



the denc

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 :  
Dipatlisilo : Mr. O Riba  
Navrae : "  
Iribuzo  
Reference  
Tshupelo : NC/EIA/06/ZFM/KAI/AUG1/2017  
Verwysing  
Isalathiso

Date: 06<sup>th</sup> November 2017

### **Burger Du Plessis Familie Trust**

Mnr J.G Du Plessis

P.O. Box 45

Augrabies, Northern cape

8874

Email: [oseiland@intekom.co.za](mailto:oseiland@intekom.co.za)

Dear Sir/Madam

**THE GRANTING OF THE ENVIRONMENTAL AUTHORISATION FOR: GN.R 983: ACTIVITY 9(i), 12(vi) (ix) (xii) (c), 19(i) & GN.R 985 : ACTIVITY 12(ii), 14(vi) (ix) (xii) (c) (ff) (hh) & GN.R984: ACTIVITY 15(i) (ii): THE PROPOSED CONSTRUCTION OF AGRICULTURAL AREAS AND ASSOCIATED INFRASTRUCTURE ON FARM 1726 RENOSTERBERG, FARM 1290 AND FARM 1537, AUGRABIES, KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU 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.R 983: ACTIVITY 9(i), 12(vi) (ix) (xii) (c), 19(i) & GN.R 985 : ACTIVITY 12(ii), 14(vi) (ix) (xii) (c) (ff) (hh) & GN.R984: ACTIVITY 15(i) (ii): THE PROPOSED CONSTRUCTION OF AGRICULTURAL AREAS AND ASSOCIATED INFRASTRUCTURE ON FARM 1726 RENOSTERBERG, FARM 1290 AND FARM 1537, AUGRABIES, KAI! GARIB LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT MUNICIPALITY, NORTHERN CAPE PROVINCE.** A detailed description of the activity is given in the Final Environmental Assessment Report dated August 2017, 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 36/2017



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:** \_\_\_\_\_

8 November 2017

Cc: Pieter Badenhorst Professional Services  
[elaniem@iafrica.com](mailto:elaniem@iafrica.com)



**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, 2014**

**Authorisation Register  
Number:**

**Permit 36/2017**

**Reference Number:**

**NC/EIA/06/ZFM/KAI!/AUG1/2017**

**Last Amended:**

**N/A**

**Holder of Authorisation:**

**Burger Du Plessis Familie Trust**

**Location of activity:**

**Farm 1726, Renosterkop, Farm 1290 and Farm 1537,  
Augrabies, 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, the applicant is 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

### **Burger Du Plessis Familie Trust**

with the following contact details –

Mnr J.G Du Plessis  
P.O. Box 45  
Augrabies, Northern cape  
8874  
Tel: (054) 451 7004  
Fax: (054) 451 7006  
Cell: (082) 925 0977  
Email: [oseiland@intekom.co.za](mailto:oseiland@intekom.co.za)

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

**PROPOSED CONSTRUCTION OF AGRICULTURAL AREAS, PIPELINE AND ASSOCIATED INFRASTRUCTURE ON FARM 1726 RENOSTERKOP, FARM 1290 AND FARM 1537, AUGRABIES, NORTHERN CAPE.**

### **Activity No. 9 (i) of GN. R. 983 of 04 December 2014**

The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water-

(i) with an internal diameter of 0,36 metres or more; or  
excluding where-

(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or

(b) where such development will occur within an urban area.

**Activity No. 12 (vi) (ix) (xii) (c) of GN. R.983 of 04 December 2014**

The development of-

- (vi) bulk storm water outlet structures exceeding 100 square metres in size;
- (ix) slipways exceeding 100 square metres in size;
- (xii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs-

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

excluding-

- (aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;
- (bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;
- (cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;
- (dd) where such development occurs within an urban area; or
- (ee) where such development occurs within existing roads or road reserves.

**Activity No. 19 (i) of GN. R.983 of 04 December 2014**

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) will occur behind a development setback;
- (b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or
- (c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.

**Activity No. 12 (ii) of GN. R.985 of 04 December 2014**

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.

d) In Northern Cape:

- i. 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;
- ii. Within critical biodiversity areas identified in bioregional plans;



- iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or
- iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

**Activity No. 14 (vi)(ix)(xii)(c)(ff)(hh) of GN. R.985 of 04 December 2014**

The development of-

- (vi) bulk storm water outlet structures exceeding 10 square metres in size;
- (ix) slipways exceeding 10 square metres in size;
- (xii) infrastructure or structures with a physical footprint of 10 square metres or more;
- (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse;

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the excluding conservancies; development footprint of the port or harbour.

(a) In Free State, Limpopo, Mpumalanga and Northern Cape:

ii. Outside urban areas, in:

- (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;
- (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;

**Activity No. 15 of GN. R.984 of 04 December 2014**

The clearance of an area of 20 hectares or more 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 farm 1726, Renosterkop, farm 1290 and farm 1537, Augrabies which falls within the jurisdiction of Kai! Garieb Local Municipality, ZF Mgawu District Municipality, with the following co-ordinates;

**Farm 1726 Renosterkop**

Latitude (S) 28° 40' 51.13"    Longitude (E) 20° 26' 07.17"  
Latitude (S) 28° 40' 35.52"    Longitude (E) 20° 27' 40.59"  
Latitude (S) 28° 42' 01.07"    Longitude (E) 20° 28' 41.67"  
Latitude (S) 28° 42' 10.43"    Longitude (E) 20° 28' 33.70"

### Farm 1290

Latitude (S) 28° 40' 49.11" Longitude (E) 20° 27' 59.05"  
Latitude (S) 28° 40' 48.02" Longitude (E) 20° 27' 43.46"  
Latitude (S) 28° 41' 46.94" Longitude (E) 20° 28' 31.85"  
Latitude (S) 28° 41' 46.96" Longitude (E) 20° 28' 31.98"

### Farm 1537

Latitude (S) 28° 40' 35.02" Longitude (E) 20° 27' 40.87"  
Latitude (S) 28° 40' 32.83" Longitude (E) 20° 27' 48.22"  
Latitude (S) 28° 40' 49.11" Longitude (E) 20° 27' 59.05"  
Latitude (S) 28° 40' 48.02" Longitude (E) 20° 27' 43.46"

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, these 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 are 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 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 **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 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, Roads & Public Works, Department of Arts, sports & 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 it's of the opinion, that the addition, change or amendment is environmentally justified. In the event were the 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:**

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") 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 office must be notified).

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 is amendable and must be implemented and 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 could be effected.
30. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the FEIR dated August 2017 be discovered.
31. A spillage plan must be implemented and strictly enforced.
32. A fire plan must be available on site at all times and employees must be made aware of the plan.

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

33. 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.
34. The ECO must be appointed before commencement of any authorised activity.
35. 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.
36. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.
37. 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.
38. 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.
39. 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.
40. Photographs must be taken (before, during and immediately after construction as a visual reference).

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

41. 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.
42. 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.
43. 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**

44. 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.
45. 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-compliances.
  - 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**

46. Seven (7) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition include site preparation. The notice must include a date on which it is anticipated that the activity will commence.
47. The footprint of the development must be limited to the area required for actual construction works and operational activities.
48. Before the clearing of the site, the appropriate permits must be obtained from the Department of Agriculture, Forestry and Fisheries (DAFF) for the removal of plants listed in the National Forestry Act

and also from this department for the destruction of species protected in terms of Northern Cape Conservation Act.

49. Clearing of vegetation must be kept to a minimum and all areas that are used as laydown or construction camps must be rehabilitated upon completion.
50. General waste must be collected in containers and disposed of regularly at a permitted landfill site. Recyclable waste must be recovered for recycling purposes. NB: No temporary dumping of waste is allowed on site. Precautionary measures must be taken to prevent refuse from spreading from or on site.
51. The Holder of this Environmental Authorisation must ensure that construction and operations adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
52. An Integrated Waste Management Approach must be implemented that is based on waste minimisation, reduction, recycling, re-use and disposal where appropriate, any solid waste must be disposed of at a landfill licensed in terms of section 20 (b) of the National Management Waste Act, 2008 (Act No.59 of 2008).
53. The Holder of this Environmental Authorisation must ensure construction and operation adheres to Government Notice No. 36784; No. R. 634: Department of Environmental Affairs; National Environmental Management Waste Act; 2008 (Act No.59 of 2008); Waste Classification and Management Regulations.
54. Any complaint from the public during the construction and operation of this project must be attended to by the holder of this authorisation as soon as possible to the satisfaction of the parties concerned.
55. No open fires must be allowed on site.
56. A 30 metre no-go buffer must be maintained around the identified grave. It must also be fenced with an access gate and a Heritage Management Plan (HMP) must be developed to be implemented as part of the EMP.
57. If any other 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.
58. Spillage of petroleum products (fuel and lubricants) must be avoided. Temporary storage of petrochemical products and servicing of machinery and vehicles on site will not be allowed. Except at a site specifically designed for that purpose. In terms of accidental spillage, contaminated soil must be removed for bioremediation or disposed of at a recognised facility for the substance concerned. Disturbed land must be rehabilitated and seeded with vegetation seed naturally occurring on the site.
59. The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/ or servicing. All equipments that leak must be repaired immediately and /or removed from the site when necessary.

60. It is the holder of this authorisation's responsibility to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life cycle of the activity is put into practice.
61. All the areas used for the purpose of (e.g. stockpiling of material, machines, workshop etc.) on the construction site must be clearly defined.
62. The Client must ensure that existing routes are used as far as possible to access the Orange River and no other anthropogenic disturbances such as trampling or walkways are encouraged while trying to connect the pipeline to the Orange River.
63. It is the contractor's responsibility that all staff/ employees are familiar with all the emergency procedures. The contractor must also ensure that emergency numbers are visible and available and always updated.
64. The contractors must use ready-mix concrete. Alternatively, concrete can be mixed on mixing trays only and not on exposed soil. Concrete must be mixed only in areas, which have been specially demarcated for this purpose.
65. Old cement bags, mixing bags, platforms etc must be discarded in a wind and spill proof container. No cement bags closed or open should be left lying around the site. All visible remains of concrete should be physically removed as soon as possible and disposed of at a suitable site.
66. All vehicles, equipments and other assets belonging, to the contractor must be removed from the property upon completion of the construction works.
67. Topsoil removed during excavation must be kept separated from other material and protected from being eroded by environmental stressors.
68. Dust control measures must be implemented during clearing phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).

**Site Closure and Decommissioning:**

69. 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.
70. 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:**

8 November 2017

## ANNEXURE 1: REASONS FOR DECISION

### 1. Background

The applicant **Burger Du Plessis Familie Trust**, applied for authorization to carry on the following activity –

PROPOSED CONSTRUCTION OF AGRICULTURAL AREAS, PIPELINE AND ASSOCIATED INFRASTRUCTURE ON FARM 1726 RENOSTERKOP, FARM 1290 AND FARM 1537, AUGRABIES, NORTHERN CAPE.

#### **Activity No. 9 (i) of GN. R. 983 of 04 December 2014**

The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water-

(i) with an internal diameter of 0,36 metres or more; or  
excluding where-

(a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve; or

(b) where such development will occur within an urban area.

#### **Activity No. 12 (vi) (ix) (xii) (c) of GN. R.983 of 04 December 2014**

The development of-

(vi) bulk storm water outlet structures exceeding 100 square metres in size;

(ix) slipways exceeding 100 square metres in size;

(xii) infrastructure or structures with a physical footprint of 100 square metres or more;

where such development occurs-

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

excluding-

(aa) the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour;

(bb) where such development activities are related to the development of a port or harbour, in which case activity 26 in Listing Notice 2 of 2014 applies;

(cc) activities listed in activity 14 in Listing Notice 2 of 2014 or activity 14 in Listing Notice 3 of 2014, in which case that activity applies;

(dd) where such development occurs within an urban area; or

(ee) where such development occurs within existing roads or road reserves.

**Activity No. 19 (i) of GN. R.983 of 04 December 2014**

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) will occur behind a development setback;

(b) is for maintenance purposes undertaken in accordance with a maintenance management plan; or

(c) falls within the ambit of activity 21 in this Notice, in which case that activity applies.

**Activity No. 12 (ii) of GN. R.985 of 04 December 2014**

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.

d) In Northern Cape:

i. 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;

ii. Within critical biodiversity areas identified in bioregional plans;

iii. Within the littoral active zone or 100 metres inland from high water mark of the sea or an estuary, whichever distance is the greater, excluding where such removal will occur behind the development setback line on erven in urban areas; or

iv. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.

**Activity No. 14 (vi)(ix)(xii)(c)(ff)(hh) of GN. R.985 of 04 December 2014**

The development of-

(vi) bulk storm water outlet structures exceeding 10 square metres in size;

(ix) slipways exceeding 10 square metres in size;

(xii) infrastructure or structures with a physical footprint of 10 square metres or more;

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

excluding the development of infrastructure or structures within existing ports or harbours that will not increase the excluding conservancies; development footprint of the port or harbour.

(a) In Free State, Limpopo, Mpumalanga and Northern Cape:

ii. Outside urban areas, in:

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans;

(hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve;

#### **Activity No. 15 of GN. R.984 of 04 December 2014**

The clearance of an area of 20 hectares or more 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 farm 1726, Renosterkop, farm 1290 and farm 1537, Augrabies which falls within the jurisdiction of Kai! Garieb Local Municipality, ZF Mgcawu District Municipality, with the following co-ordinates;

#### **Farm 1726 Renosterkop**

Latitude (S) 28° 40' 51.13" Longitude (E) 20° 26' 07.17"

Latitude (S) 28° 40' 35.52" Longitude (E) 20° 27' 40.59"

Latitude (S) 28° 42' 01.07" Longitude (E) 20° 28' 41.67"

Latitude (S) 28° 42' 10.43" Longitude (E) 20° 28' 33.70"

#### **Farm 1290**

Latitude (S) 28° 40' 49.11" Longitude (E) 20° 27' 59.05"

Latitude (S) 28° 40' 48.02" Longitude (E) 20° 27' 43.46"

Latitude (S) 28° 41' 46.94" Longitude (E) 20° 28' 31.85"

Latitude (S) 28° 41' 46.96" Longitude (E) 20° 28' 31.98"

#### **Farm 1537**

Latitude (S) 28° 40' 35.02" Longitude (E) 20° 27' 40.87"

Latitude (S) 28° 40' 32.83" Longitude (E) 20° 27' 48.22"

Latitude (S) 28° 40' 49.11" Longitude (E) 20° 27' 59.05"

Latitude (S) 28° 40' 48.02" Longitude (E) 20° 27' 43.46"

hereafter referred to as "the property".

The applicant appointed Peter Badenhorst Consulting Services to undertake an Environmental Impact Assessment process.

Scoping and Full Environmental Impact Assessment application process was followed.

## **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 21 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 Final Environmental Impact report in August 2017.
- c) The information contained in the Final Environmental Impact report submitted in August 2017 by Peter Badenhorst Consulting Services.
- d) The comments received from Interested and Affected Parties as included in Scoping and Full Environmental Impact Assessment report.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act,(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 Ordain Riba and J.G Du Plessis in August 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 Scoping and Full Environmental Impact 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 Scoping and Full 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 Final Environmental Impact 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 adequate identification and assessment of impacts as detailed in the Final Environmental Impact Assessment and there is a sufficient assessment of the key identified issues.
- 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) All interested and affected parties have no objections to the project.
- e) The information contained in the Final Environmental Impact Assessment report is deemed to be accurate and credible

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.