



agriculture, environmental affairs,  
rural development and land reform

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

SASKO Building  
90 Long Street  
Private Bag X6102  
Kimberley  
8300

Tel. 053-8077300  
Fax: 053-8077328

Enquiries :  
Dipatlisiso : Mr T Mthombeni  
Imibuzo :  
Navrae :

Reference : NC/EIA/09/JTG/GAM/KAT1/2014  
Tshupelo :  
Isalathiso :  
Verwysing :

Date :  
Leshupelo:  
Umhla : 12<sup>th</sup> April 2021  
Datum :

## **SISHEN IRON ORE COMPANY (PTY) LTD**

Private Bag X506

KATHU

8446

Email:

Dear Sir/Madam

**THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO 9(i), ACTIVITY NO. 11 (xi) OF GN. R.544, ACTIVITY NO. 18, ACTIVITY NO. 22 (i). (ii), OF GN. R 544, OF 18 JUNE 2010, ACTIVITY NO 4, ACTIVITY NO. 13 OF GN. R 546 OF 18 JUNE 2010: THE PROPOSED HOUSING DEVELOPMENT ON FARM UITKOMS NO. 463, PORTION 1 KURUMAN RD, KATHU, GAMAGARA\_LOCAL MUNICIPALITY, JOHN TAOLO GATSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE.**

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 **ACTIVITY NO 9(i), ACTIVITY NO. 11 (xi) OF GN. R.544, ACTIVITY NO. 18, ACTIVITY NO. 22 (i). (ii), OF GN. R 544, OF 18 JUNE 2010, ACTIVITY NO 4, ACTIVITY NO. 13 OF GN. R 546 OF 18 JUNE 2010: THE PROPOSED HOUSING DEVELOPMENT ON FARM UITKOMS NO. 463, PORTION 1 KURUMAN RD, KATHU, GAMAGARA LOCAL MUNICIPALITY, JOHN TAOLO GATSEWE DISTRICT MUNICIPALITY, NORTHERN CAPE.**

A detailed description of the activity is given in the **Final Basic Assessment Report Dated May 2019**, 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.

Your attention is drawn to chapter 2 of the National Appeal Regulation which regulates appeal procedures. Should you/ any person affected by this decision wish to appeal, any aspect as

**Permit 08/2021**

prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

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

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours Faithfully



---

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

**DATE OF DECISION:** 19 April 2021

**Cc:** **Clinton Geys**  
ENVIROAFRICA  
[clinton@nviroafrica.co.za](mailto:clinton@nviroafrica.co.za)

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 08/2021

**Reference Number:**

NC/EIA/09/JTG/GAM/KAT1/2014

**Last Amended:**

N/A

**Holder of Authorisation:**

SISHEN IRON ORE COMPANY (PTY)LTD

**Location of activity:**

PORTION 1 OF THE FARM UITKOMS NO. 463,  
KURUMAN RD, KATHU, NORTHERN CAPE.

## 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 Department** means the Northern Cape Department of Environment and Nature Conservation.

**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 –

### **Sishen Iron Ore Company (Pty) Ltd**

With the following contact details –

Mr. Jimmy Walker

Private Bag X506  
KATHU  
8446

Tel: (053) 739 2911

Fax: (053) 739 2000

E-mail:

to undertake the following activity (hereafter referred to as “the activity”)

### **The proposed housing development on Farm Uitkoms No. 463, Portion 1 Kuruman Rd, Kathu, Northern Cape.**

#### **Activity No. 9 (i) 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 watercourse.

**Activity No. 11 (xi) of GN.R.544 of 18 June 2010**

The construction of 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 the development setback line.

**Activity No. 18 (i) 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 or 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 a management plan agreed to by the relevant environmental authority; or (b) occurs behind the development setback line.

**Activity No. 22 (i), (ii), (iii) of GN.R.544 of 18 June 2010**

The construction of a road, outside urban areas,

- (i) with a reserve wider than 13,5 meters.
- (ii) where no reserve exists where the road is wider than 8 metres, or
- (iii) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.

**Activity No. 15 of GN.R.545 of 18 June 2010**

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

- (i) linear development activities; or
- (ii) agriculture or afforestation where activity 16 in this Schedule will apply.

**Activity No. 4 of GN.R.546 of 18 June 2010**

The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

In Northern Cape

iii. In urban areas

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

**Activity No. 13 of GN.R.546 of 18 June 2010**

The clearance of an area of 1 hectare or more of vegetation, where 75% or more of the vegetative cover constitutes indigenous vegetation,

In Northern Cape,

iii. in urban areas

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

At the Farm Uitkoms No. 463, Portion 1, Kuruman Rd in Kathu, which falls within the jurisdiction of Gamagara Local Municipality of John Taolo Gaetsewe District Municipality, with the following coordinates:

Latitude: 27° 41' 04.79"(S) Longitude: 23° 04' 07.72" (E);  
hereafter referred to as "the property".

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



## CONDITIONS

### Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation 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 Water and Sanitation, South African Heritage Resources Agency, Department of Energy, Department of Mineral Resources, ESKOM, South African 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 or 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 during construction and operational phases.

**Appeal of authorisation:**

23. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (TWELVE) calendar days, of the date of 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. All activities of the Kathu Housing Development development must not go beyond the footprint of the project.
39. A buffer zone of not less than thirty two (32) metres from the water course must be maintained.
40. Any waste generated during the construction and operational phase must be disposed-off at a waste disposal site licensed for such waste.
41. An Integrated Waste Management Approach must be implemented that is based on waste minimisation, reduction, recycling, re-use and disposal were appropriate, any solid waste shall 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).
42. No on-site burning or burying of solid waste is permitted.
43. All forms of pollution must be prevented, or where it cannot, should be minimized or remedied.

44. Any protected plant species occurring on the development site must not be disturbed. Alternatively, a permit for removal/destruction must be applied for and granted by the relevant authority.
45. The habitat fragmentation must be avoided where possible. The clearing of vegetation must be restricted within the activity footprint.
46. Proper measures to prevent spreading of the invasive alien plant species must be correctly implemented.
47. Monitoring programs must be implemented for early detection of alien invasive plant species and must be in accordance with the Conservation of Agriculture Resources Act, 1983 (Act 43 of 1983).
48. The holder of this authorization, contractors and sub-contractors working on site must ensure that oil, fuel and chemicals are confined to a specific and secure area throughout the construction period. These materials must be stored in a bunded area with adequate containment for potential spills and leaks.
49. All construction vehicles/machineries must be inspected regularly for leaks.
50. Any spills of diesel and oil must be reported and cleared up immediately, and polluted soil and material must be placed in a waste skip and disposed-off at a licensed land fill site for such material.
51. The intentional and accidental killing of fauna must be avoided at all times. No poaching is permitted.
52. The level of noise during the construction phase of the project must be kept as low as possible and must comply with the Noise Control Regulations (GN R 154) as well as the acceptable day rating levels as per the SANS10103:2008 guidelines.
53. The holder of this authorization must appoint health and safety officers to enhance health and safety on site. The health and safety induction must be conducted to ensure the safety of all workers on site.
54. Storm water control works must be constructed and maintained in a sustainable manner throughout the project.

55. Increased surface run-off due to vegetation clearance and/or soil compaction must be well managed.
56. All areas that have been denuded and disturbed as a result of the construction on site must be vegetated with indigenous vegetation as soon as construction ceases.
57. 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).
58. In the event where 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.
59. The applicant must ensure that the neighbouring land occupants are notified should the construction activities extend over the normal working hours.
60. All mitigation measures detailed in the Environmental Management Programme report must be properly implemented.

**Site closure and decommissioning:**

61. In case of decommissioning of the project, the holder of the Environmental Authorisation must properly rehabilitate the site to the satisfaction of this department.
62. No exotic plants may be used for rehabilitation purpose, only indigenous plants of the area may be utilised.
63. 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:** 19 April 2011

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

### **1. Background**

The applicant, **Sishen Iron Ore Company (Pty) Ltd** applied for authorization to carry on the following activity –

#### **The proposed housing development on Farm Uitkoms No. 463, Portion 1 Kuruman Rd, Kathu, Northern Cape.**

#### **Activity No. 9 (i) 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 -

- (iii) with an internal diameter of 0,36 metres or more; or
- (iv) 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
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#### **Activity No. 11 (xi) of GN.R.544 of 18 June 2010**

The construction of 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 the development setback line.

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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 or 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 a management plan agreed to by the relevant environmental authority; or (b) occurs behind the development setback line.

**Activity No. 22 (i), (ii), (iii) of GN.R.544 of 18 June 2010**

The construction of a road, outside urban areas,

(iv) with a reserve wider than 13,5 meters.

(v) where no reserve exists where the road is wider than 8 metres, or

(vi) for which an environmental authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Notice 545 of 2010.

**Activity No. 15 of GN.R.545 of 18 June 2010**

Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more;

except where such physical alteration takes place for:

(i) linear development activities; or

(ii) agriculture or afforestation where activity 16 in this Schedule will apply.

**Activity No. 4 of GN.R.546 of 18 June 2010**

The construction of a road wider than 4 metres with a reserve less than 13,5 metres.

In Northern Cape

iii. In urban areas

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

### **Activity No. 13 of GN.R.546 of 18 June 2010**

The clearance of an area of 1 hectare or more of vegetation, where 75% or more of the vegetative cover constitutes indigenous vegetation,

In Northern Cape,

iii. in urban areas

(bb) Areas designated for conservation use in Spatial Development Frameworks adopted by the competent authority or zoned for a conservation purpose.

At the Farm Uitkoms No. 463, Portion 1, Kuruman Rd in Kathu, which falls within the jurisdiction of Gamagara Local Municipality of John Taolo Gaetsewe District Municipality, with the following coordinates:

Latitude: 27° 41' 04.79"(S) Longitude: 23° 04' 07.72"(E); hereafter referred to as "the property".

## **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 comments received/raised during the public participation process.
- c) The findings of the specialist reports conducted and the recommended mitigation measures.
- d) The methodology used in assessing the potential impacts in Environmental Impact Report (EIR).
- e) Findings of the site visit conducted by Mr. Clinton Geyser (Enviro Africa) the departmental case officer (Ms Naomi Mokonopi) on 17 July 2019.

### **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 Environmental Impact Report is to the satisfaction of this Department.
- b) The Environmental Impact Assessment findings given the nature of the project, concludes that the potential impacts associated with the proposed development can be reduced to an acceptable level.
- c) The public participation process was adequately done in accordance with regulation 54 of GNR 543 of 18 June 2010.

### **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 Environmental Impact 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.

prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

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

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours Faithfully

---

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

**DATE OF DECISION:** \_\_\_\_\_

**Cc:** **Clinton Geyser**  
ENVIROAFRICA  
[clinton@nviroafrica.co.za](mailto:clinton@nviroafrica.co.za)