



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

Ref: 12/1/9/2-M43 Enq: Koena Ramalepe Tel: 015 293 8655 E-mail: ramalepemk2@ledet.gov.za

Soleil Mashishimale (Pty) Ltd
P O Box 1731
HOEDSPRUIT
1380

Attention: Mr J F van Staden

Cell: 082 878 5890

E-mail: kobus@soleilsitrus.co.za

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CITRUS DEVELOPMENT ON PORTION 47 (A PORTION OF PORTION 22) OF THE FARM CASKETTS 65 KU WITHIN MARULENG LOCAL MUNICIPALITY OF MOPANI DISTRICT

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 4(2) of the Environmental Impact Assessment Regulations of 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 the Department's decision in respect of your application as well as the provisions regarding the lodgement of appeals as provided for in the National Appeals Regulations of 2014.

Should you wish to appeal any aspect of the decision, you must, inter alia, submit an appeal to the MEC for Economic Development, Environment and Tourism, within 20 days from the date of this notification, by means of one of the following methods:

By facsimile : (015) 295 5015
By post : P O Box 55464, **POLOKWANE**, 0700
By hand : Evridiki Towers, 19 Biccard Street/21 Hans van Rensburg Street, **POLOKWANE**, 0699

Should you decide to appeal, you must serve a copy of your 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


**DIRECTOR
ENVIRONMENTAL IMPACT MANAGEMENT**

DATE: 2/08/2019

Cc: Elize Osmers

E-mail: elize.osmers@gmail.com

Fax: 086 212 6424

HEAD OFFICE



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LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM
ENVIRONMENTAL AUTHORISATION

Authorisation reference number: 12/1/9/2-M43

Last amended: First issue

Holder of authorisation: Soleil Mashishimale (Pty) Ltd

Location of activity: The proposed site is portion 47 (a portion of portion 22) of the farm Casketts 65 KU within the Maruleng Local Municipality of Mopani District.

DECISION

ACRONYMS

- NEMA:** National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- EIA:** Environmental Impact Assessment.
- Regulations:** EIA Regulations of 04 December 2014, as amended in terms of Chapter 5 of NEMA.
- Department:** Department of Economic Development, Environment and Tourism.
- EA:** Environmental Authorisation.
- EMPr:** Environmental Management Programme.

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

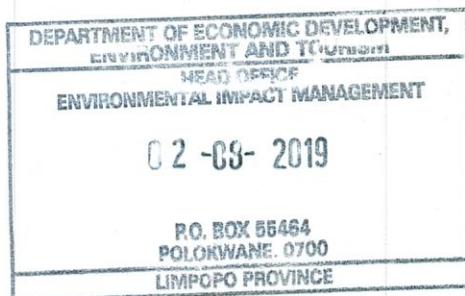
Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

ACTIVITY AUTHORISED

By virtue of the powers conferred on it by the NEMA and the EIA Regulations the Department hereby authorises Soleil Mashishimale (Pty) Ltd (herein referred to as holder of EA) with the following contact details -

Mr J F Van Staden
P O Box 1731
HOEDSPRUIT
1380

E-mail: kobus@soleilsitrus.co.za



Cell: 082 878 5890

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

Listed in the EIA Regulations R. 984 of 2014 as: -

Activity 13 – "The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more"; and

Activity 15 – "The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for- (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance plan".

Listed in the EIA Regulations R. 985 of 2014 as: -

Activity 12 – "The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken with in accordance with a maintenance management plan e. Limpopo ii. Within critical biodiversity areas identified in bioregional plans";

as described in the Environmental Impact Assessment Report (EIAR) received by the Department on 10 June 2019, and is located at:

Preferred site	Latitude	Longitude
Portion 47 (a portion of portion 22) of the farm Casketts 65 KU	24° 19' 46.42" South	31° 08' 23.56" East

The activity entails the clearance of 120 hectares (but only authorised for 102 hectares) of indigenous vegetation for the development of citrus and repairing a 70m long, 6m wide and 5m high dam wall (where the breached portion of the dam wall is 15m long) on portion 47 (a portion of portion 22) of the farm Casketts 65 KU within Maruleng Local Municipality of Mopani District, hereafter referred to as "the property".

The granting of this EA is subject to the conditions set out below; and in Annexure 2 (Departmental Standard Conditions).

The EMPr attached as part of reports for the above development submitted as part of the application for an EA is hereby approved and must be adhered to throughout the life cycle of the activity.

The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation/rehabilitation measures referred to in this EA are implemented and to ensure compliance with the provisions of the approved EMPr.

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

This activity must commence within a period of ten (10) years from the date when the EA was issued. If commencement of the activity does not occur within that period, the EA lapses and a new application for EA must be made in order for the activity to be undertaken. Any application for extension of the validity period of the EA must be lodged with the Department at least three (3) months before the expiry date of the EA.

EA CONDITIONS

1. The proposed development is only authorised on 102 hectares of land which is the previously disturbed area. The natural vegetation area (approximately 20% or 24 hectares of land) that was reported to have never been disturbed must be excluded from development.
2. A permit for removing protected trees must be obtained from the Department of Agriculture, Forestry and Fisheries should it be deemed necessary to have such trees removed prior to commencement with site preparation for cultivation.
3. A 32m buffer must be maintained between the boundary of the citrus farming activities and all sensitive areas including the no go zone indicated in the EIR.
4. No farming activities must take place within the 1:100 flood line of the water course on site (Klaserie River).



CHIEF DIRECTOR
ENVIRONMENTAL TRADE AND PROTECTION

DATE: 02/08/2019



ANNEXURE 1: REASONS FOR THE DECISION

1. Background

The application from Soleil Mashishimale (Pty) Ltd is for EA for activities listed in the EIA Regulations as:

Listed in the EIA Regulations R. 984 of 2014 as: -

Activity 13 – “The physical alteration of virgin soil to agriculture, or afforestation for the purposes of commercial tree, timber or wood production of 100 hectares or more”; and

Activity 15 – “The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for- (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance plan”.

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The activity entails the clearance of 120 hectares (but only authorised for 102 hectares) of indigenous vegetation for the development of citrus and repairing a 70m long, 6m wide and 5m high dam wall (where the breached portion of the dam wall is 15m long) on portion 47 (a portion of portion 22) of the farm Casketts 65 KU within Maruleng Local Municipality of Mopani District.

Soleil Mashishimale (Pty) Ltd appointed Ms Elize Osmers of Elize Osmers Environmental Consulting to undertake the Scoping and Environmental Impact Assessment Reporting process as required by Regulation 12 of the EIA Regulations, 2014

2. Information considered in making the decision

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

- a) The information contained in the application form received by the Department on 31 October 2018;
- b) The information contained in the Scoping Report received by the Department on 23 January 2019;
- c) The information contained in the EIAR received by the Department on 10 June 2019;
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA and regulation 41 of the Regulations;
- e) Specialist studies attached to the EIAR, i.e. Environmental Baseline Data Report, Heritage Impact Assessment Report, Agriculture Potential Report and Human Wildlife Conflict Report;

- f) All information attached as Appendix F of the EIAR;
- g) Proof of Public Participation Process attached as Appendix G of the EIAR; and
- h) The findings of site inspection conducted on 15 November 2018 by Ms R Mashele of this Department.

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 site falls within a Critical Biodiversity Area 2;
- b) Approximately 80% of the proposed site was previously used for cultivation and therefore is already transformed;
- c) There is water use entitlement for 120 hectares;
- d) Availability of a grave within proximity of the proposed farming activities site;
- e) The citrus development will stimulate the local economy;
- f) A sufficient Public Participation Process (PPP) was undertaken and the applicant has satisfied the minimum requirements as prescribed in the Chapter 6 of the Regulations for public involvement; and
- g) The environmental impacts associated with the proposed activity will be addressed by the implementation of proposed mitigation measures outlined in the EIR and EMPR compiled by Ms Elize Osmers of Elize Osmers Environmental Consulting.

4. Findings

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

- a) Availability of a grave within proximity of the proposed farming activities site is considered and catered for.
- b) Based on the following findings of the site inspection, it was concluded that the proposed site is compatible with the surrounding land uses and therefore suitable for the proposed development:

- There is access to the site;
- There is a damaged dam wall on site;
- The proposed site was previously used for farming activities hence there is evidence of old pipes and dams; and
- Protected trees such as Marula are scattered around the proposed site.



- c) The PPP undertaken confirms that the applicant has satisfied the minimum requirements as prescribed in the Chapter 6 of the EIA Regulations for the involvement of interested and affected parties for the proposed development as follows:
- A newspaper advertisement appeared in the "Hoedspruit Herald" published on 17 November 2017;
 - The Reports were circulated to stakeholders and Interested and Affected Parties (I&APs);
 - Notices were placed on site; and
 - Objections received from I&APs were addressed to the satisfaction of this Department.
- d) Findings of the specialist study are as follows:
- The Environmental Baseline Data Report dated July 2018 and conducted by I C sharp supports the proposed activity provided mitigation measures in the submitted reports are implemented by the proponent, taking into cognisance that the area was previously disturbed for agricultural purposes and that edible agriculture is permitted in this Critical Biodiversity Area;
 - The Phase 1 Heritage Impact Assessment Report dated October 2018 and conducted by Leona Marais acknowledges the grave on the property and has provisioned for a buffer to be created;
 - The Agricultural Potential Assessment conducted by Dries Alberts has indicated that climatic conditions as well as the soil in the area is suitable for the proposed farming activities; and
 - The Human Wildlife Conflict Report dated August 2018 and conducted by I C Sharp has indicated that barriers for damage causing animals will be catered for.

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



ANNEXURE 2

DEPARTMENTAL STANDARD CONDITIONS

1. SCOPE OF AUTHORISATION

- 1.1 The holder of the EA shall be responsible for ensuring compliance with the conditions contained in this EA. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the EA.
- 1.2 Any changes to, or deviations from, the project description set out in this EA 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 further request additional 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 EA to apply for further authorisation in terms of the Regulations.
- 1.3 The activity, which is authorised, may only be carried out at the property indicated in the EA.
- 1.4 The holder of the EA will be held liable for any damages to the environment and associated costs, which results from any activity related to the construction and/or operation of the proposed project.
- 1.5 The Department reserves the right to monitor and audit the development throughout its full life cycle.
- 1.6 This EA does not negate the holder of the EA's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

2. APPEAL OF AUTHORISATION

- 2.1. The holder of the EA must notify all registered interested and affected party, in writing and within 14 (fourteen) calendar days, of receiving notice of the Department's decision.
- 2.2. The notification referred must –
 - 2.2.1 specify the date on which the EA was issued;
 - 2.2.2 inform all the interested and affected party of the appeal procedure provided for in the National Appeals Regulations, 2014;
 - 2.2.3 advise all the interested and affected party that a copy of the EA will be furnished on request; and
 - 2.2.4 give the reasons for the decision.



3. COMMENCEMENT OF THE DEVELOPMENT

- 3.1 In order to ensure their safety, all employees must be given the necessary personal protective equipment.
- 3.2 This EA must be provided to the site operator and the requirements thereof must be made fully known to him/her.
- 3.3 Appropriate notification signs must be erected at the construction site, warning the public (residents, visitors etc) about the hazards around the construction site and presence of heavy vehicles and machinery.
- 3.4 Hauling routes for construction vehicles and machinery must be clearly marked and appropriate signalling must be posted to that effect. Further, movement of construction vehicles and machinery must be restricted to areas outside of the drainage line/wet area.
- 3.5 Construction must include appropriate design measures that allow surface and subsurface movement of water along drainage lines so as not to impede natural surface and subsurface flows. Drainage measures must promote the dissipation of stormwater run-off.
- 3.6 Vegetation clearing must be kept to an absolute minimum. Mitigation measures must be implemented to reduce the risk of erosion and the invasion of alien species.
- 3.7 The holder of the EA must note that in terms of the National Forest Act (Act No. 84 of 1998); protected plant species (also listed in Limpopo Environmental Management Act, 2003 (Act No. 7 of 2003) must not be cut, disturbed, damaged, destroyed, and their product must not be possessed, collected, removed, transported, exported, donated, purchased or sold unless permission is granted by the relevant organ of state.
- 3.8 All construction areas (e. g. material lay down area), topsoil and sub-soils must be protected from contamination or pollution and stockpiling must not take place in drainage lines or where it would impede surface water runoff.
- 3.9 If any soil contamination is noted during the construction and operational phase of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of this Department and the relevant organ of state. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this Department must be informed in this regard.
- 3.10 Should infill material be required for any purpose, the use of borrow pits must comply with the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002) administered by the Department of Mineral Resources (DMR).
- 3.11 An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, re-use and disposal where appropriate. Uncontaminated builders' rubble generated during the construction can be re-used as back filling material on site. Ensure that no refuse or builders rubble generated on the

- premises is placed, dumped or deposited on adjacent properties or public places and open spaces during or after construction.
- 3.12 Section 28 of the NEMA places a duty of care on the holder of the EA to ensure that reasonable measures are taken to prevent pollution or degradation of the environment from occurring, continuing or recurring. Should any environmental damage result from this development or the operation thereof, the holder of the EA, must within 14 days of the damage being caused, rectify the situation at his/her own expense.
- 3.13 Movement of construction vehicles and machinery must be restricted to areas outside of the drainage lines/wet area.
- 3.14 Construction vehicles must be serviced and maintained in a manner whereby excessive smoke and noise production is reduced to acceptable levels, and to prevent oil leaks. Contaminated soil must be remediated on site or removed to an appropriately authorised landfill site.
- 3.15 Dust and nuisance must be minimised through damping down of unsurfaced areas.
- 3.16 Residents (if any) on the property and surrounding area must be informed if any unusually noisy activities are planned. Noise impacts must be reduced over distance at a rate of 1db (decibel) per 13 metres.
- 3.17 Chemical sanitation facilities or systems such as "toilets" that do not rely on seepage of liquids must be provided with a ratio of one for every 15 workers. These must be placed such that they prevent spills or leaks to the environment and must be maintained according to operating instructions and the contents thereof must be disposed of at an authorised waste water treatment works.
- 3.18 Mixing of cement, concrete, paints, solvents, sealants and adhesive must be done in specified areas on concrete aprons or on protected plastic linings to contain spillage or overflows onto soil to avoid contamination to underground water and environmental damage.
- 3.19 Construction activities must be suspended and a representative of the South African Heritage Resources Agency (SAHRA) and/ or Limpopo Heritage Resources Agency (LIHRA) be contacted immediately in the event of finding or uncovering any subterranean (middens, graves, etc.).
- 3.20 Care must be taken to ensure that the material and excavated soil required for backfilling are free of contamination from hydrocarbons.
- 3.21 The hydraulic fluids or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment. Should any spills occur it should be cleaned immediately by removing the spillage together with the polluted solid and dispose it in an authorised disposal site permitted to dispose of such waste. The office of the relevant organ of state must be notified within 24 hours of an incident that may pollute surface and ground water.

4. MANAGEMENT OF THE ACTIVITY

- 4.1 A copy of this EA must be kept at the property / on-site office where the activity (ies) will be undertaken. The EA 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 EA who works or undertakes work at the property.
- 4.2 The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agents and other people working on the site, and any updates or amendments to the EMPr must be submitted to the Department for approval.
- 4.3 Regular monitoring and maintenance of storm water drainage facilities must be conducted at all times and repaired, if damaged, as directed by this Department or any other relevant authority.
- 4.4 The holder of the EA shall note that in terms of Section 19(1) of the National Water Act, 1998 (Act No. 36 of 1998), "An owner of the land, a person in control of land or a person who occupies or uses the land on which- (a) any activity or process is or was performed or undertaken; or (b) any other situation exists, which caused or is likely to cause pollution of a water source must take all reasonable measures to prevent any such pollution from occurring, continuing or recurring". Therefore, any pollution incident(s) associated with the proposed project shall be reported to the relevant organ of state within 24 hours.

5. REPORTING TO THE DEPARTMENT

- 5.1 The holder of the EA must notify the Director: Environmental Compliance and Enforcement, in writing and within 48 (forty-eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this EA may result in criminal prosecution or other actions provided for in NEMA and the Regulations.
- 5.2 Fourteen (14) days written notice must be given to the Director: Environmental Compliance and Enforcement that the activity's operational phase will commence. Commencement for the purposes of this condition includes site preparation.
- 5.3 Any complaints received from the registered Interested and Affected Parties (I&APs) during the construction and operational phase of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned I&APs.
- 5.4 The holder of the authorisation must ensure that an up to date emergency register is kept during the construction and operation of the project. This register must be made available upon request by the Department.
- 5.5 The holder of the EA must notify the Director: Environmental Compliance and Enforcement within thirty (30) days after the completion of the construction activities.



6. SITE CLOSURE AND DECOMMISSIONING

- 6.1 Should the activity ever cease or become redundant, the holder of EA shall 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 at that time.

