



agriculture, environmental affairs,  
rural development and land reform

Department:  
agriculture, environmental affairs,  
rural development and land reform .  
NORTHERN CAPE PROVINCE  
REPUBLIC OF SOUTH AFRICA

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Enquiries :  
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Imibuzo :  
Navrae :

Reference : NC/BA/17/ZFM/KAI/KEI1/2023  
Tshupelo :  
Isalathiso :  
Verwysing :

Date :  
Leshupelo:  
Umhla : 16<sup>th</sup> October 2023  
Datum :

## **KAI! GARIB LOCAL MUNICIPALITY**

Acting Municipal Manager

Mr. A Phete

Private Bag x 6

KAKAMAS

8870

Email:

Dear Sir/Madam

**THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 12 (ii)(a)(c) (dd), ACTIVITY NO. 19 OF GN. R.327 OF 07 APRIL 2017 (AS AMENDED), ACTIVITY NO. 12 (G) (i) OF GN. R.324 OF 07 APRIL 2017 (AS AMENDED): PROPOSED CONSTRUCTION OF AN ABSTRACTION WORKS AND PIPELINE FROM THE ORANGE RIVER TO THE PLANGENI SETTLEMENT NEAR KEIMOES: KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT, NORTHERN CAPE.**

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 as amended, **THE DEPARTMENT HEREBY GRAND ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 12 (ii)(a)(c) (dd), ACTIVITY NO. 19 OF GN. R.327 OF 07 APRIL 2017 (AS AMENDED), ACTIVITY NO. 12 (G) (i) OF GN. R.324 OF 07 APRIL 2017 (AS AMENDED): PROPOSED CONSTRUCTION OF AN ABSTRACTION WORKS AND PIPELINE FROM THE ORANGE RIVER TO THE PLANGENI SETTLEMENT NEAR KEIMOES: KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT, NORTHERN CAPE.**

A detail description of the activity is given in the **Final Environmental Impact Report dated August 2023**, subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

**Permit 27/2023**

Your attention is drawn to chapter 2 of the National Appeal Regulation which regulates appeal procedures. Should you/ any person affected by this decision wish to appeal any aspect of the prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile: (053) 8077328  
By post: Private Bag X 6102, Kimberley, 8300 or  
By hand: 90 Long Street, Kimberley, 8300

Should you decide to appeal, you must serve a copy of your 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.

Yours Faithfully

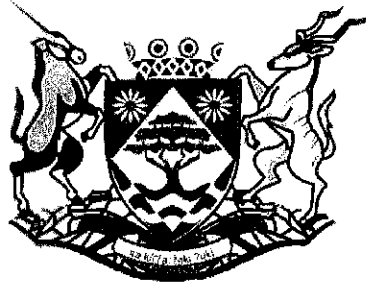


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**MR. B FISHER: DIRECTOR  
ENVIRONMENTAL QUALITY MANAGEMENT  
DEPARTMENT OF AGRICULTURE ENVIRONMENTAL AFFAIRS, RURAL  
DEVELOPMENT & LAND REFORM**

**DATE OF DECISION:** 19 October 2023

Cc: **MDA**  
Ms Marguerite Cronje  
Email: [neil@mdagroup.co.za](mailto:neil@mdagroup.co.za)



agriculture, environmental affairs,  
rural development and land reform

Department:  
agriculture, environmental affairs,  
rural development and land reform .  
NORTHERN CAPE PROVINCE  
REPUBLIC OF SOUTH AFRICA

**ENVIRONMENTAL AUTHORISATION**  
**in terms of National Environmental Management Act, 1998 (Act No. 107 of 1998) and**  
**the Environmental Impact Assessment Regulations, 2014 (as amended)**

Authorisation Register Number:	PERMIT 27/2023
Reference Number:	NC/BA/17/ZFM/KAI/KEI1/2023
Last Amended:	N/A
Holder of Authorisation:	KAI !GARIB LOCAL MUNICIPALITY
Location of activity:	PORTION 30 OF THE FARM BLAAUWSKOP 36, BLAAUWSKOP SETTLEMENT, KAI !GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT MUNICIPALITY, NORTHERN CAPE.

## DEFINITIONS

**"Activity"** means an activity identified in any notice published by the Minister or MEC in terms of section 24D (1) (a) of the Act as a listed activity or specified activity;

**"Proponent"** means a person intending to submit an application for environmental authorisation and is referred to as an applicant once such application for environmental authorisation has been submitted;

**"Appellant"** means any person who is entitled to submit an appeal in terms of the legislation referred to in regulation 3(1) of the appeal Regulations;

**"Application"** means an application for an -

- (a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;
- (b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;
- (c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;
- (d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

**"Basic Assessment Report"** means a report contemplated in regulation 19 of the 2014 Environmental Impact Assessment regulations;

**"EAP"** means an Environmental Assessment Practitioner as defined in section 1 of the Act;

**"EIA"** means Environmental Impact Assessment;

**"EMPr"** means an environmental management programme contemplated in regulations 19 and 23 of the 2014 Environmental Impact Assessment regulations;

**"Registered Interested and Affected Party"** in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

**"Public Participation Process"** means the process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to specific activity;

**"NCNCA"** Northern Cape Nature Conservation Act No. 9 of 2009

**"Department"** means the Northern Cape Department of Environment and Nature Conservation; and

**"The Act"** means the National Environmental Management Act, 1998 (Act No. 107 of 1998).

## **DECISION**

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

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 No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorizes –

### **KAI !GARIB LOCAL MUNICIPALITY**

with the following contact details –

Acting Municipal Manager: Mr A. Phete  
Private Bag X6  
KAKAMAS  
8870

Tel: 054 461 6400

To undertake the following activities (hereafter referred to as "the activity")

**PROPOSED CONSTRUCTION OF AN ABSTRACTION WORKS AND PIPELINE FROM THE ORANGE RIVER TO THE PLANGENI SETTLEMENT NEAR KEIMOES: KAI !GARIB LOCAL MUNICIPALITY: ZF MGCAWU DISTRICT, NORTHERN CAPE.**

### **Activity No. 12 of GN. R.327 of 07 April 2017 (as amended)**

The development of—

(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—

(a) within a watercourse;

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;  
excluding—

(dd) where such development occurs within an urban area

**Activity No. 19 of GN. R.327 of 07 April 2017 (as amended)**

The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.

**Activity No. 12 of GN. R.324 of 07 April 2017 (as amended)**

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.

(g) Northern Cape

(ii) Within critical biodiversity areas identified in bioregional plans.

On Portion 30 of the farm Blaauwskop 36 near Keimoes which falls within the jurisdiction of Kai !Garib Local Municipality, ZF Mgcawu District Municipality, Northern Cape Province, with the following coordinates:

<b>Coordinates</b>	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
	28°39'57.23"S	21° 05'26.74"E
	28°40'10.54"S	21° 05'50.73"E
	28°39'53.16"S	21° 06'03.42"E
	28°39'59.23"S	21° 06'12.11"E

Hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

## CONDITIONS

### Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation **must** be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which is authorised **must** only be carried out at the property indicated above.
4. 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.
5. 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 activities.

### General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation 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.
7. 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.
8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty-Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. 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 regulations.

10. This authorisation is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities **must** not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Forestry, Fisheries & the Environment; National Department of Agriculture, Land Reform & Rural Development; Department of Human Settlement; Department of Water & Sanitation; Department of Mineral Resources & Energy; Department of Transport; Department of Employment & Labour; Department of Public Works & Infrastructure; Department of Sports, Arts & Culture; South African Heritage Resources Agency; South African Civil Aviation Authority).
12. The activities, including site preparation, must not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
  - a. **Seven (7) days** written notice must be given to the Department before commencement with the activity.
  - b. Such notice shall make clear reference to the site location details and the reference number given above.
  - c. The said notice must also include proof of compliance with the following condition described herein:
    - i. Condition: 11
13. The applicable conditions of this authorisation must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorisation.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorisation and contracts.
15. Environmental Management Inspectors (EMI) employed by the Department must be given access to the property as described above (see detailed description of the property) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
16. This Department may add to, change and/or amend any of the conditions in this authorisation if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In the event that such impacts exceed its significance as predicted in the independent consultant's environmental Basic Assessment report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.



17. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
18. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
19. The applicant must be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
20. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

**Appeal of authorisation:**

21. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.
22. Your attention is drawn to Chapter 2 of Government Notice No. R993, which prescribes the appeal procedure to be followed.

**Management of activity:**

25. The Environmental Management Programme ("EMPr") dated July 2023 (by mda Town & Regional planners, Environmental & Development Consultants) and submitted as part of the application for Environmental Authorisation is hereby approved and must be adhered to. The recommendations and mitigation measures of the specialist studies recorded in the Final Basic Assessment Report are binding and must be complied with.
26. The Preferred Alternative site of the development is hereby approved in accordance with the mitigation measures as outlined in the EMPr.
27. Vegetation clearance should be confined to the approved footprint of the proposed development and unnecessary clearance must be avoided.
28. The areas of vegetation that are to be protected during construction must be demarcated and indicated as "No-Go" areas.
29. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorisation.

## **Monitoring**

30. The EMPr must be strictly enforced during all phases of the project.
31. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
32. The Department reserves the right to amend the EMPr should there be any impacts that were not anticipated or covered in the Basic Assessment Report.
33. The EMPr must be included in all contract documentation for all phases of implementation.
34. A storm water management plan to be implemented during the construction and operation of the facility. The plan must comply with applicable regulations and prevent off-site migration of contaminated storm water.
35. Fire management plan must be available on site at all times and employees must be made aware of the plan.
36. The level of noise during the construction phase of the project must be kept as low as possible and must comply with the Noise Control Regulations (GN R 154) as well as the acceptable day rating levels as per the SANS10103:2008 guidelines.

## **Environmental Control Officer (ECO) and Duties**

37. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) before commencement and must have the experience or expertise in the field of Environment. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr and recommendations of the attached specialist studies.
38. The ECO must meet with the contractors to discuss the conditions of the **Environmental Authorisation** and the contents of the EMPr prior to commencement of activities.
39. Once appointed, the name and contact details of the ECO must be submitted to the Directorate: Compliance and Enforcement unit of the Department.
40. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
41. 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.
42. Photographs must be taken (before, during and immediately after construction as a visual reference).

## **Recording and Reporting to the Department**

43. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
44. All documentation such as audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Directorate: Compliance and Enforcement unit of the Department.
45. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Compliance and Enforcement Unit of this Department within seven (7) days of written request by the said Officer.

## **Environmental audit report**

46. The holder of the authorization must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.
47. The Environmental audit report must:
  - Be compiled by an independent environmental auditor;
  - 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.
  - Include measures to be implemented to attend to any non-compliance.
  - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
  - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
  - Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

## **Commencement of the activity:**

48. 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.
49. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.

50. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you must not commence with the activities unless authorised by the minister in writing.
51. The conditions of this authorization must be brought to the attention of all persons (employees, sub- consultants, etc.) associated with the undertaking of this activity and the applicant must take measures necessary to bind such persons to these conditions.
52. All recommendations and mitigation measures as laid down in the Final Basic Assessment Report and EMPr are binding and must be implemented.

#### **Specific Conditions**

53. The holder of this environmental authorisation must ensure that environmental impacts are monitored and managed effectively throughout the life cycle of the project.
54. Should any archaeological remains be found on site, the South African Heritage Agency (SAHRA) must be contacted and all works must cease immediately in that area, failure to do so constitute an offence in terms of the National Heritage Resource Act, 1999 (Act No. 25 of 1999) as amended.

#### **Operation of the activity:**

55. The holder of this environmental authorisation must ensure that environmental impacts are monitored and managed effectively throughout the life cycle of the project.
56. Flora permit must be applied for and granted by the Department of Agriculture, Environmental Affairs, Rural Development & Land Reform prior to removal of Aloe species.
57. Habitat fragmentation must be avoided where possible.
58. All waste generated during construction and operation phase (on site) must be disposed of at a waste disposal site licensed for such waste or as directed by any other relevant authority.
59. No on-site burning or burying of solid waste is permitted.
60. The holder of this environmental authorisation must restrict the construction activities to the approved development footprint.
61. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
62. The alignment of the pipeline route must not be placed directly within the main channel of the Southern Drainage System.
63. A footpath along the path of a proposed pipeline must be identified by a qualified botanist/ecologist to allow movement which must be kept minimum.

25. A Water Use License application must be submitted to the Department of Water and Sanitation prior to the commencement of the proposed development. This Environmental Authorisation is subject to the approval and conditions of the Water Use License to be issued by the Department of Water and Sanitation.
26. The Holder of this Environmental Authorisation must ensure that construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
27. Before any work is done, a walkthrough search and rescue must be completed, monitoring protocol must also be compiled for translocation of any Threatened or protected plant species.
28. Rescued plants must only be transported and transplanted to an adjacent site of similar ecological character nearest to the site from where plants have been removed. A suitable qualified ECO or specialist must oversee this process to guide on the proper extraction of plants to limit excessive damage to plants and implement proper transplants.
29. A permit to remove *Boscia albitrunca* and *Boscia Foetida* must be applied for and granted by the Forestry Section of the Department of Forestry, Fisheries and the Environment prior to commencement of the activities.
30. Flora permit must be applied for and granted by the Department of Agriculture, Environmental Affairs, Rural Development & Land Reform prior to removal of *Aloe* species.
31. A monitoring program must be implemented for early detection of alien invasive plant species and must be in accordance with the Conservation of Agriculture Resources Act (Act No 43 of 1983).
32. All alien vegetation (i.e. *Prosopis* trees) must be eradicated onsite and its immediate surroundings and if herbicides are used, then a suitable qualified person must be consulted with AVCASA Registration and follow-up treatments must be implemented after the initial clearing for a period of 4 to 5 years to ensure that it is properly controlled.
33. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.
34. Only the vegetation and topsoil removed on site should be used to rehabilitate the bed of the affected watercourses or disturbed areas such as footpaths.
35. Dust control measures must be implemented properly to prevent the dispersion of dust particles into the air. These measures must comply with the dust regulations promulgated under the Air Quality Act (Act No 39 of 2004).
36. Proper measures to prevent/reduce the risk of erosion and the invasion of alien species must be strictly implemented.
37. No cleared vegetation stockpiles are to be placed in any of the watercourses. The stockpiles may not exceed 2m in height, and their footprint must be kept to a minimum.

38. Stockpiling of removed materials may only be temporary (may only be stockpiled during the period of construction) and must be disposed of at a registered waste disposal facility.
39. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
40. Only existing access roads must be used to gain access to the construction site, thus avoiding further disturbance and fragmentation of the natural environment.
41. Construction vehicles and equipment must be checked and maintained regularly to ensure that there is no environmental contamination as a result of oil, fuel or hydraulic fluid leakages.
42. Cleaning of equipment must not result in pollution of the surrounding environment.
43. All construction works must be undertaken during the drier periods to minimise impacts on the storm water flow from the surrounding urbanised area into the identified features.
44. The drainage channel must be constructed along the upstream boundaries of the proposed development site in order to intercept and redirect storm water run-off.
45. The holder of this environmental authorization must take adequate precautions to ensure that open fires do not ignite as a result of works on site.
46. Environmental training must be conducted for the staff/employees before commencement of the project and environmental must be given throughout the life cycle of the project. Workers should be informed that the hunting, snaring and killing of fauna is not allowed on site.

#### **Site Closure and Decommissioning:**

47. Should the proposed activity ever cease or become redundant, the applicant must 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.
48. All areas disturbed by the entire project must be properly rehabilitated to the satisfactory condition.

## **DURATION AND PERIOD OF VALIDITY**

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorisation, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. 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.

## **APPEAL**

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council  
Ministry of Environment & Nature Conservation  
Private Bag X6102  
Kimberley  
8300  
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.



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**MR. B. FISHER**

**DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT**

**DEPARTMENT OF AGRICULTURE, ENVIRONMENTAL AFFAIRS, RURAL DEVELOPMENT AND LAND REFORM**

**DATE OF ENVIRONMENTAL AUTHORISATION:**

19 October 2023

## **ANNEXURE 1: REASONS FOR DECISION**

### **1. Background**

The applicant, **KAI !GARIB LOCAL MUNICIPALITY** applied for authorisation to carry out the following activities-

**PROPOSED CONSTRUCTION OF AN ABSTRACTION WORKS AND PIPELINE FROM THE ORANGE RIVER TO THE PLANGENI SETTLEMENT NEAR KEIMOES: KAI !GARIB LOCAL MUNICIPALITY: ZF MGCAWU DISTRICT, NORTHERN CAPE.**

#### **Activity No. 12 of GN. R.327 of 07 April 2017 (as amended)**

The development of—

(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs—

(a) within a watercourse;

(c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding—

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(g) Northern Cape

(ii) Within critical biodiversity areas identified in bioregional plans.

On Portion 30 of the farm Blaauwskop 36 near Keimoes which falls within the jurisdiction of Kai !Garib Local Municipality, ZF Mgcawu District Municipality, Northern Cape Province, with the following coordinates:



<b>Coordinates</b>	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
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	28°39'53.16"S	21° 06'03.42"E
	28°39'59.23"S	21° 06'12.11"E

Hereafter referred to as "the property".

- a) The applicant appointed mda Town & Regional Planners, Environmental & Development Consultants to apply to undertake a Basic Assessment process.
- b) The Basic Assessment process was followed in accordance with Appendix 1 of the 2014 regulations.

## **2. Information considered in making the decision**

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

- a) The Environmental Assessment Practitioner complied with NEMA Regulations of 19 of April 2017.
- b) Public participation followed is in line with Regulation 41 of April 2017 and proof was submitted together with the Final Basic Assessment Report submitted in respect of this application.
- c) The EIA regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- e) The findings of the site visit undertaken by Ms Mmakhumo Jaola and Mr Thulani Mthombeni (Department of Agriculture, Environmental Affairs, Rural Development & Land Reform), accompanied by Mr Neil Devenish (EAP) from mda Town & Regional Planners, Environmental and Development Consultants on 15 September 2023.

## **3.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 Environmental Impact Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and the National Environmental Management Act, 1998 (Act No. 107 of 1998). This includes the requirement for public participation and the manner in which stakeholders were engaged and responded to.
- b) The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- c) The EAP who prepared the report has the expertise to carry out the Basic Assessment process.

- d) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- e) The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed and/or managed effectively.

#### **4. 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 Final Basic Assessment Report dated July 2023.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The procedure followed for impact assessment is adequate for decision-making process.
- d) The environment or the rights or interests of other parties will not be adversely affected.
- e) All interested and affected parties had no objections to the project.

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 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.