



environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Private Bag X 447 · PRETORIA · 0001 · Fedsure Building · 315 Pretorius Street · PRETORIA
Tel (+ 27 12) 310 3911 · Fax (+ 2712) 322 2682

NEAS Reference: DEA/EIA/0002309/2014

Reference: 14/12/16/3/3/1/1132

Enquiries: Mr Vincent Chauke

Telephone: 012-310-3859 **Fax:** 012-320-7539 **E-mail:** VChauke@environment.gov.za

Mr Umesh Bahadur
SANBI: Working for Wetlands Programme
Private Bag X101
PRETORIA
0001

Telephone Number: (012) 843 5200
Fax Number: (086) 555 9838

PER FACSIMILE / MAIL

Dear Mr Bahadur

APPLICATION FOR ENVIRONMENTAL AUTHORISATION IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998: GN R. 543/544/546: PROPOSED WORKING FOR WETLANDS REHABILITATION PROJECT AT TSHWANE METROPOLITAN MUNICIPALITY IN GAUTENG PROVINCE.

With reference to the above application, please be advised that the Department has decided to grant authorisation. The environmental authorisation (EA) and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2010 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) days of the date of the EA, of the Department's decision in respect of your application as well as the provisions regarding the submission of appeals that are contained in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations, which prescribes the appeal procedure to be followed. This procedure is summarised in the attached document. Kindly include a copy of this document with the letter of notification to interested and affected parties.

Should the applicant or any other party wish to appeal any aspect of the decision a notice of intention to appeal must be lodged by all prospective appellants with the Minister, within 20 days of the date of the EA, by means of one of the following methods:

By facsimile: (012) 320 7561
By post: Private Bag X447,
Pretoria, 0001; or
By hand: 2nd Floor, Fedsure Building, North Tower,
Cnr. Lillian Ngoyi (Van der Walt) and Pretorius Streets,
Pretoria.

If the applicant wishes to lodge an appeal, it must also serve a copy of the notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection, should you intend to submit an appeal.

Please include the Department (*Attention: Director: Integrated Environmental Authorisations*) in the list of interested and affected parties, notified through your notification letter to interested and affected parties, for record purposes.

Appeals must be submitted in writing to:

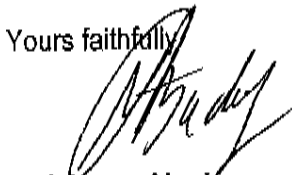
Mr Z Hassam Director: Appeals and Legal Review, of this Department at the above mentioned addresses or fax number. Mr Hassam can also be contacted at:

Tel: (012) 310 3271

Email: AppealsDirectorate@environment.gov.za

The authorised activity/ies shall not commence within twenty (20) days of the date of signature of the authorisation. Further, please note that the Minister may, on receipt of appeals against the authorisation or conditions thereof suspend the authorisation pending the outcome of the appeals procedure.

Yours faithfully



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement

Department of Environmental Affairs

Date: 27/06/2014

cc:	Ms Franci Gresse	Aurecon South Africa (Pty) Ltd	Tel: (021) 526 6022	Fax: (021) 526 9500
	N/A	GDARD	Tel: (011) 240 2500	Fax: N/A
	Mr Jason Ngobeni	Tshwane Metropolitan Municipality	Tel: (012) 358 9999	Fax: (012) 012 358 4896

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF THE NEMA EIA REGULATIONS, 2010 (THE REGULATIONS) AS PER GN R. 543 OF 2010 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION (EA)

APPLICANT	INTERESTED AND AFFECTED PARTIES (IAPs)
1. Receive EA from the relevant Competent Authority (the Department of Environmental Affairs [DEA]).	1. Receive EA from Applicant/Consultant.
2. Within 12 days of date of the EA notify all IAPs of the EA and draw their attention to their right to appeal against the EA in terms of Chapter 7 of the Regulations.	2. N/A.
3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA with the Minister of Water and Environmental Affairs (the Minister).	3. If you want to appeal against the EA, submit a notice of intention to appeal within 20 days of the date of the EA. with the Minister of Water and Environmental Affairs (the Minister).
4. After having submitted your notice of intention to appeal to the Minister, provide each registered IAP with a copy of the notice of intention to appeal within 10 days of lodging the notice.	4. After having submitted your notice of intention to appeal to the Minister, provide the applicant with a copy of the notice of intention to appeal within 10 days of lodging the notice.
5. The Applicant must also serve on each IAP: <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection. 	5. Appellant must also serve on the Applicant within 10 days of lodging the notice, <ul style="list-style-type: none"> • a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
6. The appeal must be submitted in writing to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.	6. The appeal must be submitted to the Minister within 30 days after the lapsing of the period of 20 days provided for the lodging of the notice of intention to appeal.
7. Any IAP who received a notice of intention to appeal may submit a responding statement to that appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.	7. An Applicant who received notice of intention to may submit a responding statement to the appeal to the Minister within 30 days from the date that the appeal submission was lodged with the Minister.

NOTES:

1. **An appeal against a decision must be lodged with:-**
 - a) the Minister of Water and Environmental Affairs if the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;
 - b) the Minister of Justice and Constitutional Development if the applicant is the Department of Water Affairs and the decision was issued by the Director- General of the Department of Environmental Affairs (or another official) acting in his/ her capacity as the delegated Competent Authority;

2. **An appeal lodged with:-**
 - a) the Minister of Water and Environmental Affairs must be submitted to the Department of Environmental Affairs;
 - b) the Minister of Justice and Constitutional Development must be submitted to the Department of Environmental Affairs;

3. **An appeal must be:-**
 - a) submitted in writing;
 - b) accompanied by:
 - a statement setting out the grounds of appeal;
 - supporting documentation which is referred to in the appeal; and
 - a statement that the appellant has complied with regulation 62 (2) or (3) together with copies of the notices referred to in regulation 62.





environmental affairs

Department:
Environmental Affairs
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

In terms of regulation 36 of the Environmental Impact Assessment Regulations, 2010

Rehabilitation of wetlands: Working For Wetlands Project, Tshwane Metropolitan Municipality
situated within Gauteng Province

Tshwane Metropolitan Municipality

Authorisation register number:	14/12/16/3/3/1/1132
NEAS reference number:	DEA/EIA/0002309/2014
Last amended:	First issue
Holder of authorisation:	SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)
Location of activity:	GAUTENG PROVINCE: TSHWANE METROPOLITAN MUNICIPALITY.

This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the EIA regulations.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations, 2010 the Department hereby authorises –

SOUTH AFRICAN NATIONAL BIODIVERSITY INSTITUTE (SANBI)

With the following contact details –

Mr Umesh Bahadur

SANBI: Working for Wetlands Programme

Private Bag X101

PRETORIA

0001

Tel: (012) 843 5200

Fax: (086) 555 9838

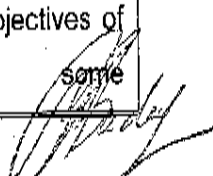
Cell: (072) 072 0750

E-mail: u.bahadur@sanbi.org.za



To undertake the following activities (hereafter referred to as "the activity") indicated in Listing Notices 1, 2 or 3 (GN R. 544, 545 & 546):

Listed activities	Activity/Project description
<p><u>GN R.544, Item 11:</u></p> <p>The construction of:</p> <ul style="list-style-type: none"> (i) canals; (ii) channels; (iii) bridges; (iv) dams; (v) weirs; (vi) bulk storm water outlet structures; (x) buildings exceeding 50m² in size; or (xi) Infrastructure or structures covering 50m² or more <p>Where such construction occurs within a watercourse or within 32m of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>In order to achieve the objectives of wetland rehabilitation, changes must be made to artificial drainage lines or eroding water channels if the wetland systems are to be returned to their original statuses. The following may be necessary: The construction of concrete or gabion weirs within watercourses; the formalisation of stream crossings to ensure that the integrity of wetland systems downstream and upstream of the crossings are protected from further degradation; the construction of bird hides and walkways in public wetlands to limit human impact, and to form part of the educational component of the project.</p>
<p><u>GN R. 544 Item 18:</u></p> <p>The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, pebbles or rock from</p> <ul style="list-style-type: none"> (i) a watercourse. <p>but excluding where such infilling, depositing, dredging, excavation, removal or moving;</p> <p>(a) is for maintenance purposes undertaken in accordance with a management plan agreed to by the relevant environmental authority; or (b) occurs behind the</p>	<p>In order to achieve the objectives of wetland rehabilitation, changes must be made to artificial drainage lines or eroding water channels, and banks or gullies may need to be stabilised if the wetland systems are to be returned to their original statuses. The following may be necessary: The construction of earth berms to correct</p>

Listed activities	Activity/Project description
development setback line.	water flow paths in artificial drainage lines, diverted stream channels or watercourses and; the removal or addition of material to stabilise stream banks or erosion gullies.
<p><u>GN R.546, Item 12:</u></p> <p>The clearance of an area of 300 m² or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation.</p> <p>(a) Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</p> <p>(b) within critically biodiversity areas identified in bioregional plans;</p>	<p>In order to achieve the objectives of wetland rehabilitation, some indigenous vegetation may need to be cleared to construct interventions. It is important to note that clearance of wetland vegetation in order to construct a number of interventions throughout the wetland system would only be proposed if the rehabilitation efforts would ultimately gain many hectares of desired wetland vegetation and habitat. Even though the interventions are intended to improve ecological status and habitats, this listing notice will be triggered because: The cumulative clearance of more than 300m² of wetland vegetation may be necessary to construct a number of interventions throughout the wetland system and; wetlands may form part of critical biodiversity areas or endangered ecosystems.</p>
<p><u>GN R.546, Item 13:</u></p> <p>The clearance of an area of 1 hectare or more of vegetation where 75% or more of the vegetative cover constitutes</p>	<p>In order to achieve the objectives of wetland rehabilitation, <i>some</i></p> 

Listed activities	Activity/Project description
<p>indigenous vegetation...</p> <p>(a) Critical biodiversity areas and ecological support areas as identified in systematic biodiversity plans adopted by the competent authority.</p> <p>(b) National Protected Area Expansion Strategy Focus areas.</p> <p>(d) In Gauteng in: (i) A protected area identified in terms of NEMPAA, excluding conservancies; (ii) any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Nature Conservation Ordinance (Ordinance 12 of 1983); (v) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (iv) Sites or areas identified in terms of an International Convention; (v) Sites identified as irreplaceable in the Gauteng Conservation Plan.</p>	<p>indigenous vegetation may need to be cleared to construct interventions. It is important to note that the clearance of vegetation in order to construct interventions would only be proposed if the rehabilitation efforts would ultimately gain many hectares of desired wetland vegetation and habitat. Even though the interventions are intended to improve ecological status and habitats, this listing notice will be triggered because: The cumulative clearance of more than 1 hectare of indigenous vegetation may be necessary to construct a number of interventions throughout the wetland system; wetlands may form part of critical biodiversity areas or endangered ecosystems; wetlands may form part of protected areas or sensitive areas; and wetlands may be located within or near national parks or world heritage sites.</p>
<p><u>GN R.546, Item 16:</u></p> <p>The construction of:</p> <p>(iii) buildings with a footprint exceeding 10 m² in size; or</p> <p>(iv) Infrastructure covering 10 m² or more where such construction occurs within a watercourse or within 32m of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.</p>	<p>In order to achieve the objectives of wetland rehabilitation, some educational infrastructure may be required to limit human impact on the wetland system. Even though the interventions are intended to improve ecological status and habitats, this</p>

Listed activities	Activity/Project description
<p>(a) In Gauteng:</p> <p>(i) In a protected area identified in terms of NEMPAA, excluding conservancies; (ii) National Protected Area Expansion Strategy Focus areas; (iii) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; (iv) Sites or areas identified in terms of an International Convention; (v) Sites identified as irreplaceable or important in the Gauteng Conservation plan; (vi) Any declared protected area including Municipal or Provincial Nature Reserves as contemplated by the Environment Conservation Act, 1989 (Act No. 73 of 1989) and the Nature Conservation Ordinance (Ordinance 12 of 1983); (vii) Areas zoned for a conservation purpose.</p>	<p>listing notice will be triggered because: bird hides and walkways may constitute buildings with a footprint exceeding 10m² in size; wetlands may form part of critical biodiversity areas or endangered ecosystems; wetlands may form part of protected areas or sensitive areas; wetlands may be located within or near national parks or world heritage sites.</p>

as described in the Basic Assessment Report (BAR) dated April 2014 at:

Sokhulumi proposed new interventions

Intervention Number	Intervention Structure Type	Latitude	Longitude
Sokhulumi (B20H-04)			
B20H-04-201-00	Earth works	25°35'28.79"	28°52'23.90"
B20H-04-202-00	Earth works	25°35'28.45"	28°52'29.20"
B20H-04-203-00	Gabion drop inlet	25°35'46.63"	28°52'34.66"
B20H-04-204-00	Earth works	Various points	Various points
B20H-04-205-00	Earth works	Various points	Various points
B20H-04-206-00	Earth works	Various points	Various points
B20H-04-207-00	Earth works	Various points	Various points
B20H-04-208-00	Earth works	Various points	Various points
B20H-04-209-00	Earth works	Various points	Various points
B20H-04-210-00	Earth works	Various points	Various points

B2OH-04-211-00	Earth works	25°36'25.93"	28°53'08.96"
B2OH-04-212-00	Earth works	25°35'25.42"	28°53'07.91"
B2OH-04-213-00	Earth works	25°36'25.77"	28°53'07.89"
B2OH-04-214-00	Earth works	25°36'25.43"	28°53'06.67"
B2OH-04-215-00	Gabion drop inlet	25°36'26.93"	28°53'04.30"
B2OH-04-216-00	Gabion spillway	25°36'30.25"	28°52'57.94"
B2OH-04-217-00	Gabion spillway	25°36'35.35"	28°52'44.04"
B2OH-04-218-00	Gabion spillway	25°36'36.38"	28°52'35.55"
B2OH-04-219-00	Earth works	25°36'35.98"	28°52'35.58"
B2OH-04-220-00	Gabion spillway	25°36'36.56"	28°52'32.77"
B2OH-04-221-00	Gabion spillway	25°36'36.56"	28°52'31.85"

- for the proposed rehabilitation of wetlands: working for wetlands project Tshwane Metropolitan Municipality situated within Gauteng Province, hereafter referred to as "the property".

The infrastructure associated with this facility includes:

- Plugging artificial drainage channels created by development or historical agricultural practices to drain wetland areas for other land use purposes;
- Constructing structures (gabions, berms, weirs) to divert or redistribute water to more natural flow paths, or to prevent erosion by unnatural flow rates that have resulted from unsustainable land use practices or development; and
- Removing invasive alien or undesirable plant species from wetlands and their immediate catchments (in conjunction with the Working for Water initiative).

Conditions of this Environmental Authorisation

Scope of authorisation

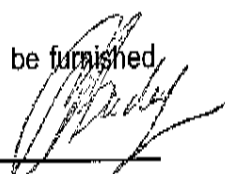
1. The preferred intervention types and positions as described for each intervention in the table above is approved.



2. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
3. The holder of the authorisation is responsible for ensuring compliance with the conditions contained in this environmental authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the authorisation.
4. The activities authorised may only be carried out at the property as described above.
5. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
6. This activity must commence within a period of three (3) years from the date of issue of this authorisation. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
7. Commencement with one activity listed in terms of this authorisation constitutes commencement of all authorised activities.
8. The holder of an environmental authorisation must notify the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

Notification of authorisation and right to appeal

9. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of the decision to authorise the activity.
10. The notification referred to must –
 - 10.1. specify the date on which the authorisation was issued;
 - 10.2. inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Environmental Impact Assessment Regulations, 2010;
 - 10.3. advise the interested and affected party that a copy of the authorisation will be furnished on request; and



- 10.4. provide the reasons of the competent authority for the decision.
11. The holder of the authorisation must publish a notice –
- 11.1. informing interested and affected parties of the decision;
 - 11.2. informing interested and affected parties where the decision can be accessed; and
 - 11.3. drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspaper(s) contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

Management of the activity

12. The Environmental Management Programme (EMPr) and Rehabilitation Plan submitted as part of the Application for EA is hereby approved. This EMPr and Rehabilitation Plan must be implemented and adhered to.

Monitoring

13. The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 13.1. The ECO must be appointed before commencement of any authorised activity/ies.
 - 13.2. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
 - 13.3. The ECO must keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
 - 13.4. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.



Recording and reporting to the Department

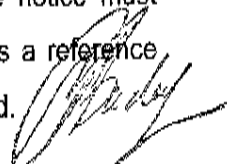
14. All documentation e.g. audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Director: Compliance Monitoring at the Department.
15. The holder of the authorisation must submit an environmental audit report to the Department within 30 days of completion of the construction phase (i.e. within 30 days of site handover) and within 30 days of completion of rehabilitation activities.
16. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
17. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

Commencement of the activity

18. The authorised activity shall not commence within twenty (20) days of the date of signature of the authorisation.
19. An appeal under section 43 of the National Environmental Management Act (NEMA), Act 107 of 1998 (as amended), does not suspend an environmental authorisation or exemption, or any provisions or conditions attached thereto, or any directive, unless the Minister, MEC or delegated organ of state directs otherwise.
20. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you may not commence with the activity until such time that the Minister allows you to commence with such an activity in writing.

Notification to authorities

21. Fourteen (14) days written notice must be given to the Department that the activity will commence. 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, as well as a reference number. This notification period may coincide with the notice of intent to appeal period.



Operation of the activity

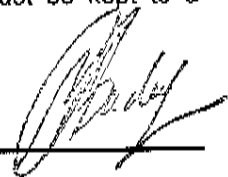
22. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

Site closure and decommissioning

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

Specific conditions

24. The Applicant and the contractor must ensure that all site workers understand the content of the EMP, Rehabilitation Plan and this EA prior construction.
25. The activities associated with this environmental authorisation must commence once the necessary water use authorisations have been obtained from the Department of Water Affairs.
26. Indigenous vegetation, or any other natural features outside the work area, which will not be cleared for construction purposes, must not be defaced or painted for benchmarks.
27. All cleared vegetation must either be mulched and mixed into the topsoil stockpiles or disposed of at an approved disposal site. The disposal of vegetation by burying or burning is prohibited without the requisite permit from the local authority.
28. Should fauna be encountered during site clearance, earthworks must cease until fauna have been safely relocated by suitably qualified personnel.
29. No exotic plants may be used for rehabilitation purposes. Only indigenous plants of the area may be utilised.
30. If sandbags are used for temporarily diverting water, the bags must be in good condition and the sand to fill up the bags must come from the wetland and must be returned to the excavation points after construction.
31. All efforts must be made to prevent erosion caused by work, operations and activities undertaken during excavation and construction activities. Disturbances on steep slopes must be kept to a minimum to reduce the potential for erosion.



32. Water from washing concrete-mixing equipment must not be discharged overland, conservatory tanks must therefore be used. These must be removed from site and disposed at a registered waste disposal site.
33. No batching activities shall occur directly on unprotected ground. The batching plant shall be located on a smooth impermeable surface. The area must be bounded and sloped towards a sump to contain spillages of substances. All wastewater resulting from batching of concrete shall be disposed of via a contaminated water management system and shall not be discharged into the wetland.
34. Soil used in interventions must be stabilized to counteract the dispersive tendencies.
35. The topsoil must be stockpiled separately from subsoil and used for subsequent rehabilitation and re-vegetation. Topsoil stockpiles must not be compacted.
36. Topsoil from all sites must be used, as well as grass mulch, to retain soil moisture.
37. All efforts must be made to prevent erosion caused by work, operations and activities undertaken during excavation and construction activities. Disturbances on steep slopes must be kept to a minimum to reduce the potential for erosion.
38. "No go" areas must be clearly demarcated with commercially available danger tape.

General

39. A copy of this authorisation and the approved EMPr must be kept at the property where the activity/ will be undertaken. The authorisation and approved EMPr must be produced to any authorised 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 authorisation who works or undertakes work at the property.
40. The holder of the authorisation must notify both the *Director: Integrated Environmental Authorisations* and the *Director: Compliance Monitoring* at the Department, in writing and within 48 (forty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
41. National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: *27 JUNE 2014*



Mr Ishaam Abader

Deputy Director-General: Legal, Authorisations, Compliance and Enforcement
Department of Environmental Affairs

Annexure 1: Reasons for Decision

1. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the BAR dated April 2014;
- b) The comments received from the organs of state and interested and affected parties as included in the BAR dated April 2014;
- c) Mitigation measures as proposed in the BAR dated April 2014 and the EMP;
- d) The information contained in the specialist studies contained within Appendix A of the Rehabilitation Plan;
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998).

2. Key factors considered in making the decision

All information presented to 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 significance is set out below.

- a) The findings of all the specialist studies conducted and their recommended mitigation measures.
- b) The need for the proposed project stems from the need to rehabilitate the degraded wetlands identified for the project in order for the wetlands to resume their normal functioning.
- c) The BAR dated April 2014 identified all legislation and guidelines that have been considered in the preparation of the BAR dated April 2014.
- d) The methodology used in assessing the potential impacts identified in the BAR dated April 2014 and the specialist studies have been adequately indicated.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations, 2010 for public involvement.



3. Findings

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

- a) The identification and assessment of impacts are detailed in the BAR dated April 2014 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The procedure followed for impact assessment is adequate for the decision-making process.
- c) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- d) The information contained in the BAR dated April 2014 is accurate and credible.
- e) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the BAR and will be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, 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, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

