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Reference: ECm1/C/LN2/M/54-2016
Enquiries: N. Nazo

Habata Boerdery (Pty) Ltd
P. O. Box 82
Kirkwood
6120

Fax: 042 230 0095
Email: director@habata.co.za

Attention: Mr. Hannes Joubert

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998, AS AMENDED, TO UNDERTAKE LISTED ACTIVITIES AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AS AMENDED: PROPOSED AGRICULTURAL DEVELOPMENT ON PORTION 15 OF THE FARM LOGAN BRAES NO. 203 WITHIN THE NELSON MANDELA BAY MUNICIPALITY.

1. With reference to the above-mentioned application (Reference number ECm1/C/LN2/M/54-2016), please be advised that the Department has decided to grant authorisation as set out in the attached Environmental Authorisation. The Authorisation Notice and reasons for the decision are attached herewith.
2. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of this letter, of the Department's decision in respect of your application.
3. The written notification referred to above must -
 - 3.1. Specify the date on which the Environmental Authorisation was issued;
 - 3.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 3.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.

4. Should you decide to appeal, you must serve a copy of the 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.

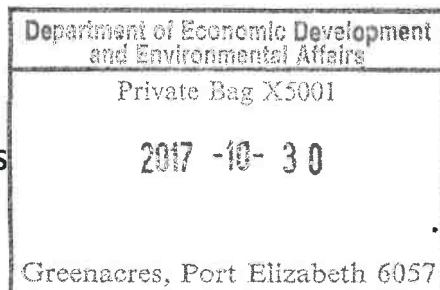
Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

5. An appeal against the decision contained in this Authorisation must be submitted in writing to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as “the MEC”) in terms of Regulation 4(1) of the Appeal Regulations, 2014 and within twenty (20) days after the appellant has been notified in terms of paragraph 2 and 3 of the decision.
The address to which the originals of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand deliveries at:	Beacon Hill Hockley Close King William’s Town 5601
In order to facilitate efficient administration of appeals <u>copies</u> of an appeal and any supporting documentation must also be submitted as follows:	
General Manager: Environmental Affairs per fax:	[043] 605 7300
Manager: Mr. S. Gqalangile - Environmental Impact Management per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

6. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department’s written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.


DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION
 DATE: 28/10/2017





PROVINCE OF THE
EASTERN CAPE
CACADU REGION

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ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial: ECm1/C/LN2/M/54-2016 NEAS: ECP/EIA/0000247/2016
LAST AMENDED	N/A
HOLDER OF AUTHORISATION	Habata Boerdery
LOCATION OF ACTIVITY	Portion 15 of the Farm Logan Braes No.203, within the Nelson Mandela Bay Municipality.

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"EIA regulations" – These are the 2014 Environmental Impact Assessment Regulations as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

"The Department" – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

"CBA" – Critical Biodiversity Area.

"CARA" - Conservation of Agricultural Resources Act, Act 43 of 1983.

"Commencement" – Any physical activity on site that can be viewed as associated with the clearing of vegetation inclusive of initial site preparation.

"DAFF" – The Forestry Branch of the Department of Agriculture, Forestry and Fisheries.

"EMPr" – refers to the Environmental Management Programme as prepared by Public Process Consultants and dated July 2017, attached to the FEIR as PART B.

"FEIR" - refers to the Final Environmental Impact Report titled "Agricultural Development of Portion 15 of the Farm 203 Logan Braes, within the Nelson Mandela Municipality." and dated July 2017.

“NEMBA” – National Environmental Management: Biodiversity Act, Act 10 of 2004.

“NFA” – The National Forest Act, Act 84 of 1998.

“OEMP” – Operational Phase Environmental Management Programme.

1. Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4.

Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the Environmental Impact Assessment Regulations, 2014 as amended the Department hereby authorises **Habata Boerdery** being the legal or natural person who has applied for this Authorisation, with the following contact details:

Name	Habata Boerdery (Pty) Ltd		
Address	P. O. Box 82, Kirkwood, 6120		
Telephone	042 230 1426	Fax	042 230 0095
Contact	Mr. Hannes Joubert	Cell	083 357 2093
		E-mail	director@habata.co.za

To undertake the following activities (hereafter referred to as “the activity”), in terms of the scheduled activities listed in the table below:

Detailed description of activity
<p>The proposed development is for expansion of the existing agricultural activities on the Farm known as Badlands approximately 618ha in extent by clearing 35.7ha indigenous vegetation on Portion 15 of Farm Logan Braes No.203 in Nelson Mandela Bay Municipality. Portion 15 of Farm Logan Braes No.203 is 44.6ha in extent and is not transformed. Currently there is approximately 76 ha of natural vegetation left on the bigger farm Badlands. This implies that after clearance of the approximately 35.7ha a total of approximately 40 ha of intact natural vegetation which is 18% of the natural vegetation on Badlands will remain. However due to the area that is already transformed to agriculture on the Farm Badlands the Department only approves 23ha to be cleared in order to meet the conservation target of 23% as per the NMB Bioregional Plan. Subsequent establishment of a variety of crops and citrus will take place on the 23ha to be cleared. As the farm already supports extensive citrus orchards with associated infrastructure no additional infrastructure is required.</p>

Establishment of the approximately 23ha of new citrus orchards and crops will entail:

Clearing of indigenous vegetation (approximately 23 ha);

Levelling and landscaping the site for cultivation;

Establishment of internal unpaved service roads;

Installation of an internal water reticulation and irrigation infrastructure (drip irrigation as well as infrastructure for pivot irrigation; and

Establishment of wind breaks using indigenous species if deemed necessary.

Water for irrigation purposes will be supplied by the Lower Sunday's River Water Users Association (LSRWUA) and will be obtained from the existing irrigation canal.

Listed Activities	
983 – Activity 19	19. The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from- (i) a watercourse;
984 – Activity 15	The clearance of an area of 20 hectares or more of indigenous vegetation.
985 – Activity 4	The development of a road wider than 4 metres with a reserve less than 13,5 metres. (b) In Eastern 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; (gg) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas; or

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Cacadu
Municipal Area	Nelson Mandela Bay Municipality
Farm Name	Farm Logan Braes (Badlands)
Farm Number and Portion	Portion 15 of Farm 203 Logan Braes,
Erf Number and Township Extension or Suburb	N/A
Co-ordinates	Listed below
Physical address	Portion 15 of the Farm 203 Logan Braes, within the Nelson Mandela Municipality.

Coordinates of the boundary of the property

Point Number	Latitude (S) (DDMMSS)			Longitude (E) (DDMMSS)		
1	33°	38'	8.52"S	25°	42'	21.70"E
2	33°	38'	9.05"S	25°	42'	21.12"E
3	33°	38'	43.26"S	25°	42'	16.92"E
4	33°	38'	45.15"S	25°	42'	28.64"E
5	33°	38'	25.27"S	25°	42'	46.96"E

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

3.1. Duration of authorisation

- 3.1.1. Clearing of vegetation must commence within a period of 12 (twelve) months from the date of issue of this Authorisation and to be completed within 12 months of commencement. If commencement of the activity does not occur within this period, this Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.2. Planting to be completed within 24 months of the completion of the clearing of vegetation.
- 3.1.3. Extension of the Environmental Authorisation may be applied for in writing provided that the Environmental Authorisation is still valid at the time of submission of such application. If no request for extension is received prior to the date of expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.4. On receipt of any such application for extension, the Department reserves the right to request such information as it may deem necessary to consider the application for extension which may include but not limited to:
 - 3.1.4.1. An updated EMP; and
 - 3.1.4.2. Such public participation process as may be deemed necessary at the time of the application for extension

- 3.1.5. Conditions relating to the operation of the project are valid in perpetuity.
- 3.2. **Standard conditions**
- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity, including but not limited to:
- 3.2.3.1. The National Water Act, Act 36 of 1998;
- 3.2.3.2. The National Environmental Management: Biodiversity Act, Act 10 of 2004;
- 3.2.3.3. The National Forests Act, Act No. 84 of 1998;
- 3.2.3.4. The Nature and Environmental Conservation Ordinance, Ordinance No. 19 of 1974;
- 3.2.3.5. The Conservation of Agricultural Resources Act, Act No. 43 of 1983; and
- 3.2.3.6. The National Heritage Resources Act, Act 25 of 1999.
- 3.2.4. The holder of this Environmental 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 this Environmental Authorisation.
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. Any changes to, or deviations from, the project description set out in this Environmental 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 this Environmental Authorisation to apply for further authorisation in terms of the regulations.
- 3.2.8. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), then written notification of such proposed transfer must be

sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.

- 3.2.9. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party within 14 (fourteen) days of receiving this Environmental Authorisation.
- 3.2.10. This Environmental Authorisation or a certified copy thereof 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 site.
- 3.2.11. 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.
- 3.2.12. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 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.
- 3.2.13. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.

3.3. Project - specific conditions

- 3.3.1. Fourteen 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.
- 3.3.2. **Vegetation clearing on Portion 15 of the Farm Badlands to be restricted to a maximum of 23 ha and the remaining 22ha of indigenous vegetation to be kept intact and to remain unplanted.**
- 3.3.3. A planting plan is to be submitted to the Department for approval prior to any vegetation clearing commencing. Such a planting plan must provide for amongst others:

- 3.3.3.1. Location of the 23 ha that will be planted as per this Authorisation; and
- 3.3.3.2. Demarcation of areas to remain unplanted, no go area.
- 3.3.4. The holder of this Environmental Authorisation being Habata Boerdery (Pty) Ltd to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the Final EIR (inclusive of its appendices) in tabular format for inclusion in the EMPr and / or Operational Phase Environmental Management Programme as applicable.
- 3.3.5. The EMPr included in the FEIR is to be updated, submitted to and approved by the Department prior to the commencement of vegetation clearing as authorised in this Environmental Authorisation. The EMPr to include as a minimum:
 - 3.3.5.1. Applicable conditions as contained in this Environmental Authorisation;
 - 3.3.5.2. All recommendations, measures, responsibilities, key actions and other provisions contained in the FEIR as per the requirement of Condition 3.3.3;
 - 3.3.5.3. General principles of environmental management as applicable to clearing of vegetation activities including environmental best practice, erosion prevention and control, minimisation of dust etc;
 - 3.3.5.4. Copies of all permits / licences issued to Habata Boerdery (Pty) Ltd in relation to this project that have relevance to the environment;
 - 3.3.5.5. A general code of conduct for any contractor that may be carrying out any work on the relevant development sites;
 - 3.3.5.6. A clear description of the vegetation clearing activities to be carried out on the site;
 - 3.3.5.7. Details regarding the management of stormwater during clearing of vegetation and establishment of agricultural / citrus crops; and
 - 3.3.5.8. Clear stipulations as to who is responsible and accountable for what actions.
- 3.3.6. An Environmental Control Officer to be appointed for the duration of clearing of vegetation and subsequent establishment of agricultural crops/orchards to oversee implementation of the EMPr as well as adherence to the conditions contained within this Environmental Authorisation. Confirmation of appointment of the ECO to be provided to the Department together with the notice of commencement contemplated in Condition 3.3.1. The ECO is amongst others responsible for the following:
 - 3.3.6.1. Pre-commencement Audit report to be compiled and submitted to the Department;
 - 3.3.6.2. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.6.3. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation

- measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents;
- 3.3.6.4. To keep copies of all reports submitted to the Department on site; and
- 3.3.6.5. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.
- 3.3.7. The areas to be cleared in accordance with the planting plan contemplated in Condition 3.3.3 must be clearly demarcated before any vegetation clearing commences and no disturbance of vegetation to take place outside the demarcated areas.
- 3.3.8. The remaining extent of natural vegetation on Badlands Farm inclusive of the 22 ha to be set aside on Portion 15 as per condition 3.3.2 to be retained and no disturbance to be allowed that will allow such to degenerate.
- 3.3.9. The existing cut lines that occur in the portion of indigenous vegetation that are not to be cleared to be allowed to rehabilitate itself through the process of natural succession.
- 3.3.10. Prior to vegetation clearing taking place, species of special concern or protected plant species, and trees protected in terms of the NFA within the development footprint must be identified.
- 3.3.11. In the event that any species of special concern or protected species in terms of the relevant provincial and national legislation and or the NFA are to be removed the necessary permits / licences to be obtained from the Department and/or DAFF for the removal and/or translocation of such species.
- 3.3.12. Any species identified in terms of Condition 3.3.10 as well as any other species that could be translocated must be removed and relocated to other suitable areas elsewhere on Farm 203 Logan Braes (such as the cut lines) in consultation with a suitably qualified botanist / ecologist.
- 3.3.13. No activities, inclusive of site preparation and related pedestrian /vehicle traffic are to be allowed within the areas designated as No-Go Areas in terms of the planting plan contemplated in Condition 3.3.2.
- 3.3.14. The South African Heritage Resources Agency (SAHRA) must be contacted immediately should any archaeological findings be discovered during the course of the development.
- 3.3.15. Any areas disturbed as a result of construction and / or vegetation clearing activities that will not form part of the completed development as authorised to be rehabilitated within seven (7) days of some works being completed at the aforementioned site using vegetation indigenous to the area.
- 3.3.16. All the necessary precautions to prevent contamination of soil and water by fuel, oil and chemical products during the lifetime of the project are to be undertaken.
- 3.3.17. No servicing of vehicles or machinery is to take place on site. All such servicing is to take place at a recognised workshop facility.

- 3.3.18.** All the necessary precautions to prevent contamination of soil and water by fuel, oil and chemical products during the lifetime of the project are to be undertaken.
- 3.3.19.** All waste, particularly chemicals and associated containers, and diseased plant material, must be disposed of in an environmentally responsible manner.
- 3.3.20.** Adequate measures to protect against soil erosion must be implemented in all areas, including access roads and roads within the developed area.
- 3.3.21.** All exotic plant material which colonizes disturbed ground must be systematically removed and destroyed prior to it attaining the seed formation stage.
- 3.3.22.** An environmental audit must be carried out by the ECO monthly and submitted to the Department within two weeks of such audit being completed for the duration of vegetation clearing and subsequent planting of agricultural crops/ citrus inclusive of the rehabilitation phase.
- 3.3.23.** A post construction / development environmental audit to be carried out and the report submitted to this Department within one (1) month of the completion of vegetation clearing / establishment of agricultural crops as contemplated in the Environmental Authorisation. This audit to, as a minimum, consider adherence to the relevant conditions contained in this Environmental Authorisation and the stipulations of the EMPr.
- 3.3.24.** An appropriate environmental management plan must be implemented for the operational phase of the activity and must address amongst others;
- 3.3.24.1. A code of conduct for any contractors and or workers;
- 3.3.24.2. A comprehensive storm water management plan to manage storm water during the operational phase of the development;
- 3.3.24.3. A comprehensive waste management plan inclusive of the appropriate disposal of chemicals and associated containers and diseased plant material;
- 3.3.24.4. Handling and management of herbicides, pesticides and chemicals;
- 3.3.24.5. Management / systematical removal and subsequent destruction of all alien invasive species listed in terms of CARA that may occur on the property or that may colonise disturbed ground prior to it attaining the seed formation stage during the lifetime of the project; and
- 3.3.24.6. Appropriate management in accordance with conservation principles of those portions of the site that will remain undeveloped as per the planting plan contemplated in Condition 3.3.2.
- 3.3.25.** Habata Boerdery (Pty) Ltd will be held liable in the event of non-compliance by any contractor associated with this activity.
- 3.3.26.** Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the FEIR must be adhered to.

4. Reasons for Decision

4.1. Information considered in making the decision

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

4.1.1. The information contained in the following documentation:

- Completed application form dated 7 December 2016 and submitted on 12 December 2016;
- Meeting held at DEDEAT offices on 18 January 2017

4.1.2. The Final Scoping Report compiled by Public Process Consultants titled, "Agricultural Development of Portion 15 of the Farm 203 Logan Braes, in the Nelson Mandela Bay Municipality", dated February 2017 and submitted to DEDEAT on 14 February 2017.

4.1.3. The Final Environmental Impact Report compiled by Public Process Consultants titled, "Agricultural Development of Portion 15 of the Farm 203 Logan Braes, in the Nelson Mandela Bay Municipality", dated July 2017 and submitted to DEDEAT on 10 July 2017.

4.1.4. Observations made during a site visit conducted on 14 March 2017 by Ms. N. Nazo and Mr. Andries Struwig of the Department in the company of Ms. Marisa Jacoby, Ms. Sandy Wren and Ms. Zandri Grobbelaar of Public Process Consultants.

4.1.5. 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.

4.2. Key factors considered in making the decision

4.2.1. Habata Boerdery (Pty) Ltd operates existing citrus orchards / agricultural activities on Badlands Farm. The total land unit is 618 ha in extent of which 541ha is already transformed/cultivated. The proposed development would have resulted in the clearing of a further approximately 35.7 ha of Sundays Thicket after which approximately 40ha of natural vegetation representing approximately 18% of the total land unit (mainly Sundays Thicket) would have remained. **However due to the area that is already transformed to agriculture on the Farm Badlands the Department only approves 23ha to be cleared in order to meet the conservation/biodiversity target of 23% as per the NMB Bioregional Plan.**

If the total extent of the Farm Badlands is considered i.e. 617 ha, no further clearing of indigenous vegetation should have been allowed due to the fact that only 18% percent of the original extent of the farm has not been transformed. The Department however only considered the portions of the Farm Badlands where the applicant (Habata Boerdery) was responsible for the clearing of vegetation i.e. Portions 16, 17, 18 and 19. The total extent of portions 16, 17, 18 and 19 including Portion 15 is 228.6 ha of which 152.7 ha is already transformed. This represents 66.8% of the total extent of these portions. In order to meet the conservation target of 23% (52.58ha), the total area to be transformed on the combined Portions 15, 16, 17, 18 and 19 are to be limited to 176.02 ha. This implies that only a further 23 ha can be transformed in order to meet the conservation target of 23%. Conditions to this effect has been included in this Environmental Authorisation.

- 4.2.2. The area under assessment on Portion 15 of Farm Logan Braes is currently zoned Agriculture. It is located on an established citrus/crop farm (Badlands Farm) and therefore can readily be tied into the existing administrative infrastructure of the current farming operation.
- 4.2.3. It is reported that direct permanent jobs and seasonal employment opportunities will be created during the operational phase.
- 4.2.4. Impacts during site establishment will be managed through the implementation of a comprehensive Environmental Management Programme as required in terms of Condition 3.3.4. Implementation of and adherence to this EMP as well as compliance to the conditions of this Environmental Authorisation are to be overseen by a dedicated Environmental Control Officer as stipulated in Condition 3.3.5.
- 4.2.5. No fatal flaws were discovered during the Environmental Impact Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, a number of other measures are stipulated in the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. This include a limitation on the amount of vegetation to be cleared to still ensure that conservation target is met. It is further believed that this development does not present any impact that could not be successfully mitigated.
- 4.2.6. 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.
- 4.2.7. 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.

- 4.2.8. The Department is of the opinion that after implementation of the mitigation measures described in the EMPr and OEMP together with the conditions contained within this Authorisation, that the residual impacts and risks to the environment are acceptable.
- 4.2.9. 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.
- 4.2.10. In conclusion, this Department is satisfied that the benefits associated with the proposed project outweigh the environmental costs and are consistent with sustainable development principles.
- 4.2.11. In general the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard 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 as laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5. Appeal of authorisation

- 5.1 In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 5.2 The written notification referred to in Condition 5.1 above must:
- 4.2.1. Specify the date on which the Authorisation was issued;
- 4.2.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 as amended in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
- 4.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3 Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2 of the decision.
- 5.4 "An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office; and

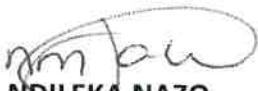
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

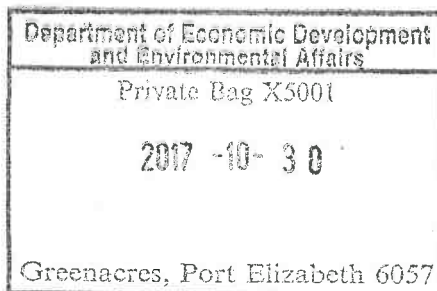
CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

- 5.5 The Appellant must also serve a copy of the appeal to the regional office that processed the application.”
- 5.6 The address to which the **original** of any appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
By Hand	Beacon Hill, Hockey Close, King Williams Town
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted as follows:	
General Manager, Mr Albert Mfenyana: Environmental Affairs per fax:	[043] 605 7300
Manager Environmental Affairs: Mr S. Gqalangile per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department’s written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.


NDILEKA NAZO
ENVIRONMENTAL OFFICER: EIM
CACADU REGION
DATE: 30 October 2017




DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION
DATE: 30/10/2017