



agriculture, environmental affairs,
rural development and land reform

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

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90 Long Street
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Enquiries :
Dipatlisiso : Ms M Jaola
Imibuzo :
Navrae :

Reference : NC/EIA/07/ZFM/DAW/UPI1/2023
Tshupelo :
Isalathiso :
Verwysing :

Date :
Leshupelo:
Umhla : 25th July 2024
Datum :

DAWID KRUIPER LOCAL MUNICIPALITY

Thys Neels
Private Bag X6006
UPINGTON
8800
Email: thys.neels@dkm.gov.za

Dear Sir/Madam

THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 9(i)(ii)(a)(b), ACTIVITY NO. 10 (i)(ii)(a)(b), ACTIVITY NO. 11(i)(ii)(a)(b)(c)(d), ACTIVITY NO. 12 (i)(ii), ACTIVITY NO. 28 (i), OF GN. R. 327 OF APRIL 2017 (AS AMENDED): PROPOSED ESTABLISHMENT OF A FORMAL HOUSING DEVELOPMENT OF APPROXIMATELY 13HA ON SITE 1 (DAKOTA ROAD NORTH) IN THE TOWNSHIP OF PABALLELO UPINGTON: DAWID KRUIPER LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT MUNICIPALITY, NORTHERN CAPE.

By virtue of the power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations: **THE DEPARTMENT HEREBY GRANTS ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 9(i)(ii)(a)(b), ACTIVITY NO. 10 (i)(ii)(a)(b), ACTIVITY NO. 11(i)(ii)(a)(b)(c)(d), ACTIVITY NO. 12 (i)(ii), ACTIVITY NO. 28 (i), OF GN. R. 327 OF APRIL 2017 (AS AMENDED): PROPOSED ESTABLISHMENT OF A FORMAL HOUSING DEVELOPMENT OF APPROXIMATELY 13HA ON SITE 1 (DAKOTA ROAD NORTH) IN THE TOWNSHIP OF PABALLELO UPINGTON: DAWID KRUIPER LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT, NORTHERN CAPE.**

A detailed description of the activity is given in the **Basic Assessment Report dated October 2023**, 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 31/2024

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 the Department agriculture, environmental affairs, rural development and 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: AGRICULTURE, ENVIRONMENTAL AFFAIRS,
RURAL DEVELOPMENT AND LAND REFORM**

DATE OF DECISION: _____

5 August 2024

Cc: Bernard de Witt
ENVIRONAFRICA
benard@environafrica.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(as amended)

Authorisation Register Number:	PERMIT 31/2024
Reference Number:	NC/EIA/07/ZFM/DAW/UPI1/2023
Last Amended:	N/A
Holder of Authorisation:	DAWID KRUIPER LOCAL MUNICIPALITY
Location of activity:	PORTION OF SITE 1, UPINGTON, DAWID KRUIPER LOCAL MUNICIPALITY, ZF MGCAWU 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;

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

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

"EIA" means Environmental Impact Assessment;

"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 rare issues relevant to specific activity;

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

"Department" means the Northern Cape Department of Agriculture, Environmental Affairs, Rural Development and Land Reform.

"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 –

DAWID KRUIPER LOCAL MUNICIPALITY

with the following contact details –

Thys Neels
Private Bag X6006
UPINGTON
8800

Tel: 054 338 7058
Cell: 071 438 2744
Email: thys.neels@dkm.gov.za

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

THE PROPOSED ESTABLISHMENT OF A FORMAL HOUSING DEVELOPMENT OF APPROXIMATELY 44 HECTARES ON SITE 1 (PORTION OF NEW BRIGHTON) IN THE NORTH EAST OF THE TOWNSHIP OF PABALLELO UPINGTON: DAWID KRUIPER LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT.

Activity No. 9 of GN. R.327 of 07 April 2017 (as amended)

The development of infrastructure exceeding 1 000 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. excluding where— (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.

Activity No. 10 of GN. R.327 of 07 April 2017 (as amended)

The development and related operation of infrastructure exceeding 1 000 metres in length for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes – (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 infrastructure is for the bulk transportation of sewage, effluent, process water, waste water, return water, industrial discharge or slimes inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.

Activity No. 11 of GN. R.327 of 07 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; excluding the development of bypass infrastructure for the transmission and distribution of electricity where such bypass infrastructure is — (a) temporarily required to allow for maintenance of existing infrastructure; (b) 2 kilometres or shorter in length; (c) within an existing transmission line servitude; and (d) will be removed within 18 months of the commencement of development.

Activity No. 12(ii)(c) of GN. R.327 of 07 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; or (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. 28 of GN. R.327 of 07 April 2017 (as amended)

Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.

Activity No.15 of GN. R. 325 of 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.

On portion of erf 1, upington which fall within the jurisdiction of Dawid Kruiper Local Municipality, ZF Mgcawu District Municipality, Northern Cape with the following coordinates:

	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
Coordinates	28°25'43.89"S	21°12'54.17"E
	28°25'21.03"S	21°12'24.00"E
	28°25'12.03"S	21°12'34.01"E
	28°25'34.05"S	21°13'04.41"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 **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 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 Forestry, Fisheries & the Environment; National Department of Agriculture, Land Reform & Rural Development; Department of Human Settlement; Department of Water & Sanitation; Department of Mineral Resources & Energy; Department of Transport; Department of Employment & Labour; Department of Public Works & Infrastructure; 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. 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 authorisation 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 authorisation.

14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorisation and contracts.
15. 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.
16. This Department may add to, change and/or amend any of the conditions in this authorisation 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 Impact Assessment 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 must 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") dated March 2023 (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 are binding and must be complied with.
26. The Preferred Alternative site of the development is hereby approved in accordance with mitigation measures as outlined in the EMPr.
27. Vegetation clearance should be confined to the approved footprint of the proposed development and unnecessary clearance must be avoided.
28. The areas of vegetation that are to be protected during construction must be demarcated and indicated as "No-Go" areas.
29. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorisation.

Monitoring

30. The EMPr must be strictly enforced during all phases of the project.
31. Changes to the EMPr, which are environmentally defensible, must be submitted to this Department for acceptance before such changes are effected.
32. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Environmental Impact Assessment Report dated March 2024 be discovered.
33. The EMPr must be included in all contract documentation for all phases of implementation.
34. A storm water management plan to be implemented during the construction and operation of the facility. The plan must comply with applicable regulations and prevent off-site migration of contaminated storm water.
35. 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.
36. Fire management plan must be available on site at all times and employees must be made aware of the plan.
37. 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

38. 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 ensure compliance with the provisions of the EMPr and recommendations of the attached specialist studies.
39. 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.
40. Once appointed, the name and contact details of the ECO must be submitted to the Directorate: Compliance and Enforcement unit of the Department.
41. 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.
42. 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.
43. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

44. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.
45. All documentation such as audit/monitoring/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.
46. Records relating to compliance or non-compliance with any condition of this authorisation 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

47. 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.
48. 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:

49. 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.
50. The authorised activities must not commence before the statutory 30 days of an appeal period has expired.
51. 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.
52. 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.
53. All recommendations and mitigation measures as laid down in the Final Environmental Impact Assessment Report and EMPr are binding and must be implemented.

Specific Conditions

54. The holder of this environmental authorisation must ensure that environmental impacts are monitored and managed effectively throughout the life cycle of the project.
55. 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.

Operation of the activity:

56. 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.
57. 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.
58. The Holder of this Environmental Authorisation must ensure that construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.
59. Before any work is done, a walkthrough search and rescue must be completed, monitoring protocol must also be compiled for translocation of any Threatened or protected plant species. Walkthrough searches must be conducted within the correct seasons.
60. 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.
61. A permit must be applied for and granted by the Department of Agriculture, Environmental Affairs, Rural Development & Land Reform prior to the removal of *Adenium Oleifolium* and *Boscia foetida*
62. 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).
63. Dust control measures must be implemented properly to prevent the dispersion of dust particles into the air. These measures must comply with the dust regulations promulgated under the Air Quality Act (Act No 39 of 2004).
64. Proper measures to prevent/reduce the risk of erosion and the invasion of alien species must be strictly implemented.
65. No cleared vegetation stockpiles are to be placed in any of the watercourses or surrounding area. The stockpiles may not exceed 2m in height, and their footprint must be kept to a minimum.
66. The topsoil removed during excavations must be stored separately to be used to re-fill the excavated areas where it was removed.
67. Only existing access roads must be used to gain access to the construction site, thus avoiding further disturbance and fragmentation of the natural environment.
68. 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.
69. Cleaning of equipment must not result in pollution of the surrounding environment.

70. 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.
71. 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:

72. 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.
73. The holder of this Environmental Authorisation must consult with the Department prior to decommissioning of this activity.
74. 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 authorisation, 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 agriculture, environmental affairs, rural development and land reform
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 AGRICULTURE, ENVIRONMENTAL AFFAIRS, RURAL DEVELOPMENT AND
LAND REFORM

DATE OF ENVIRONMENTAL AUTHORISATION: 5 August 2024

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant, **DAWID KRUIPER LOCAL MUNICIPALITY** applied for authorisation to carry out the following activities-

THE PROPOSED ESTABLISHMENT OF A FORMAL HOUSING DEVELOPMENT OF APPROXIMATELY 44 HECTARES ON SITE 1 (PORTION OF NEW BRIGHTON) IN THE NORTH EAST OF THE TOWNSHIP OF PABALLELO UPINGTON: DAWID KRUIPER LOCAL MUNICIPALITY, ZF MGCAWU DISTRICT.

Activity No. 9 of GN. R.327 of 07 April 2017 (as amended)

The development of infrastructure exceeding 1 000 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. excluding where— (a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or (b) where such development will occur within an urban area.

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The development of— (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (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. 28 of GN. R.327 of 07 April 2017 (as amended)

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On portion of erf 1, upington which fall within the jurisdiction of Dawid Kruiper Local Municipality, ZF Mgcawu District Municipality, Northern Cape with the following coordinates:

	Latitude (S) (DDMMSS)	Longitude (E) (DDMMSS)
Coordinates	28°25'43.89"S	21°12'54.17"E
	28°25'21.03"S	21°12'24.00"E
	28°25'12.03"S	21°12'34.01"E
	28°25'34.05"S	21°13'04.41"E

Hereafter referred to as "the property".

- a) The applicant appointed EnviroAfrica cc to apply to undertake a Scoping and Environmental Impact Assessment process in terms of the EIA Regulations of 2014.
- b) The Scoping and Environmental Impact Assessment process was followed in accordance with Appendix 2 of the 2014 EIA regulations.

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 19 of April 2017.
- b) Public participation followed is in line with Regulation 41 of April 2017 and proof was submitted together with the 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, 1998 (Act No. 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 Ms Mmakhumo Jaola from the Department of Agriculture, Environmental Affairs, Rural Development & Land Reform and Mr Bernard De Witt (EAP from EnviroAfrica) on 28 November 2023.

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 Environmental Impact Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and the National Environmental Management Act, 1998 (Act No. 107 of 1998). This includes the requirement for public participation and the manner in which stakeholders were engaged and responded to.
- b) 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.
- c)The EAP who prepared the report has the expertise to carry out the Environmental Impact Assessment procedures.
- d) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.
- e) 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.

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 Environmental Impact Assessment Report dated March 2024.
- 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) All interested and affected parties had no objections to 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 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.