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Department:
Economic Development, Environment, Conservation and Tourism
 North West Provincial Government
 Republic of South Africa

114 Chris Hani Street
 Private Bag X 804
 Potchefstroom
 2520

CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
DIRECTORATE: ENVIRONMENTAL QUALITY MANAGEMENT

Tel No.: (018) 299 6583
 Fax No.: 086 646 0961
tmakuwa@nwpg.gov.za
 Enquiries: Thembi Makuwa

Reference: NWP/EIA/109/2012

Attention: **Mr. Deon Fourie**
Chubby Chick Enterprises
 Private Bag X 1275
POTCHEFSTROOM
 2520

Tel No.: (018) 293 0202
 Cell No.: 082 554 5203
 Fax No.: (018) 297 3573

PER FACSIMILE AND POST

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE EXPANSION OF SUN VALLEY BROILER FACILITIES ON PORTION 31 (REMAINING EXTENT) OF THE FARM WELGENUND 375 IQ, ACTIVITIES NUMBER 32(ii) & 47 (ii) IN GN NO. R.544 AND ACTIVITIES NUMBER 12, 13 & 19 IN GN R.546, TLOKWE CITY COUNCIL, NORTH WEST PROVINCE

Your application for Environmental Authorisation, in terms of Section 24(2)(a) of the National Environmental Management Act, 1998 as amended (Act No. 107 of 1998) in respect of -

Government Notice No. R. 544 of 18 June 2010 for:

1. *The expansion of facilities for the construction of poultry, excluding chicks younger than 20 days, where the capacity of the facility will be increased by: (ii) more than 5 000 poultry per facility situated outside an urban area [listed activity 32 (ii)]*

In terms of the Regulations of Chapter 5 of NEMA, 1998 refer.

This Department has evaluated the **Basic Assessment Report dated 28 November 2013**, received on November 2013 for the expansion of Sun Valley broiler facilities on portion 31 remaining extent of the farm Welgenund 375 IQ Tlokwe City Council, North West Province, to verify whether this activity will have significant negative impact on the environment.

Enclosed please find the Environmental Authorisation and the conditions under which your application is authorised.

Received
 19/12/2013
 Reduwalli

Formal appeals regarding the Environmental Authorisation can be directed to the MEC for Department of Economic Development, Environment, Conservation and Tourism, North West Province. Such an appeal must be lodged in terms of Chapter 7 of the Regulations of 18 June 2010.

Yours Faithfully



Mr. Steven Mukhola

Environmental Officer Control Grade B: Development Impact Management

Department of Economic Development, Environment, Conservation and Tourism

Date: 13/12/2013

Cc: Shangoni Management Services (Pty) Ltd

Contact Person: Lizette Crous

Tel No.: (012) 807 7036

Cell No.: 071 673 3355

Fax No.: (012) 807 1014



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A 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.

"commence" means the start of any physical activity, including site preparation and any other activity on the site in furtherance of a listed activity or specified activity, but does not include any activity required for purposes of an investigation or feasibility study as long as such investigation or feasibility study does not constitute a listed activity or specified activity.

"construction" means the building, erection or establishment of a facility, structure or infrastructure that is necessary for the undertaking of an activity, but excludes any modification, alteration or expansion of such facility, structure or infrastructure and excluding the reconstruction of the same facility in the same location, with the same capacity and footprint.

"expansion" means the modification, extension, alteration or upgrading of a facility, structure or infrastructure at which an activity takes place in such a manner that the capacity of the facility or the footprint of the activity is increased.

"independent" in relation to an EAP or a person compiling a specialist report or undertaking a specialised process or appointed as a member of an appeal panel, means

- a) that such EAP or person has no business, financial, personal or other interest in the activity, application or appeal in respect of which that EAP or person is appointed in terms of these Regulations other than fair remuneration for work performed in connection with that activity, application or appeal; or
- b) that there are no circumstances that may compromise the objectivity of the EAP or person in performing such work.

"public participation process" means a process in which potential interested and affected parties are given an opportunity to comment on, or raise issues relevant to, specific matters.

"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 55.

"registered EAP" means an Environmental Assessment Practitioner registered with an appointed registration authority contemplated in Section 24H of the Act.

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

"the Department" means the Department of Economic Development, Environment, Conservation and Tourism.

"state Department" means any Department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

"the Regulations" means the Environmental Impact Assessment Regulations, of 18 June 2010.



B. Environmental Authorisation

Authorisation register number: NWP/EIA/109/2012

Last amended: First Issue

Holder of Environmental Authorisation: City of Tlokwe Local Municipality

Location of activity: Portion 31 (remaining extent) of the farm Welgenund 375 IQ, Tlokwe City Council, North West Province: Dr Kenneth Kaunda District Municipality

1. Decision

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

2. Activities authorised

By virtue of the powers delegated by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations of June 2010, the Environmental Officer Control Grade B: Development Impact Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

Mr Deon Faurie
Chubby Chick Enterprises
 Private Bag X 1275
POTCHEFSTROOM
 2520

Tel No.: (018) 293 0202
 Cell No.: 082 554 5203
 Fax No.: (018) 297 3573

to undertake the following activity:

the expansion of facilities for the construction of an additional broiler house cluster consisting of:

- 8 broiler houses with 30 0000 chickens each
- Total foot print of 6ha including (broiler houses, office and residential buildings for workers & internal road infrastructure, open spaces between the houses and a buffer zone surrounding all buildings)

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



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 Expansion Broiler Sun Valley

Department of Economic Development,
 Environment, Conservation & Tourism

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Site Location:

Alternative S1	Latitude	Longitude
North – northwest of Potchefstroom	26°34'07.69"S	27°01'38.93"E

The proposed development site which will be known as "Sun Valley " is situated north- northwest of Potchefstroom and south- east of Ventersdorp on portion 31 (remaining extent) of the farm Welgegund 375 IQ, which falls within the jurisdiction of Tlokwe City Council, North West Province, hereafter referred to as "the property".

3. Conditions**3.1 Scope of Environmental Authorisation**

3.1.1 The preferred **alternative S1 is approved.**

3.1.2 Authorisation of the activity is subject to the conditions contained in this Environmental Authorisation, which form part of the Environmental Authorisation and are binding on the holder of the Environmental Authorisation.

3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. 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 Environmental Authorisation.

3.1.4 The activity authorised may only be carried out at the property as described in Point 2 under site location.

3.1.5 Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the Environmental Authorisation to apply for further Environmental Authorisation in terms of the Regulations.

3.1.6 This activity must commence within a period of **five (5) years** from the date of issue. If commencement of the activity does not occur within that period, the Environmental Authorisation **lapses** and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.

3.1.7 If the proponent anticipates that commencement of the activity would not occur within **five (5) year** period, he/she **must** apply and **show good cause** for an extension of the Environmental Authorisation prior to its expiry date.

3.1.8 This Environmental Authorisation does not negate the holder of the Environmental Authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

3.1.9 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:

- a) Archaeological remains, artificial features and structures older than **sixty (60) years** are protected by National Heritage Resources Act, 1999 (Act No. 25 of 1999). Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site and the relevant Heritage Resources Agency must be informed about the finding. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or any of their delegated provincial agencies.
- b) All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- c) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
- d) All provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973).
- e) All provisions of National Veldt and Forest Fires Act, 1998 (Act No. 101 of 1998).
- f) All provisions of Development Facilitation Act, 1995 (Act No. 67 of 1995).
- g) The development must adhere to the municipal by-laws.

3.1.10 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority of any alienation, transfer and change of ownership rights in the property on which the activity is to take place.

4. Appeal of Environmental Authorisation

- 4.1 The holder of the Environmental Authorisation must notify every **registered** interested and affected party, in writing and within **twelve (12) days**, of receiving an Environmental Authorisation from the Department.
- 4.2 The notification referred to in 4.1 must –
 - 4.2.1 Inform interested and affected of the decision, reason for decision and where the decision can be accessed.
 - 4.2.2 Advise the interested and affected party that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
 - 4.2.3 Specify the date on which the Environmental Authorisation was issued.
 - 4.2.4 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations (Government Notice No. R. 543 of 18 June 2010) (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 7 of Government Notice No. R. 543 of 18 June 2010 in terms of NEMA, 1998, as amended, from the date of this Environmental Authorisation, with:




The Member of the Executive Council
Department of Economic Development, Environment, Conservation and Tourism
North West Development Corporation Building
Cnr. University Drive and Provident Street
Private Bag X 15
MMABATHO
2735
Tel No.: (018) 387 7995-7
Fax No.: 086 666 0148

- 4.4 Such appeal must be lodged in writing by completing Notice of Intention to Appeal Form obtainable from Departmental website: [http://www.nwpg.gov.za/Department of Economic Development, Environment, Conservation and Tourism/documents/North West Intention to Appeal form/Appeal form for Environmental Impact Assessment regulations](http://www.nwpg.gov.za/Department%20of%20Economic%20Development,%20Environment,%20Conservation%20and%20Tourism/documents/North%20West%20Intention%20to%20Appeal%20form/Appeal%20form%20for%20Environmental%20Impact%20Assessment%20regulations).
- 5. Management of the activity**
- 5.1 The draft Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.
- 5.2 The recommendations and mitigation measures outlined in the Environmental Impact Assessment Report dated on November 2013 must be adhered to.
- 5.3 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Department's Environmental Compliance, Enforcement and Authorisations Section for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **thirty (30) days** of receiving the submission.
- 5.4 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.
- 5.5 The EMPr must form part of the contractor's tender documentation for all contractors working on the project and must be made available on the site.
- 6. Monitoring**
- 6.1 The holder of Environmental Authorisation has the responsibility to ensure that the mitigation/rehabilitation measures and recommendations referred to in the Basic Assessment Report dated October 2013 are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 The holder of Environmental Authorisation must ensure communications with key stakeholders in respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with this Department's Environmental Compliance and Enforcement.
- 6.3 It is the responsibility of the holder of this Environmental Authorisation to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life cycle of the activity is put into practice.



7. Recording and reporting to the Department

- 7.1 All the incidents of spill must be reported to this Department within **twenty-four (24) hours** and action taken to remedy the situation must be outlined.
- 7.2 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.

8. Commencement of the activity/Notification to authority

- 8.1 **Fourteen (14) days** written notice must be given to this Department's Environmental Compliance, Enforcement and Authorisations Section that the activity will commence. Commencement for the purposes of this condition includes site preparation.
- 8.2 **The number of employees employed for construction phase must be submitted with the notice of commencement of the activity.**

9. Operation of the activity

- 9.1 Provision for the ablution facilities on site must be established such that they do not cause water or other pollution and conform to regulatory hygiene measures and the Occupational Health and Safety legislation.
- 9.3 General waste must be collected and disposed of at a licensed landfill site on a weekly basis. Recyclable waste must be recovered for recycling purpose. No temporary dumping of waste is allowed on site.
- 9.4 A waste management plan to be designed and implemented for the operational phase of the development. The waste management plan must address amongst others;
- Collection procedures, transportation and disposal of waste;
 - The minimisation and sorting of waste at source; and
 - Recycling of recoverable waste.
- 9.5 The holder of Environmental Authorisation must ensure that water is used in a sustainable manner and that all reasonable measures are taken to conserve it.
- 9.6 **The number of employees employed for operational phase must be submitted to this Department one (01) month after commencement with operation of the activity.**
- 10. Site Closure and Decommissioning of the activity**
- 10.1 Should the 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 at that time.
- 10.2 Should the authorised activity be abandoned or decommissioned, a Closure Management Plan [CMP] must be compiled and submitted to this Department for approval.
- 10.3 Firebreaks should be established in terms of the requirements and condition of the National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998).

- 10.4 The disturbed areas must be rehabilitated to a natural state, and landscaping of the disturbed areas must be in accordance with the Regulations pertaining to the control of weeds and invasive species, as published under Section 29 of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) and must make extensive use of locally appropriate indigenous vegetation.
- 11. Specific conditions**
- 11.1 The applicant must adhere to the proposed mitigation measures and recommendations contained in the Basic Assessment Report dated 28 November 2013, compiled by Shangoni Management Services (Pty) Ltd.
- 11.2 The temporary storage area for mortalities must be a covered area that has access control to prevent the unlawful removal of mortalities these building should be enclosed and roofed buildings. The mortalities must be collected on daily basis and disposed off at licensed landfill.
- 11.3 Smell and odour from chicken houses must be highly controlled by removing chicken droppings and dead chicken from houses on daily basis. Any other offensive smell emanating from the farm must be dealt with by sanitary measures that reduce such smell on an acceptable level.
- 11.4 The chicken litter produced must be gathered and collected into bags and the litter must be kept dry throughout the production cycle and must be treated to remove harmful pathogens before it is used as fertilizers.
- 11.5 The chicken litter must be covered by sheeting or within a shed to protect it from rain and leaching and should be removed from site once a week.
- 11.6 All manure, eggshells and carcasses must be handled in accordance with National Environmental Management Waste Act 2008 (act No 59 of 2008) in GN No. Regulation 718 of July 2009.
- 11.7 Site clearing must be limited only to the area necessary to carry out the specified work. The protected species *Acacia erioloba* (camel thorn) tree must be cordoned off and clear signage erected stating that no entry into the area and no disturbance of the tree damage or removal are allowed (National Forest Act No 84 of 1998).
- 11.8 All building plans must be prepared by a Registered Architect and submitted to the local authority for approval. It is the owners' responsibility to ensure that all plans are submitted and approved by the authority prior to construction.
- 11.9 No development is allowed within the flood lines.**
- 11.10 Storm water diversion measures such as ponding pools must be done to control peak flows during thunderstorm. All embankments must be adequately compacted and planted with grass to stop any excessive erosion and scouring of the landscape.
- 11.11 The activity may 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 Department of Water Affairs and Department of Public Works, Roads and Transport).
- 11.12 In order to preserve landform features, it must be ensured that the siting of facilities is related to environmental resilience and visual screening capabilities of the landscape and also to ensure that



the scale, density and nature of activities or developments are harmonious and in keeping with the sense of place and character of the area.

- 11.13 Appropriate signage must be placed to caution the community, employees and contractors not to attempt to enter certain structures without being authorised and regular safety inspections must be conducted in order to ensure that participants are equipped with necessary safety equipments.
- 11.14 The proposed development site must be suitably demarcated prior to the construction commencing and construction must be restricted to the demarcated area to minimise damage to the vegetation.
- 11.15 The stockpiles must not be placed within drainage line or site and all trenches and excavation works must be properly backfilled and compacted.
- 11.16 All plant species of conservation importance (if any) must be removed from the demarcated area prior to construction commencing and must either be relocated outside of the construction area or donated to the South African National Biodiversity Institute in consultation with Biodiversity Management and Conservation Directorate of this Department.
- 11.17 The internal street network should be designed to ensure proper surface storm water drainage. The internal design must also be in such a way as not to disturb the natural storm water run – off patterns and storm water diversion measures such as ponding pools are recommended to control peak flows during flooding.
- 11.18 The designs and building plans associated with the proposed development must be submitted to the Town Planning Division of Tlokwe City Council for approval prior to any development taking place. The copy of approval must be submitted to this Department two weeks after the approval date.
- 11.19 Storm water drainage system must be designed and constructed in such a manner that storm water will drain to a nearby watercourse and the designs of the stormwater together with the stormwater management plan must be forwarded to the Department of Water Affairs for approval before commencing with the activity.
- 11.20 The implementation of surface drainage system is deemed essential around all structures and along roads throughout the proposed development area and suitable precautionary measures must be taken to protect bulk services and concrete works against potentially strongly alkaline and non saline soil material.
- 11.21 No surface or ground water must be polluted due to any activities on the property or site. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 11.22 Deon Fourie and or Chubby Chick Enterprises (Fouries Poultry Farms (Pty) Ltd) is responsible for compliance with the provisions for duty of care and remediation of environmental damage in accordance with Section 28 of National Environmental Management Act, 1998 (Act No. 107 of 1998).
- 11.23 Ablution facilities toilets must be provided to the workers during the construction phase. They must be serviced regularly to ensure proper operation, and must be emptied at the municipal sewage treatment plant to prevent any possible pollution. No "long drop" toilets will be allowed. Open space or surrounding bush must not be used as toilets under any circumstances.
- 11.24 The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from the site when necessary.



- 11.25 The discharge of any pollutants such as cement, concrete, lime, chemicals, etc into the natural environment and the storm water system must strictly be prohibited.
- 11.26 NB: All sewage line, wastewater storage dams, wastewater disposal site and construction of the proposed development must be above the 1:50 year flood line and no development can take place within a wetland without Authorisation from Department of Water Affairs.
- 11.27 All solid waste produced by the development during construction must be removed once a week to the permitted landfill site.
- 11.28 Notwithstanding the preceding conditions, the holder shall adhere to, and ensure adherence by all contractors, sub-contractors and workers for this project, to all conditions listed herein, and all obligations, commitments, monitoring and proposed mitigation measures as outlined in the EMPr.

12. General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The 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 Environmental Authorisation who works or undertakes work at the property.
- 12.2 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 apply to the Department as soon as the new details become known to the applicant.
- 12.3 The holder of the Environmental Authorisation must notify the Department, in writing and within **forty-eight (48) hours**, if any condition of this Environmental Authorisation 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 Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Regulations.
- 12.4 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental Authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title 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 this Environmental Authorisation as set out in this document or any other subsequent document emanating from these conditions of this Environmental Authorisation.

Environmental Authorisation Approved By:



Mr. Steven Mukhola
Environmental Officer Control Grade B: Development Impact Management
Department of Economic Development, Environment, Conservation and Tourism

Date: 13/12/2013



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, Deon Fourie applied for Environmental Authorisation to carry out the following activity:

Expansion of the Sun Valley broiler facilities on portion 31 (remaining extent) of the farm Welgenund 375 IQ Tlokwe city council, which falls within the jurisdiction of Tlokwe Municipality, North West Province

The applicant appointed Shangoni Management Services (Pty) Ltd to undertake Basic Assessment process.

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 Basic Assessment Report dated 28 November 2013, compiled by Shangoni Management Services (Pty) Ltd.
- b) The Ecological Fauna and Flora Habitat Survey on portion 31 (remaining extent) of the farm Welgenund 375 IQ compiled by Reinier F. Terblance of Anthene Ecological cc included in the Basic Assessment Report indicated the following:
 - The vegetation on site is in fair conditions
 - The site allocated for the proposed development is not part of a corridor of particular conservation importance.
 - There will be no loss of any particular sensitive species if the site is developed
- c) All mitigation measures and recommendations as proposed in the Basic Assessment Report and the Environmental Management Programme dated 28 November 2013.
- d) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.
- e) The findings of a site visit undertaken by the Department official Messrs Thembekile Makuwa with the Environmental Assessment Practitioner Ms Lizette Crous of Shangoni Management Services (Pty) Ltd on the 02 June 2013.

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) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the Environmental Impact Assessment (EIA) procedures.
- b) The Basic Assessment Report dated 28 November 2013 included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.




- c) The Basic Assessment Report dated 28 November 2013 identified all legislation and guidelines that have been considered in the preparation of the said report.
- d) The physical, socio-economic and cultural impacts of the development project on the receiving environment.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2010 for public involvement. The proposed development was advertised in Potchefstroom Herald dated 01 March 2013 as part of the public participation process.
- f) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.

4. Findings

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

- a) The proposed development will improve job creation and reduce poverty in the area.
- b) The mitigation measures proposed in the EMPr are acceptable and practical for implementation.
- c) The identification and assessment of impacts are detailed in the Basic Assessment Report dated 28 November 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- d) The procedure followed for impact assessment is adequate for the decision-making process.
- e) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- f) The legal and procedural requirements have been complied with and the information contained in the document is to the satisfaction of this Department.
- g) EMPr measures for the pre-construction, construction and rehabilitation phases of the development were proposed and included in the Basic Assessment Report dated 28 November 2013 and must be implemented to manage the identified environmental impacts during the construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activity will not conflict with the general objectives of Integrated Environmental Management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**



ANNEXURE 2: APPEAL PROCEDURES

APPEAL PROCEDURE IN TERMS OF CHAPTER 7 OF GN. NO. R. 543 OF 18 JUNE 2010 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Application of this Chapter

58. (1) This Chapter applies to decisions that –
- are subject to an appeal to the MEC in terms of Section 43 (1), (2) or (3) of the Act; and
 - were taken by an organ of state acting under delegation in terms of Section 42 or 42A of the Act in the exercise of a power or duty vested by the Act or these Regulations in a competent authority.

Notices of intention to appeal

60. (1) A person affected by a decision referred to in Regulation 60 (1) who wishes to appeal against the decision, must submit a notice of intention to appeal with the MEC, or delegated organ of state, as the case may be, within **twenty (20) days** after the date of the decision.
- If the appellant is an applicant, the appellant must provide each person and organ of state which was a registered interested and affected party in relation to the applicant's application, within ten **(10) days** of having submitted the notice contemplated in subregulation (1), with-
 - a copy of the notice referred to in subregulation (1); and
 - a notice indicating that the appeal submission will be made available on the day of lodging it with the MEC and where and for what period the appeal submission will be available for inspection by such person or organ of state.
 - If the appellant is a person other than an applicant, the appellant must provide the applicant within ten **(10) days** of having lodged the notice contemplated in subregulation (1) with-
 - a copy of the notice referred to in subregulation (1); and
 - a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
 - The MEC or delegated organ of state, may, as the case may be, in writing, on good cause extend the period within which a notice of intention to appeal must be submitted.




Submission of appeals

61. (1) An appeal lodged must be submitted to the appeal authority as indicated in Section 43 of the Act.
- (2) An appeal must be-
- (a) submitted in writing; and
- (b) accompanied by-
- (i) a statement setting out the grounds of appeal;
- (ii) supporting documentation which is referred to in the appeal and which is not in the possession of the MEC or designated organ of state;
- (iii) a statement by the appellant that Regulation 60 (2) or (3) has been complied with together with copies of the notices referred to in that Regulation; and
- (iv) the prescribed appeal fee, if any.
- (3) The appellant must take into account any guidelines applicable to appeals as contemplated in Section 24J of the Act.

Time within which appeals must be lodged

62. (1) An appeal as contemplated in Regulation 61(1), must be submitted within **thirty (30) days** after the lapsing of the **twenty (20) days** contemplated in Regulation 60(1).
- (2) The MEC or designated organ of state, as the case may be, may, in writing, on good cause extend the period within which an appeal must be submitted.

