ENVIRONMENTAL CONSULTING

SEC Reference: 021016 **Date:** 1 February 2021

The Member of the Executive Council
Ministry of Environment and Nature Conservation
Private Bag X 6102
Kimberley
8300

For attention: L Pienaar / A. T. Makaudi
Via Fax: (053) 832 1026

SUBMISSION OF AN APPEAL IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND EIA REGULATIONS 2014, AS AMENDED
BOEGOEBERG MIXED USE DEVELOPMENT, PORTION 17 OF FARM BOEGOEBERG 48 !kheis LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.
NCDENC REFERENCE NUMBER: NC/BA/ZFM/!KHE/GRO1/2019

Dear Sir/ Madam

Sillito Environmental Consulting (SEC) has been appointed to submit an appeal on behalf of Kaap Agri Bedryf Limited.

Attached herewith please find an appeal submission for the Environmental Authorisation for the Boegoeberg Mixed-Use Development, Portion 17 of Farm Boegoeberg 48, !kheis, Northern Cape, as issued on 17 December 2021.

Please note that Kaap Agri Bedryf Limited received notification of the EA and the opportunity to appeal this EA from the environmental consultants EP3 Environmental (Pty) Ltd on 15 January 2021. (Notification Letter attached in **Appendix B** of this Appeal Submission).

Please note that in accordance with the National Appeal Regulations 2014, as well as the Covid Regulations 2020, all the registered I&Aps as well as the applicant will be notified of the submission of this appeal via email and the appeal submission will be made available on the SEC website for review.

Please acknowledge receipt of the appeal submission at your earliest convenience.
Yours sincerely,

Müller

Chantel Müller on behalf of SILLITO ENVIRONMENTAL CONSULTING

PO Box 30134, Tokai, 7966 Tel: 021 712 5060 Sillito Environmental Consulting (Pty) Ltd
Email: info@environmentalconsultants.co.za Fax: 021 712 5061 Reg No: 2015/028004/07
Directors: Adrian Sillito (Managing) & Diane Sillito

SEC Reference: 021016	Date: 1 February 2021

The Member of the Executive Council
Ministry of Environment and Nature Conservation
Private Bag X 6102
Kimberley
8300

For attention: L Pienaar / A. T. Makaudi

SUBMISSION OF AN APPEAL IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, 1998 (ACT NO. 107 OF 1998) AND EIA REGULATIONS 2014, AS AMENDED
BOEGOEBERG MIXED USE DEVELOPMENT, PORTION 17 OF FARM BOEGOEBERG 48 !kheis LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

PROJECT INFORMATION

NCDENC REFERENCE NUMBER: NC/BA/ZFM/!KHE/GRO1/2019

Project description:
Mixed use commercial development located on Portion 17 of the Farm Boegoeberg 48, !kheis, local municipality, Northern Cape Province.

The proposed project entails the construction of a mixed-use commercial premises that will include office space, a public garage with associated stores, adequate car parking and amenities that will serve the local community.

Date of Environmental Authorisation:
17th December 2020

Date of receipt of Notification of Environmental Authorisation:
15 January 2021

Type of Appeal:
Environmental Authorisation

PO Box 30134, Tokai, 7966 Tel: 021 712 5060 Sillito Environmental Consulting (Pty) Ltd
Email: info@environmentalconsultants.co.za Fax: 021 712 5061 Reg No: 2015/028004/07
Directors: Adrian Sillito (Managing) & Diane Sillito

APPELANT'S INFORMATION

I as the appellant am a registered interested and affected party.

Name: Kaap Agri Bedryf Limited

Address: 1 Westhoven Street, Paarl, 7646

Contact details: Satish Bhoola (Senior Manager: Sustainability & Legal)
Tel: (021) 860 3750
Fax: n/a
Email: satish.bhoola@kaapagri.co.za

GROUNDS FOR APPEAL

The scope of the appeal is primarily limited to socio-economic viability of the proposed mixed-use development, and more specifically on the proposed fuel service station component of this development as this component has the highest socio-economic impact on the existing fuel service stations in the trading area; as well as on the accuracy and content of the Basic Assessment Report itself.

SOCIO-ECONOMIC VIABILITY

Please refer to the Socio-economic review as prepared by Ralph McKellar of McKellar & Associates, as attached in Appendix A of this Appeal Submission.

Conclusion as contained in the Socio-economic Review by McKellar & Associates:

A review of the documentation provided indicates that there is sufficient reason to lodge an appeal against the issue of the EA for this development.

This is based on the following:

1. There is a clear discrepancy between the amount of fuel available on the passing roads and the current volume of the trading area. Either one of them is incorrect or both are. The scale of the discrepancy is large and therefore not accounted for by small possible incorrect data collection.
2. The traffic count used indicates that there is insufficient traffic on the adjacent roads to support the estimated volume of the existing service stations in the trading area.
3. The traffic count used does not support another service station without pushing one, and maybe two of the existing service stations to become non-profitable.
4. The forced closure of any one of the existing businesses to accommodate a similar business goes against all the legislation in place to protect small businesses and current license holders, to protect jobs and provide a competitive market economy.

5. The reallocation of volumes after the new site is built, using the modeling provided, leaves one site (Agrimark) economically below the BSS/RAS threshold and therefore at risk of closure and KLK becomes economically vulnerable, totally in contravention of the Petroleum Products Act.
6. Whilst the new site proposes to create 34 new to market jobs, they will come at the expense of jobs already created at the existing businesses as they are forced to cut costs to survive.
7. The only mitigating factor put forward in the BAR for the high negative impact that this new site will have on the existing businesses was to keep prices at the same level as the other service stations. This is clearly not defensible, against legislation and not sustainable in competitive market conditions. It cannot be relied on as a guaranteed method to ensure the ongoing operation of the other businesses and will act as a deterrent to any future investment or upgrades.
8. Should the EA be issued, the proposed 2021 Agrimark service station upgrade will not be undertaken. It would be a stronger market solution to allow this upgrade to proceed, which will provide for a portion of the potential jobs lost in the No-Go scenario on the new site. Furthermore, it will ensure the continued operation of an existing, well-established business supported by a strong fuel franchise.
9. It would be irresponsible of the issuing authorities to approve the EA for this development considering the above.

ACCURACY OF THE CONTENT OF THE FINAL BASIC ASSESSMENT REPORT:

From a review of the provided documentation, including the Final Basic Assessment Report (BAR) as submitted to the Northern Cape Department of Environment and Nature Conservation, some general observations about the documents are worth noting, as some of these are fundamental to the outcomes reached and the conclusions drawn in recommending the EA.

1. There is often a disconnect between the BAR report and the input documentation reviewed, namely **Annexure D** and **Annexure F**, sometimes resulting in uncertainty about which data or information is correct and thus which outcome to validate.
2. Obvious cut and paste discrepancies between documents and within documents show up where information appears to be pasted in the incorrect section and thus has little relevance, making it difficult to determine which comments are relevant and correctly applicable. This also necessitated a lot of crosschecking and validating to try and establish which information was correct, thereby potentially confusing stakeholders.
3. Mitigations provided were often not a real solution to the issue and were not developed into implementable actions making evaluation difficult. An example of this is as follows:
   Page 20 of the Final BAR:
   "The proposed development (specifically the filling station) could have a negative impact on the feasibility of service stations in proximity, if market competition is not fair, i.e., the financial security of existing fuel station owners, job-security of his/her employees and the necessity for rehabilitating the land. However, as the proposed development will be the only truck stop in the area it is anticipated that this impact will be minimal as the truck stop is providing an alternate service to the other fuel stations."
   It is unclear how the proposed service station will have a minimal impact on the other services stations in the area because of the fact that this proposed service station will have a truck stop? It can be argued that the fact that this service station will have a truck stop, which the other service stations does not have, will in fact have a major negative impact on these other service stations in the area.
4. Some comments contained good generic logic but either made no commercial sense or had no direct relevance to the impact of the proposed development.

5. The evaluating tools and modeling used are robust and are acceptable by the industry and apply industry norms. However, sometimes the application is unusual and even questionable e.g., the method used for apportioning which traffic lane counts to the NTI volume potential.
6. The validation of conclusions reached from data extrapolation is often not tested against commercial logic resulting in questionable conclusions. One sometimes gets the impression that logic and reasoning has been forgotten in an attempt to conform to large templates and multiple analytical tools.

Yours sincerely,

Appellant's signature

Chantel Müller
On behalf of SILLITO ENVIRONMENTAL CONSULTING

Appendix A: Socio-economic review, McKellar & Associates

APPENDIX A
SOCIO-ECONOMIC ASSESSMENT

Attention: Chantel Muller **29 January 2021**

Sillito Environmental Consulting
Suite 105, Block B2,
Tokai Village Centre,
Vans Road, Tokai, Cape Town, 7966

P: +27 (0) 21 712 5060
F: +27 (0) 21 712 5061
M: +27 (0) 71 313 4193
chantel@environmentalconsultants.co.za

Re: Review of Socio-Economic aspects of documentation supplied relating to a mixed-use development on Portion 17 of the farm Boegoenberg, Groblershoop, Northern Cape Province, with a view to establishing any grounds for appeal to the issue of the final EA

Thank you for entrusting us with this review.

Please find attached the requested report based on a review of the supplied documentation from your office.

I trust that this review meets with your expectations. Should you have any questions please feel free to contact me.

Thanks.

Ralph McKellar

A Socio-Economic Review of documentation to establish whether there is a basis for an appeal by Kaap Agri against the proposed construction of a Mixed-Use Commercial Development located on Portion 17 of the farm Boegoenberg, Groblershoop, Northern Cape Province

Ralph McKellar of McKellar & Associates
083 629 3173
ralphmcklr@gmail.com

1. Introduction

Sillito Environmental Consulting, on behalf of their client Kaap Agri, have requested that McKellar & Associates review the documents provided to Interested and Affected Parties by EP3 Environmental (Pty) Ltd in the EA application for a new multi-use commercial development on Portion 17 of the farm Boegoenberg, Globlershoop, Northern Cape Province. The scope of this review confines itself solely to the Socio-Economic aspects of the BAR documentation supplied, primarily:

1. The Final BAR – with specific focus on:
    - Appendix D – Specialist Studies
    - Appendix D4 - Economic Impact Assessment – Petrorex (Pty) Ltd documentation
    - Appendix F – Impact Assessment - EP3 Environmental (Pty) Ltd – EIA

Whilst relevant sections were also read, this review largely focuses on the fuel filling station component of the new multi-use development as this is fundamental to the commercial viability of the new development and has the highest potential Socio-Economic impact on the existing fuel facilities in the trading area.

2. The Proposed Development

2.1 Location and preferred layout

The developer's objective is to build a mixed-use commercial development including a filling station and truck stop, retail stores, offices and ablution facilities all supported by adequate car and truck parking. It is located on a portion of the farm Boegoenberg, situated 500m northwest of the town of Groblershoop on the N10 and is currently used for grazing livestock.

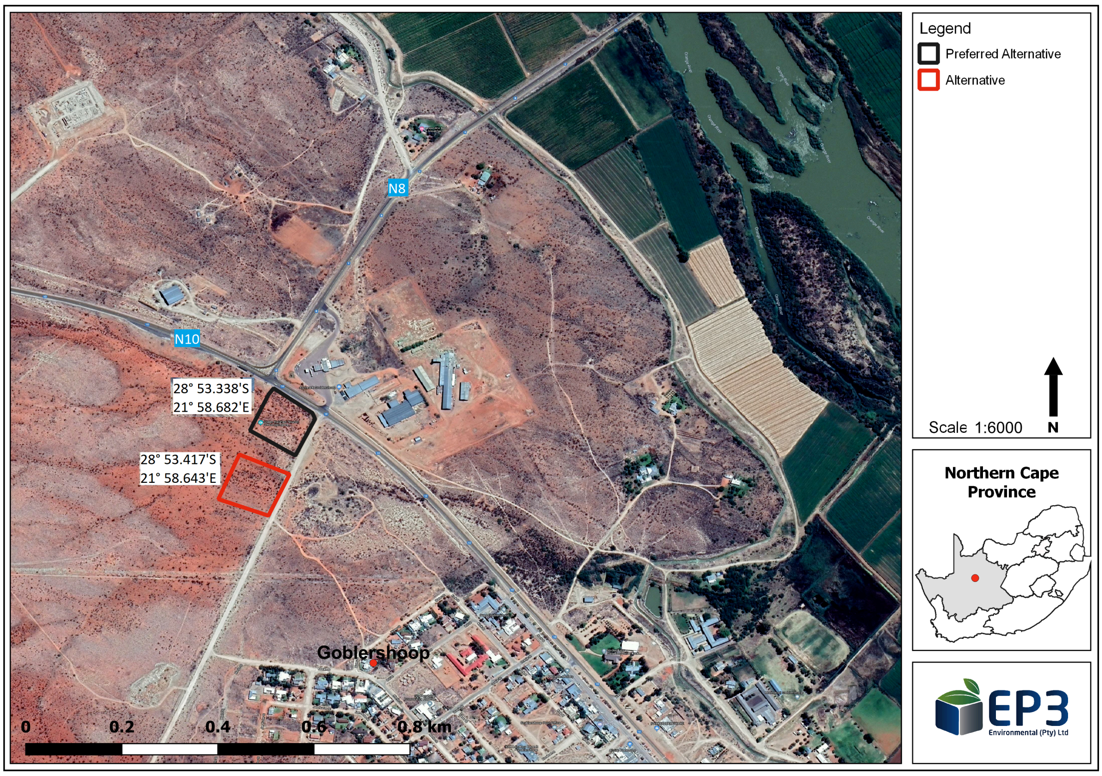

Figure 1: Location map as supplied in BAR

The preferred alternative as indicated in the location map will not have direct access to the N10 but will be accessed off the north/south gravel road as indicated in the proposed layout plan below.

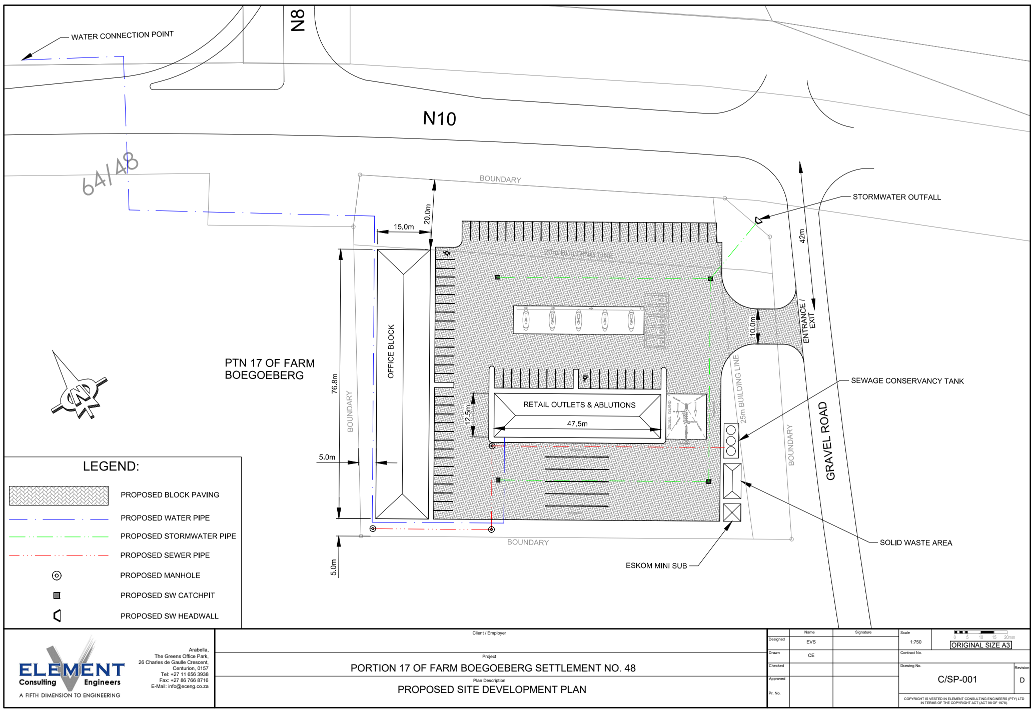

Figure 2: Preferred layout plan as supplied in BAR

Three existing service stations make up the primary market. Two service stations, KLK and Agrimark, are located on the northern side of the N10 opposite this proposed development and a Puma branded service station is located in the town, 1km to the east along the N10.

3. The Review

3.1 Socio-Economic viability review

This review will start by validating some of the essential input data required to ensure economic viability and measure impact.
Fuel sales are the most important component of this equation.
The potential volume of fuel available in the trading area is a cornerstone of the economic viability of the new business as well as the current fuel businesses in the area. There is an obvious direct correlation between the traffic available from which to draw volume and the sales that will be achieved. There is also recognized methodology used to determine this potential volume.

3.2 Validation of data and modeling in regards to potential fuel volume

A review of the data provided in the EA documentation began with some cross checks to validate the integrity and logic of the input data and the modeling techniques as supplied in Appendix D4, N3 to N9.

1. **Can the existing traffic support the current trading area volumes**
   The existing 3 service stations are recorded as pumping the following volumes:

Site	Petrol volume litres	Diesel volume litres	Total volume litres
KLK	195000	59000	254000
Agrimark	90000	70000	160000
Puma	250000	75000	325000
Trading area total volume	**535000**	**204000**	**739000**

The supplied traffic counts show the following total vehicles on all routes. Route map as per supplied documents N3.
Whilst traffic on route 1 would not normally be included as it bypasses the trading area, it has been included in this review assessment merely to assess the maximum traffic available on the adjacent roads as these vehicles do have the opportunity to detour access the sites on a needs basis.

Route	Light Vehicles	Minibus Vehicles	Heavy Vehicles	Total
1	184	0	49	233
2	382	24	130	535
3	143	4	31	178
4	236	12	25	274
5	127	6	20	154
6	11	1	1	13
7	1	0	1	2
8	377	19	109	505
9	221	11	35	266
10	89	5	19	113
11	228	13	26	268
12	13	4	0	17
Total	**2 011**	**98**	**448**	**2 557**

From the vehicle counts and using the model formula as provided as well as the high-end interception rates (7% for petrol, 15% for diesel) the following maximum total potential fuel volume is available to the trading area.

	Light vehicles	**Taxis**	**Heavy trucks**	**Total**
Count	2011	98	448	2557
Interception %	7	7	15	
Days	30	25	25	
Ave fill	30	33	150	
Volume potential	**126693**	**56595**	**252000**	**435288**
Fuel type	Petrol	Petrol	Diesel	

As a result the following emerges.

	Petrol	**Diesel**	**Total**
Area actual volume	535000	204000	739000
Traffic count volume	183288	252000	435288
Difference	**(351712)**	**48000**	**(303712)**

The result is that, based on the traffic counts, there is a major shortfall between the traffic count based volume potential and the actual volume pumped within the trading area.

The conclusion, based on the data provided, is that there is not enough traffic on the feeder roads to sustain the existing trading area fuel volume pumped.

It's obvious that one (or both) of the sets of data is incorrect. Logic points towards the traffic count as the trading area volume estimate would be pretty accurate.

Should the traffic count be redone it is recommended that it is conducted over 2 days minimum, one busy and one quieter. A count over 3 days would be preferable. The provided count was done on one day only (Wednesday 22 January 2020) by Petrorex (Pty) Ltd over a 12hour period (06h00 to 18h00) on all roads adjacent to the proposed development. The 24hour data was extrapolated using a 1.2 factor. It may also be prudent to have an independent body do the count.

However, the fact that this discrepancy exists makes it imperative that the volume justification as it stands needs to be relooked at. The current data does not support any new fuel development in this trading area.

This new development cannot be allowed to proceed until this has been satisfactorily solved.

2. Can the existing area trading volume support a new service station
Assuming the trade area volume is correct and the traffic count data is incorrect a simple high level cross-check of the impact of the new site on available volume can be done in this case.

If the predicted volume for the new site is deemed to be acceptable to make it viable (based on the financial analysis done in N10 to N24 it would be), then, using the data and volume loss modeling provided in N8 and N9 the following emerges.

The NTI is predicted to pump 201000 litres and is projected viable at this volume.

This requires that the following volumes to be taken by the NTI from the existing sites:

	Petrol	**Diesel**	**Total**
KLK	49000	14000	63000
Agrimark	18000	14000	32000
Puma	50000	15000	65000
Total	**117000**	**43000**	**160000**

The required trading area volume after the new site is built would be:

	Petrol	**Diesel**	**Total**
KLK	146000	44000	190000
Agrimark	72000	56000	128000
Puma	200000	60000	260000
New NTI	75000	126000	201000
Total	**493000**	**286000**	**779000**

However 160000 litres comes from the existing sites leaving a shortfall of 41000 litres required to reach the NTI viable volume of 201000. This would need to come from additional new business to the trading area.

It is not clear how this new business would be attracted to the area except possibly through the truck stop. But if it is not, then the shortfall must come from the existing sites. If that happens, and using the same modeling as used in N8 and N9, the total volumes that these sites will be left with will be:

	Additional lost petrol volume	**Additional lost diesel volume**	**Total volume left**
KLK	12000	4000	174000
Agrimark	6000	2000	120000
Puma	12000	4000	244000
Total	**30000**	**10000**	**538000**

3. Viability on new volumes after NTI
Based on a theoretical apportionment of costs and using the BSS and RAS margin and cost allocation for this location the new annual picture will something look like this for the two marginal sites.

Site	Product	Sales vol litres	Gross Profit R	Expenses R	Net profit /loss before tax R
KLK	Petrol	1 608 000	2 186 880		
	Diesel	48 000	556 800		
	Total	**174000**	**2 743 680**	**2 645 630**	**98 050**
Agrimark	Petrol	792 000	1 077 120		
	Diesel	62 640	72 662		
	Total	**854 640**	**1 149 782**	**1 928 999**	**(779 217)**

Based on the basic BSS margin to cost allocation and the RAS apportionment of fuel margin and benchmarks for RORO sites it can be seen that, at these new volumes, KLK will now be economically marginal and will probably have to cut overheads and staff to survive and Agrimark will probably be a forced closure.

The conclusion, based on the data provided, is that the new development will need to ‘steal’ a significant portion of the trading area volume to be viable, putting one existing business at risk and forcing another to close.

Using either the traffic count volume or the trading area volume indicates that there is no justification for a new site at this location.

3.3 Assessment conclusion at this point
Based on the review to this point it is obvious that the information on which the issue of the EA is based is flawed and does not support this new development. An appeal should therefore be lodged against the EA on Socio-Economic grounds in that there is sufficient information and uncertainty to support the new investment and mitigate the impact on the other businesses.

Market information also suggests that Kaap Agri will be making a considerable investment in upgrading their Agrimark fuel facilities during 2021in line with modern franchise standards. This investment is viable based on their current fuel volume and their desire to invest in their customer base, add value to their company image and provide additional jobs to the local community.
This upgrade will go a way towards mitigating the potential job losses outlined in the NoGo scenario of the NTI.

Their confidence in this market to invest in this manner should be considered as a positive investment and a strong Socio-Economic enhancement to the area and community. It is a far better alternative to the proposed negative impact on the existing sites of the new business site.

The decision to upgrade will obviously be reconsidered should the NTI go ahead.

4. The review further
Based on the highlighted issues covered here so far there is enough evidence to suggest that this development should not take place and it is therefore probably not necessary to review the documentation any further.

However there are further points that should be reconsidered and noted so the review will highlight these for attention.

4.1 Review of Socio-Economic points in the BAR
Based on Alternative 1 – the preferred alternative

Relevant reference	**Essence of the content**	**Review comments**
BAR. Activity Motivation. Points 4 and 15.	Stated need for a truck stop in the area.	This may well be the case but the business study and impact assessment do not make the case that this is critical for this location. They imply it's needed via generic comment about trucks on the road. The case appears more to revolve around making a commercial case for the new business
BAR. Activity Motivation. Points 4,15,16 and 17.	Providing local community with employment, skills upliftment and shopping alternatives	A positive value for the new development is the provision of 34 permanent jobs, new skills and lifestyle enhancements. The problem is that this will come at the expense of the existing jobs in established businesses.
BAR Section B: site/area/Property description. 6. Land use. Surrounding. Adjacent service stations. Impact.	The proposed development (specifically the filling station) could have a negative impact on the feasibility of service stations in proximity, if market competition is not fair, i.e. the financial security of existing fuel station owners, job-security of his/her	As a new direct competitor to the existing service stations in the trading area trying to maximize their return on investment in these competitive market conditions, this assessment of the impact of the new site makes little commercial sense.

	employees and the necessity for rehabilitating the land. However, as the proposed development will be the only truck stop in the area it is anticipated that this impact will be minimal as the truck stop is providing an alternate service to the other fuel stations.	
Impact Assessment Operational Phase. 19. Heavy vehicle impact. Page 27. Moderate (<60) WOM Low WM (<40)	• Traffic Obstructions • Unsafe Road situations • Damage to road surfaces • Unhealthy conditions if facilities are not adequate. • Influx of "night workers"	The BAR provides WOM rating of Moderate (<60) and WM (<40) whilst impact study calculates WOM as High (70) and WM Low (24) with supporting tables. The BAR should reflect the correct rating and should include the mitigations.
Impact Assessment Operational Phase. Indirect Impacts. 1. Page 56. Economic impact on other service stations. Impact before mitigation High (70). Impact after mitigation Moderate (56)	The development of a fuel station and truck stop could have a negative impact on other filling stations in the same area. In the Economic Impact Assessment/ Business study three (3) existing service station were identified, the closest being located approximately 140 metres radius and 90 metres road distance and the furthers being located approximately 1.04 kilometres radius and 1.5 kilometres road distance. **Mitigation** • Keep diesel prices the same as other filling	This is notated to have a high impact. The mitigation proposed has the following concerns/issues: • Price parity on petrol already exists so mitigation has no affect. • Agreeing diesel prices is in conflict with legislation and the Competitions Act • Controlling price parity amongst 3 competitors is difficult • Any potential diesel price war is generally

	stations.	damaging to all surrounding businesses. • NTI has a higher Evaluation Grading score and therefore a stronger customer draw when price parity exists. • Keeping prices the same is not realistic and not an assurance to other service stations that their investment and future is secure. Annexure F – Economic Impact Assessment – has a Moderate (48) WOM rating and a Low (24) WM rating for this point. It needs to be clear which one is correct. Whilst the Economic Impact Assessment/ Business study as presented assesses this as a 'might have negative impact' issue, the review evaluation done here emphasizes that this will have a major impact.

5. Conclusion

A review of the documentation provided indicates that there is sufficient reason to lodge an appeal against the issue of the EA for this development.
This is based on the following:

1. There is a clear discrepancy between the amount of fuel available on the passing roads and the current volume of the trading area. Either one of them is incorrect or both are. The scale of the discrepancy is large and therefore not accounted for by small possible incorrect data collection.

2. The traffic count used indicates that there is insufficient traffic on the adjacent roads to support the estimated volume of the existing service stations in the trading area.
3. The traffic count used does not support another service station without pushing one, and maybe two of the existing service stations to become non-profitable.
4. The forced closure of any one of the existing businesses to accommodate a similar business goes against all the legislation in place to protect small businesses and current license holders, to protect jobs and provide a competitive market economy.
5. The reallocation of volumes after the new site is built, using the modeling provided, leaves one site (Agrimark) economically below the BSS/RAS threshold and therefore at risk of closure and KLK becomes economically vulnerable, totally in contravention of the Petroleum Products Act.
6. Whilst the new site proposes to create 34 new to market jobs they will come at the expense of jobs already created at the existing businesses as they are forced to cut costs to survive.
7. The only mitigating factor put forward in the BAR for the high negative impact that this new site will have on the existing businesses was to keep prices at the same level as the other service stations. This is clearly not defensible, against legislation and not sustainable in competitive market conditions. It cannot be relied on as a guaranteed method to ensure the ongoing operation of the other businesses and will act as a deterrent to any future investment or upgrades.
8. Should the EA be issued, the proposed 2021 Agrimark service station upgrade will not be undertaken. It would be a stronger market solution to allow this upgrade to proceed, which will provide for a portion of the potential jobs lost in the No-Go scenario on the new site. Furthermore it will ensure the continued operation of an existing, well-established business supported by a strong fuel franchise.
9. It would be irresponsible of the issuing authorities to approve the EA for this development considering the above.

6. Recommendation

Lodge the appeal. There are sufficiently strong Socio-Economic grounds around the volumes available for a new site and the economic impact on the existing sites.

7. General comments

From a review of the provided documentation some general observations about the documents are worth noting, as some of these are fundamental to the outcomes reached and the conclusions drawn in recommending the EA.

1. There is often a disconnect between the BAR report and the input documentation reviewed, namely Annexure D and Annexure F, sometimes resulting in uncertainty about which data or information is correct and thus which outcome to validate.
2. Obvious cut and paste discrepancies between documents and within documents show up where information appears to be pasted in the incorrect section and thus has little relevance, making it difficult to determine which comments are relevant and correctly applicable. It also necessitated a lot of

crosschecking and validating to try and establish which information was correct.

3. Mitigations provided were often not a real solution to the issue and were not developed into implementable actions making evaluation difficult.
4. Some comments contained good generic logic but either made no commercial sense or had no direct relevance to the impact of the proposed development.
5. The evaluating tools and modeling used are robust and are acceptable by the industry and apply industry norms. However sometimes the application is unusual and even questionable e.g. the method used for apportioning which traffic lane counts to the NTI volume potential.
6. The validation of conclusions reached from data extrapolation is often not tested against commercial logic resulting in questionable conclusions.

It was also confusing to understand some of the traffic counts conversion to volume logic. It would be interesting to hear the logic used in apportioning which traffic lanes to the total volume potential, the NTI volume and the current trading area volume.

One sometimes gets the impression that logic and reasoning has been forgotten in an attempt to conform to large templates and multiple analytical tools.

Ralph McKellar
McKellar & Associates
083 629 3173
ralphmcklr@gmail.com

APPENDIX B
EA NOTIFICATION LETTER

EP3 Environmental (Pty) Ltd

15 January 2021
Attention: Interested and Affected Party

NOTICE OF ENVIRONMENTAL AUTHORISATION

NCDENC REFERENCE NUMBER: NC/BA/ZFM/!KHE/GRO1/2019

Dear Sir/ Madam

You are hereby informed that the Northern Cape Department of Environmental and Nature Conservation, has granted Environmental Authorisation (EA), on 17 December 2020, in terms of the National Environmental Management Act, 1998 (Act. No. 107 of 1998) (NEMA) and the Environmental Impact Assessment Regulations, 2014, for the development of a mixed use commercial premises located on Portion 17 of the Farm Boegoeberg 48, !kheis Local municipality, Northern Cape Province.

Activity Description: The proposed project entails the construction of a mixed-use commercial premises that will include office space, a public garage with associated stores, adequate car parking and amenities that will serve the local community. The proposed project entails the construction of a mixed-use commercial premises that will include

Name of Applicant: Onjanha Trust

Location: The site falls within the !Kheis Local Municipality and is located on Portion 17 of the Farm Boegoeberg 48, Northern Cape Province.

The following listed activities in terms of the NEMA EIA 2014 Regulations have been authorised: Listed activities 12, 14 and 27 of Listing Notice 1 (Regulation 327) and activities 12 and 14 of the Listing Notice 3 (Regulation 324).

Availability of Environmental Authorisation:

A full copy of the EA can be obtained from the consultant below.

Appeal Procedure:

Interested and affected parties (I&APs) are hereby informed that an appeal may be lodged against issuing of this EA in terms of Section 4(2) of the Environmental Impact Assessment Regulations, 2014, (the Regulation) and Regulation 4 of the National Appeal Regulation 2014. The appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, within 20 days, from the date that the notification of the decision was sent to the applicant.

Appeals must be submitted in writing to:

The member of the Executive Council
Ministry of Environment and Nature Conservation

Fax: (053) 832 1026

EP3 Environmental (Pty) Ltd

Postal Address

Private Bag X6102
Kimberly
8300

Physical Address

90 Long Street
Kimberley
8300

I trust you find the above to be in order.
Please do not hesitate to contact us should you have any queries.

Yours sincerely

Eben van Schalkwyk
Director
Mobile: +27 82 881 8500
Fax: +27 86 583 4706
Email: eben@ep3.co.za

P.O. Box 10548,
Fourways East,
2055

Mobile: +27 82 881 8500
Fax: +27 086 583 4706
Email: eben@ep3.co.za

company registration nr: 2012/091082/07.

APPENDIX C
ENVIRONMENTAL AUTHORISATION

the denc

Department:
Environment & Nature Conservation
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

SASKO Building
90 Long Street
Private Bag X6102
Kimberley
8300

Tel. 053-8077300
Fax: 053-8077328

Enquiries :
Dipatlisiso : Mr O Seshupo
Imibuzo :
Navrae :

Reference : NC/BA/35/ZFM/!KHE/GRO1/2019
Tshupelo
Isalathiso :
Verwysing :

Date :
Leshupelo:
Umhla : 17th December 2020
Datum :

ONJANHA TRUST
JLJ Karstens
97 ORANGE STREET
P.O.BOX. 275
GROBLERSHOOP
8850

Email: Karstenplanthire@gmail.com

Dear Sir/Madam

THE GRANTING OF AN ENVIRONMENTAL AUTHORISATION FOR: ACTIVITY NO. 12 (xii)OF GN. R 327, ACTIVITY NO. 14 OF GN. R 327, ACTIVITY NO. 27 OF GN. R 327, ACTIVITY NO. 12 (G)ii OF GN. R 324, AND ACTIVITY NO 14 (IV) GN R 324 DEVELOPMENT OF A MIXED USE COMMERCIAL PREMISES ON PORTION 17 OF THE FARM BOEGOEBERG 48 !KHEIS LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.

By virtue of power conferred to me by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2014 **ACTIVITY NO. 12 (xii)OF GN. R 327, ACTIVITY NO. 14 OF GN. R 327, ACTIVITY NO. 27 OF GN. R 327, ACTIVITY NO. 12 (G)ii OF GN. R 324, AND ACTIVITY NO 14 (IV) GN R 324 DEVELOPMENT OF A MIXED USE COMMERCIAL PREMISES ON PORTION 17 OF THE FARM BOEGOEBERG 48 !KHEIS LOCAL MUNICIPALITY, NORTHERN CAPE PROVINCE.**

A detailed description of the activity is given in the **Final Basic Assessment Report dated February 2020,** subject to the conditions listed in the Environmental Authorisation and reasons for the decision are attached herewith. In terms of regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of receiving of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to chapter 2 of the National Appeal Regulation which regulates appeal procedures. Should you/ any person affected by this decision wish to appeal, any aspect as prescribed in regulation 4 of the National Appeal Regulations 2014, with the Member of the Executive Council, Ministry of Environment and Nature Conservation within 20 days of receiving this letter, by means of one of the following methods:

By facsimile:	(053) 8077328
By post:	Private Bag X 6102, Kimberley, 8300 or
By hand:	90 Long Street, Kimberley, 8300

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours Faithfully

MR. B FISHER: DIRECTOR
ENVIRONMENTAL QUALITY MANAGEMENT
DEPARTMENT OF ENVIRONMENT AND NATURE CONSERVATION

DATE OF DECISION: 17 December 2020

Cc: **Mr T Sekoko**
EP3 ENVIRONMENTAL (Pty) Ltd
eben@ep3.co.za

Northern Cape Province

DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

Profensi Ya Kapa Bokone

LEFAPHA LA TIKOLOGO LE TSHOMARELO YA THLAGO

ENVIRONMENTAL AUTHORISATION

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

Authorisation Register Number:	**Permit 25/2020**
Reference Number:	**NC/BA/35/ZFM/!KHE/GRO1/2019**
Last Amended:	**N/A**
Holder of Authorisation:	**Onjanha Trust - JLJ KARSTENS**
Location of activity:	**Portion 17 of the farm Boegoeberg 48 !Kheis Local Municipality, ZF Mgcawu District Municipality.**

DEFINITIONS

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

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

"Application" means an application for an -

(a) environmental authorization in terms of Chapter 4 of the 2014 Environmental Impact Assessment regulations;

(b) amendment to an environmental authorisation in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

(c) amendment to an EMPr in terms of Chapter 5 the 2014 Environmental Impact Assessment regulations;

(d) amendment of a closure plan in terms of Chapter 5 of the 2014 Environmental Impact Assessment regulations;

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

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

"Plan of Study for Environmental Impact Assessment" means a study contemplated in regulation 22 which forms part of a scoping report and sets out how an environmental impact assessment will be conducted;

"Scoping Report" means a report contemplated in regulation 21 of the 2014 Environmental Impact Assessment regulations;

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

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

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

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

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

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

DECISION

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

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

ACTIVITIES AUTHORISED

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

Onjanha Trust- JLJ Karstens

with the following contact details –

Oranjestraat 97 Groblershoop

P O Box. 275

8850

Tel: N/A

Fax: N/A

Cell: (082) 717 8367

Email: Karstenplanthire@gmail.com

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

Development of a mixed use commercial premises on portion 17 of the farm Boegoeberg 48 !Kheis Local Municipality, Northern Cape Province.

GNR. 327 Item 12 (xii)

The development of infrastructure or structures covering 100 square meters or more where such development occurs-

(a) within a watercourse

GNR. 327 Item 14

The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic meters or more but not exceeding 500 cubic meters.

GNR. 327 Item 27

The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation required for;

- **(i) the undertaking of a linear activity; or**
- **(ii) maintenance purposes undertaken in accordance with a maintenance management plan**

GNR. 324 Item 12 (g) (ii)

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

(ii) within critical biodiversity areas identified in bioregional plans

GNR. 324 Item 14 (vi)

Bulk storm water outlet structures exceeding 10 square metres in size in (g) Northern Cape;

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.

The project will be located on portion 17 of the farm Boegoeberg 48. Which falls under the jurisdiction of! Kheis Local Municipality, ZF Mgcawu District Municipality Northern Cape Province. With the following co-ordinates;

(Latitude (S) 28° 53' 17.38" Longitude (E) 21° 58' 40.13")

(Latitude (S) 28° 53' 20.60" Longitude (E) 21° 58' 38.31")

(Latitude (S) 28° 53' 22.52" Longitude (E) 21° 58' 41.79")

(Latitude (S) 28° 53' 19.73" Longitude (E) 21° 58' 43.30")

(Latitude (S) 28° 53' 19.27" Longitude (E) 21° 58' 43.12")

Hereafter referred to as "the property".

The granting of this Environmental Authorisation is subject to the conditions set out below.

CONDITIONS

Scope of authorisation:

1. Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
2. The holder of the authorisation **must** be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
3. The activities which are authorised **must** only be carried out at the property indicated above.
4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
5. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.

General conditions:

6. A copy of this authorisation must be kept at the property where the activities will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
7. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
8. The holder of the authorisation must notify the Department, in writing and within 24 (Twenty-Four) hours, if condition 16 of this authorisation cannot be or is not adhered to. In all other cases, the holder of the authorisation must notify the Department, in writing, within seven (7) days if any condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
9. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
10. This authorization is subject to the approval by the relevant local authorities i.e. in terms of any relevant legislation administered by those local authorities.
11. The activities **must** not commence without the necessary permits/licenses/approvals and/or service agreements, where it is relevant, from or with the relevant regulatory authorities whether national, provincial or local (these include but are not limited to National Department of Forestry and Fisheries, National Department of Agriculture, Land Reform and Rural Development, Department of Housing &

Local Government, Department of Water and Sanitation, Department of Mineral Resources, Department of Transport, Roads & Public Works, Department of Sports, Arts & Culture, South African Heritage Resources Agency, South African Civil Aviation Authority).

12. The activities, including site preparation, may not commence before the thirty (30) day appeal period expires or until such time as the Department has considered any appeals that have been lodged.
    a. **Seven (7) days** written notice must be given to the Department before commencement with the activity.
    b. Such notice shall make clear reference to the site location details and the reference number given above.
    c. The said notice must also include proof of compliance with the following condition described herein:
        i. Condition: 11
13. The applicable conditions of this authorization must form part of all contractors' and sub-contractors' conditions of contract. A performance-based requirement with regard to environmental impact management must be included in all contracts related to any aspect of this authorization.
14. The applicant must carry out regular environmental audits to establish compliance with the conditions of this authorization and contracts.
15. Environmental Management Inspectors employed by the Department shall be given access to the property as described above (see detailed description of the activities) for the purposes of assessing and/or monitoring compliance with the conditions contained in this Environmental Authorization. Where the activity is located on a third party's property the applicant shall be responsible to arrange access for departmental officials.
16. This Department may add to, change and/or amend any of the conditions in this authorization if, in the opinion of the Department, the addition, change of amendment is environmentally justified. In event that such impacts exceed its significance as predicted in the independent consultant's basic assessment report and supporting documentation, the authorization may be withdrawn after proper procedures were followed.
17. In the event of any dispute concerning the significance of a particular impact, the opinion of this department in respect of its significance will prevail.
18. This Department and any national department, provincial department, local authorities or committees appointed in terms of the conditions of this application or any other public authority or organization shall not be held responsible for any damage of losses suffered by the applicant or his successor in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.
19. The applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
20. The applicant must apply the principle of best practicable environmental option for all technologies used/ implemented during construction and operation phase.

Appeal of authorisation:

21. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 (the Regulations), you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) days of the date of the Department decision in respect of the amendment made as well as the provisions regarding the submission of appeals that are contained in the Regulations.

22. Your attention is drawn to Chapter 2 of Government Notice No. R993, which prescribes the appeal procedure to be followed.

Management of activity:

25. The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. (Alternatively, if further changes are required to the EMPr as a result of the authorisation, this condition must be modified).

26. Ensure that all "NO-GO" areas are clearly defined and adequately demarcated.

27. All works to be conducted in an environmentally sensitive manner and in accordance with the EMPr and conditions of this authorization.

Monitoring

28. The EMPr must be strictly enforced during all phases of the project.

29. Changes to the EMPr, which are environmentally defendable, must be submitted to this Department for acceptance before such changes are effected.

30. The Department reserves the right to amend the EMPr should any impacts that were not anticipated or covered in the Basic Assessment Report.

31. A spillage plan must be implemented and strictly enforced during construction phase.

Environmental Control Officer (ECO) and Duties

32. The holder of this authorisation must appoint an independent Environmental Control Officer (ECO) with experience or expertise in the field for the construction phase of the development. The ECO will have the responsibility to ensure that the conditions referred to in this authorisation are implemented and to ensure compliance with the provisions of the EMPr.

33. The ECO must be appointed before commencement of any authorised activity.

34. The ECO must meet with the contractors to discuss the conditions of the **Environmental Authorisation** and the contents of the EMPr prior to commencement of activities.

35. Once appointed, the name and contact details of the ECO must be submitted to the Director: Compliance Monitoring of the Department.

36. The ECO must keep record of all activities on site, potential impacts, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.

37. The ECO must remain employed until all rehabilitation measures, as required for implementation due to construction damage, are completed and the site is ready for operation.

38. Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

39. Photographs must be taken (before, during and immediately after construction as a visual reference).

Recording and Reporting to the Department

40. The holder of this authorisation must keep all records relating to monitoring and auditing on site and make it available for inspection to any relevant and competent authority in respect of this development.

41. Records relating to compliance or non-compliance with any condition of this authorization must be kept in good order. Such records must be made available to any Official from Monitoring Compliance and Enforcement section of the Directorate: Environmental Management within seven (7) days of written request by the said Officer.

42. Any complaints regarding the said development must be brought to the attention of the Department within 24 hours after receiving the complaints; register must be kept up to date for inspection by the Department. 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.

Environmental audit report

43. The holder of the authorization must submit an environmental audit report to the Department within 30 days of completion of the construction phase and within 30 days of completion of rehabilitation activities.

44. The Environmental audit report must:

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

Operation of the activity

45. Seven (7) 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.

46. Any waste generated during construction and operation phase must be disposed of at a waste disposal site licensed for such waste.

47. No on-site burning or burying of solid waste is permitted.

48. The construction area must be demarcated, no construction or dumping activities should be allowed outside the proposed footprint.

49. The Holder of this Environmental Authorisation must ensure construction and operation adheres to the National Water Act; Part 4 Section 19: Pollution Prevention and Part 5 Section 20 Emergency Incidents.

50. The Holder of this Environmental Authorisation must ensure construction and operation adheres to Government Notice No. 36784; No. R. 634: Department of Environment Forestry and Fisheries; National Environmental Management Waste Act; 2008 (Act No.59 of 2008); Waste Classification and Management Regulations.

51. The Holder of this Environmental Authorisation must ensure that all activities associated with the proposed project take into account Integrated Environmental Management by ensuring that development is socially, environmental and economically sustainable.

52. The holder of this authorization must carry out regular inspections to detect leakages from the fuel tanks.

53. Any spillages of diesel and oil must be reported and cleared up immediately. In the event of oil or diesel spills, the contaminated soil must be placed in a waste skip and disposed-off at a licensed land fill site for such material.

54. The holder of this Environmental Authorization must ensure that soil compaction is limited to the proposed footprint of the activity.

55. Dust control measures must be implemented during clearing phase and must comply with the dust regulations promulgated under the Air Quality Act, 2004 (Act 39 of 2004).

56. If any new evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during development or construction, SAHRA and an archaeologist and/or palaeontologist, depending on the nature of the resources found, must be alerted immediately.

57. Vegetation clearing must be limited to the required footprint.

58. Proper measures to prevent/reduce the risk of erosion and the invasion of alien species must be strictly implemented.

59. The protected trees occurring on site must not be destroyed but they must be incorporated within the development layout plan.

60. The destruction/ or disturbance of individual protected trees must be avoided during the construction of the proposed development. Alternatively, a permit for the removal of any protected species must be applied for and granted by the relevant authority.

61. The necessary flora permits must be applied for and granted by the Northern Cape Department of Environment and Nature Conservation for all plant species protected under the Northern Cape Nature Conservation Act, 2009 (Act No. 9 of 2009) should they be found existing on site.

62. A storm water system must be incorporated into the construction and operation plans of the proposed activity.

63. An onsite monitoring borehole must be must be drilled down gradient of the groundwater flow direction and monitored on a quarterly basis in order to identify changes in water quality timeously.

64. The spreading of declared weedy and alien invasive plant species must be controlled and monitored at all times.

65. Cleared alien vegetation must not be dumped on adjacent intact vegetation during clearing but must be temporarily stored in a demarcated area.

66. All areas of disturbed soil must be reclaimed using only indigenous grass and shrubs. Reclamation activities shall be undertaken according to the rehabilitation plan to be included in the final EMPr.

67. Topsoil from all excavations and construction activities must be salvaged and reapplied during reclamation.

68. All mitigation measures detailed in the Environmental Management Programme report must be implemented.

Site Closure and Decommissioning:

69. Should the proposed activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority.

70. All areas disturbed by the project must be rehabilitated to their original or better condition.

DURATION AND PERIOD OF VALIDITY

This activity(s) must commence within a period of ten (10) years from the date of issue. If commencement of the activity(s) does not occur within that period and the intention is to extend the validity period of the authorization, an application for amendment to extend the validity period must be launched at least three (3) months prior to the expiry date of the validity period. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.

APPEAL

An appellant must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from the date that the notification of the decision was sent to the applicant by the competent authority.

Appeals must be submitted in writing to:

The Member of the Executive Council
Ministry of Environment & Nature Conservation
Private Bag X6102
Kimberley
8300
Fax: (053) 832 1026

Please note that in terms of section 43(7) of the National Environmental Management Act, 1998, an appeal under section 43 of that Act will suspend the environmental authorisation or any provision or condition attached thereto. In the instance where an appeal is lodged, you may not commence with the activity until such time that the appeal is finalised.

____

MR. B. FISHER

DIRECTOR: ENVIRONMENTAL QUALITY MANAGEMENT

DEPARTMENT OF ENVIRONMENT & NATURE CONSERVATION

DATE OF ENVIRONMENTAL AUTHORISATION: 17 December 2020

ANNEXURE 1: REASONS FOR DECISION

1. Background

The applicant **Onjanha Trust- JLJ Karstens** applied for authorization to carry on the following activity –

Development of a mixed use commercial premises on portion 17 of the farm Boegoeberg 48 !Kheis Local Municipality, ZF Mgcawu, Northern Cape Province.

GNR. 327 Item 12 (xii)

The development of infrastructure or structures covering 100 square meters or more where such development occurs-

(b) within a watercourse

GNR. 327 Item 14

The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic meters or more but not exceeding 500 cubic meters.

GNR. 327 Item 27

The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation required for;

(iii) the undertaking of a linear activity; or

(iv) maintenance purposes undertaken in accordance with a maintenance management plan

GNR. 324 Item 12 (g) (ii)

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

(ii) within critical biodiversity areas identified in bioregional plans

GNR. 324 Item 14 (vi)

Bulk storm water outlet structures exceeding 10 square metres in size in (g) Northern Cape;

(ff) Critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.

The project will be located on portion 17 of the farm Boegoeberg 48. Which falls under the jurisdiction of! Kheis Local Municipality, ZF Mgcawu District Municipality Northern Cape Province. With the following co-ordinates;

(Latitude (S) 28o 53' 17.38" Longitude (E) 21o 58' 40.13")

(Latitude (S) 28o 53' 20.60" Longitude (E) 21o 58' 38.31")

(Latitude (S) 28o 53' 22.52" Longitude (E) 21o 58' 41.79")

(Latitude (S) 28o 53' 19.73" Longitude (E) 21o 58' 43.30")

(Latitude (S) 28o 53' 19.27" Longitude (E) 21o 58' 43.12")

Hereafter referred to as "the property".

The applicant appointed EP3 Environmental (Pty) Ltd to undertake an Environmental Impact Assessment process. Basic Assessment process was followed.

2. Information considered in making the decision

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

a) The Environmental Assessment Practitioner complied with Regulation 19 of April 2017.

b) Public participation followed is in line with Regulation 41 of April 2017 and proof was submitted together with the Final Basic Assessment report in 24th February 2020.

c) The information contained in the Basic Assessment process submitted in 24th February 2020. by Mr Eben van Schalkwyk (EP3 Environmental (Pty) Ltd).

d) The comments received from interested and affected parties as included in the Basic Assessment report.

e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 and 23 of the National Environmental Management Act, 1998 (Act No. 107 of 1998), The Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) and the Northern Cape Conservation Act, 2009 (Act No. 9 of 2009).

f) A site visit conducted on the 4th of December 2020 between Mr Olebile Seshupo (DENC official) and the applicant Mr Johan LJ Karsten

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

a) The EAP who prepared the report has the expertise to carry out the Basic Assessment procedures.

b) Impacts of the proposed activity on the receiving environment were described in terms of geographical, physical, biological, social, economic and cultural aspects.

c) Basic Assessment identified all legislation and guidelines it considered in preparing the report.

d) The EAP took into account comments from interested and affected parties and incorporated them into making the Basic Assessment report.

e) The need and desirability for the proposed activity.

4. Findings

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

a) The identification and assessment of impacts are detailed in the Basic Assessment Report dated 24th February 2020.

b) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.

c) The procedure followed for impact assessment is adequate for decision-making process.

d) All issues emanating from interested and affected parties were fully addressed.

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