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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

Equiries :
Dipattisilo :
Navrae :
Imibuzo :
Reference :
Tshupelo :
Verwysing :
Isalathiso :

Ms. Dorien Werth

NC/BA/SIY/KHA/UPI3/2012
NCP/EIA/0000171/2012

Date :
Letlha : 04th March 2015
Datum :
Umhla :

Deo Gloria Olive Estate (Pty) Ltd
J.F.H van der Westhuizen
P.O. Box 95207
Waterkloof
0145

012 – 664 5193
kobus@protreagroup.co.za

Dear Sir/Madam

THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR GN.R544: ACTIVITIES: 9 (i) & (ii), 11 (iv) & (xi), 12, 18 (i), 56, & GN. R546: ACTIVITIES: 12 (a), 16 (iv) (a) ii (dd): THE PROPOSED DEVELOPMENT, THE CONSTRUCTION OF A BULK WATER SUPPLY LINE THAT ENTAIL THE DEVELOPMENT OF INFRASTRUCTURE AND ASSOCIATED INFRASTRUCTURE FOR A PUMP STATION WITH A PUMP TO DRAW WATER DIRECTLY FROM THE ORANGE RIVER, A BOOSTER STATION, A PUMP FILTER STATION, A PIPELINE OF 4KM IN LENGTH AND A DAM WITH A HEIGHT OF LESS THAN 5M, PARCEL 206 AT VAALKOPPIES SETTLEMENT, PORTION 68 OF THE FARM VAALKOPPIES NO.40, PORTION 78 OF THE FARM VAALKOPPIES NO. 40 REMAINDER OF THE FARM VAALKOPPIES NO. 40, UPINGTON, //KHARA HAIS LOCAL MUNICIPALITY, ZG MGCWU 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, 2010, **THE DEPARTMENT HEREBY GRANTS THE ENVIRONMENTAL AUTHORISATION FOR GN.R544: ACTIVITIES: 9 (i) & (ii), 11 (iv) & (xi), 12, 18 (i), 56, & GN. R546: ACTIVITIES: 12 (a), 16 (iv) (a) ii (dd): THE PROPOSED DEVELOPMENT, THE CONSTRUCTION OF A BULK WATER SUPPLY LINE THAT ENTAIL THE DEVELOPMENT OF INFRASTRUCTURE AND ASSOCIATED INFRASTRUCTURE FOR A PUMP STATION WITH A PUMP TO DRAW WATER DIRECTLY FROM THE ORANGE RIVER, A BOOSTER STATION, A PUMP FILTER STATION, A PIPELINE OF 4KM IN LENGTH AND A DAM WITH A HEIGHT OF LESS THAN 5M, PARCEL 206 AT VAALKOPPIES SETTLEMENT, PORTION 68 OF THE FARM VAALKOPPIES NO.40, PORTION 78 OF THE FARM VAALKOPPIES NO. 40 REMAINDER OF THE FARM VAALKOPPIES NO. 40, UPINGTON, //KHARA HAIS LOCAL MUNICIPALITY, ZG MGCWU DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the **Final Basic Assessment Report** dated **October 2014** subject to the conditions listed in the environmental authorisation and reasons for the decision are attached herewith. In terms of regulation 10(2) of the Environmental Impact Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within twelve (12) calendar 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 03/2015

Your attention is drawn to Chapter 7 of the 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 a notice of intention to appeal, as prescribed in regulation 62 of Environmental Impact Assessment Regulations, 2010, 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 – Acting Director

Environmental Quality Management

Department of Environment and Nature Conservation

DATE OF DECISIONS: 06.03.2015

Cc: Van Zyl Environmental Consultant cc
086 624 0306
Ibvanzyl@telkomsa.net

Permit 03/2015

Northern Cape Province
DEPARTMENT OF
ENVIRONMENT & NATURE
CONSERVATION



Porofensi Ya Kapa Bokone
LEFAPHA LA TIKOLOGO LE
TSHOMARELO YA THLAGO

ENVIRONMENTAL AUTHORISATION
in terms of National Environmental Management Act, 1998 (Act No. 107 of
1998) and the Environmental Impact Assessment Regulations, 2010

Authorisation Register
Number:

Permit 03/2015

Reference Number:

NC/BA/SIY/KHA/UP13/2012

Last Amended:

N/A

Holder of Authorisation:

Deo Gloria Olive Estate (Pty) Ltd

Location of activity:

parcel 206 at Vaalkoppies settlement,
portion 68 of the Farm Vaalkoppies No. 40,
portion 78 of the farm Vaalkoppies No. 40,
remainder of the farm Vaalkoppies No 40.

DEFINITIONS

Activity means an activity identified in Government Notice No. R. 544 and No. R. 545 of 2010 as a listed activity.

Applicant means a person who has submitted an application.

Application means an application for an environmental authorization in terms of chapter 3 of the Environmental Impact Assessment Regulations of 2010.

Basic assessment report means a report contemplated in regulation 22.

Environmental Impact Report means a report contemplated in regulation 31 of the Environmental Impact Assessment Regulations of 2010.

EAP means an environmental assessment practitioner as defined in section 1 of the Act.

Interested and affected party means a interested and affected party contemplated in section 24(4)(d) of the Act, and which in terms of that section includes:

- ◆ Any person, group of persons or organisation interested in or affected by an activity, and
- ◆ Any organ of state that may have jurisdiction over any aspect of the activity.

Public participation process means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

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, 2010 the Department hereby authorises –

DEO GLORIA OLIVE ESTATE (PTY) LTD
with the following contact details –

J.F.H. van der Westhuizen
P O Box 95207
Waterkloof
0145

Tel: 012 664 0052
Fax: 086 624 0306

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

The proposed development, the construction of a bulk water supply line that entail the development of infrastructure and associated infrastructure for a pump station with a pump to draw water directly from the Orange River, a booster station, a pump filter station, a pipeline of 4km in length and a dam with a height of less than 5m.

Activity No. 9 of GN. R.544 of 18 June 2010:

The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water –

- (i) with an internal diameter of 0.36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more,

Excluding where:

- (a) such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or
- (b) where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the water course.

Activity No. 11 of GN. R.544 of 18 June 2010:

The construction of:

- (iv) dams;
- (xi) infrastructure or structures covering 50 square metres or more

Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind development setback line.

Activity No. 12 of GN. R.544 of 18 June 2010:

The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more.

Activity No. 18 of GN. R.544 of 18 June 2010:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

- (i) a watercourse

but excluding where such infilling, depositing, dredging, excavation removal or moving;

(a) is for maintenance purposes undertaken in accordance with management plan agreed to by the relevant environmental authority; or

(b) Occurs behind the development setback line.

Activity No. 56 of GN. R.544 of 18 June 2010:

Phased activities for all activities listed in this schedule, which commenced on or after the effective date of this schedule, where any one phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold;-

Excluding the following activities listed in this schedule: 2; 11 (i) – (iv); 17; 19; 20; 22 (i); 22 (i) & 22 (iii); 25; 26; 27 (iii) & (iv); 28; 39; 45 (i) – (iv) & (vii) – (xv); 50; 51; 53 and 54.

Activity No. 12 of GN. R.546 of 18 June 2010:

The clearance of an area of 300 square meters or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation.

(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;

Activity No. 16 of GN. R.546 of 18 June 2010

(iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line

(a) Northern Cape

ii outside urban areas, in:

(dd) sensitive areas as identified as identified in an environmental management framework as contemplated in chapter 5 of the act and as adopted by the competent authority;

at parcel 206, Vaalkoppies settlement, portion 68 of the Farm Vaalkoppies No. 40, portion 78 of the farm Vaalkoppies No. 40 and the remainder of the farm Vaalkoppies No 40, which falls within the jurisdiction of //Khara Hais Local Municipality, of ZF Mgcawu District Municipality, with the following co-ordinates; (Longitude (E) 21° 22' 24.16", Latitude (S) 28° 26' 18.06") 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 activity(s) 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 activity.

General conditions:

6. A copy of this authorisation must be kept at the property where the activity 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 7 (SEVEN) days if a 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 activity 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 of Water and Sanitation, Department of Mineral Resources, Department of Transport, Department of Roads & Public Works, Department Arts, Sports & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activity, 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. One week's written notice must be given to the Administration clerk (Impact Management Unit) 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 conditions described herein:

i. Conditions: 11 and 23

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. Records relating to the compliance/non-compliance with the conditions of the authorization and contracts must be kept in good order. Such records must be made available to the Department within 7 (seven) days of receipt of a written request by the Department for such records.
16. Any complaints regarding the said development must be brought to the attention of the Department within 24 (twenty four) hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department
17. Officials in the employ of the Department shall be given access to the property as described above (see detailed description of the activity) 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
18. 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.
19. 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.

20. 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.

21. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.

22. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented.

Appeal of authorisation:

23. The holder of the authorisation must notify every registered interested and affected party, in writing and within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.

24. The notification referred in 23 must –

- specify the date on which the authorisation was issued;
- inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
- advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

25. If the applicant should appeal against this Environmental Authorisation, he/she must inform all interested and affected persons that such an appeal is being lodged with the MEC and if requested, the applicant/appellant must provide those persons with reasonable access to a full copy of the appeal within a reasonable time before expiry of the thirty day appeal period.

Management of activity:

26. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented.

27. The Environmental Management Programmes is a living document and must be updated as determined or required.
28. The disturbance of the environment must be restricted to the absolute minimum.

Monitoring and Recording

26. A site monitoring must be instituted to the satisfaction of this Department, access routes must be monitored during routine site maintenance visits.
27. This Department retains the right to inspect or monitor the proposed project during both construction and operation, to ensure that it complies with the legislation and the conditions stipulated in this Environmental Authorisation.
28. The holder of the authorisation must submit an environmental audit report to the Department upon the completion of the construction and rehabilitation of the activities. The environmental audit report must-
 - Indicate the date of the audit, the name of the auditor and the outcome of the audit.
 - Records relating to the monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development
29. The applicant must appoint a suitably experienced 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.
30. The ECO shall be appointed before commencement of any land clearing or construction activities.
31. The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

32. The ECO shall remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.
33. 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.

Commissioning of the activity:

34. 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.
35. The authorised activity shall not commence within thirty (30) days of the date of signature of the authorisation.
36. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the minister in writing.

Operation of the activity:

37. Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.
38. Any waste generated during construction and operation phase must be disposed off at a waste disposal site licensed for such waste.
39. No on-site burning or burying of solid waste is permitted.
40. The removal of natural vegetation must be limited to the footprint of the development.
41. The destruction/ or disturbance of individual trees of *Acacia erioloba* must be avoided during the construction of the pipeline, pump station and reservoir.

Alternatively a permit for the removal of any Protected Species must be applied for and granted by the relevant Authority.

42. The necessary flora permits must applied for and granted by the Northern Cape Department of Environment and Nature Conservation for all plant species protected under the Northern Cape Nature Conservation Act (Act No. 9 of 2009) since protected plant species may possible be disturbed or destroyed during the construction of the proposed facility and access roads.
43. The footprint area at the abstraction point next to the Orange River must be kept as minimal as possible to minimize impacts on the "endangered" Lower Gariep Alluvial Vegetation.
44. Wayleave application must be submitted to SANRAL prior to any attempt to cross the road reserve.
45. The pipe must be installed by way of pipe jacking or directional drilling. No open excavation is permitted.
46. The pipeline must be inside a sleeve or a steel pipe and it must be cover the full width of the road reserve.
47. The section where the pipeline will cross the canal must be in a steel sleeve.
48. The pipeline must be place upon concrete blocks on the either side of the canal.
49. Storm water must be diverted from the construction works and roads and must be managed in such manner as to disperse run-off and to prevent the concentration of storm water flow.
50. Storm water control works must be constructed, operated and maintained in a sustainable manner throughout the project.
51. Erosion control measures must be implemented during the construction phase.

52. Any spills of diesel and oil must be reported and cleared up immediately, any polluted soil and material must be placed in a waste skip and disposed off at a licensed land fill site for such material.
53. Dust control measures must be implemented during construction phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).
54. The areas that have been denuded and disturbed as a result of the construction on site must be vegetated with indigenous vegetation as soon as possible.
55. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during development or construction, SAHRA and an archaeologist and/or palaeontologist, depending on the nature of the resources found, must be alerted immediately.
56. The power line to the relevant pump station must be clearly marked to prevent bird collisions.
57. Should any fauna such a meerkat and ground squirrel colonies occur within the construction areas they must be relocated into new habitats prior to commencement of construction.
58. Water use applications must be submitted to the Department of Water and Sanitation for the access to the Orange River as well as crossings of the drainage areas.
59. Existing and dedicated access roads must be used.
60. The spreading of declared weedy and alien invasive plant species must be controlled and monitored at all times.
61. The rocky ridges must be considered as no-go areas.
62. All the mitigation measures that are contemplated in the Final Basic Assessment report dated September 2014 must be adhered to.

63. All mitigation measures detailed in the Environmental Management Programme report must be implemented.

Site closure and decommissioning:

64. In case of decommissioning of the project, the holder of the Environmental Authorisation must properly rehabilitate the site to the satisfaction of the Directorate: Environmental Quality Management.

65. The ecosystem integrity must be promoted at all times.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of three (3) years from the date of issue. If commencement 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 six months before the validity period lapses. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorization must be made in order for the activity to be undertaken.

APPEAL

In terms of Chapter 7 of Environmental Impact Assessment Regulations, 2010, if the applicant or a person affected by this Decision wishes to appeal this decision, a notice of intention to appeal must be lodged within Twenty (20) days after date of the decision, and an appeal must **be lodged within thirty (30) days after lapsing of 20 days contemplated in regulation 60 (1)** of lodging of the notice to appeal to:

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

Appeals must comply with the provisions of Chapter 7 of Environmental Impact Assessment Regulations, 2010 Government Notice No. R. 543 of 18 June 2010.



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

DATE OF ENVIRONMENTAL AUTHORISATION: 06.03.2015

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **Deo Gloria Olive Estate (Pty) Ltd**, applied for authorization to carry on the following activity –

The proposed development, the construction of a bulk water supply line that entail the development of infrastructure and associated infrastructure for a pump station with a pump to draw water directly from the Orange River, a booster station, a pump filter station, a pipeline of 4km in length and a dam with a height of less than 5m.

Activity No. 9 of GN. R.544 of 18 June 2010:

The construction of facilities or infrastructure exceeding 1000 metres in length for the bulk transportation of water, sewage or storm water –

- (i) with an internal diameter of 0.36 metres or more; or
- (ii) with a peak throughput of 120 litres per second or more,

Excluding where:

- (b) such facilities or infrastructure are for bulk transportation of water, sewage or storm water or storm water drainage inside a road reserve; or
- (b) where such construction will occur within urban areas but further than 32 metres from a watercourse, measured from the edge of the water course.

Activity No. 11 of GN. R.544 of 18 June 2010:

The construction of:

- (iv) dams;
- (xi) infrastructure or structures covering 50 square metres or more

Where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind development setback line.

Activity No. 12 of GN. R.544 of 18 June 2010:

The construction of facilities or infrastructure for the off-stream storage of water, including dams and reservoirs, with a combined capacity of 50 000 cubic metres or more.

Activity No. 18 of GN. R.544 of 18 June 2010:

The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from:

(i) a watercourse

but excluding where such infilling, depositing, dredging, excavation removal or moving;

(a) is for maintenance purposes undertaken in accordance with management plan agreed to by the relevant environmental authority; or

(b) Occurs behind the development setback line.

Activity No. 56 of GN. R.544 of 18 June 2010:

Phased activities for all activities listed in this schedule, which commenced on or after the effective date of this schedule, where any one phase of the activity may be below a threshold but where a combination of the phases, including expansions or extensions, will exceed a specified threshold;-

Excluding the following activities listed in this schedule: 2; 11 (i) – (iv); 17; 19; 20; 22 (i); 22 (i) & 22 (iii); 25; 26; 27 (iii) & (iv); 28; 39; 45 (i) – (iv) & (vii) – (xv); 50; 51; 53 and 54.

Activity No. 12 of GN. R.546 of 18 June 2010:

The clearance of an area of 300 square meters or more of vegetation where 75% or more of the vegetation cover constitutes indigenous vegetation.

(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;

Activity No. 16 of GN. R.546 of 18 June 2010

(iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line

(a) Northern Cape

ii outside urban areas, in:

(dd) sensitive areas as identified as identified in an environmental management framework as contemplated in chapter 5 of the act and as adopted by the competent authority;

2. Information considered in making the decision

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

- a) 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)
- b) The relevant information contained in the Departmental informational base including-
 - Public Participation Guideline 2010.
 - Environmental Impact Management Assessment Regulations promulgated in terms of the new Environmental Management Act (No. 107 of 1998)
- c) The findings of the site visit undertaken by Mrs. I. B. van Zyl, Ms. L Groenewald and Mrs. D Werth, on 12 November 2013.

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 legal and procedural requirements have been complied and the information contained in the Basic Assessment report is to the satisfaction of the Department.
- b) The Basic Assessment report findings given the nature of the project, concludes that the potential impact associated with the proposed development area of a nature and extent that can be reduced.

4. Findings

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

- a) The environmental impacts associated with the proposed project can be reduced to acceptable levels if properly managed.
- b) Adequate Public Participation Process took place.
- c) The legal and procedural requirements have been complied with and the information contained in the Basic Assessment Report and Appendices is to the satisfaction of the Department.

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.