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Department
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Private Bag X6102, Kimberley, 8300, Metlife Towers, T-Floor, Tel: 053 807 7300, Fax: 053 807 7328

Date : 03rd May 2017

Equiries :
Dipatliso : Mr. I Gwija
Navrae :
Imibuzo :
Reference :
Tshupelo : NC/EIA/01/PIX/UMS/COL1/2017
Verwysing :
Isalathiso :

MJ van Wyk
P.O. Box 73
Buffelsvlei
9795

mjmastro@gmail.com

Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR: GN.R983: ACTIVITY NO. 27 : THE PROPOSED CLEARANCE OF VEGETATION FOR THE PLANTING OF 19.9HA LUCERNE, AT PORTION 12 OF THE FARM BUFFELSVLEI 69, NEAR COLESBERG, UMSOBOMVU LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY NORTHERN CAPE PROVINCE.

By virtue of the powers conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Regulations, 2014, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR: GN.R983: ACTIVITY NO. 27 : THE PROPOSED CLEARANCE OF VEGETATION FOR THE PLANTING OF 19.9HA LUCERNE, AT PORTION 12 OF THE FARM BUFFELSVLEI 69, NEAR COLESBERG, UMSOBOMVU LOCAL MUNICIPALITY, PIXLEY KA SEME DISTRICT MUNICIPALITY NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the Final Environmental Impact Assessment Report dated September 2016, 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 13/2017

Your attention is drawn to Chapter 2 of the National Appeal Regulations which regulates appeal procedures. Should you / any person affected by this decision wish to appeal any aspect of the decision, you or a person affected by this decision must, *inter alia*, lodge an appeal, as 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) 832 1026;
By post: Private Bag x 6102, Kimberley, 8300 or
By hand: T-Floor, Metlife Towers, 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



**MR. B FISHER – DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT**

DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

DATE OF DECISION: 16 May 2017

**Cc: Pieter Badenhorst
pbps@iafrica.com
082 7763422**



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

**Authorisation Register
Number:**

Permit 13/2017

Reference Number:

NC/EIA/01/PIX/UMS/COL1/2017

Last Amended:

N/A

Holder of Authorisation:

MJ Van Wyk

Location of activity:

PORTION 12 OF FARM BUFFELSVLEI NO.69 NEAR
COLESBERG, UMSOBOMVU LOCAL 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;

"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;

"Environmental Impact Assessment Report" means a report contemplated in regulation 23 of the 2014 Environmental Impact Assessment regulations;

"Plan of Study for Environmental Impact Assessment" means a study contemplated in regulation 22 which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

"Scoping Report" means a report contemplated in regulation 21 of the 2014 Environmental Impact Assessment regulations;

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

"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;

"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 authorises

–

MJ Van Wyk

With the following contact details –

MJ Van Wyk
P.O Box 73
Colesberg
9795

Cell : 072 2080 264

Email: mjmaestro@gmail.com

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

The proposed Buffelsvlei Pivot project, near Colesberg, Northern Cape Province.

Activity No.27 of GN.R 983 of 04 December 2014

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-

- (i) The undertaking of a linear activity; or
- (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.

At portion 12 of farm Buffelsvlei 69 near Colesberg, which falls within the jurisdiction of Umsobomvu Local Municipality, Pixley Ka Seme District Municipality, with the following co-ordinates;

Latitude (S) 30° 40' 37.39"; Longitude (E) 25° 08' 13.35"

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 shall 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 may 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 authorization 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 may 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 Environmental Affairs , National Department of Agriculture, Forestry and Fisheries, Department of Housing & Local Government, Department Water and Sanitation , Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Sports, Arts & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activities, including site preparation, may 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 authorization 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 authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Environmental Management Inspectors employed by the Department shall be given access to the property as described above (see detailed description of the activities) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. 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 authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's environmental scoping report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
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 shall 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:

1. 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.
2. 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") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this condition must be modified).
26. Ensure that all "NO-GO" areas are clearly defined and adequately demarcated.
27. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

Monitoring

28. The EMPr must be strictly enforced during all phases of the project.
29. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
30. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Basic Assessment Report dated April 2017 be discovered.
31. 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.
32. A spillage plan must be implemented and strictly enforced.
33. A fire plan must be available on site at all times and employees must be made aware of the plan.
34. An effective monitoring system to detect any leakage or spillage of all hazardous substances during their transportation, handling, use and storage. This must include precautionary measures to limit the possibility of fuel and other toxic liquids from entering the soil or sea.
35. A suitable designed wastewater collection system must be provided on site to divert all the wastewater to a single point for management.

Environmental Control Officer (ECO) and Duties

36. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. 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.
37. The ECO must be appointed before commencement of any authorised activity.
38. The ECO must meet with the contractors to discuss the conditions of the EA 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 Director: Compliance Monitoring 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. 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.
43. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

44. 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.
45. All documentation such as audit, monitoring or 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 this Department.
46. 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 Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.
47. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints; register must be kept up to date for inspection by the Department. 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.

Environmental Audit Report

48. The holder of the authorisation 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.
49. 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.

Operation of the activity

50. Seven (7) 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.
51. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.
52. Should you be notified by the Minister of a suspension of the authorisation pending appeal procedures, you must not commence with the activities unless authorized by the Minister in writing.
53. The removal of natural vegetation and cultivation work must be restricted to the footprint of the proposed activity.
54. Environmental training must be conducted for the staff/employees before commencement of the project and environmental awareness 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.
55. Measures to control the spreading of invasive alien plants must be in place and be implemented.
56. Environmental impacts must be monitored and managed effectively throughout the life cycle of the project.
57. Habitat fragmentation must be avoided where possible.

58. Storm water measures must be implemented in order to manage storm water and to prevent erosion.
59. In the event where erosion occurs and cause environmental degradation as a result of these authorized activity, the holder of this environmental authorization must take responsibility to recover the damaged properties as soon as possible.
60. The storm water flowing out of the application site must not be contaminated by any substance, whether such substance is a solid, liquid, gas or a combination thereof.
61. 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.
62. All waste generated must be collected and be disposed-off into a licensed landfill site.
63. Vehicle repairs and repairs of any machinery must not be conducted on site.
64. The Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) must be implemented by an independent Health and Safety Officer.
65. Chemical mobile toilets must be made available for workers on site, and must be safely secured to prevent them from being blown away.
66. Concrete mixing must not be done on site, a ready mix concrete must be brought into the site.
67. Inert building rubble and waste rock must be used as backfill material where possible, and/or disposed-off at a licensed landfill site.
68. The dust suppression techniques must be properly implemented to prevent the dispersion of dust particles into the air.
69. The level of noise generated on site must be kept as low as possible and must be restricted within the normal working hours.
70. The level of noise must also comply with the Noise Control Regulations (GN R 154) as well as the acceptable day rating levels as per the SANS10103:2008 guidelines.
71. Hazardous materials must be safely stored in designated areas, with properly visible signs, in a manner that does not endanger human health or the environment.
72. 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.

Site Closure and Decommissioning:

73. 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.

74. All areas disturbed by the project must be rehabilitated to their original or acceptable 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 authorization, 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.



MR. B. FISHER
DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 16 May 2017

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **MJ Van Wyk** applied for authorization to carry out the following activities-

The proposed Buffelsvlei Pivot project, near Colesberg, Northern Cape Province.

Activity No.27 of GN.R 983 of 04 December 2014

The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for-

- (i) The undertaking of a linear activity; or
- (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.

At portion 12 of farm Buffelsvlei 69 near Colesberg, which falls within the jurisdiction of Umsobomvu Local Municipality, Pixley Ka Seme District Municipality, with the following co-ordinates;

Latitude (S) 30° 40' 37.39"; Longitude (E) 25° 08' 13.35"

Hereafter referred to as "the property". The applicant appointed Pieter Badenhorst Professional Services cc. to undertake the Basic Assessment Process.

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 Regulation 19 of 04 December 2014.
- b) Public participation followed is in line with Regulation 41 of 04 December 2014 and proof was submitted together with the Basic Assessment Report dated April 2017.
- c) The information contained in the Basic Assessment Report submitted in April 2017 by the Environmental Assessment Practitioner.
- d) The comments received from interested and affected parties as included in the Basic Assessment Report and comments from the Department of Environment and Nature Conservation.
- e) 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), the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the Northern Cape Conservation Act, 2009 (Act No. 9 of 2009).

f) The findings of the site visit undertaken by Isaac Gwija and the Applicant on 12 April 2017.

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 EAP who prepared the report has the expertise to carry out the Basic Assessment procedures.
- b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- c) The Environmental Impact Assessment identified all legislation and guidelines it considered in preparing the report.
- d) The EAP took into account comments from interested and affected parties and incorporated them into making the basic assessment report.
- e) The need and desirability for the proposed activity.

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 Basic Assessment Report dated April 2017.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The proposed planting of lucern is necessary to address unemployment in Colesburg and surrounding towns.
- d) The procedure followed for impact assessment is adequate for decision-making process.
- e) All issues presented by interested and affected parties were attended to and addressed accordingly.

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.