

Environmental Authorization

AUTHORISATION REGISTER NUMBER	NOTICE	EC135/CH/LN1/M/22-07 ECP/EIA/0001339/2022
LAST AMENDED		19 April 2023
HOLDER OF AUTHORISATION		CHDM
LOCATION OF ACTIVITY		The project falls within the Chris Hani District Municipality (CHDM), within Intsika Yethu Local Municipality, Cofimvaba

DEFINITIONS

The following definitions are applicable to this Environmental Authorization:

"EIA Regulations" – These are the 2014 Environmental Impact Assessment Regulations as amended published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

"Commencement" – Any physical activity on site that can be viewed as associated with the clearing of vegetation inclusive of initial site preparation and site camp establishment.

"EAP" – refers to the appointed Environmental Assessment Practitioner represented by Mr. C Bradfield of IsiXwiba Consulting cc.

"ECO" – Environmental Control Officer.

EMPR – Environmental Management Programme, as contained in Appendix F on the FEIR

"FEIAR" - refers to the Final Environmental Impact Assessment Report titled "Integrated Environmental Impact Assessment for the proposed CHDM Tsomo Water Treatment Works Upgrade (Cluster 9) Basic Assessment Report, Intsika Yethu Local Municipality, Eastern Cape Province".

"Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.



1. Decision

The Department is satisfied, based on the information available to it and subject to compliance with the Conditions of the Environmental Authorization, that the applicant should be authorized to undertake the activities specified below. Details regarding the basis on which the Department reached this decision are set out in Section 5 of this authorization.

2. Activities and regulations for which authorization has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations 2014 as amended, the Department hereby authorise Chris Hani District Municipality being the legal or natural person who has applied for this Authorization, with the following contact details:

Name	CHRIS HANI DISTRICT MUNICIPALITY		
Physical Address	3 Bells Road, Queenstown	Postal Code	5319
Postal Address	Private Bag X 7121 Queenstown	Postal Code	5319
Telephone	045 808 4610	Cell	-
Contact	Mr Gcobani Mashiyi	E-mail	gmashiyi@chrishanidm.gov.za

To undertake the following activity (hereafter referred to as "the activity"), in terms of the scheduled activities or activities listed in the table below:

Detailed description of activity

The Cluster 9 Backlog Water Project is a regional cross boundary project to provide bulk water to settlements in the Chris Hani and Amathole District Municipalities. Bulk supply infrastructure has been funded under the Regional Bulk Infrastructure Grant (RBIG) and reticulation under the Municipal Infrastructure Grant (MIG). Due to the drought induced water crisis in Butterworth and other parts of Amathole District Municipality, the existing Tsomo River Abstraction Works and Water Treatment Works (CHDM Cluster 9 Phases 3A & 3B) will be upgraded from the current capacity of 25MI/day to its full capacity of 42MI/day. The WTW upgrade will be based on a conceptual modular design consisting of 4 treatment train modules, each comprising a flocculator and settler or clarifier. The 4 modules share a common filter gallery of filters and combined chlorination and clear water storage. The modules will be supplied by existing abstraction pumps (to be upgraded) located in the Tsomo River abstraction works. The project is located with the urban edge. An area of 6.9112 ha will be subdivided from Erf 79, Tsomo (Commonage) and rezoned, however the WTW plant footprint will only cover 4.65 ha. The sludge, which is non-hazardous cleaned from the lagoons will be deposited at the Intsika Yethu Local Municipality waste site at Cofimvaba. This is allowed as per the current Waste Management Licence for the existing Tsomo WTW.



Listed Activities in terms of the NEMA EIA Regulations 2014 as amended (Listing Notices 1(GRN 327) and 3 GRN 324)	
<p>Listing Notice 1-GN 327: Activity 19:</p> <p>The infilling or depositing of any material of more than 10 m³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 m³ from a watercourse</p>	<p>Infilling and construction of a box culvert and reno mattress and requiring 120 m³ of infilling and depositing of material in a watercourse to link the two water treatment plants and provide for control of storm water discharge. This activity is located within the urban edge</p>
<p>Listing Notice 1 – GN 327: Activity 27:</p> <p>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation</p>	<p>The clearance of 4.65 ha of indigenous vegetation for the development of the water treatment works plant</p>
<p>Listing Notice 1 – GN 325: Activity 28</p> <p>Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares</p>	<p>The development of an area zoned as “Commonage” and located within the urban edge for the construction of a water treatment works where the total area of land to be subdivided from the Commonage and rezoned is 6.9112 ha in extent, but the actual construction/development footprint is 4.65 ha in extent</p>
<p>Listing Notice 1 – GN 325: 67</p> <p>Phased activities for all activities– (i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; (ii) listed as activities 5, 7, 8(ii), 11, 13, 16, 27(i) or 27(ii) in Listing Notice 2 of 2014 or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices; where any phase of the activity was below a threshold but where a combination of the phases including expansions or extensions, will exceed a specified threshold.</p>	<p>Phased activities for all activities- (i) listed in this Notice, which commenced on or after the effective date of this Notice or similarly listed in any of the previous NEMA notices, which commenced on or after the effective date of such previous NEMA Notices excluding the activities 24(i) and 30 listed in this Notice</p>
<p>Listing Notice 3 – GN 324 26: Phased activities for all activities– i. listed in this Notice and as it applies to a specific geographical area, which commenced on or after the effective date of this Notice; or ii. similarly listed in any of the previous NEMA notices, and as it applies to a specific geographical area, which commenced on or after the effective date</p>	<p>The site is located within an urban area (urban edge), zoned as “Commonage” . There is no bioregional plan thus Activity 12 is not triggered. All the areas as identified for the specific activities listed in this Notice.</p>

<p>of such previous NEMA Notices— where any phase of the activity was below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold; – excluding the following activities listed in this Notice— 7; 8; 11; 13; 20; 21; and 24.</p>	
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ACTIVITIES APPLIED FOR IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: WASTE ACT, 2008	
<p>GN.R. 921, 29 November 2013: Cat A activity (3) 1.The storage of general waste in lagoons.</p>	<p>The expansion of an existing WML where an additional two (2) sludge lagoons will be constructed with a storage capacity of 10 101 m³ of water and sediment from the water treatment works process, to allow for the settling and separation of sludge</p>
<p>GN.R. 921, 29 November 2013: Cat A activity (3) 9. The disposal of inert waste to land in excess of 25 tons but not exceeding 25 000 tons</p>	<p>The expansion of an existing WML where an additional two (2) sludge lagoons will be constructed with the additional disposal of 13 200 tons and not exceeding 25 000 tons per annum of sludge/sediment resulting from a water treatment works process with the dried sludge removed from the lagoons and disposed of, at a registered municipal waste site (Intsika Yethu Local Municipality – Cofimvaba)</p>
<p>GN.R. 921, 29 November 2013: Cat A activity (3) 13.The expansion of a waste management activity listed in Category A or B of this schedule, which does not trigger an additional waste management activity in</p>	<p>The expansion of Category A activity numbers 1 and 9 in terms of the current WML EC/CH/A/3/001-2012 held by CHDM for the storage of waste (sludge) in lagoons and disposal of dried sludge at the Intsika Yethu Local Municipal waste site at</p>

terms of this schedule	Cofimvaba. A variation to the termination date of the WML was issued on 12th September 2017 with an expiry date of 12th September 2022.
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At the locality defined in the Table below, and hereafter referred to as "the property":

District	Chris Hani District Municipality
Municipal Area	Intsika Yethu Local Municipality
Farm Name /Town	Erf 1336 a portion of Erf 79
Farm Number and Portion	

Erf Number and Township Extension or Suburb		TSOMO WTW
POINT	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
	32°1' 58.4"S	27° 49'29.1"E
	32°2' 0.4"S	27° 49'35.2"E
	32°2' 41.6"S	27° 49'30.9"E
	32°2' 9.9"S	27° 49'25.0"E

This Environmental Authorization is granted subject to the conditions set out below.

3. Departmental Declarations and Conditions

3.1 Scope of authorization

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorization and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorization.

- 3.1.1 The Application for the proposed CHDM TSOMO WATER TREATMENT WORKS UPGRADE (CLUSTER 9), Intsika Yethu Local Municipality, Eastern Cape Province is hereby approved.
- 3.1.2 Once commencement of the activity/ies begin the applicant must complete such activities within **Sixty months (60)** months of having been commenced with.
- 3.1.3 An application for the amendment of an Environmental Authorization must be submitted to the relevant competent authority on condition that Environmental Authorization is valid on the date of receipt of such amendment application.
- 3.1.4 If no request for amendment is received prior to the expiry of this Environmental Authorization, Environmental Authorization will be deemed to have lapsed.
- 3.1.5 On receipt of any such application for amendment, the Department reserves the right to request such information as it may deem necessary to consider the application for the amendment which may include but not limited to:



- a) An updated EMPr; and
- b) Such public participation process as may be deemed necessary at the time of the application for extension.

3.1.6 Conditions relating to the operation of the project are valid perpetuity.

3.2 Departmental Declarations and Standard Conditions

3.2.1 Authorization of the activities is subject to the Conditions as contained in this authorization and is binding on the holder of the authorization.

3.2.2 This Environmental authorization applies only to the activities described therein

The environmental authorization does not negate the holder thereof of his/her responsibility to **comply to with any other statutory requirements** that may be applicable to the undertaking of the activity, relevant legislation (as amended) that must be complied with by the holder of this authorization includes inter alia, but not limited to the following:

3.2.2.1 Chris Hani District Municipality & Intsika Yethu Local Municipality (SDF & IDP framework)

3.2.2.2 Constitution Act (Act No. 108 of 1996)

3.2.2.3 Eastern Cape Biodiversity Conservation Plan (DEDEAT, 2007)

3.2.2.4 Environmental Conservation Act (ECA Act 73 of 1983)

3.2.2.5 The National Environmental Management: Biodiversity Act, Act 10 of 2004

3.2.2.6 The National Environmental Management: Protected Areas Act

3.2.2.7 National Waste Act (Act No. 59 of 2008)

3.2.2.8 National Water Act

3.2.2.9 National Heritage Resources Act

3.2.2.10 Mineral Resources Act

3.2.2.11 Occupational Health and Safety Act, 1993 (Act 85 of 1993)

3.2.2.12. National Environmental Management Air Quality Act, Act 39 of 2004

3.2.3 The holder of the authorization shall be responsible for ensuring compliance with the Conditions as contained in the environmental authorization. This includes any person acting on the holder's behalf, including but not limited to, an agent, contractor, sub-contractor, employee, consultant, or any person rendering a service to the holder of the authorization.

3.2.4 Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.

3.2.5 In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.

3.2.6 This Authorization applies strictly to the project description as outlined in Section 2 of this Authorization. Should the Applicant wish to amend any competent or aspect of the project hereby authorized then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorization or, if needed, for authorization in



terms of the applicable EIA Regulation promulgated in terms of the National Environmental Management Act, Act 107 of 1998.

- 3.2.7 This Environmental Authorization must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorization is given to any such interested and affected party including the neighboring landowners within **fourteen (14) days** of receiving this Environmental Authorization.
- 3.2.8 This Environmental Authorization must be produced to any duly authorized official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorization who works or undertakes work at the site. In this regard, the Environmental Authorization or a certified copy thereof must be kept on site for the duration of the construction period.
- 3.2.9 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.10 In all cases, the holder of the Environmental Authorization must notify the Department, in writing, within 30 days if a condition of this authorization is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.11 Non-compliance with a condition of this Environmental Authorization may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.
- 3.2.12 A permit application for the removal of any of the Provincially Protected Plant Species must be submitted to the EC DEDEAT and it must be approved prior to removal.

3.3 Commencement of the activity

- 3.3.1 The authorized activity/ies shall not commence within **(20) days** of the date of signature of his authorization in order to allow for potential appeals to be submitted.
- 3.3.2 Section 43(7) of NEMA states that submission of an appeal automatically suspends the authorized activities until the appeal is concluded in favor of the proposed development.

3.4 Notification to authorities of commencement

- 3.4.1 **Fourteen (14)** days written notice must be given to the Department that the activity will commence.
- 3.4.2 Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

3.5 Site closure and decommissioning.

Should the activity ever cease or become redundant, the applicant shall undertake the required actions as prescribed by the legislation at the time and comply with all relevant legal requirements administered by the relevant competent authority at that time.

3.6 Monitoring

- 3.6.1 The applicant must appoint a suitably qualified, environmental Control Officer (ECO) that will have the responsibility to ensure that the mitigation\rehabilitation measures and conditions referred to this authorization are implemented and to ensure compliance with the provisions of the EMPr. Confirmation of appointment of the ECO to be provided to the Department.
- 3.6.2 Should fossil remains be exposed during construction, these objects should be carefully safeguarded and the relevant heritage resources authority (SAHRA) should be notified immediately so that the appropriate action can be taken by a professional paleontologist.
- 3.6.3 Appropriate stormwater structures must be designed to minimize erosion and sedimentation of watercourses.
- 3.6.4 A stormwater Management Plan must also include management mitigation measures for water pollution, waste water management and the management of surface erosion
- 3.6.5 A Rehabilitation and Alien Vegetation Management Plan must be developed to mitigate the establishment and spread of undesirable alien plant species during all phases of the project.
- 3.6.6 The construction site must be demarcated and communicated with the contractor prior to commencement of construction. All No-Go areas must be clearly demarcated during the planning and design phase.
- 3.6.7 Construction works and infrastructure must be kept within the demarcated construction footprint. Regular monitoring of construction works must be conducted by a qualified ECO throughout the duration of construction.
- 3.6.8 Material stockpiles must be located 32m away from any watercourse, and they must be monitored in order to prevent them from being washed away by rainwater or blown away by wind and giving rise to or seeding alien vegetation.
- 3.6.9 Material stockpiles locations must be approved by the ECO. The ECO must keep and maintain a detailed incident and complaints register (inclusive to any spillages of hazardous substance and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and implement measures to avoid re-occurrence of such incidents.
- 3.6.10 Minimize airborne emission of methane by controlling aerating process.
- 3.6.11 A plan should be in place to measure, monitor and maintain concentrations of airborne particulate matter during pre-treatment of dry organics.
- 3.6.12 The ECO must obtain and keep records of all documentation including permits, licenses and this authorization on the project site.



- 3.6.13 Chris Hani District Municipality will be held liable in the event of non-compliance with any condition of this Authorization Notice or any stipulation of the EMPr by any contractors associated with this activity.
- 3.6.14 Non-compliance with any stipulation in the EMPr will be regarded as non-compliance in terms of this Environmental Authorization.
- 3.6.15 Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the FEIR must be adhered to.

3.7 Recording and Reporting to the Department

The holder of the authorization must submit a monthly environmental monitoring report to the Department for the duration of the construction and rehabilitation activities until completion. The environmental monitoring report must:

- 3.7.1 Indicate the date, the name of the ECO and the outcome of the monitoring in terms of compliance with environmental authorization (EA) Conditions as well as the requirements of the Environmental Management Programme (EMPr).
- 3.7.2 Keep records relating to monitoring on site and these must be made available for inspection by the Department in respect of this development.
- 3.7.3 The reports must include an interpretation of all available data and test results regarding the operation of the site and all impacts on the environment.

3.8 Management of the activity

The EMPr for the construction phase which was submitted as part of the application for this Environmental Authorization is hereby approved, subject to the following:

- 3.8.1 The recommendations and mitigation measures recorded in the FEIR, including the specialist reports therein, must be adhered to and incorporated as part of the EMPr. Any updates or amendments to the EMPr must be submitted to the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT) for consideration and approval.
- 3.8.2 All conditions contained within the EA with respect to the construction and rehabilitation must be incorporated into the EMPr. The conditions set within EA are to prevail where similar conditions are given within the EMPr.
- 3.8.3 Contingency plans must be included for any emergencies during the construction such as fuel spills from the construction equipment and any temporary sanitation facilities.
- 3.8.4 Cognizance of the general principle of environmental management as applicable to the construction activities including environmental best practice, erosion prevention and control, minimization of dust must be adhered to.
- 3.8.5 All correspondence regarding this application must be forwarded for attention of: Regional Manager: Environmental Affairs, Chris Hani.



4. Project Specific Conditions

- 4.1.1 Any recommendations/ mitigations measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorization are regarded as conditions in terms of this Environmental Authorization.
- 4.1.2 The EMPr is to be regarded as a living document and as such must be revised and updated when necessary and relevant.
- 4.1.3 The conditions of authorisation include but not limited to the following:
- All recommendations, mitigation measures, responsibilities, key actions and other provisions contained in the FBAR.
 - General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, and rehabilitation measures of the development footprint etc.
 - A framework of all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts;
 - No cement/concrete mixing to take place on the soil surface. Cement mixtures to be placed on a large tray to avoid accidental spills from coming contact with the soil surface;
 - Generators and fuel supply needed during construction must be placed on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
 - Hazardous waste generated within the site must be disposed of at a registered hazardous waste disposal site;
 - Hazardous material on site must not exceed combined capacity of 80 cubic meters as this would trigger a listed activity not applied for;
 - All excess construction material and any waste generated during construction must be removed from the site on ongoing basis;
 - Adequate waste disposal and sanitation facilities to be provided and the applicant must ensure that these facilities are properly used and maintained
- 4.1.4 Should any injured fauna be found, they are to be taken to a veterinarian and if deemed suitable for rehabilitation to a Centre, in consultation with the Department's Biodiversity Unit.
- 4.1.5 Any species protected in terms of NEMBA, Act 10 of 2004 which need to be removed or relocated require the necessary permits to be obtained from DEDEAT.
- 4.1.6 All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays

- 4.1.7 The disposal of waste to take place at a registered waste disposal site.
- 4.1.8 Any construction camp site that may be necessary must be identified with the help of the ECO to ensure that they are in an area within the development footprint but low ecological and /or environmental sensitive areas.
- 4.1.9 All sand, gravel, stone or other building material to be used are to be obtained from a *bona fide* source and the building contractor is not allowed to source any such material illegally.
- 4.1.10 Any areas disturbed as result of construction activities to be rehabilitated within 14 days using vegetation that are endemic to the area.
- 4.1.11 Vegetation may only be cleared within demarcated work areas.
- 4.1.12 Promote responsible water use on site and utilise rainwater supplies where possible during the construction phase.
- 4.1.13 The construction must be limited to the development footprint as per the layout plan.
- 4.1.14 Non-compliance with any stipulation in the EMPr will be regarded as non-compliance in terms of this Environmental Authorization.
- 4.1.15 Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the Final Basic Assessment Report must be adhered to.
- 4.1.16 A suitable weed management strategy must be implemented in construction and operation phases.
- 4.1.17 A walled concrete platform, dedicated store with adequate flooring or beamed area must be used to accommodate chemicals such as fuel, oil, paint, herbicide and insecticides as appropriate in well-ventilated areas.
- 4.1.18 Emergency plans must be in place in case of pollutant spillages into wetland systems.
- 4.1.19 The EA holder must prevent the acceptance, and storage of waste not authorized at the site. Only waste that is authorized in this Environmental Authorization must be stored on site.
- 4.1.20 The EA holder must ensure that all runoff water arising on land adjacent to the lagoons does not come in contact with the sludge.

5. Operations

- 5.1.1. Recording of volumes of all waste stored must be maintained and reported according to relevant legislation.
- 5.1.2. Waste that is not permissible must be dealt with according to relevant legislation and best practices.
- 5.1.3. Site should be operated in such a manner that nuisance conditions or health hazards, or the potential creation of nuisance conditions or health hazards are prevented.

6. Reasons for Decisions

Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration the information contained in the following documentation.

- 5.1.1 Application form dated 26 October 2022.
- 5.1.2 Application date of receipt 30 August 2021.
- 5.1.1 The Final Basic Assessment Report compiled by C. Bradfield of Isi-Xwiba consulting cc.; Integrated Environmental Impact Assessment for the proposed CHDM Tsomo Water Treatment Works Upgrade (Cluster 9). Intsika Yethu Local Municipality, Eastern Cape Province. (CHDM Cluster 9 Phases 3A & 3B) will be upgraded from the current capacity of 25MI/day to its full capacity of 42MI/day. The WTW upgrade will be based on a conceptual modular design consisting of 4 treatment train modules, each comprising a flocculator and settler or clarifier.
- 5.1.2 Specialist studies conducted: Paleontological Impact Assessment March 2022, Archaeology and cultural heritage Impact Assessment dated 19 March 2022, Aquatic and Wetland Impact Assessment dated March 2022, Terrestrial Biodiversity Assessment dated 18 March 2022
- 5.1.3 Observation made during the site visit conducted by Mrs S Mduzana, on the 07 February 2022.
- 5.1.4 The EIA Regulations of 2014 as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

5.2 Key factors considered in making the decision

All information presented on the Department was taken into account in the Department's consideration of the Application. A summary of the issues which, in the Department's view, were of the most significant is set out below.

- 5.2.1 The FBAR included a description of the environment that may be affected by the activity and the manner which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- 5.2.2 Details submitted of the qualification of the EAP indicate that the EAP is competent to carry out the environmental impact assessment.
- 5.2.3 Recommendation written by the EAP in relation to the Proposed CHDM Tsomo Water Treatment Works Upgrade (Cluster 9) Intsika Yethu Local Municipality, Eastern Cape Province (CHDM Cluster 9 Phases 3A & 3B) will be upgraded from the current capacity of 25MI/day to its full capacity of 42MI/day. The WTW upgrade will be based on a conceptual modular design consisting of 4 treatment train modules, each comprising a flocculator and settler or clarifier.
- 5.2.4 The BAR identified all the legislation and guidelines that have been considered in the preparation of the BAR.
- 5.2.5 The proposed methodology used in assessing the potential impacts identified in the BAR, adequately covered the minimum requirements as prescribed by the EIA Regulations, 2014 as amended.



- 5.2.6 Adequate public participation was undertaken, and the applicant has satisfied the minimum requirements for public involvement as prescribed in the EIA regulations, 2014 as amended.
- 5.2.7 The specialist findings and recommendations with mitigation measures that are to be implemented by the applicant.

5.3 Findings

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

- 5.3.1 The negative environmental impacts associated with proposed activity will be manageable and not unacceptable provided the Conditions of this Environmental Authorization are adhered to and fully implemented.
- 5.3.2 The identification and assessment of impacts are detailed in the FBAR, and adequate assessment of the key identified issues and impacts have been completed.
- 5.3.3 The procedure followed for impact assessment is found to be sufficient for the decision-making process
- 5.3.4 The proposed mitigation measures of impacts identified and assessed were adequate.
- 5.3.5 All legal and procedural requirements have been met.
- 5.3.6 The proposed development will not impact the day to day business of the farms near the site.
- 5.3.7 The developer will limit access to the rest of the Farm area so as to avoid damaging indigenous trees outside of the development area.
- 5.3.8 EMPr measures for pre-construction, construction and rehabilitation phases of the development included in the FBAR will be implemented to manage the identified environmental impacts during all phases of the development.
- 5.3.9 The proposed development will enable economic investment into the area and enhance establishment of emerging farmers within the industry.

In general, the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorization, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

6 Appeal of Authorization

6.1 In terms of Regulations 4(2) in the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered the affected parties, in writing and within fourteen (14) calendar days of the date of this letter, of the Departments decision in respect of your application.

6.2 The written notification referred to condition 6.1 above must –

6.2.1 Specify the date on which the authorization was issued;



6.2.2 Inform the interested and affected parties of the appeal procedure provided for by the Appeal Regulations published in **GN993 of 8 December 2014** in terms of **Section 44** read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and

6.2.3 Advise interested and affected parties that a copy of the Environmental Authorization and reasons for the decision will be furnished on request.

6.3 An appeal against the decision contained in this Authorization must be addressed in writing, to the MEC of the Economic Development, Environmental Affairs and Tourism (hereinafter referred to as the MEC in terms of Regulation 4(1) of the NEMA Appeal Regulations and within 20 (twenty) days after the appellant has been notified in terms of the condition 6.1 and 6.2, of the decision.

6.4 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as state departments (Organ of state with interest in the matter) within 20 (twenty) days of having been notified in accordance with the requirements stipulated in paragraph 6.1 and 6.2 of the decision.

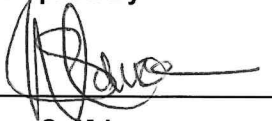
6.5 The address to which the originals of any such an appeal and any other documents pertaining to the appeal must be emailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal address	Private Bag X005, BISHO, 5605
By hand	Global Life, Ilitha Building, Bisho, King Williams Town
In order to facilitate efficient administration of appeals copies of appeal documentation must also be submitted as follows:	
General Manager, Environmental Affairs	Siyabonga.Gqalangile@dedea.gov.za
Office of the Appeal Administrator	phumeza.qxala@dedea.gov.za



In the event that an appeal is lodged with regard to this Authorization, the listed activities described in this Authorization may not commence prior to the resolution of the appeal and prior to the Departments written confirmation of compliance with all conditions that must be met before construction can commence, whichever the event is latter.

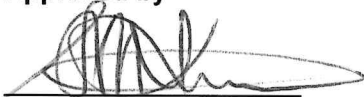
Compiled By



Mrs. S. Mduzana
Environmental Officer: WASTE POLLUTION AND AIR QUALITY

20/04/2023
Date

Approved by



Mr. MN Makosonke
REGIONAL MANAGER: ENVIRONMENTAL AFFAIRS
CHRIS HANI

20/04/2023
Date

