

Nelson Mandela Bay Municipality
10th Floor Lillian Diedericks Building
191 Govan Mbeki Ave
Central
Gqeberha

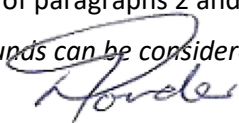
Attention: Mr Joseph Tsatsire

Email: jtsatsire@mandelametro.gov.za

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014: PROPOSED TURNKEY BOREHOLE EXPLORATION AND DRILLING PROJECT IN ASPEN HEIGHTS AND MALABAR WITHIN THE NELSON MANDELA BAY MUNICIPALITY

1. With reference to the above-mentioned application (Ref No. ECm1/C/LN1&3/M/56-2024), please be advised that the Department has decided to grant authorisation as set out in the attached Environmental Authorisation. The Authorisation Notice and reasons for the decision are attached herewith.
2. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the 2014 Appeal Regulations.
3. The written notification referred to above must -
 - 3.1. Specify the date on which the Environmental Authorisation was issued;
 - 3.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998; and
 - 3.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
4. In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 2 and 3.
5. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 2 and 3, of the decision.

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



ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

6. An Appeal Submission must be made on a form obtainable from the Departmental Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office; and
7. The Appellant must also serve a copy of the appeal to the regional office that processed the application.
8. The address to which the **original** of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administrator: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

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

**DAYALAN GOVENDER****DEPUTY DIRECTOR: ENVIRONMENT AFFAIRS****SARAH BAARTMAN/NMB REGION****DATE:** 24 July 2025

Mr.R. Casoojee
041 5085800
0664868376
Riyadh.casoojee@dedea.gov.za
Ref: ECm1/C/LN1&3/M/56-2024

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial Ref No: ECm1/C/LN1&3/M/56-2024 Neas Ref No: ECP/EIA/0001672/2024
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Nelson Mandela Bay Municipality
LOCATION OF ACTIVITY	Farm RE/590 Aspen Heights & Erf 1755 Malabar, Gqeberha, NMBM

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

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

“Commencement” – Any physical activity on site that can be viewed as associated with the construction of the exploratory drilling of boreholes inclusive of the clearing of vegetation as described in Section 2 of this Environmental Authorisation inclusive of initial site preparation.

“EAP” – Environmental Assessment Practitioner represented by Engineering Advice & Services (Pty) Ltd.

“ECO” – Environmental Control Officer.

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

“EMPR” - refers to the Environmental Management Programme within the document titled “Final Environmental Management Programme - Proposed Turnkey Borehole Exploration and Drilling Project in The Nelson Mandela Bay Municipality Area (Beadu, Aspen Heights And Malabar” dated

08 May 2025 as prepared by Engineering Advice & Services (Pty) Ltd and attached to the FBAR as Appendix F.

"FBAR" - Final Basic Assessment Report titled "Final Basic Assessment Report (BAR) - Proposed Turnkey Borehole Exploration and Drilling Project in The Nelson Mandela Bay Municipality Area (Bead) – Aspen Heights And Malabar" dated 08 May 2025 as prepared by Engineering Advice & Services (Pty) Ltd.

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

"NMBM" – Nelson Mandela Bay Municipality.

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

1. Decision

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

2. Activities and regulations for which authorisation has been granted

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

Name	Nelson Mandela Bay Municipality		
Address	10th Floor Lillian Diedericks Building 191 Govan Mbeki Ave Central Gqeberha		
Telephone	041 506 2257	Fax	N/A
Cell	060 980 0485	Email	jtsatsire@mandelametro.gov.za
Contact Person	Mr Jospheh Tsatsire		

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

Detailed description of activity
The proposed activity is to undertake the required feasibility studies, which include yield and quality testing of seven (7) exploration sites in Aspen Heights and one (1) exploration site in Malabar, and use this data to identify the layouts, and infrastructure requirements for the proposed wellfields. Determining quantity and quality can only be done through drilling the exploration boreholes, test pumping, and quality sampling. Depending on the potential yield and quality of the explored boreholes, the resource can then be deemed either viable or not viable for

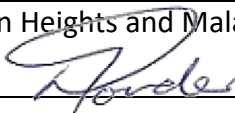
groundwater abstraction. If viable, production boreholes can then be sited, drilled, and equipped to augment the water supply to the bulk water infrastructure of NMBM. The surface area of potential disturbance at each borehole site will be approximately 10m². It is crucial to point out that during the exploration phase, no access roads will be constructed and no pipelines will be installed.

Most borehole sites are located close to existing tracks or roads and thus will cause minimal disturbance outside of the 10m² required to be cleared around each site.

Listed Activities in terms of the NEMA EIA Regulations 2014 as contained in the amended application form:

LN1: GNR. 327 Activity 19	The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from— (i) a watercourse.
LN3: GNR. 324 Activity 14	The development of – (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs – (a) within a watercourse; a. Eastern Cape ii. Inside urban areas: (aa) Areas zoned for use as public open space; (bb) Areas designated for conservation use in Spatial development frameworks adopted by the competent authority, zoned for a conservation purpose.

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

District	Sarah Baartman
Municipal Area	Nelson Mandela Bay Municipality
Farm Name	Aspen Heights
Farm Number and Portion	Farm RE/590
Erf Number and Township Extension or Suburb	Erf 1755 Malabar, Gqeberha, NMBM
Co-ordinates of development footprint	(Please Figures 1 & 2, and Table 1 below)
Physical address	Within the Aspen Heights and Malabar precincts within the NMBM. 

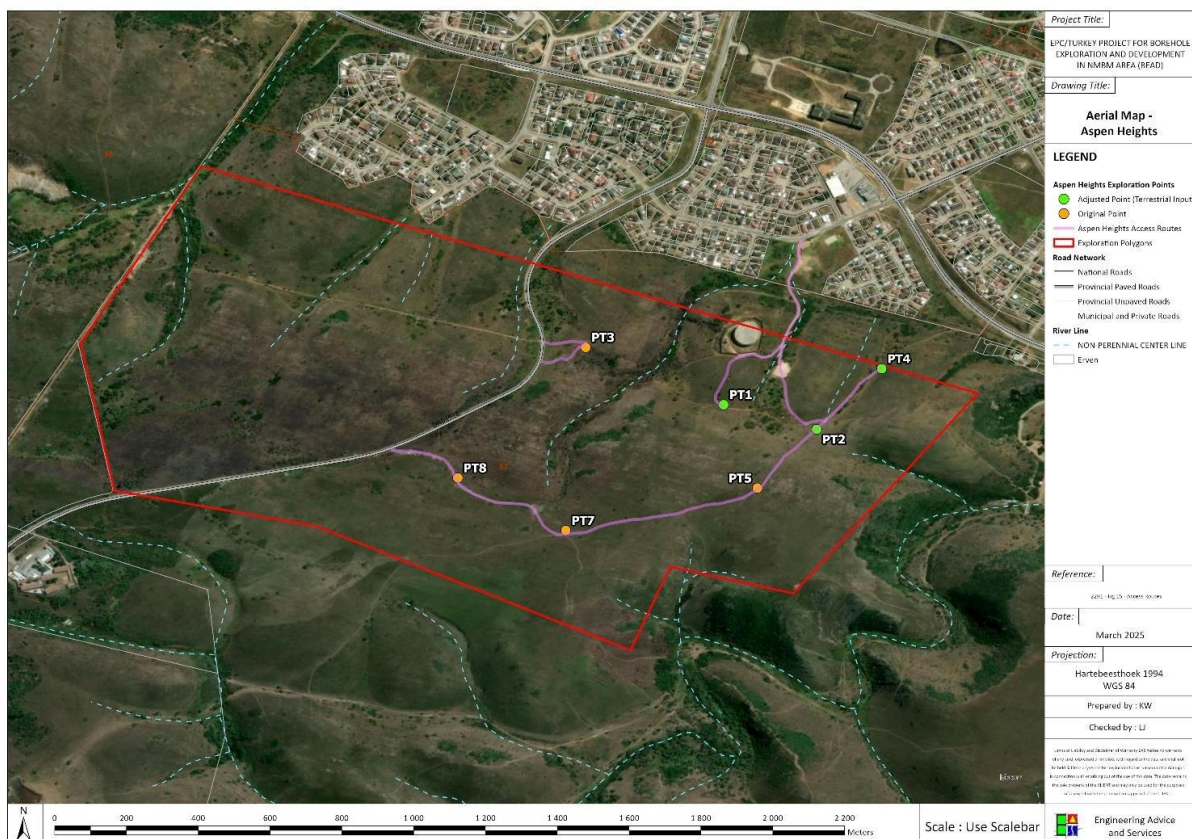


Figure 1: Approximated groundwater exploration sites in Aspen Heights, with pathways to sites as illustrated in the FBAR

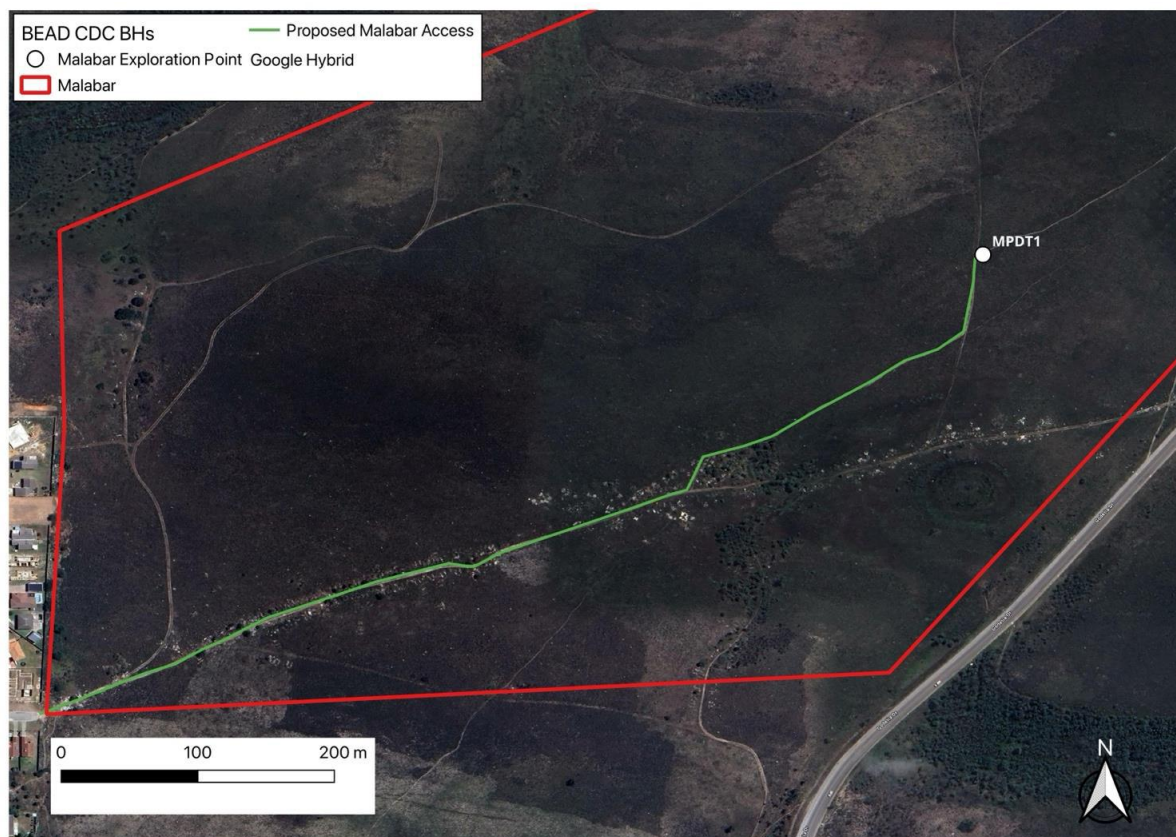


Figure 2: Approximated groundwater exploration site Malabar, with pathway to site as illustrated in the FBAR

Table 1: Co-ordinates of each borehole site as shown in Figures 1&2

Point	Latitude (DMS)	Longitude (DMS)
PT1	33° 53' 7.32" S	25° 29' 21.76" E
PT2	33° 53' 9.54" S	25° 29' 30.13" E
PT3	33° 53' 2.15" S	25° 29' 9.34" E
PT4	33° 53' 4.07" S	25° 29' 36.00" E
PT5	33° 53' 14.84" S	25° 29' 24.79" E
PT7	33° 53' 18.65" S	25° 29' 7.55" E
PT8	33° 53' 13.91" S	25° 28' 57.81" E
MPDT1	33° 55' 28.71" S	25° 31' 0.99" E

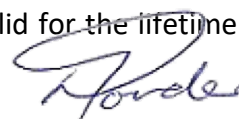
This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

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

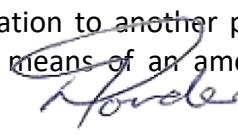
3.1. Duration of authorisation

- 3.1.1. Development of the exploratory drilling of boreholes as authorised in this Environmental Authorisation must commence within a period of 24 (twenty-four) months from the date of issue of this Authorisation. If commencement of the activity does not occur within this period, this Environmental Authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.1.2. The exploration phase drilling and testing is to be completed within 24 (twenty-four) months of commencement.
- 3.1.3. An application for the amendment of the Environmental Authorisation to extent the validity thereof may be submitted to the Department on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application. If no such request for amendment is received prior to the expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.4. On receipt of any such application for extension, the Department reserves the right to request such information as it may deem necessary to consider the application for extension which may include but not be limited to:
 - 3.1.4.1. An updated EMPr; and
 - 3.1.4.2. Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.1.5. Conditions relating to the operation of the project are valid for the lifetime of the project inclusive of decommissioning.



3.2. General conditions and declarations

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and property described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to **comply with any other statutory requirements** that may be applicable to the undertaking of the activity, including but not limited to:
- 3.2.3.1. The National Environmental Management: Biodiversity Act, Act 10 of 2004;
- 3.2.3.2. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974;
- 3.2.3.3. The National Water Act, Act 36 of 1998; and
- 3.2.3.4. The Occupational Health and Safety Act, Act 85 of 1993;.
- 3.2.4. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense, this without limiting the generality of the provisions of Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 3.2.6. Nelson Mandela Bay Municipality will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.2.7. In the event of any dispute as to what constitutes environmental damage, this Department's opinion as provided in official correspondence will prevail.
- 3.2.8. This Department reserves the right to impose additional conditions or requirements on the applicant in respect of impacts identified during the EIA process, or withdraw this authorisation, in the event that such impacts exceed its significance as predicted in the consultant's FBAR and supporting documentation referenced in Section 4.1 of this Environmental Authorisation.
- 3.2.9. **This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation read together with the Final BAR. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.**
- 3.2.10. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), such transfer are to be affected by means of an amendment to the



Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.

- 3.2.11. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party including the neighbouring landowners within 14 (fourteen) days of receiving this Environmental Authorisation.
- 3.2.12. This Environmental Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the site. In this regard, **the Environmental Authorisation or a certified copy thereof must be kept on site for the duration of the construction period.**
- 3.2.13. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.14. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.15. Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act 107 of 1998 and the regulations.

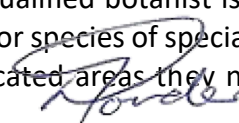
3.3. Project-specific Conditions

- 3.3.1. **Fourteen days** written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence. This notice may only be submitted once all pre-construction conditions have been complied with, and proof of such compliance is to be submitted with the fourteen-day notice.
- 3.3.2. Layout and location of drilling sites, as described within the FBAR and in Appendix C of the FBAR, for the exploratory drilling of boreholes is hereby authorised.
- 3.3.3. Further to Condition 3.3.3, should any details contained within the layout or location of drilling sites need to be altered to comply with a condition of this Environmental Authorisation, such altered layouts must be submitted to and approved by the Department prior to commencement of the construction activity.
- 3.3.4. Any recommendations / mitigatory measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.
- 3.3.5. Further to Condition 3.3.5, Nelson Mandela Bay Municipality is to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the FBAR, in tabular format for inclusion in the Construction phase Environmental Management

Programme and / or Operational Phase Environmental Management Programme as applicable.

- 3.3.6. Nelson Mandela Bay Municipality will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.3.7. The EMPr, found in Appendix F of the FBAR is hereby approved with the following changes to be inserted if not currently present within:
- 3.3.7.1. Applicable conditions of this Environmental Authorisation;
 - 3.3.7.2. All recommendations, measures, responsibilities, key actions and other provisions contained in the FBAR;
 - 3.3.7.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion and prevention and control, etc;
 - 3.3.7.4. A dedicated rehabilitation plan section which incorporates all rehabilitation measures mentioned in the EMPr found in Appendix F of the FBAR, as well as any contained within this Environmental Authorisation.
 - 3.3.7.5. Copies of all permits / licences issued to Nelson Mandela Bay Municipality in relation to this project that have relevance to the environment;
 - 3.3.7.6. A general code of conduct for any contractor that may be carrying out any work on the relevant development sites;
 - 3.3.7.7. A clear description of the activities to be carried out on the site;
 - 3.3.7.8. A framework for all contracts associated with the development and the Environmental Method Statements that will be associated with such contracts.
- 3.3.8. General principles of environmental management referenced in Condition 3.3.7.3 to be implemented during construction if not already included in the EMPr to include, amongst others, the following:
- 3.3.8.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
 - 3.3.8.2. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.8.3. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
 - 3.3.8.4. No servicing of vehicles and other machinery to take place on construction sites, and no fuel or other hazardous material to be stored on construction sites;
 - 3.3.8.5. All excess construction material and any waste generated during construction must be removed from site on an on-going basis and disposed of at a suitably registered waste disposal site;
 - 3.3.8.6. The contractor must provide adequate waste disposal facilities and must ensure that these facilities are properly used and maintained,
 - 3.3.8.7. Clear stipulations as to who is responsible and accountable for what actions.

- 3.3.8.8. Sufficient erosion control measures must be stipulated and adhered to.
- 3.3.8.9. All de-vegetated areas, and stockpiles of soil must have adequate erosion protection, such as silt fences, shade cloth etc.
- 3.3.9. An ECO to be appointed for the duration of the construction activities to oversee implementation of the EMPr, as well as adherence to the conditions contained within this Authorisation. Details of the appointed ECO to be submitted together with the 14 day notice of commencement contemplated in Condition 3.3.2.
- 3.3.10. The ECO is amongst others responsible for the following;
 - 3.3.10.1. A Pre-Commencement Audit of the conditions of this Environmental Authorisation, which must be submitted together with the notice of commencement as per Condition 3.3.2;**
 - 3.3.10.2. Ensuring that the CEMPr is implemented and strictly adhered to inclusive of the relevant conditions contained within this Environmental Authorisation;
 - 3.3.10.3. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.10.4. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents;
 - 3.3.10.5. To keep copies of all reports submitted to the Department on site; and
 - 3.3.10.6. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.
- 3.3.11. Implementation of the project as well as any post project rehabilitation that may be necessary is to be audited on an ongoing basis by the ECO. The findings of such audits are to be consolidated and submitted to this Department on a quarterly basis. Furthermore, any significant deviations from the EMPr, any major non-compliances or any imminent risk to the environment must be reported immediately to the Department.
- 3.3.12. The relevant conditions of this Environmental Authorisation shall form part of any contracts entered into between the applicant and any contractor(s) and or any sub-contractor(s).
- 3.3.13. The EMPr referred to in Condition 3.3.7. to be implemented and strictly adhered to for the duration of the vegetation clearance and construction.
- 3.3.14. No blanket clearing of vegetation may take place. Vegetation only to be cleared to facilitate the drilling of individual boreholes.
- 3.3.15. The individual footprint sites for each individual borehole clearly demarcated with pegs and drilling activities on individual borehole sites to be restricted to within the demarcated areas.
- 3.3.16. The principle of Best Practicable Environmental Option to be applied to all technologies used/implemented during project implementation.
- 3.3.17. Prior to the commencement of any site clearing, a suitably qualified botanist is to survey the demarcated areas and is to identify any protected species or species of special concern. If any protected species are found within any of the demarcated areas they need to be



removed or relocated to other suitable areas. The necessary permits must be obtained from DEDEAT for those species protected under the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974) or NEMBA. For those species protected under the National Forest Act (Act 84 of 1998), the relevant permits are to be obtained from the Forestry Branch of DFFE.

- 3.3.18. Any spoil material that may remain after the drilling of individual boreholes to be used in rehabilitation initiatives afterwards if deemed suitable for such or removed from site and disposed of at a suitable waste disposal site.
- 3.3.19. Any areas disturbed on individual sites due to project implementation must be rehabilitated with indigenous vegetation immediately after completion of the project.
- 3.3.20. Vegetation removed during project implementation and not used in site specific rehabilitation initiatives to be incorporated into rehabilitation of other suitable areas within the subject properties.
- 3.3.21. All alien invasive species and declared weeds, in terms of the Conservation of Agricultural Resources Act, Act 43 of 1983, are to be systematically eradicated, and any of these species colonizing disturbed ground after the completion of construction are to be eradicated and destroyed prior to attaining the seed formation phase.
- 3.3.22. In the event that any archaeological findings or fossils are uncovered during project implementation, all work to cease immediately and the South African Heritage Resources Agency (SAHRA) to be contacted immediately to provide the necessary guidance in terms of how to proceed.
- 3.3.23. An environmental audit to be carried out once the project has been completed and the report submitted to this Department. This audit to, as a minimum, consider adherence to the relevant conditions contained in this Environmental Authorisation and the stipulations of the EMPr as well as the success of any rehabilitation measures that may have been implemented.
- 3.3.24. The holder of this Environmental Authorisation being Nelson Mandela Bay Municipality will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.3.25. All decommissioned areas must be left in a state that is equal to or better than the original environment.

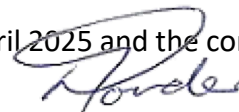
4. Reasons for Decision

4.1 Information considered in making the decision

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

4.1.1 The information contained in the following documentation:

- Completed application form dated and submitted to the Department on 04 December 2024;
- The DBAR submitted on 13 January 2025 and the subsequent comments issued by the Department on 17 February 2025
- The amended DBAR circulated for comment on 01 April 2025 and the comments issued by the Department on 05 May 2025



➤ The FBAR submitted to the Department on 08 May 2025

- 4.1.2 Observations made during a site visit undertaken by Mr. Riyadh Casoojee of the Department on 14 February 2025 in the company of Mr. Kurt Wicht of Engineering Advice & Services (Pty) Ltd.
- 4.1.3 The EIA regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

4.2. Key factors considered in making the decision

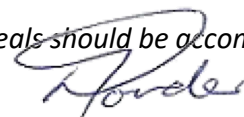
- 4.2.1. The groundwater exploration project at Aspen Heights and Malabar seeks to assist in addressing the municipality's urgent and growing water security challenges. The need for this project is driven by several interconnected factors, including water scarcity, reliance on surface water sources, climate change impacts, and increasing demand for water across domestic, agricultural, and industrial sectors.
- 4.2.2. Although the activity does occur in Malabar Grassy Fynbos, a Vulnerable vegetation type, considering the small clearance footprints and temporary nature of the activity, as well as mitigation measures and avoided areas proposed by the Terrestrial Ecological Specialist and FBAR, the Department is of the opinion that the overall environmental degradation will be of low significance. Further the rehabilitation measures as contained in the FBAR and short drilling periods allow for high chances of success of replanting and spontaneous rehabilitation of cleared sites after the activity has ceased on each drilling site.
- 4.2.3. A comprehensive Environmental Management Programme as required in terms of condition 3.3.7 that will mitigate potential impacts of the project. The adherence to the EMPr will be overseen by the project ECO, as stipulated in condition 3.3.9.
- 4.2.4. No fatal flaws were discovered during the Environmental Impact Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, a number of other measures are stipulated in the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. It is further believed that this development does not present any impact that could not be successfully mitigated.
- 4.2.5. The Environmental Impact Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and the National Environmental Management Act, Act 107 of 1998. This includes the requirement for public participation and the manner in which stakeholders were engaged and responded to.
- 4.2.6. The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- 4.2.7. The Department is of the opinion that after implementation of the mitigation measures described in the EMPr together with the conditions contained within this Authorisation, that the residual impacts and risks to the environment are acceptable.
- 4.2.8. The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified addressed and/or managed effectively.

- 4.2.9. In conclusion, this Department is satisfied that the benefits associated with the proposed project outweigh the environmental costs and are consistent with sustainable development principles.
- 4.2.10. The project has been advertised and no objections were lodged against the proposed activity. The Department is satisfied that the information contained in the FBAR read together with conditions contained in this Environmental Authorisation has satisfactorily addressed concerns.
- 4.2.11. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5. Appeal of Authorisation

- 5.1 In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 5.2 The written notification referred to in Condition 5.1 above must:
- 5.2.1. Specify the date on which the Authorisation was issued;
 - 5.2.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 5.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3 Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2 of the decision.
- 5.4 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 5.1 and 5.2 of the decision.


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



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

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
By Hand	Old Safety and Liaison Building (Global Life Complex) Opposite Engen Garage, Bhisho, 5605
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administrator: Mr. S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative Assistant: Ms. Phumeza Gxala	Phumeza.Gxala@dedea.gov.za

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



RIYADH CASOOJEE

ENVIRONMENTAL OFFICER: EIM

SARAH BAARTMAN/NMB REGION

DATE: 24 July 2025


DAYALAN GOVENDER

DEPUTY DIRECTOR: ENVIRONMENT AFFAIRS

SARAH BAARTMAN/NMB REGION

DATE: 24 July 2025