

80 Kerk Street
Rustenburg
0300
Republic of South Africa

CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
DIRECTORATE: ENVIRONMENTAL QUALITY MANAGEMENT

Enq: Tshego Lekgari
Tel: +27 (14) 597 3597
Fax: +27 (14) 592 3553
E-mail: TshegoLekgari@nwpg.gov.za

Reference: NWP/EIA/38/2018

Attention: **Mr. Ian Symon**
Zargodox (Pty) Ltd
3rd Floor Rentmester Park
74 Watermeyer Street
VAL DE GRACE
0184

Tel No.: (012) 743 9023
Cell No.: 082 870 6626/ 082 805 4509
Email.: ians@ptops.co.za

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE HARTIES CABLEWAY PROJECT ON PORTION 1 OF HOLDING 44 MELODIE AGRICULTURAL HOLDINGS AND HARTEBEESTPOORT CABLEWAY 971 JQ IN 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 Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

- 1 *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 (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan. [Listed activity 27]*

Government Notice No. R324 of Environmental Impact Assessment Regulations of 04 December 2014 as amended for:

1. *The development of masts or towers of any material or type used for telecommunication broadcasting or radio transmission purposes where the mast or tower (a) is to be placed on a site not previously used for this purpose; and (b) will exceed 15 metres in height but excluding attachments to existing buildings and masts on rooftops in (h) North West (i) Outside urban areas (aa) A protected area identified in terms of NEMPAA; (bb) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority; (cc) Ramsar sites; or areas identified in terms of an international convention; (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; (ee) Core areas in biosphere reserves. [Listed activity 3(h)(i)(aa - ee)]*

2. The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more in (h) North West (iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; (v) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority. [Listed activity 6(h)(iv)(v)]
3. The development and related operation of ziplines or foefie slides exceeding 100 metres in length (h) North West (i) World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention; (ii) Areas within 5 kilometres from protected areas identified in terms of NEMPAA or from the core of a Biosphere reserve; (v) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; (vi) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority. [Listed activity 9(h)(i)(ii)(v)(vi)]
4. The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance is required for maintenance purposes undertaken in accordance with a maintenance management plan (h) North West (i) World Heritage Sites; core of biosphere reserve; or sites or areas identified in terms of an international convention (ii) A protected area including municipal or provincial nature reserve as contemplated by NEMPAA or other legislation (iv) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority; (v) Sensitive areas as identified in an environmental management framework as contemplated in chapter 5 of the Act as adopted by the competent authority. [Listed activity 12(h)(i)(ii)(iv)(v)]

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

This Department has evaluated the **Basic Assessment Report** dated October 2018 and received on 26 October 2018 for the development of *Harties Cableway project on Portion 1, Holding 44 Melodie Agricultural Holdings and Hartebeestpoort Cableway 971 JQ within Madibeng Local Municipality, 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.

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: 14/01/2019

Cc: Landscape Dynamics Environmental Consultants
 Contact Person: Ms. Annalize Grobler & Ms. Susanna Nel
 Tel No.: 082 566 4530/ 082 888 4060
 Fax No.: 086 685 3822
 E-mail.: agrobler@landscapedynamics.co.za



Table of Contents

			Page no.
A		Definitions	4
B		Environmental Authorisation	5
	1.	Decision	5
	2.	Activity Authorised	5-6
	3.	Conditions	6
	3.1	Scope of Environmental Authorisation	6-7
	4.	Appeal of Environmental Authorisation	7-8
	5.	Management of the Activity	8
	6.	Monitoring	8-9
	7.	Recording and Reporting to the Department	9
	8.	Commencement of activity	9
	9.	Operation of the activity	9
	10.	Site Closure and Decommissioning of the Activity	10
	11.	Specific Conditions	10-11
	12.	General	11
		Annexure 1 – Reasons for Environmental Authorisation	12-13
		Annexure 2 – Appeal Procedures	14-15



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.



B. ENVIRONMENTAL AUTHORISATION

Authorisation register number: NWP/EIA/38/2018

Holder of Environmental Authorisation: Zargodox (Pty) Ltd

Location of activity: North West Province: Hartebeestpoort Cableway 971 JQ and Portion 1, Holding 44 Melodie Agricultural Holdings in 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 authorises:-

Zargodox (Pty) Ltd
3rd Floor Rentmester Park
74 Watermeyer Street
VAL DE GRACE
0184

Tel No.: (012) 743 9023
Cell No.: 082 870 6626
Email: ians@ptops.co.za

to undertake the following activity:

Development of Harties Cableway and guest lodge.

The project will entail the establishment and construction of the following;

- *An events venue and boutique guest lodge on Portion 1 of Holding 44 Melodie Agricultural Holdings. (1.356 hectares)*
- *Ziplines, infinity pool, skywalk, an aerial ropeway obstacle course and ancilliary facilities in addition to the existing tourism facilities on Hartebeestpoort Cableway 971 JQ (4.3379 hectares)*
- *A telecom mast on Hartebeestpoort Cableway 971 JQ in close proximity to the existing 3 masts on adjacent land.*

The total development footprint is 5.6939 hectares.

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



Site Location:

Alternative 1	Latitude (S)	Longitude (E)
Portion 1, Holding 44 Melodie Agricultural Holdings (boutique hotel)	25° 42' 42.31"	27° 53' 05.05"
Hartebeestpoort Cableway 971 JQ (top of cableway)	25° 43' 19.17"	27° 53' 04.49"

The development site is located on Portion 1, Holding 44 Melodie Agricultural Holdings and Hartebeestpoort Cableway 971 JQ, within the jurisdiction of Madibeng Local Municipality, North West Province, hereafter referred to as "the property". The property is also known as the Hartebeestpoort Aerial Cableway and is located in the town of Haartbeestpoort.

3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred **activity location in 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 activities authorised may only be carried out at the property as described in Point 2 under site location.
- 3.1.5 These activities must commence within a period of **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.
- 3.1.6 If the holder of the Environmental Authorisation anticipates that commencement of the activities would not occur within the **5 year** period, he/she **must** apply and **show good cause** for an extension of the Environmental Authorisation prior to its expiry date.
- 3.1.7 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 this activity.
- 3.1.8 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- All provisions of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
 - All provisions of the National Civil Aviation Act, 1962 (Act No. 74 of 1962).



- c) All provisions of the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
- d) All provisions of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).
- e) All provisions of the National Biodiversity Act, 2004 (Act No. 10 of 2004).
- f) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
- g) The municipal by-laws must be adhered to where applicable.

3.1.9 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@nwpq.gov.za

4.4 Such Appeal must be lodged in writing by completing an Appeal Form obtainable from the Appeal Administrator.

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 Final Basic Assessment Report received by the Department on 26 October 2018 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.

6. Monitoring

6.1 The applicant must appoint an 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 upon appointment of the ECO.

6.3 The ECO must be appointed before commencement of any land clearing or construction activities.

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 ongoing management and monitoring of the impacts of the activities on the environment throughout the life cycle of the activities is put into practice.

7. Recording and reporting to the Department

7.1 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 activity

8.1 **14 days** written notice must be given to the Environmental Compliance and Enforcement Section that the activity will continue in compliance with the issued Environmental Authorisation.

8.2 An appeal made against this Environmental Authorisation will result in it being suspended; therefore the activity must not commence pending the decision by the MEC, as Appeal Authority.

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.

9.2 Vegetation clearance should be confined to the development footprint and set out to avoid substantial vegetation disturbance. All existing invasive alien plants should be eradicated in accordance with Alien and Invasive Species Regulations, 2014 in terms of Chapter 3 of the National Environmental Management: Biodiversity Act (Act 10 of 2004).

9.3 All engineering services and other infrastructure must be managed, operated and maintained according to industry standards, relevant specifications and legal requirements to prevent malfunctioning and associated negative impacts that could result in negative impacts to the environment and human safety.

9.4 All requirements in terms of the Occupational Health & Safety Act (Act No. 85 of 1993), including the Driven Machinery Regulations and the Code of Practice for Installation and Operation of Commercial Zip lines (published 17 February 2017) must be fully implemented.

9.5 Maintenance and inspections according to industry standards must be done and proper documentation of these events must be kept up to date and on the site.

9.6 No open fires must be allowed for any purpose at the top of the mountain (i.e. on Hartebeestpoort Cableway 971 JQ)

9.7 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.



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 Final Basic Assessment Report (FBAR) dated October 2018 and received on 26 October 2018.
- 11.2 The development must be restricted to the development of Harties Cableway Project on Portion 1, Holding 44 Melodie Agricultural Holdings and Hartebeestpoort Cableway 971 JQ in Madibeng Local Municipality, North West Province.
- 11.3 Ablution facilities on site must be established during construction phase such that they do not cause water or other pollution and conform to regulatory hygiene measures and the Occupational Health and Safety legislation.
- 11.4 Vegetation clearance should be confined to the development footprint and set out to avoid substantial vegetation disturbance.
- 11.5 All plant species of conservation importance (if any) must be removed from the demarcated area prior to commencement 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.
- 11.6 Surface run-off must be managed to such an extent that all run-off from hard surfaced areas is contained within the storm water pipes or other designated areas.
- 11.7 Access to active construction areas must be limited by using notices and barrier tape. Construction activities must be limited to daylight hours.
- 11.8 A Chance Find Protocol (as outlined in the Palaeontological Impact Assessment Study by Prof Marion Bamford dated 14 October 2018) must be followed if fossils are found once excavations and building has commenced. The finds must be rescued and a palaeontologist must be called to assess and collect a representative sample.
- 11.9 All natural occurring indigenous vegetation must be retained as far as possible especially along the periphery of the site.
- 11.10 All topsoil occurring within the site must be removed and stockpiled away from drainage lines and storm water drains, for use during rehabilitation post construction.



- 11.11 Any bulbous plants encountered during construction phase must be removed and re planted in the area after the construction phase.
- 11.12 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 the North West Provincial Heritage Resources Authority must be informed about the finding.
- 11.13 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.
- 11.14 The holder of the Environmental Authorisation (Zargodox (Pty) Ltd) 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.
- 11.15 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 **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: 14/01/2019



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Zargodox (Pty) Ltd** applied for Environmental Authorisation to carry out the following activity:

Harties Cableway Project which will entail, the construction and establishment of an events venue and boutique guest lodge on Portion 1 of Holding 44 Melodie Agricultural Holdings. Zip lines, infinity pool, skywalk, an aerial ropeway obstacle course and ancilliary facilities in addition to the existing tourism facilities and a telecom mast on Hartebeestpoort 971 JQ.

The applicant appointed **Landscape Dynamics Environmental Consultants** to undertake the Basic 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 Basic Assessment Report (BAR) received by the Department on 26 October 2018 compiled by **Landscape Dynamics Environmental Consultants**.
- b) All mitigation measures and recommendations as contained in the BAR and the Environmental Management Programme included in the report received on 26 October 2018 are acceptable and practical for implementation.
- c) 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.
- d) The findings of a site visit undertaken by the Department official Ms. Tshegofatso Lekgari and Ms. Annalize Grobler of Landscape Dynamics Environmental Consultants (EAP) on 14 September 2018.
- e) Recommendations included in the Ecological Report on the Flora compiled by Enviroguard ecological Services CC dated March 2018.
- f) Recommendations included in the Report on a Cultural Heritage Impact Assessment for the development of additional tourism facilities at the existing Harties Cableway, North West compiled by Archaetnos Culture and Cultural Resource Consultants dated 10 April 2018.
- g) Recommendations included in the Palaeontological Impact Assessment for the proposed Harties Cableway Project on Portion 1 of Holding 44 Melodie and Hartebeest Cableway 971 JQ, North West Province, compiled by Prof. Marion Bamford dated 14 October 2018.
- h) Recommendations included in the Avifaunal Impact Assessment Study Harties Cableway Project, compiled by Chris van Rooyen Consulting dated April 2018.
- i) Recommendations included in the Visual Scoping Report Hartebeestpoort Dam Cableway Project compiled by Graham A. Yound Landscape Architect dated 17 April 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 Basic Assessment Report process.
- b) The BAR received on 26 October 2018, 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 the 'Kormorant' published on 29 March 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) The proposed tourism facilities are in keeping with the activities listed in the Magaliesberg Protected Environment, Environmental Management Framework for the core area of the Biosphere (skywalk, zipline, infinity pool) and buffer of the Biosphere (boutique hotel).
- b) The project will contribute towards economic development in Madibeng Local Municipality through increased job opportunities and tourism to the Aerial Cableway and the skywalk which will be the first in South Africa.
- c) The Aerial Cableway is already a functioning business and the applicant has the capability to implement all the proposed mitigation measures in the EMP and the conditions stipulated in this Environmental Authorisation.
- d) All the specialist reports are in support of the proposed development and all negative impacts identified can be effectively mitigated.
- e) No objections were raised during the public participation 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; anda 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.

