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Enquiry: Queen Imasiku

Reference: NWP/EIA/37/2018

Attention: **Mr. Riaan van Zyl**
Shalimaloq Investments CC
Posbus 74578
LYNNWOODRIF
0040

Cell No.: 082 870 6626
Email: riaanz@kleinfontein.net

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR NW GATEWAY PROJECT ON PORTIONS (AND PORTION OF PORTIONS) 233, 234, 235, 236, 237 AND THE REMAINDER OF PORTION 151 OF THE FARM HARTEBEESTFONTEIN 445 JQ, MADIBENG LOCAL MUNICIPALITY, 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. R327 of 7 April 2017 in terms of Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

- 1 *The development of infrastructure or structures with a physical footprint of 100 square metres or more; where such a development occurs if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse. [Listed Activity 12(ii)(c)];*
- 2 *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 a watercourse. [Listed Activity 19)]; and*
- 3 *The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan.[Listed Activity 27].*

Government Notice No. R325 of 7 April 2017 in terms of Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

- 1 The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of vegetation is required for the undertaking of a linear activity or maintenance purposes undertaken in accordance with a maintenance management plan. [(Listed Activity 15)].

Government Notice No. R324 of 7 April 2017 in terms of Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

- 1 The development of a road wider than 4 metres with a reserve less than 13.5 metres in sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent area and in areas within 5 kilometres from protected areas identified in terms of NEMPAA or from a biosphere reserve. [(Listed Activity 4(h)(ii)(iv)(vi));
- 2 The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority, sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland. [(Listed Activity 6(h)(iv)(v)(vi));
- 3 The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance plan, in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority, sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; or areas within a watercourse or wetland, or within 100 metres from the edge of a watercourse or wetland. [(Listed Activity 12(h)(iv)(v)(vi)); and
- 4 The development of infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse, in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority, sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act and as adopted by the competent authority; and in areas within 5 kilometres from protected areas identified in terms of NEMPAA or from a biosphere reserve. [(Listed Activity 14(h)(iv)(v)(vi)).

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

This Department has evaluated the **Environmental Impact Assessment Report** received on 25 March 2019 for the *NW Gateway project on portions (and portions of portions) 233, 234, 235, 236, 237 and the remainder of portion 151 of the farm Hartebeestfontein 445 JQ, Madibeng Local Municipality, North West Province*, to verify whether these activities will have significant negative impact on the environment.

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



Formal appeals regarding the Environmental Authorisation can be directed to the Appeal Administrator for Department of Rural, Environment and Agricultural Development, North West Province. Such an appeal must be lodged in terms of the National Appeal Regulations of 8 December 2014 as amended.

Yours Faithfully



Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Rural, Environment and Agricultural Development

Date: 10/06/2019

Cc: Landscape Dynamics Environmental Consultants

Contact Person: Ms. Annelizer Grobler
Tel No.: (012) 460 6043
Cell No.: 082 566 4530/ 082 888 4060
E-mail.: info@landscapedynamics.co.za

Department of Water and Sanitation

Contact Person: Mr J.J. Pretorius
Tel No.: (012) 253 1093/4
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Fax No.: (012) 253 1905/ 086 610 1619
E-mail.: pretorih@dws.gov.za

Madibeng Local Municipality

Contact Person: Mr Morris Maluleka
Tel No.: (012) 318 9322
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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.

"development" means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits; that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment 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, a specialist or the person responsible for the preparation of an environmental audit report, means-

(a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or

(b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work; excluding –

(i) normal remuneration for a specialist permanently employed by the EAP; or

(ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

"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 42;

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

"the Department" means the Department of Rural, Environment and Agricultural Development.

"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 04 December 2014, as amended



B. ENVIRONMENTAL AUTHORISATION

Authorisation register number: NWP/EIA/37/2018

Holder of Environmental Authorisation: Shalimaloq Investments CC

Location of activity: North West Province: Portions (and portions of portions) 223, 234, 235, 236 and 237 and the remainder of portion 151 of the farm Hartebeestfontein 445 JQ, Madibeng Local 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) as amended and the Environmental Impact Assessment Regulations of 04 December 2014 as amended, the Director: Environmental Quality Management of the Department of Rural, Environment and Agricultural Development authorizes:-

Shalimaloq Investments CC
Posbus 74598
LYNNWOODRIF
0040

Cell No.: 082 870 6626

Email.: riaanz@kleinfontein.co.za

to undertake the following activity:

to develop a township (NW Gateway Project)

The project entails the following:

Entertainment and resort:

- *Shops, places of refreshments, amusement, entertainment ($\pm 7\ 500\text{m}^2$);*
- *Sewage farsystem (or similar);*
- *Private resort;*
- *60 storage units ($\pm 17\text{m}^2$ each);*
- *Trailer and caravan parking; and*
- *Boutique guest house and spa ($\pm 1800\text{m}^2$)*



Hotel and Private resort:

- Administration and welcome center;
- 150 hotel rooms ($\pm 10\,000\text{m}^2$);
- 20 Luxury private resort units (144m^2 each);
- 80 2-bedroom private resort units (117m^2 each);
- Green zone/ Private open space;
- Restaurant;
- Industrial kitchen and Laundry;
- Recreation center;
- Wellness Clinique;
- Clubhouse (450m^2);
- Chapel ($1\,000\text{m}^2$);
- Bowling grounds; and
- Gardens and walkways.

Institutional ($\pm 20\,000\text{m}^2$):

- Hospital and step-down clinic and/or a neurological centre (i.e where Alzheimer's patients can be treated).

Ancillary and Sub-servient:

- Parking;
- Personnel parking;
- Staff Quarters; and
- Delivery yard.

Cemetery for existing graves only:

- 225m^2 around the existing graves will be fenced in with access for family members.


The total development footprint of project area is 31,5 hectares.

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

Site Location:

Alternative Site	Latitude (S)	Longitude (E)
Ptns (and ptns of ptns) 233, 234, 235, 236, 237 and the remainder of ptn 151 of the farm Hartebeesfontein 445 JQ	$25^{\circ} 43' 24.31''$ S	$27^{\circ} 50' 11.30''$ E

The development site is located on portions (and portions of portions) 233, 234, 235, 236 and 237 and the remainder of portion 151 of the farm Hartebeestfontein 445 JQ, under the jurisdiction of Madibeng Local Municipality, North West Province, hereafter referred to as "the property".

 Directions: The site is located at the north-eastern corner of the Damdoryn four way stop (R512 and R104 crossing).



3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred **activity location in B2 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 activities authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 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.
- 3.1.6 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- a) All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
 - b) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
 - c) All provisions of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)
 - d) All provisions of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
 - e) All provisions of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
 - f) All provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)
 - g) All provisions of the National Forests Act, 1998(Act No.84 of 1998).
 - h) All provisions of the Conservation of Agricultural Resources Act, 1983 (Act No.43 of 1983).
 - i) Restitution of Land Rights Act, 1994 (Act No. 22 of 1994).
 - j) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
 - k) The municipal by-laws must be adhered to where applicable.
- 3.1.7 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority should any alienation, or deviation from project description / ownership occur.



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 **14 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 parties of the decision, reason for decision and where the decision can be accessed.
- 4.2.2 Advise the interested and affected parties 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 parties of the appeal procedure provided for in Chapter 2 of the National Appeal Regulations (see Annexure 2).
- 4.3 An appeal against the decision must be lodged in terms of Chapter 2 of the National Appeal Regulations with:

The Appeal Administrator: Ms. Carene Nieuwoudt
Department of Rural, Environment and Agricultural Development
Private Bag X 2039
MMABATHO
2735

Or hand delivered to:

Ms. Carene Nieuwoudt
Room E30, Agricentre Building
Cnr. Dr. James Moroka & Stadium Road,
MMABATHO

Tel No.: (018) 389 5986
Cell No. (083) 385 9486
Fax No.: (086) 581 7858
E-mail.: CNieuwoudt@nwpg.gov.za

- 4.4 Such Appeal must be lodged in writing by completing an Appeal Form obtainable from the Appeal Administrator.
- 4.5 An appeal made against this Environmental Authorisation will result in it being suspended; therefore the activity must not commence pending the lapse of 20 days after all Interested and Affected parties have been informed of this decision.
- 4.6  Should an appeal be lodged within 20 days after notification to all Interested and Affected parties of this decision, the activity may only commence once the decision by the MEC, as Appeal Authority, have been made.



5. Management of the activity

- 5.1 The Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.
- 5.2 The overall EMPr is based on the premise of sound environmental management that will ensure wherever possible solution to the remediation of the impacts caused by the development and operation activities.
- 5.3 The recommendations and mitigation measures outlined in the Environmental Impact Assessment Report received by the Department on 25 March 2019 must be adhered to.
- 5.4 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to Director: Environmental Quality Management for approval prior to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **30 days** of receiving the submission.
- 5.5 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.
- 5.6 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.

6. Monitoring

- 6.1 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the duration of the construction phase that will have the responsibility to ensure that the mitigation/ rehabilitation measures and recommendations referred to in this Environmental Authorisation are implemented, and to ensure compliance with the provisions of the EMPr.
- 6.2 The name and contact details of the ECO must be communicated to this Department's Environmental Compliance and Enforcement Section at lnonkomo@nwpg.gov.za or cnieuwoudt@nwpg.gov.za upon appointment of the ECO.
- 6.3 The ECO must be appointed before commencement of any land clearing or construction activity.
- 6.4 The ECO must act as liaison with this Department's Environmental Compliance and Enforcement Section and other relevant authorities, and must ensure communications with key stakeholders with respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr.
- 6.5 The ECO must keep record of all activities on site, monitoring programmes, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.
- 6.6 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 **14 days** written notice must be given to the Departments' Environmental Compliance and Enforcement Section that the activity will commence at cnieuwoudt@nwpg.gov.za and lnonkomo@nwpg.gov.za.
- 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. Validity Period of Environmental Authorisation

- 8.1 **This Environmental Authorisation is valid for a period of 5 years, i.e., these activities must be concluded within 5 years from the date of issue of this Environmental Authorisation.**
- 8.2 If the holder of the Environmental Authorisation anticipates that the conclusion of the activity would not occur within a **5 year** period, he/she **must prior to the lapse of 5 years**, apply for an amendment of the Environmental Authorisation and **show good cause and give reasons** why an extension of the Environmental Authorisation should be granted.
- 8.3 **Should the Environmental Authorisation for listed activities 12(ii)(c), 19, 27, 15, 4(ii)(iv)(vi), 6(h)(iv)(v)(vi), 12(h)(iv)(v)(vi) and 14(h)(iv)(v)(vi) expire, the said authorisation will be null and void and a new application for an Environmental Authorisation must be made in order for the activity to be undertaken.**

9. Operation of the activity

- 9.1 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. No medical waste may be burnt and incinerated on site.
- 9.2 Continuous monitoring of the watercourse must take place to ensure that alien vegetation is controlled; that no erosion is evident. Ensure that all operational infrastructures are placed outside of the freshwater areas and their associated 32m zones of regulations.
- 9.3 All storm water run-offs must be managed efficiently so as to avoid storm water damage and erosion to adjacent properties.
- 9.4 All operational requirements in terms of roads, accesses and maintenance as supplied by the Madibeng Local Municipality and the North West Province Department of Roads and Transport must be met.
- 9.5 Invasive alien plants must be eradicated in accordance with Alien and Invasive Species Regulations, 2014 in terms of Chapter 3 of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004).
- 9.6 **The number of people employed for operational phase must be submitted to this Department one (01) month after extending the operational period of 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 must be compiled and submitted to this Department for approval and the Department must be notified **30 days** prior to decommissioning.

11. Specific conditions

- 11.1 The applicant must adhere to the mitigation measures and recommendations contained in the Environmental Impact Assessment Report received on 25 March 2019.
- 11.2 The development must be restricted to the NW gateway project of activities as listed in the authorisation on portions (and portions of portions) 233, 234, 235, 236 and 237 and the remainder of portion 151 of the farm Hartebeestfontein 445 JQ, Madibeng Local Municipality, North West Province.
- 11.3 The development site must be suitably demarcated and construction must be restricted to the demarcated area to minimise damage to the vegetation and exposure of the ground to erosion.
- 11.4 The drainage channel which has been identified to be ecologically sensitive with a high sensitivity from an ecosystem point of view; must be protected from degradation and an appropriate buffer zone implemented around the edges of the channel where no development should take place.
- 11.5 Indigenous trees such as *Sclerocarya birre* (Marula), *Berchemia zeyheri* and *Vachellia tortilis* to be clearly mapped and retained as such; and also only indigenous vegetation occurring in the macro area must be allowed, as to maintain the ecological footprint and integrity of the area.
- 11.6 The clumps of trees to be maintained in the township must be included in Private open space even amongst residential areas.
- 11.7 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.
- 11.8 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.
- 11.9 Topsoil must be removed and stockpiled aside for rehabilitation and such topsoil must be protected against water and wind erosion.
- 11.10 Archaeological remains, artificial features and structures older than **60 years** are protected. Should any archaeological artefacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately and relevant Heritage Resources Agency and North West Provincial Heritage Resources Authority must be informed about the finding. Under no circumstances may the existing graves be disturbed.



- 11.11 A permit from the relevant Heritage Resources Agency and North West Provincial Heritage Resources Authority must be obtained for the following sites (remains of clay houses, remains of storage buildings and farm yard) before demolition.
- 11.12 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. The discharge of any pollutants such as cement, concrete, lime, chemicals, etc. into the natural environment and storm water system must strictly be prohibited.
- 11.13 The holder of the Environmental Authorisation (**Shalimaloq Investments CC**) must be 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), as amended.
- 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 **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.

Environmental Authorisation Approved By:



Ms. Portia Krisjan
Director: Environmental Quality Management
Department of Rural, Environment and Agricultural Development

Date: 10/06/2019



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Shalimaloq Investments CC** applied for Environmental Authorisation to carry out the following activity:

To develop a township (NW Gateway Project)

On portions (and portions of portions) 233, 234, 235, 236 and 237 and the remainder of portion 151 of the farm Hartebeestfontein 445 JQ, under the jurisdiction of Madibeng Local Municipality, North West Province.

The applicant appointed **Landscape Dynamics Environmental Consultants** to undertake the Environmental Impact Assessment process as required by Regulation 12 of the EIA Regulations of 2014 as amended.

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 Environmental Impact Assessment Report (EIAR) received by the Department on 25 March 2019 compiled by Landscape Dynamics Environmental Consultants, and recommendations in the following specialist reports:
 - Plant Ecological and Wetland/Riparian Assessment Report compiled by Enviroguard Ecological Services CC dated April 2018.
 - Cultural Heritage Impact Assessment Report compiled by Archætnos Culture & Cultural Resource Consultants dated 25 April 2018.
 - Paleontological Impact Assessment Report compiled by Riaan van Zyl dated 30 September 2018.
 - Visual Impact Assessment Report compiled by Graham A. Young Landscape Architect dated 26 October 2018.
- b) All mitigation measures and recommendations as contained in the EIAR and the Environmental Management Programme included in the report received on 23 January 2019 are acceptable and practical for implementation.
- c) Comments from the North West Province Department of Health dated 21 November 2018.
- 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 officials Ms. Queen Imasiku and Ms. Tshogofatso Lekgari together with Ms. Annelize Grobler of Landscape Dynamics Environmental Consultants (EAP) on 14 September 2018.



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 Report process.
- b) The EIAR received on 25 March 2019, 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) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 as amended for public involvement. The development was advertised in "Kormorant" dated 19 April 2018 as part of the public participation process.
- d) 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) A Record of Decision was previously issued for the same development but has since lapsed.
- b) The development is in line with the Madibeng Spatial Development Framework (MSDF) as the development proposes not only tourism development, but also focus on the social and economic potential in order to sustain the prosperity of the investment within and without tourism seasons.
- c) Areas of High Ecological Sensitivity Zone have earmarked as open spaces meaning no development with this zone. This zone is approximately 5.5 hectares and constitutes 18% of the total development area that will be positively contributed towards conservation and protection of the environment, ceasing further degradation of the area due to lack of management.
- d) The procedure followed for impact assessment is adequate for the decision making 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 Section 23 (2) (a-f) of Chapter 5 of National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended and that any potentially detrimental environmental impacts resulting from the activity can be mitigated to acceptable levels. **The application is accordingly granted.**



ANNEXURE 2: ADMINISTRATION AND PROCESSING OF APPEALS

ADMINISTRATION AND PROCESSING OF APPEALS IN TERMS OF CHAPTER 2 OF THE NATIONAL APPEAL REGULATIONS, 2014 TO BE FOLLOWED BY THE APPLICANT, AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Appeal submission

4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter **within 20 days** from:
 - (a) the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be-
 - (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority,
- (2) The appeal panel contemplated in sub-regulation (1) may consist of such number of independent experts and with such expertise as the Appeal Authority may deem necessary under the circumstances;
- (3) The expert or appeal panel must provide advice to the appeal administrator within 10 days from the receipt of an instruction from the appeal administrator.



Recommendations and decisions on appeals

7. (1) The appeal administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement referred to in regulation 5 of these Regulations, in the event that an independent expert has not been sourced or an independent appeal panel has not been constituted.
- (2) The appeal administrator must make a recommendation on the appeal to the appeal authority within 10 days of receipt of the advice referred to in regulation 6(2) of these Regulations, in the event that an independent expert has been sourced or an independent appeal panel has been constituted.
- (3) The appeal authority must reach a decision on an appeal, and notify the appellant, applicant, and any registered interested and affected party, within 20 days of the recommendation on the appeal by the appeal administrator.
- (4) The decision contemplated in sub-regulation (3) must contain written reasons for the decision.

Communication

8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act, which are:
 - (i) by faxing a copy of the notice or other document to the person, if the person has a fax number;
 - (ii) by e-mailing a copy of the notice or other document to the person if the person has an e-mail address; or
 - (iii) by posting a copy of the notice or other document to the person by ordinary mail, if the person has a postal address;
- (2) In order to meet the time periods determined in these regulations, the person referred to in sub-regulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

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