



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 :
Dipattliso : Mr A Nyakaza
Imibuzo :
Navrae :
Reference : NC/EIA/16/NAM/KHA/POF2/2021
Tshupelo :
Isalathiso :
Verwysing :

Date :
Leshupelo:
Umhla : 15th February 2023
Datum :

SCHAMBOUA TRUST

Mr. Hendrik Apollis
P.O. Box 235
CONCORDIA
8271

Email: apollishendrik@gmail.com

Dear Sir/Madam

THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO.09, (ii) ACTIVITY NO.10, ACTIVITY NO.11, (i)(ii) ACTIVITY NO.12, (i)(ii) (a)(b)(c) ACTIVITY NO.19 (a)(b)(c), ACTIVITY NO.24, (i) GN. R 327 OF APRIL 2017(AS AMENDED), ACTIVITY 13, ACTIVITY NO.15, (i)(ii), ACTIVITY NO.16, GN.R 325 OF APRIL 2017, (AS AMENDED), ACTIVITY NO.4, (g) (ii),(ee), ACTIVITY NO.12 (g)(ii), ACTIVITY NO.18 (g)(i)(ee) GN.R 324 OF APRIL 2017, (AS AMENDED) THE PROPOSED DEVELOPMENT ON STYR-KRAAL AGRICULTURAL ON THE EXTENT OF FARM STYR-KRAAL FARM NO 81, POFADDER: KHAI-MA LOCAL MUNICIPALITY, NAMAKWA 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.09, (ii) ACTIVITY NO.10, ACTIVITY NO.11, (i)(ii) ACTIVITY NO.12, (i)(ii) (a)(b)(c) ACTIVITY NO.19 (a)(b)(c), ACTIVITY NO.24, (i) GN. R 327 OF APRIL 2017(AS AMENDED), ACTIVITY 13, ACTIVITY NO.15, (i)(ii), ACTIVITY NO.16, GN.R 325 OF APRIL 2017, (AS AMENDED), ACTIVITY NO.4, (g) (ii),(ee), ACTIVITY NO.12 (g)(ii), ACTIVITY NO.18 (g)(i)(ee) GN.R 324 OF APRIL 2017, (AS AMENDED) THE PROPOSED DEVELOPMENT ON STYR-KRAAL AGRICULTURAL ON THE EXTENT OF FARM STYR-KRAAL FARM NO 81, POFADDER: KHAIMA LOCAL MUNICIPALITY, NAMAKWA DISTRICT, MUNICIPALITY, NORTHERN CAPE.**

A detailed description of the activity is given in the amendment application **November 2022** 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

Permit 02/2023)

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 prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the Executive Council, Ministry of Agriculture, Environmental Affairs, Rural Development & Land Reform 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 AGRICULTURE, ENVIRONMENTAL AFFAIRS,
RURAL DEVELOPMENT & LAND REFORM**

DATE OF DECISION: 20 - 02 - 2023

Cc: Maboee Nthejane
ENVIROAFRICA
maboee@enviroafrica.co.za



agriculture, environmental affairs,
rural development and land reform

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

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

**Authorisation Register
Number:**

PERMIT 02/2023

Reference Number:

NC/EIA/16/NAM/KHA/POF2/2021

Last Amended:

N/A

Holder of Authorisation:

SCHAMBOUA TRUST

Location of activity:

ON STYR-KRAAL AGRICULTURAL ON THE EXTENT OF FARM STYR-KRAAL FARM NO 81, POFADDER, KHAI-MA LOCAL MUNICIPALITY, NAMAKWA DISTRICT MUNICIPALITY, NORTHERN CAPE.

DEFINITIONS

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

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

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

"Application" means an application for an -

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

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

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

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

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

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

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

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

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

DECISION

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

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITIES AUTHORISED

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 the Department hereby authorizes –

SCHAMBOUA TRUST

with the following contact details –

SCHAMBOUA TRUST
Trustee

Mr Hendrik Apollis
P.O. Box 235
CONCORDIA
8271

Cell: 083 524 8494

Email: apollishendrik@gmail.com

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

The Proposed Development on Styr-Kraal Agricultural on the extent of Farm Styr-Kraal Farm No 81, Pofadder, Khai-Ma Local Municipality, Namakwa District Municipality, Northern Cape.

Activity No. 09 of GN.R 327 of April 2017 (as amended)

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 (ii) with a peak throughput of 120 liters per second or more;

Activity No. 10 of GN. R327 of April 2017 (as amended)

The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewerage, effluent, process water, waste water, return water, industrial discharge or slimes.

Activity No. 11 of GN. R327 of April 2017 (as amended)

The development of facilities or infrastructure for the transmission and distribution of electricity-(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts; or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.

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

The development of; (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; (ii) **infrastructure or structures with a physical footprint of 100 square metres or more**; where such development occurs;

(a) **within a watercourse**;

(b) in front of a development setback; or

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

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

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

(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 24 of GN R327 of 07 April 2017 (As Amended)

The development of a road;(ii) with a reserve wider than 13,5 metres, or where no reserve exists where the road is wider than 8 metres.

Activity No. 13 of GN. R.325 of 07 April 2017 (as amended)

The physical alteration of virgin soil to agriculture, or afforestation for commercial tree, timber or wood production of 100 hectares or more.

Activity No. 15 of GN. R.325 of 07 April 2017 (as amended)

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.

Activity No. 16 of GN. R.325 of 07 April 2017 (as amended)

The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.

Activity No. 4 of GN. R.324 of 07 April 2017 (as amended)

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

(g)Northern Cape-(ii)Outside urban areas, in:(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.

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

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. (g)Northern Cape-in:(ii) Within Critical biodiversity areas as identified in bioregional plans.

Activity No. 18(g)(ii) (ee) of GN. R.324 of 07 April 2017 (as amended)

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. (g)Northern Cape-in:(ii) Within Critical biodiversity areas as identified in bioregional plans.

On the Remainder of Portion 0 of farm Styr-Kraal No 81, Pofadder, located 20km East of Onseepkans on the banks of the Orange River, approximately 51km North of Pofadder which falls within the jurisdiction of Khai-Ma Local Municipality, Namakwa District Municipality, Northern Cape Province, with the following co-ordinates:

Coordinates	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
	28°40' 39.90" S	19°31' 2.93" 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 activities which is authorised must only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty-Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

10. This authorisation is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities **must** not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of 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 Sports, Arts & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).
12. The activities, including site preparation, must not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
 - a. One week's 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. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaint. A complaints register must be kept up to date for inspection by the Department.
16. Environmental Management Inspectors (EMI) employed by the Department must be given access to the property as described above (see detailed description of the property) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorisation. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
17. 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.

18. 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.
19. 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.
20. The applicant must be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
21. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

Appeal of authorisation:

22. The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days, of receiving notice of the Department's decision to authorize the activity.
23. The notification referred 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.
24. If the applicant should appeal against this Environmental Authorisation, the applicant/appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within 10 days of having submitted a notice to appeal with a copy of the notice to appeal indicating that the appeal submission will be made available on the day of lodging it with the Minister or MEC, where and for what period the appeal submission will be available for inspection by such person or organ of state.

Management of activity:

25. The Environmental Management Programme ("EMPr") dated October 2022 (as compiled by EnviroAfrica cc) and submitted as part of the application for Environmental Authorisation is hereby approved and must be adhered to. The recommendations and mitigation measures of the specialist studies recorded in the Final Environmental Impact Assessment Report dated October 2022 are binding and must be complied with.
26. The Site Alternative and the Layout of the development, based on the drawings contained in Appendix 2 of the FEIR, is hereby approved in accordance with mitigation measures as outlined in EMPr.
27. Vegetation clearing for the purpose to establish the Proposed Agricultural development and its associated infrastructure to be restricted to a maximum of 230ha.
28. Vegetation clearance should be confined to the approved footprint of the proposed development and unnecessary clearance should be avoided.
29. Ensure that all "NO-GO" areas which include sensitive areas are clearly defined and adequately demarcated and may not be cleared or used for agricultural activities of any kind.
30. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

Monitoring

31. The EMPr must be strictly enforced during all phases of the project.
32. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
33. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Final Environmental Impact Assessment Report dated October 2022 be discovered.
34. The EMPr must be included in all contract documentation for all phases of implementation.
35. In the event of oil spillages and contamination of soil by hazardous substances that contaminated area must be cleaned up immediately by removing the contaminated soil and disposing it off into the designated hazardous skip bin for correct disposal.
36. A storm water management plan must be implemented during the construction and operation of the facility. The plan must comply with applicable legislation and prevent off-site migration of contaminated storm water.
37. Erosion prevention measures must be employed to ensure the sustainability of all structures and activities.

38. An effective monitoring system to detect any leakage or spillage of all hazardous substances must be implemented during all phases of development. This must include precautionary measures to limit the possibility of fuel and other toxic liquids from contaminating watercourse and soil.
39. All alien vegetation (i.e. Prosopis trees) must be eradicated onsite and immediate vicinity and if herbicides are used, then a suitable qualified person must be consulted with AVCASA Registration and follow-up treatments must be implemented after the initial clearing for a period of 4 to 5 years to ensure that it is properly controlled.
40. The level of noise during the construction phase of the project must be kept as low as possible and must comply with the Noise Control Regulations (GN R 154) as well as the acceptable day rating levels as per the SANS10103:2008 guidelines.

Environmental Control Officer (ECO) and Duties

41. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) before commencement and must have the experience or expertise in the field of Environment. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr and recommendations of the attached specialist studies.
42. The ECO must be appointed before commencement of any authorised activity.
43. 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.
44. Once appointed, the name and contact details of the ECO must be submitted to the Directorate: Compliance and Enforcement Unit of the Department.
45. 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.
46. 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.
47. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

48. 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.
49. All documentation such as audit/monitoring/compliance reports and notifications, required to be submitted to the Department in terms of this authorisation, must be submitted to the Directorate: Compliance and Enforcement Unit of the Department.
50. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Compliance and Enforcement Unit of this Department within seven (7) days of written request by the said Officer.

Environmental audit report

51. 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.
52. The Environmental audit report must:
 - Be compiled by an independent environmental auditor;
 - Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
 - Include measures to be implemented to attend to any non-compliance.
 - Include copies of any approvals granted by other authorities relevant to the department for the reporting period.
 - Highlight any outstanding environmental issues that must be addressed, along with recommendations for ensuring that they are appropriately addressed.
 - Include evidence of adherence to the conditions of this authorisation and the EMPr where relevant such as training records.

Commencement of the activity:

53. 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.
54. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.
55. Should you be notified by the minister of a suspension of the authorisation pending appeal procedures, you must not commence with the activities unless authorised by the minister in writing.
56. The conditions of this authorization must be brought to the attention of all persons (employees, sub-consultants, etc.) associated with the undertaking of this activity and the applicant must take measures necessary to bind such persons to these conditions.
57. All recommendations and mitigation measures as laid down in the Final Environmental Impact Report (FEIR) and EMPr dated October 2022 are binding and must be implemented.

Specific Conditions

58. No blanket clearing of vegetation to take place on the site. The removal of natural vegetation must be restricted to the footprint of the proposed activity to facilitate the installation of infrastructure and the construction of the various components of the proposed development.
59. All the necessary permits must be obtained from all the relevant authorities before commissioning of the proposed project starts.
60. The holder of this environmental authorisation must ensure that environmental impacts are monitored and managed effectively throughout the life cycle of the project.
61. Flora permit must be applied for and granted by the Department of Agriculture, Environmental Affairs, Rural Development & Land Reform, prior to removal of species listed under schedule 1,2 & 3 of the Northern Cape Nature Conservation Act, 2009 (Act No. 9 of 2009).
62. A 15m "no development" buffer area must be applied between the proposed development and the two graves that exist within the development footprint as per the recommendation of the EMPr prepared by Enviro Africa cc dated October 2022.
63. Should any archaeological remains be found on site, the South African Heritage Agency (SAHRA) must be contacted and all works must cease immediately in that area, failure to do so constitute an offence in terms of the National Heritage Resource Act, 1999 (Act No. 25 of 1999) as amended.

64. The mitigation or control measures recommended in the Freshwater Impact Assessment Report, compiled by WATSAN Africa, as included in the EMPr, must be implemented.
65. The site specific impact minimisation recommendations in the Botanical Assessment Report, compiled by PB CONSULT, as included in the EMPr, must be implemented.

The following conditions apply to the Indigenous vegetation as per the Botanical Assessment Report recommendations

66. The *Vachellia erioloba* (camel thorn) trees next to the new proposed storage dam (trees marked as waypoint 240 V.erio (4m) to 2.51 V.erio (2.9m) in Appendix 3 (Area 2 in Figure 16) must be protected and if not possible a permit must be applied for from the Department of Forestry, Fisheries & the Environment (DFFE) for the removal.
67. In Block 3 (figure 8) the large *Vachellia erioloba tree* (waypoint 188 in Appendix 2) and *Euclea pseudebenus* (waypoint 189 in Appendix 2) must not be disturbed in any way prior obtaining the necessary permit from the Department of Forestry, Fisheries & the Environment (DFFE).
68. In Block 4 (figure 8) the two young *Vachellia erioloba* trees (waypoint 196 and 197 in Appendix 2) must be considered for protection as far as possible, and where this is not possible, then a permit must be applied for from the Department of Forestry, Fisheries & the Environment (DFFE).
69. In Block 5 (figure 10) the large *Vachellia erioloba* tree (waypoint 234 in Appendix 2) and as well as *Boscia albitrunca* (Shepherd's tree; Witgatboom) (waypoint 231 in Appendix 2) on the edge of the proposed footprint are protected tree species in terms of the National Forest Act (Act No. 84 of 1998) and must not be disturbed in any way prior obtaining the necessary permit from the Department of Forestry, Fisheries & the Environment (DFFE).
70. The Waste Dipsosal site (figure 10): five (5) *Boscia foetida* (waypoint 269-273 in Appendix 2) must be protected.
71. In Block 6 (figure 11): the two large *Vachellia erioloba* trees located outside of the development footprint (waypoint 261 and 262 in Appendix 2) must be protected.
72. In Block 7 (figure 12): nine (9) *Boscia foetida* (waypoint 222-230 in Appendix 2) must be protected as far as possible, and where this is not possible, then a permit must be applied for from the Department of Forestry, Fisheries & the Environment (DFFE).
73. The removal, cutting, pruning or relocation plants must be authorised by the relevant authority, i.e Department of Forestry, Fisheries & the Environment (DFFE) and in accordance to the approved EMPr.

Operation of the activity:

74. All waste generated during construction and operation phase (on site) must be disposed of at a waste disposal site licensed for such waste or as directed by any other relevant authority.
75. No on-site burning or burying of solid waste is permitted.
76. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
77. The holder of this environmental authorisation must restrict the construction activities to the approved development footprint.
78. Storm water control measures must be properly implemented in order to manage storm water and to prevent erosion.
79. Surface or ground water must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.
80. The applicant must ensure that the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) is implemented by an independent Health and Safety Officer.
81. A Water Use License application must be submitted to the Department of Water and Sanitation prior to the commencement of the proposed development. This Environmental Authorisation is subject to the approval and conditions of the Water Use License to be issued by the Department of Water and Sanitation.
82. No Fauna or Flora may be removed from the area without the necessary permit(s); all the necessary permits must be obtained from all the relevant authorities before commissioning of the proposed project starts.
83. Before any work is done search and rescue must be completed, as well monitoring protocol must be compiled for translocation of any Threatened or protected plant species.
84. Rescued plants must only be transported and transplanted to an adjacent site of similar ecological character nearest to the site from where plants have been removed. A suitable qualified ECO or specialist must oversee this process to guide on the proper extraction of plants to limit excessive damage to plants and implement proper transplants.
85. The holder of this environmental authorisation must ensure that environmental impacts are monitored and managed effectively throughout the life cycle of the project.
86. A monitoring program must be implemented for early detection of alien invasive plant species and must be in accordance with the Conservation of Agriculture Resources Act (Act No 43 of 1983).
87. The Holder of this Environmental Authorisation must ensure that the soil and ground water resources are not detrimentally impacted by this activity.

88. The Holder of this Environmental Authorisation must ensure construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
89. Dust control measures must be implemented during clearing phase and must comply with the dust regulations promulgated under the Air Quality Act (Act No 39 of 2004).
90. A storm water management plan must be implemented throughout the life cycle of the project. The plan must comply with applicable legislation's and prevent off-site migration of contaminated storm water.
91. Proper measures to prevent/reduce the risk of erosion and the invasion of alien species must be strictly implemented.
92. No clearing of any area outside of the construction footprint may be allowed.
93. All alien vegetation (i.e. Prosopis trees) must be eradicated onsite and its immediate surroundings and if herbicides are used, then a suitable qualified person must be consulted with AVCASA Registration and follow-up treatments must be implemented after the initial clearing for a period of 4 to 5 years to ensure that it is properly controlled.
94. The planning and design for the small lay-down areas must avoid sensitive areas, and preferably be established in an already disturbed or developed area.
95. Soil stockpiles must be in low heaps to widen the use options of the rehabilitated surface/land capability/sustainable land-use options.
96. No cleared vegetation stockpiles are to be placed in any of the watercourses. The stockpiles may not exceed 2m in height, and their footprint must be kept to a minimum.
97. Stockpiling of removed materials may only be temporary (may only be stockpiled during the period of construction) and must be disposed of at a registered waste disposal facility.
98. Backfill material must only be obtained from legal sources with the necessary permits.
99. Chemical mobile toilets must be available for workers on site, and must be safely secured to prevent them from being blown away. Sewage waste must be disposed of at the Municipal sewage plant on a regular basis.
100. Cleaning of equipment and flushing of mixers must not result in pollution of the surrounding environment. All wastewater resulting from batching of concrete must not be discharged into a watercourse.
101. Only existing access roads must be used to gain access to the construction site, thus avoiding further disturbance of the natural environment.

102. The riparian vegetation and ephemeral streams must be protected by the use of adequate corridors.
103. Concrete mixers must be used for mixing concrete and must be placed on drip trays to prevent accidental spillages.
104. Cleaning of equipment and flushing of mixers must not result in pollution of the surrounding environment. All waste-water resulting from batching of concrete must not be discharged into the watercourse.
105. Construction vehicles and equipment must be checked and maintained regularly to ensure that there is no environmental contamination as a result of oil, fuel or hydraulic fluid leakages.
106. All construction works must be undertaken during the drier periods to minimise impacts on the storm water flow from the surrounding urbanised area into the identified features.
107. Environmental training must be conducted for the staff/employees before commencement of the project and environmental awareness must be given throughout the life cycle of the project. Workers should be informed that the hunting, snaring and killing of fauna is not allowed on site.

Site Closure and Decommissioning:

108. 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.
109. All areas disturbed by the entire project must be properly rehabilitated to the satisfactory condition.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the 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 MANAGEMENT
DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 20-02-2023

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **SCHAMBOUA TRUST** applied for authorisation to carry out the following activities-

The Proposed Development on Styr-Kraal Agricultural on the extent of Farm Styr-Kraal Farm No 81, Pofadder, Khai-Ma Local Municipality, Namakwa District Municipality, Northern Cape.

Activity No. 09 of GN.R 327 of April 2017 (as amended)

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 (ii) with a peak throughput of 120 litres per second or more;

Activity No. 10 of GN. R327 of April 2017 (as amended)

The development and related operation of infrastructure exceeding 1000 metres in length for the bulk transportation of sewerage, effluent, process water, waste water, return water, industrial discharge or slimes.

Activity No. 11 of GN. R327 of April 2017 (as amended)

The development of facilities or infrastructure for the transmission and distribution of electricity-(i) outside urban areas or industrial complexes with a capacity of more than 33 but less than 275 kilovolts;or (ii) inside urban areas or industrial complexes with a capacity of 275 kilovolts or more.

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

The development of; (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; (ii) **infrastructure or structures with a physical footprint of 100 square metres or more**; where such development occurs;

(a) **within a watercourse**;

(b) in front of a development setback; or

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

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

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

(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 24 of GN R327 of 07 April 2017 (As Amended)

The development of a road;(ii) with a reserve wider than 13,5 metres, or where no reserve exists where the road is wider than 8 metres

Activity No. 13 of GN. R.325 of 07 April 2017 (as amended)

The physical alteration of virgin soil to agriculture, or afforestation for commercial tree, timber or wood production of 100 hectares or more.

Activity No. 15 of GN. R.325 of 07 April 2017 (as amended)

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.

Activity No. 16 of GN. R.325 of 07 April 2017 (as amended)

The development of a dam where the highest part of the dam wall, as measured from the outside toe of the wall to the highest part of the wall, is 5 metres or higher or where the high-water mark of the dam covers an area of 10 hectares or more.

Activity No. 4 of GN. R.324 of 07 April 2017 (as amended)

The development of a road wider than 4 metres with a reserve less than 13,5 metres (g)Northern Cape-(ii)Outside urban areas, in:(ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans

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

The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. (g)Northern Cape-in:(ii) Within Critical biodiversity areas as identified in bioregional plans

Activity No. 18(g)(ii) (ee) of GN. R.324 of 07 April 2017 (as amended)

The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre. (g)Northern Cape-in:(ii) Within Critical biodiversity areas as identified in bioregional plans

On the Remainder of Portion 0 of farm Styr-Kraal No 81, Pofadder, located 20km East of Onseepkans on the banks of the Orange River, approximately 51km North of Pofadder which falls within the jurisdiction of Khai-Ma Local Municipality, Namakwa District Municipality, Northern Cape Province, with the following co-ordinates:

Coordinates	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
	28°40' 39.90" S	19°31' 2.93" E

hereafter referred to as "the property"

- a) The applicant appointed EnviroAfrica cc South Africa (Pty) Ltd to apply to undertake a Scoping and Environmental Impact Assessment process.
 - b) The process followed is a Scoping and Environmental Impact Assessment process in accordance with Appendix 2 of the 2014 regulations.
- The Environmental Assessment Practitioner complied with Appendix 1 of the 2014 regulations dated 04 December, 2014.

2. Information considered in making the decision

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

- a) The Environmental Assessment Practitioner complied with NEMA Regulations of 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 Assessment Report submitted in respect of this application.
- c) The EIA regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- e) The findings of the site visit undertaken by officials from our Department of Agriculture, Environmental Affairs, Rural Development & Land Reform Mr A. Nyakaza (DAEADLR) and Mr Peter Cloete (DAEADLR); Mr Bernard (EAP from EnviroAfrica cc) on 05 May 2022.

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 area under assessment; about 147.2ha of the 230ha development footprint will be located in areas previously cultivated, the remaining approximate proposed 83.8ha will be located on land not previously cultivated or previously developed. It is surrounded by existing agricultural developments and is zoned for Agriculture.
- b) About 65% of the proposed footprint will overlap previously cultivated land; the remainder has been impacted by grazing related activities.
- c) No fatal flaws were discovered during the Environmental Impact Assessment Process.
- d) The Environmental Impact Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and the National Environmental Management Act, Act 107 of 1998. This includes the requirement for public participation and the manner in which stakeholders were engaged and responded to.

- e) The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- f) The EAP who prepared the report has the expertise to carry out the Scoping and Environmental Impact assessment process.
- g) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- h) The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed and/or managed effectively.
- i) No objections were received from Interested and affected parties.

4. Findings

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

- a) The identification and assessment of impacts are detailed in the Final Environmental Assessment Report dated October 2022 submitted in respect of this application.
- b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- c) The procedure followed for impact assessment is adequate for decision-making process.
- d) The environment or the rights or interests of other parties will not be adversely affected.
- e) The socio-economic impacts will have a positive impact on the surrounding communities within the Khai-Ma Municipality.
- f) Integration of environmental issues was considered for the full life cycle of the project

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.