3. ***Supplement to the Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2018 Edition Volume III*, ISBN 978-1-60815-389-3.**

These publications replace the following issues: the ***Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2016-2017 Edition Volume I***, ISBN 978-1-60815-318-3; the ***Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2016-2017 Edition Volume II***, ISBN 978-1-60815-318-3; and the ***Supplement to the Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2016-2017 Edition Volume III***, ISBN 978-1-60815-318-3.

References to the IESBA Code of Ethics for Professional Accountants must be read in conjunction with the IRBA Code of Professional Conduct for Registered Auditors (the Code). The Code has additional requirements for registered auditors in South Africa.

These 2018 publications are issued by the IRBA under the following copyright permission from the International Federation of Accountants (IFAC):

*"The Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2018 Edition is based on the Handbook of International Quality Control, Auditing, Review, Other Assurance, and Related Services Pronouncements, 2018 Edition of the International Auditing and Assurance Standards Board, published by the International Federation of Accountants (IFAC) in December 2018 and is used with permission of IFAC.*

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By virtue of having adopted the publications listed under 1, 2 and 3 above, the Board deems them to have been prescribed without the publication of the entire books. As such, it hereby communicates their adoption to registered auditors as well as makes them available on the IRBA's website. The Code and subsequent amendments are also available on the IRBA website.

For further assistance, enquiries may be directed to [standards@irba.co.za](mailto:standards@irba.co.za).

**Mr B P Agulhas**

**Chief Executive Officer**