Province of the
EASTERN CAPE
ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS & TOURISM

Corner Belmont Terrace / Castle Hill Central Port Elizabeth 6001
Private Bag X5001 Greenacres 6057 Republic of South Africa
Contact Person: *Riyadh Casoojee*
Tel: 041 5085800 **Fax:** 041 5085865 **Email:** riyadh.casoojee@dedea.gov.za

Ref: **EC06/C/LN2/M/37-2020**
Enq: **R. Casoojee**

Habata Boerdery (Pty) Ltd
PO Box 82
Kirkwood

Attention: Mr Hannes Joubert E-mail: director@habata.co.za

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED FALCON RIDGE DAM AND ASSOCIATED WATER RETICULATION ON PORTION 274 OF FARM 42 STRATHSOMERS ESTATE, KIRKWOOD, SUNDAYS RIVER VALLEY MUNICIPALITY.

1. With reference to the above-mentioned application (Ref No. EC06/C/LN2/M/37-2020), 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, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) calendar days of the date 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 2014 Appeal Regulations.
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; 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 submit your appeal to the appeal administrator, as indicated in the table contained in point 3 below, and serve a copy of the appeal to the applicant, if not the appellant, any registered interested and affected party and any organ of state with interest in the matter within twenty (20) days of being notified in terms of paragraphs 2 and 3 of the decision as described in Regulation 4 of the National Appeal Regulations, 2014.

5. 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 2 and 3, of the decision.
   Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.
6. An Appeal Submission must be made on a form obtainable from the Departmental Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office; and
7. The Appellant must also serve a copy of the appeal to the regional office that processed the application.
8. The address to which the **original** 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 delivery	Old Safety and Liaison Building (Global Life Complex) Opposite Engen Garage, Bhisho, 5605
In order to facilitate efficient administration of appeals **copies** of the notice of intention to appeal and any subsequent appeal documentation must also be submitted as follows:	
Manager: Mr S. Gqalangile - Environmental Impact Management per e-mail:	Siyabonga.Gqalangile@dedea.gov.za
CC: Ms Phumeza Gxala – Admin support for Mr Gqalangile	Phumeza.Gxala@dedea.gov.za

9. 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.
10. Please note that due to the restrictions imposed by the Covid-19 pandemic, all documents and correspondence should be submitted or sent to I & AP's electronically where possible.

DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENT AFFAIRS
CACADU REGION
DATE: 25 October 2021

Province of the
EASTERN CAPE
ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS & TOURISM

Corner Athol Fugard Terrace / Castle Hill Central Port Elizabeth 6001
Private Bag X5001 Greenacres 6057 Republic of South Africa
Contact Person: ***Andries Struwig***
Tel: 041 5085800 **Fax:** 041 5085865 Email: Andries.Struwig@dedea.gov.za

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial Ref No: EC06/C/LN2/M/37-2020 Neas Ref No: ECP/EIA/0000981/2020
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Habata Boerdery (Pty) Ltd
LOCATION OF ACTIVITY	Portion 274 of Farm Strathsomers Estate No. 42, and Portion 20 of Farm Landdrost Veeplaats No. 84

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"Audit" as used in the context of this Environmental Authorisation refers to an audit of compliance with conditions contained in this Environmental Authorisation and the requirements / stipulations of a Construction and / or Operational Environmental Management Programme and not to an Environmental Audit undertaken in terms of an accredited environmental management system by a certified environmental management systems auditor.

"CEMPr" - refers to the Construction Environmental Management Programme within the document titled "Construction Phase Environmental Management Programme (CEMPR): Construction of a New Off-Channel Dam on Portion 274 of Farm 42 Strathsomers Estate and Associated Water Reticulation Infrastructure, Kirkwood, Sundays River Valley Municipality" as attached to the FEIR as Part A of the EMPR.

"Commencement" – Any physical activity on site that can be viewed as associated with the construction of the dam and associated infrastructure inclusive of the clearing of vegetation as described in Section 2 of this Environmental Authorisation and initial site preparation.

"EAP" – Environmental Assessment Practitioner represented by Public Process Consultants.

"EIA regulations" – These are the 2014 Environmental Impact Assessment Regulations as amended and published in Government Notice R324 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

"FEIR" - Final Environmental Impact Report titled "Construction of a New Off-Channel Dam on Portion 274 of Farm 42 Strathsomers Estate and Associated Water Reticulation Infrastructure, Kirkwood, Sundays River Valley Municipality" read together with all the appendices thereto, dated July 2021, as compiled by Public Process Consultants.

FSR - Final Scoping Report titled "Construction of a New Off-Channel Dam on Portion 274 of Farm 42 Strathsomers Estate and Associated Water Reticulation Infrastructure, Kirkwood, Sundays River Valley Municipality" dated February 2021, as compiled by Public Process Consultants.

"NEMA" – National Environmental Management Act, Act 107 of 1998.

"OEMPr" - refers to the Operational Environmental Management Programme within the document titled "Operation Phase Environmental Management Programme (OEMPR Construction of a New Off-Channel Dam on Portion 274 of Farm 42 Strathsomers Estate and Associated Water Reticulation Infrastructure, Kirkwood, Sundays River Valley Municipality" as attached to the FEIR as Part B of the EMPR.

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

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 Habata Boerdery (Pty) Ltd 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 of this Environmental Authorisation.

2. 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 NEMA 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	**042 007 0181**	**Fax**	**086 557 4854**
Cell	**083 357 2093**	**Email**	director@habata.co.za
Contact Person	**Mr Salomon Johannes (Hannes) Joubert**		

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

Detailed description of activity
Habata Boerdery (Pty) Ltd, proposes the construction of a new off-channel dam in order to increase water storage capacity on the farm for balancing and emergency storage purposes. It is proposed that the new dam is constructed on Portion 274 of Farm 42 Strathsomers Estate, Kirkwood, Sundays River Valley Municipality, hereinafter referred to as Falcon Ridge.

The proposed dam will have a capacity to store 480 000 m³ of irrigation water from the Lower Sundays River Water Users Association canal system, with a maximum dam wall height of 23 meters and a surface area of 6.1 hectares. In addition, new pipelines will be required in order to convey the irrigation water from the LSRWUA canal to the proposed new dam, as well as between the new dam and existing dams on Falcon Ridge and the adjacent farm, Portion 20 of Farm 84 Landdrost Veeplaats (hereafter referred to as Loftus). The proposed new irrigation pipelines will vary between ø250mm and ø355mm and will have a throughput capacity in excess of 120 litres per second. The total area of vegetation that will be required to be cleared to accommodate the proposed dam and the associated irrigation water pipeline infrastructure is approximately 9.5 hectares. A detailed layout plan as well as co-ordinates for the pathway of the pipelines can be found in the FEIR in Chapter 2, pages 38-47.

It should be noted that although it is still considered offstream, the dam is located in a depression that resembles a drainage line. Secondly the pipelines will cross over the Brakkloof River twice.

It is further anticipated that the proposed development will entail the following activities on the site:

- Vegetation clearing;
- Excavation for construction of the dam wall and preparation of the dam basin;
- Construction of the dam embankment wall and spillway discharge channel;
- Installation of an outlet pipeline and a new ø355 mm diameter connection pipe (200m in length) to link into the existing irrigation system on the farm Falcon Ridge; and
- Installation of various irrigation water transfer pipes (ø250mm and ø355mm) from the LSRWUA canal to the dam and between the dam and adjoining Habata Boerdery farms, including two river crossings.

Listed Activities in terms of the NEMA EIA Regulations 2014 as contained in the amended app form:	
LN1: GNR. 327 Activity 9	The development of infrastructure exceeding 1 000 metres in length for the bulk transportation of water or storm water— (ii) with a peak throughput of 120 litres per second or more.
LN1: GNR. 327 Activity 19	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.
LN1: GNR. 327 Activity 24	The development of a road— (ii) with a reserve wider than 13,5 meters, or where no reserve exists where the road is wider than 8 metres.
LN1: GNR. 327 Activity 27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.
LN2: GNR. 325 Activity 16	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 highwater mark of the dam covers an area of 10 hectares or more.”
LN3: GNR. 324 Activity 4	The development of a road wider than 4 metres with a reserve less than 13,5 metres. **a. Eastern Cape** i. Outside urban areas

	(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.
LN3: GNR. 324 Activity 12	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. **a. Eastern Cape** v. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning.
LN3: GNR 324 Activity 14	14. The development of – (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs – (a) within a watercourse; (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; **a. Eastern Cape** i. Outside urban areas: (ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; (hh) Areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core area of a biosphere reserve.
LN3: GNR 324 Activity 15	The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010. **a. Eastern Cape** i. Outside urban areas, or (aa) Areas zoned for conservation use or equivalent zoning, on or after 02 August 2010.

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

District	Sarah Baartman
Municipal Area	Sundays River Local Municipality
Farm Name	Strathsomers Estate; Landdrost Veeplaats
Farm Number and Portion	42/274; 84/20

Erf Number and Township Extension or Suburb	N/A
Co-ordinates of Dam as stated In the FEIR	Point 1: 33° 24' 25.27"S 25° 30' 50.69"E Point 2: 33° 24' 26.27"S 25° 30' 52.04"E Point 3: 33° 24' 27.78"S 25° 30' 56.58"E Point 4: 33° 24' 32.16"S 25° 30' 58.01"E Point 5: 33° 24' 34.46"S 25° 30' 57.83"E Point 6: 33° 24' 35.86"S 25° 30' 56.67"E Point 7: 33° 24' 37.22"S 25° 30' 54.75"E Point 8: 33° 24' 37.98"S 25° 30' 54.27"E Point 9: 33° 24' 33.11"S 25° 30' 46.81"E Point 10: 33° 24' 30.89"S 25° 30' 44.83"E Point 11: 33° 24' 27.26"S 25° 30' 46.58"E
Physical address	• Falcon Ridge Farm - Portion 274 of the Farm Strathsomers Estate No. 42, Uitenhage Registration Division, Sundays River Valley Municipality • Loftus Farm - Portion 20 of Farm 84 Landdrost Veeplaats, Uitenhage Registration Division, Sundays River Valley Municipality

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. Construction of the dam and associated infrastructure as authorised in this Environmental Authorisation must commence within a period of 24 (twenty four) months from the date of issue of this Authorisation. 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. Construction of the dam and associated infrastructure to be completed within 24 (twenty four) months of commencement.

3.1.3. If commencement of the activity does not occur within the above-mentioned period contained in Condition 3.1.1, this Environmental Authorisation lapses and a new application for environmental authorisation in terms of the 2014 EIA Regulations as amended must be made in order for the activity to be undertaken.

3.1.4. An application for the amendment of the Environmental Authorisation to extent the validity thereof may be submitted to the Department on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application. If no such

request for amendment is received prior to the expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.

3.1.5. 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 be limited to:

3.1.5.1. An updated CEMP; and

3.1.5.2. Such public participation process as may be deemed necessary at the time of the application for extension.

3.1.6. Conditions relating to the operation of the project are valid for the lifetime of the project inclusive of decommissioning

3.2. General conditions and declarations

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 Environmental Management: Biodiversity Act, Act 10 of 2004;

3.2.3.2. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974;

3.2.3.3 The National Water Act, Act 36 of 1998;

3.2.3.3. The Occupational Health and Safety Act, Act 85 of 1993; and

3.2.3.4. The Conservation of Agricultural Resources Act, Act 43 of 1983.

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, this without limiting the generality of the provisions of Section 28 of the National Environmental Management Act, Act 107 of 1998.

3.2.6. Habata Boerdery (Pty) Ltd will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.

3.2.7. In the event of any dispute as to what constitutes environmental damage, this Department's opinion as provided in official correspondence will prevail.

3.2.8. This Department reserves the right to impose additional conditions or requirements on the applicant in respect of impacts identified during the EIA process, or withdraw this authorisation, in the event that such impacts exceed its significance as predicted in the

consultant's FEIR and supporting documentation referenced in Section 4.1 of this Environmental Authorisation.

3.2.9. **This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation read together with the Final BAR. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.**

3.2.10. 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), such transfer are to be affected by means of an amendment to the Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.

3.2.11. 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 including the neighbouring landowners within 14 (fourteen) days of receiving this Environmental Authorisation.

3.2.12. This Environmental 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. In this regard, **the Environmental Authorisation or a certified copy thereof must be kept on site for the duration of the construction period.**

3.2.13. 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.

3.2.14. 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.

3.2.15. 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. Option 2b for the dam wall alternatives being the "preferred alternative" as assessed in the FEIR, is hereby authorised. The dam and associated infrastructure must be constructed in accordance with the facility illustrations as contained in Appendix H of the FEIR and at the locations/co-ordinates specified in Chapter 2 of the FEIR.

3.3.3. Construction of the dam and associated infrastructure are to be on the site as described in Section 2 of this Environmental Authorisation.

3.3.4. Any recommendations / mitigatory measures contained in the FEIR and its appendixes and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.

3.3.5. Further to Condition 3.3.4, Habata Boerdery to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the FEIR, in tabular format for inclusion in the Construction phase Environmental Management Programme and / or Operational Phase Environmental Management Programme as applicable.

3.3.6. Habata Boerdery will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.

3.3.7. A dedicated CEMPr to be compiled, submitted to and approved by the Department prior to the commencement of construction. In this regard sections of the draft CEMPr included in Part B to the FEIR that deals specifically with construction can be used as a framework. The CEMPr to include as a minimum:

3.3.7.1. Applicable conditions of this Environmental Authorisation;

3.3.7.2. All recommendations, measures, responsibilities, key actions and other provisions contained in the FEIR;

3.3.7.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion and prevention and control, etc;

3.3.7.4. Copies of all permits / licences issued to Habata Boerdery in relation to this project that have relevance to the environment;

3.3.7.5. A general code of conduct for any contractor that may be carrying out any work on the relevant development sites;

3.3.7.6. A clear description of the construction activities to be carried out on the site;

3.3.7.7. Details regarding storage of construction material on site; and

3.3.7.8. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts.

3.3.8. General principles of environmental management referenced in Condition 3.3.7.3 to be implemented during construction if not already included in the EMPr to include, amongst others, the following:

3.3.8.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;

3.3.8.2. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from the site and disposed of at a registered waste disposal site;

3.3.8.3. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;

3.3.8.4. No servicing of vehicles and other machinery to take place on construction sites, and no fuel or other hazardous material to be stored on construction sites;

3.3.8.5. All excess construction material and any waste generated during construction must be removed from site on an on-going basis and disposed of at a suitably registered waste disposal site;

3.3.8.6. The contractor must provide adequate waste disposal facilities and must ensure that these facilities are properly used and maintained;

3.3.8.7. Clear stipulations as to who is responsible and accountable for what actions.

3.3.8.8. Sufficient erosion control measures must be stipulated and adhered to.

3.3.9. An Environmental Control Officer (ECO) to be appointed for the duration of the construction activities to oversee implementation of the CEMPr, as well as adherence to the conditions contained within this Authorisation. Details of the appointed ECO to be submitted together with the 14 day notice of commencement contemplated in Condition 3.3.1.

3.3.10. The ECO is amongst others responsible for the following;

3.3.10.1. A Pre-Commencement Audit of the conditions of this Environmental Authorisation, which must be submitted together with the notice of commencement as per Condition 3.3.1;

3.3.10.2. Ensuring that the CEMPr is implemented and strictly adhered to inclusive of the relevant conditions contained within this Environmental Authorisation;

3.3.10.3. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;

3.3.10.4. 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;

3.3.10.5. To keep copies of all reports submitted to the Department on site; and

3.3.10.6. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.

3.3.11. The relevant conditions of this Environmental Authorisation shall form part of any contracts entered into between the applicant and any contractor(s) and or any sub-contractor(s).

3.3.12. The CEMPr referred to in Condition 3.3.7. to be implemented and strictly adhered to for the duration of the vegetation clearance and construction.

3.3.13. The holder of this Environmental Authorisation being Habata Boerdery will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.

3.3.14. All construction activities to be restricted to working hours acceptable to the landowner.

3.3.15. The areas to be cleared must be clearly demarcated before any vegetation clearing commences and no disturbance of vegetation to take place outside the demarcated areas.

3.3.16. The disposal of any waste as provided for in Conditions 3.3.8.5 and 3.3.8.6 to take place at a registered waste disposal site.

3.3.17. Construction campsites must be restricted to existing farm areas and infrastructure.

3.3.18. Prior to the commencement of the activity a plant search and rescue to be undertaken in order to remove any species of special concern as well as any other species that could be translocated. Such species to be used in rehabilitation / restoration initiatives on the site.

3.3.19. Prior to the removal of any species contemplated in Condition 3.3.18, the necessary permits / approvals in terms of the relevant provincial legislation to be obtained.

3.3.20. A restoration/rehabilitation plan for the 1.84ha faunal movement corridor referred to in the FEIR in the additional information submitted to the Department on 27 July 2021, must be submitted to the Department for approval prior to commencement of construction. The plan must include a reference ecosystem, rehabilitation goals and a post-rehabilitation monitoring plan.

3.3.21. All sand, gravel stone or other building material to be used are to be obtained from a bona fide source and the building contractor is not allowed to source any such material from the surrounding environment.

3.3.22. The South African Heritage Resources Agency (SAHRA) must be contacted immediately should any archaeological findings be discovered during debris and vegetation removal phase of the development.

3.3.23. Any surrounding areas disturbed as a result of activities to be rehabilitated within 7 days of clearance using vegetation indigenous to the area, where the areas in question are on the banks of or in the immediate vicinity of the watercourse.

3.3.24. The construction phase to be audited on an ongoing basis by the ECO. The findings of such audits are to be consolidated and submitted to this Department on a quarterly basis and a final post construction audit to be conducted and submitted to this Department within three months of the completion of construction.

3.3.25. An Operational Environmental Management Plan (OEMPr) to be compiled and submitted to the Department and implemented for the duration of the operational phase of the dam and associated infrastructure as authorised in this Environmental Authorisation. In this regard sections of the draft OEMPr included as Part B to the FEIR that deals specifically with operational aspects can be used as a framework.The OEMPr to provide for amongst others:

3.3.25.1. Any conditions contained within this Environmental Authorisation that specifically relate to the operational phase;

3.3.25.2. A Code of conduct for any contractors and or workers;

3.3.25.3. Management / systematical removal and subsequent destruction of all alien invasive species listed in terms of CARA that may occur on the site or that may colonise disturbed ground prior to it attaining the seed formation stage during the lifetime of the project; and

3.3.25.4. A comprehensive storm water management plan inclusive of measures to prevent debris or other solid waste from entering the watercourse.

3.3.26. A dedicated person to be designated / appointed to oversee implementation of and ongoing adherence to Operational Environmental Management Plan.

3.3.27. A maintenance management plan must be submitted to the Deartment, inclusive of methods for vegetation clearance, dam wall repair and removal of silt as required. this is to be updated every 5 years or as and when necessary and submitted to the Department for record purposes.

3.3.28. An alien vegetation management plan inclusive of both construction and operational phases must be submitted to the Department prior to commencement of the activity.

3.3.29. All de-vegetated areas, disturbed areas on banks and riparian zones and stockpiles of soil must have adequate erosion protection, such as silt fences, shade cloth etc.

3.3.30. Prior to decommission all or part of the operations the applicant must submit a decommissioning plan to DEDEAT.

3.3.31. All decommissioned areas must be left in a state that is equal to or better than the original environment.

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 and submitted to the Department on 30 November 2020;
- The FSR submitted to the Department on 03 February 2021
- The FEIR submitted to the Department on 06 July 2021.
- Additional information relating to responses to comments by the Department, submitted to the Department on 27 July 2021.

4.1.2 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.

4.1.3 Observations made during a site visit undertaken by Mr. Riyadh Casoojee, Mr. Andries Struwig & Mrs. Nicole Gerber of the Department on 20 August 2021 in the company of Ms. Marisa Jacoby and Ms. Sandy Wren of Public Process Consultants.

4.2. Key factors considered in making the decision

4.2.1. Habata Boerdery plays a key role in the Sundays River Valley Municipality and Nelson Mandela Bay Municipality as an established producer of a variety of citrus as well as fruit and vegetables for the local and global markets. Habata Boerdery's farming operations involve various farms/ properties, totalling ~6113ha, in the SRVM, as well as the Nelson Mandela Bay Municipality (NMBM). The area proposed for the construction of the dam is located on Portion 274 of Farm 42 (Falcon Ridge) which measures ~691ha in extent, is zoned for

Agriculture and is currently utilized as a working farm, with approximately 390ha (56.4%) of the farmhaving been transformed for agriculture. The development footprint of the dam on Falcon Ridge is proposed to measure ~8.5ha in extent, with an additional 1 hectare required for the associated infrastructure

4.2.2. During May 2017 a section of the main Lower Sundays River Water Users Association canal system, located on the project applicant's property, was destroyed in a landslide. The canal provides water to the Nooitgedacht treatment works as well as to surrounding farms for irrigation purposes. Water is extracted from the canal, under agreement with the LSRWUA. The sustainability of the canal system in the SRVM is fundamental to the sustainability of the farming operations in the area. The collapse of this portion of the canal on Habata Boerdery's operations had a severe negative impact on their ability to irrigate their fields and to meet contracts with both local and international markets. The proposed dam construction is therefore envisioned to increase water storage capacity of the applicant's existing balancing dams which will also alleviate the potential impacts of another potential canal collapse, should such occur in the future.

4.2.3. Possible impacts such as erosion and disturbance of the watercourse of the proposed activity are negligible. The mitigation measures proposed within the FEIR will be sufficient to negate most negative impacts associated with the activity.

4.2.4. Suitable off-sets have been identified for rehabilitation in addition to the ~350ha on the property currently zoned as Open Space III for conservation purposes du to the conditions of a previous authorisation (Provincial Reference number: EC06/C/LN2/M/55-2017)

4.2.5. A comprehensive Environmental Management Programme as required in terms of condition 3.3.7 will mitigate potential impacts of the project. The adherence to the EMPr will be overseen by the project ECO, as stipulated in condition 3.3.10.

4.2.6. Operational management and maintenance managemnet of the dam and associated infrastructure are to be managed through the implementation of a comprehensive Operational Environmental Management Programme as required in terms of the Condition 3.3.25.

4.2.7. 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. It is further believed that this development does not present any impact that could not be successfully mitigated.

4.2.8. 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.

4.2.9. 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.

4.2.10. 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.

4.2.11. 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.

4.2.12. 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.

4.2.13. 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.

4.2.14. The project has been advertised and no objections were lodged against the proposed activity. The Department is satisfied that the information contained in the FEIR read together with conditions contained in this Environmental Authorisation has satisfactorily addressed concerns.

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:

5.2.1. Specify the date on which the Authorisation was issued;

5.2.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and

5.2.3. 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

5.5 The Appellant must also serve a copy of the appeal to the regional office that processed the application."

5.6 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 5.1 and 5.2 of the decision.

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

5.7 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	Old Safety and Liaison Building (Global Life Complex) Opposite Engen Garage, Bhisho, 5605
In order to facilitate efficient administration of appeals **copies** of any appeal and supporting documentation must also be submitted as follows:	
Mr S. Gqalangile: Manager Environmental Impact Management per e-mail: CC: Ms Phumeza Gxala: Administrative support	Siyabonga.Gqalangile@dedea.gov.za Phumeza.Gxala@dedea.gov.za

5.8 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.

5.9 Please note that due to the restrictions imposed by the Covid-19 pandemic, all documents and correspondence should be submitted or sent to I & AP's electronically where possible; unless such I&AP does not have access to electronic means to access such in which case such alternative means to be utilised to informed such I&AP.

RIYADH CASOOJEE
ENVIRONMENTAL OFFICER: EIM
CACADU REGION
DATE: 25 October 2021

DAYALAN GOVENDER

DEPUTY DIRECTOR: ENVIRONMENT AFFAIRS
CACADU REGION
DATE: 25 October 2021