



Corner Athol Fugard and Castle Hill, Central, Port Elizabeth 6001
Private Bag X5001, Greenacres, Port Elizabeth 6057 | Republic of South Africa

Tel: 041 508 5800 | Fax: 041 508 5865 | E-mail: Ndileka.Miacu@dedea.gov.za | www.dedea.gov.za

Reference: ECm1/C/LN2/M/47-2016
Enquiries: N. Nazo

Calvus Properties (Pty) Ltd
P. O. Box 777
Houghton
2041

Fax: 086 663 9153
Email: nicole@yellowwoods.biz

Attention: Nicole Botha

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 AS AMENDED: PROPOSED STORAGE DAM ON PORTION 1 ON FARM RIETFONTEIN, 594 UITENHAGE, WITHIN THE NELSON MANDELA BAY MUNICIPALITY.

1. With reference to the above-mentioned application (Reference number ECm1/C/LN2/M/47-2016), 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.

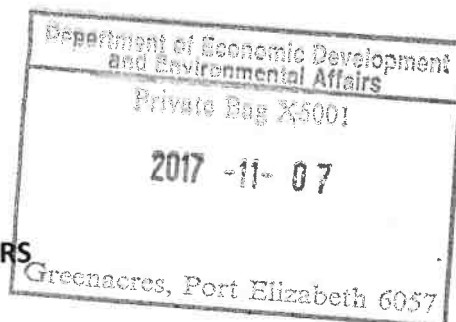
Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

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 copies 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: 3/11/2017





Corner Athol Fugard and Castle Hill, Central, Port Elizabeth 6001
Private Bag X5001, Greenacres, Port Elizabeth 6057 | Republic of South Africa

Tel: 041 508 5800 | Fax: 041 508 5865 | E-mail: Ndileka.Mjacu@dedea.gov.za | www.dedea.gov.za

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial: ECm1/C/LN2/M/47-2016 NEAS: ECP/EIA/0000365/2017
LAST AMENDED	N/A
HOLDER OF AUTHORISATION	Calvus Properties (Pty) Ltd
LOCATION OF ACTIVITY	Portion 1 of Farm Rietfontein 594, 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 construction of a dam inclusive of initial site preparation.

“Construction” - The building, construction or establishment of a facility, structure or infrastructure, including rehabilitation of a portion of the river downstream as per the offset, that is necessary for the undertaking of a listed or specified activity.

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

“EMPr” – refers to the Environmental Management Programme as prepared by Cape Environmental Practitioners (Pty) Ltd dated 19 July 2017, attached to the FEIR as Appendix H.

"FEIR" - refers to the Final Environmental Impact Report titled "Final Environmental Impact Report & Environmental Management Programme for Rietfontein Dam." and dated 19 July 2017.

DWS:

"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.

"WUL" – Water Use License

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 **Calvus Properties (Pty) Ltd** being the legal or natural person who has applied for this Authorisation, with the following contact details:

Name	Calvus Properties (Pty) Ltd		
Address	Private Bag X 777, Houghton, 2193		
Telephone	011 351 2448	Fax	086 663 9153
Contact	Nicole Botha	Cell	083 564 6477
		E-mail	Nicole@yellowwoods.biz

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 the construction of Rietfontein dam on the Maitland River at Yellowwoods Estate located about 30km west of Port Elizabeth in Nelson Mandela Bay Municipality. The proposed development will be on Rietfontein Farm Portion 594/1.</p> <p>The development will entail:</p> <ul style="list-style-type: none"> • Construction of a dam; 

- Dam Wall Height: Not exceeding 9 metres
- Crest of wall: 130m
- Width of Crest: 6.4m
- Overflow width: 13m
- Free Board: 1.5m
- Volume of dam: 160 000m³
- Surface Area: 4.96Ha
- Construction of a weir;
- Vehicular crossing over the dam wall; and
- Realignment of the existing 22Kv overhead powerline to the property boundary.
- Rehabilitation of the Maitland River on the Rietfontein Farm by (in addition to alien plant clearing) planting and maintaining over the establishment phase quantities of locally indigenous riparian vegetation, that will substantially improve river habitat integrity in these reaches.

Listed Activities

983 – Activity 12	The development of- (ii) channels exceeding 100 square metres in size; (iv) dams, where the dam, including infrastructure and water surface area, exceeds 100 square metres in size; (xii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs- (a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse.
983 – Activity 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;
983 – Activity 27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for- (i) the undertaking of a linear activity; or
984 – 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.
985 – Activity 12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is

	<p>required for maintenance purposes undertaken in accordance with a maintenance management plan.</p> <p>(a) In Eastern Cape: i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in National Spatial Biodiversity Assessment 2004;</p>
<p>985 – Activity 14</p>	<p>The development of-</p> <p>(ii) channels exceeding 10 square metres in size; (v) weirs, where the weir, including infrastructure and water surface area exceeds 10 square metres in size; (xii) 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.</p> <p>(c) In Eastern Cape: ii. Outside urban areas, in: Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.</p>

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 Rietfontein
Farm Number and Portion	Portion 1 of Farm Rietfontein no.594,
Erf Number and Township Extension or Suburb	N/A
Co-ordinates	33°56'21"S ;25° 16'03"E
Physical address	Portion 1 of the Farm Rietfontein No.594, within the Nelson Mandela 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 as authorized in this Environmental Authorisation must commence within a period of 18 (eighteen) 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. Construction to be completed within 24 (twenty four) months of commencement.

3.1.1. 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.

3.1.2. 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:

3.1.2.1. An updated EMP; and

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

3.1.3. 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. Construction may not commence prior to a WUL being issued by DWS. In the event that a WUL is not issued this Environmental Authorisation becomes null and void.**
- 3.2.5.** 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.
- 3.2.6.** 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.
- 3.2.7.** In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.8.** 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.
- 3.2.9.** 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.
- 3.2.10.** 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.
- 3.2.11.** 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.
- 3.2.12.** 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.

3.2.13. 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.

3.2.14. 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. The Final designs must be approved by DWS and are to be submitted to the DEDEAT prior to any vegetation clearing and construction commencing. Such a layout plan must provide for amongst others:

3.3.2.1. Location of the Rietfontein dam as per this Authorisation;

3.3.2.2. Indicate the bypass channel; and

3.3.2.3. Demarcation of stretch of a river and portions of the catchment that will be rehabilitated.

3.3.3. The design of the dam must be such that the dam does not cut of the ecological reserve and/or normal flow of the river.

3.3.4. The dam wall must be provided with a suitable overflow, which must be capable of accommodating flood flows.

3.3.5. The holder of this Environmental Authorisation being Calvus Properties (Pty) Ltd to compile a detailed record of all Conditions in this Environmental Authorisation, 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.

3.3.6. The EMPr included in the FEIR is to be updated, submitted and approved by the Department prior to the commencement of construction as authorised in this Environmental Authorisation. The EMPr to include as a minimum:

3.3.6.1. Applicable conditions as contained in this Environmental Authorisation;

3.3.6.2. All the mitigation measures recommended for the design and operational phase in the Specialists Reports being Freshwater Impact Assessment Report

- and Ecological Report attached in the Final Environmental Impact Report, dated 19 July 2017 ;
- 3.3.6.3. General principles of environmental management as applicable to clearing of vegetation activities including environmental best practice, erosion prevention and control, minimisation of dust etc;
 - 3.3.6.4. Copies of all permits / licences issued to Calvus Properties (Pty) Ltd in relation to this project that have relevance to the environment;
 - 3.3.6.5. A general code of conduct for any contractor that may be carrying out any work on the relevant development sites;
 - 3.3.6.6. A clear description of the vegetation clearing activities to be carried out on the site; and
 - 3.3.6.7. Clear stipulations as to who is responsible and accountable for what actions.
- 3.3.7.** An Environmental Control Officer to be appointed for the duration of clearing of vegetation and subsequent construction of a dam 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:
- 3.3.7.1. Pre-commencement Audit report to be compiled and submitted to the Department;
 - 3.3.7.2. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.7.3. 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;
 - 3.3.7.4. To keep copies of all reports submitted to the Department on site; and
 - 3.3.7.5. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.
- 3.3.8.** The proposed off-set area is limited to the portion of the river and catchment on the property and must be implemented prior construction of the dam commencing.
- 3.3.8.1. A detailed rehabilitation plan must be compiled and submitted for approval to DWS and DEDEAT.
- 3.3.9.** The construction site must be clearly demarcated and all activities associated with the construction must take place within the demarcated areas. Stockpiling of any building material and the storing of machinery is to be strictly confined to within the area demarcated for construction.
- 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 3.3.11 as well as any other species that could be translocated must be removed and relocated to other suitable areas elsewhere on Farm Refontein.
- 3.3.13. The South African Heritage Resources Agency (SAHRA) must be contacted immediately should any archaeological findings be discovered during the course of the development.
- 3.3.14. All machinery used to construct the dam must operate within the demarcated area and care must be taken to minimise damage caused by vehicles to the watercourse on which the dam is built and the downstream riverine habitat.
- 3.3.15. No servicing and/or refuelling of vehicles or machinery may take place on site and next to the watercourse.
- 3.3.16. Construction in the riverbed to take place in such a manner that undue disturbance of the natural flow of the watercourse and disruption of the habitat of indigenous faunal species is prevented.
- 3.3.17. The design of the dam must be such that the dam does not cut of the ecological reserve and/or normal flow of the river.
- 3.3.18. The dam wall must be provided with a suitable overflow, which must be capable of accommodating flood flows.
- 3.3.19. All declared weeds and Category 2 invasive aliens along the stream and in the dam basin must be removed, and regrowth controlled.
- 3.3.20. Further to Condition 3.3.19, a follow-up programme must be instituted whereby exotic plant material which colonises disturbed ground is systematically eradicated prior to it attaining the seed formation stage. This must be ongoing for at least 12 months.
- 3.3.21. No fish species may be introduced into the dam without first obtaining the necessary permits from this Department.
- 3.3.22. 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 such works being completed at the aforementioned site using vegetation indigenous to the area.
- 3.3.23. 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.
- 3.3.24. No servicing of vehicles or machinery is to take place on site. All such servicing is to take place at a recognised workshop facility.
- 3.3.25. Adequate measures to protect against soil erosion must be implemented in all areas, including access roads and roads within the developed area.
- 3.3.26. All exotic plant material which colonizes disturbed ground must be systematically removed and destroyed prior to it attaining the seed formation stage.

- 3.3.27.** 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.
- 3.3.28.** 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 construction of a dam 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.
- 3.3.29.** An appropriate environmental management plan must be implemented for the operational phase of the activity and must address amongst others;
- 3.3.29.1. A code of conduct for any contractors and or workers;
- 3.3.29.2. A comprehensive storm water management plan to manage storm water during the operational phase of the development;
- 3.3.29.3. 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
- 3.3.29.4. A detailed maintenance plan to manage riverine integrity and ecological functionality after rehabilitation as per the off-sets required in terms of Condition 3.3.8 including maintenance of the dam wall and other infrastructure.
- 3.3.30.** Calvus Properties (Pty) Ltd will be held liable in the event of non-compliance by any contractor associated with this activity.
- 3.3.31.** 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

3.2. Information considered in making the decision

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

3.2.1. The information contained in the following documentation:

- Completed application form dated 24 October 2016 and submitted on 10 November 2016;

3.2.2. The Final Scoping Report compiled by Cape Environmental Assessment Practitioners (Pty) Ltd titled, "Scoping Report & Plan of Study for Environmental Impact Assessment for Rietfontein Dam on Portion 1 of the Farm Rietfontein 594", dated 10 February 2017 and submitted to DEDEAT on 10 February 2017.

- 3.2.3. The Final Environmental Impact Report compiled by Public Process Consultants titled, “Final Environmental Impact Report & Environmental Management Programme for Rietfontein Dam.” and dated 19 July 2017 and submitted to DEDEAT on 20 July 2017.
- 3.2.4. Freshwater Impact Assessment Report compiled by Liz Day of Freshwater Consulting cc titled “ Special Impact Assessment Phase Report: Auatic Ecosystems” dated May 2017 submitted to DEDEAT together with the FEIR ON 20 July 2017.
- 3.2.5. Ecological Impact Assessment Report compiled by Simon Todd Consulting titled, “ Rietfontein Dam, Yellowwoods Estate, Eastern Cape:Fauna & Flora Specialist Environmental Impact Study” dated May 2017 submitted to DEDEAT together with the FEIR ON 20 July 2017.
- 3.2.6. The comments or concerns raised by I&AP’s and state departments inclusive of the comments by the Department of Environmental Affairs : dated 12 October 2017. Chief Directorate Integrated Coastal Management.
- 3.2.7. Observations made during a site visit conducted on 01 February 2017 by Ms. N. Nazo and Mr. Andries Struwig of the Department in the company of Ms. Loiuise-Mari van Zyl of Cape EAPrac, Mr. Chauke Hagani, Mr. Paul Chiltzen, Mr. Musa Nyambi of DWS – CMA, Mr. Alan Fowle of Calvus Properties, and Mr. Allan Athmson of Athomson Survey.
- 3.2.8. 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.

3.3. Key factors considered in making the decision

- 3.3.1. The construction of Rietfontein dam is necessary to improve security of water supply to Portion 1 of the Farm Rietfontein 594 and Yellowwoods Estate for periods when direct abstraction from the river is not possible due to low flow or no flow.
- 3.3.2. It is stated in the Ecological report that the footprint of the development is located largely within highly impacted and transformed areas. The dam would however impact on some indigenous forest and thicket patches which are considered of high sensitivity. The total extent of habitat lost within these sensitive habitats would be around 1ha and this is not considered to represent a very high impact given the impacted nature of the surrounding landscape. Overall, the potential impact of the development on fauna and flora is likely to be low after mitigation. The dam would result in some habitat loss and transformation in the area, but if woody aliens in the area are cleared and additional natural vegetation is allowed to regenerate around the dam, then this would also serve to recreate some of the habitat lost to the dam.

3.3.3. It is mentioned in the Freshwater report that DWAF (2014) classified the Maitland River throughout its reaches and including the present study area as of Moderate Ecological Importance and High Ecological Sensitivity. The Freshwater Impact Assessment agrees with these ratings for this river in these reaches, and based on the criteria outlined in **Table 2 of the FEIR**, the overall EIS is considered as MEDIUM. The river is considered particularly sensitive to changes in flow as a result of abstraction, which could result in significant prolonging of the dry season / periods of no flow, with potential consequences for water-dependent fauna and flora. The maintenance of the secondary channels are deemed to be of high ecological importance and are also considered of high sensitivity to the flow regime – in this case, they would need periodic “maintenance floods” that would flush water through them at velocities sufficient to scour out encroaching vegetation and maintain the spread of elevated flows through these areas.

Conditions 3.3.8 and 3.3.29 addresses and mitigate the impacts and the risks as identified in the assessment. Furthermore the Freshwater Specialists explored the potential for offset mitigation, in the form of rehabilitation of river reaches and adjacent tributaries in the same catchment. This needs to be approved by DWS and DEDEAT.

- 3.4. Construction may not commence prior to a WUL being issued by DWS. In the event that a WUL is not issued this Environmental Authorisation becomes null and void. The issuance of WUL would have to consider normal flow rates and the rehabilitation downstream of the dam to ensure that the ecological reserve is maintained.
- 3.5. 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 and the mitigation measures proposed including the offsets are adhered to.
- 3.6. The Department is of the opinion that after implementation of the mitigation measures described in the **Freshwater Impact Assessment Report, Ecological Impact Assessment Report**, EMPr and OEMP together with the conditions contained within this Authorisation, that the residual impacts and risks to the environment are acceptable.
- 3.7. 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.
- 3.8. 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.
- 3.9. 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. 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

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.

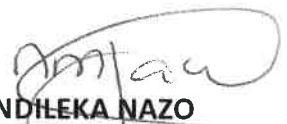
Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
By Hand	Beacon Hill, Hockey Close, King Williams Town
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted as follows:	

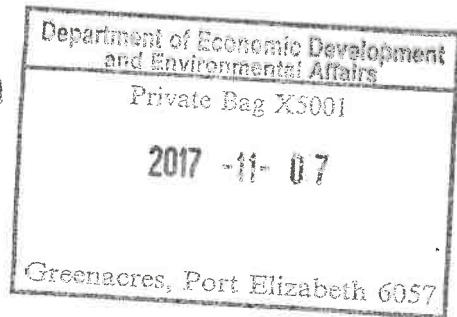
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

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: 7 November 2017




DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION
DATE: 7/11/2017