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

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Reference: NWP /EIA/24/2012

Attention: **Mr. Matome Edmund Modipa**
Sebata Group
 P. O. Box 2437
HALFWAY HOUSE
 1865

Tel No.: (011) 206 5920
 Cell No.: 083 327 1440
 Fax No.: (011) 206 5922
 E-mail: matome@sebatagroup.com

PER FACSIMILE AND POST

Dear Sir:

ENVIRONMENTAL AUTHORISATION FOR THE DEVELOPMENT OF HOTEL SEBATA, RESTAURANT, CONFERENCE AND WEDDING FACILITIES, HEALTH SPA AND RECREATIONAL FACILITIES ON PORTION 48 (A PORTION OF PORTION 39) OF THE FARM RIETVLY 271 JQ, LISTED ACTIVITY 23 (ii) AND 24 IN GOVERNMENT NOTICE NUMBER R. 544, RUSTENBURG LOCAL MUNICIPALITY, NORTH WEST PROVINCE

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

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

1. The transformation of undeveloped, vacant, or derelict land to –
 residential, retail, commercial, recreational, industrial or institutional use, outside an urban area and where the total area to be transformed is bigger than 1 hectare but less than 20 hectares, Listing Notice 1, Activity Number 23 (ii)] and
2. The transformation of land bigger than 1000 square metres in size, to residential , retail, commercial, industrial or institutional use, where, at the time of the coming into effect of this Schedule or thereafter such land was zoned open space, conservation or had an equivalent zoning Listing Notice 1, Activity 24.

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

This Department has evaluated the **Basic Assessment Report** dated February 2013 and received on 18 February 2013, for the development of Hotel Sebata, Restaurant, Conference, Wedding facilities, Health Spa and Recreational facilities on portion 48 (A Portion of Portion 39) of the farm Rietvly 272 JQ, Rustenburg

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 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: 27/03/2013

Cc: **Nemai Consulting Environmental and Social Consulting**

Contact Person: Roxana Le Roux

Tel No.: (011) 781 1730

Cell No.: 082 749 5934

Fax No.: (011) 781 1731

Rustenburg Local Municipality

Contact Person: Kelebogile Mekgoe

Tel No.: (014) 590 3185

Fax No.: (014) 590 3070



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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/24/2012****Last amended:****First issued 30 November 2007****Holder of Environmental Authorisation:****Sebata Group****Location of activity:****North West Province: Rustenburg 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. Activity 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 2010, the Environmental Officer Control Grade B: Development Impact Management of the Department of Economic Development, Environment, Conservation and Tourism authorises:-

Sebata Group
P. O. Box 2437
HALFWAY HOUSE
1865

Tel No.: (011) 206 5920

Cell No.: 083 327 1440

Fax No.: (011) 206 5922

E-mail: matome@sebatagroup.com

to undertake the following activities:

The development entails the following:

- ✓ A 7 Storey hotel with an approximate floor space of 11 350 m²
- ✓ Restaurant of approximate floor space of 435 m² with one hundred seats; health spa and recreational activities,
- ✓ Wedding facility with approximate floor space of 962 m² and
- ✓ The total area for the development is 8.715 hectares.

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



Ref No.: NWP/EIA/24/2012

Development of Hotel Sebata, Restaurant, Conference, Wedding Facilities, Health Spa & Recreational facilities on portion 48 of the Farm Rietvly 271 JQ, Rustenburg Local Municipality, North West Province

Department of Economic Development
 Environment, Conservation and Tourism

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Site Location:

Alternative S1	Latitude	Longitude
On portion 48 (A Portion of Portion 39) of the Farm Rietvly 271 JQ	25° 37.755'45.523" South	27° 9 698'41.787" East

The development site is located on portion 48 (A portion of Portion 39) of the Farm Rietvly 271 JQ, Rustenburg Local Municipality, North West Province. The study area is located approximately 4 kms west of the intersection of the old Swaruggens Road (P 2-3) with Phokeng Road (P 115-1) 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 activities 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 These activities 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 These activities must commence within a period of **five (5) years** from the date of issue. If commencement of the activities does not occur within that period, the Environmental Authorisation **lapses** and a new application for Environmental Authorisation must be made in order for the activities to be undertaken.
- 3.1.7 If the proponent anticipates that commencement of the activities 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 activities.

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 Rustenburg Local Municipality 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 these activities 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 Be published in the newspapers contemplated in terms of Regulation 54(2)(c) and (d), which are newspapers that were used for the placing of advertisements as part of the public participation process.
- 4.2.5 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.
- 5. Management of the activities**
- 5.1 The 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 recorded in the Basic Assessment Report dated February 2013 and received on 18 February 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 amendments 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 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, Enforcement and Authorisations 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, Enforcement and Authorisations 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 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 must be made available for inspection to any relevant and competent authority in respect of this development.
- 7.2 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.

8. Commencement of the activities / 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 activities will commence. Commencement for the purposes of this condition includes site preparation.
- 8.2 Should the holder of Environmental Authorisations be notified by the MEC or Appellant of a lodged appeal, activities must not commence pending appeal decision by the MEC.
- 8.3 **The number of employees employed for construction phase must be submitted together with the notice of commencement of the activities.**



9. Operation of the activities

- 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.
- 9.2 The internal sewerage system must be designed to accommodate the average dry weather flow and service every stand in the development.
- 9.3 All solid waste produced by the development during operational phase must be suitably stored on site, and removed on a regular basis to a licensed landfill site.
- 9.5 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.
- 9.6 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.
- 9.7 The number of employees employed for operational phase must be submitted to this Department one (01) month after commencement with operation of the activities.

10. Site Closure and Decommissioning of the activities

- 10.1 Should the activities 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 activities be abandoned or decommissioned, a Closure Management Plan [CMP] must be compiled and submitted to this Department for approval.
- 10.3 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 activity approved is the development of Hotel Sebata, Restaurant, Conference, Wedding facilities, Health Spa and Recreational facilities on portion 48 (A Portion of Portion 39) of the farm Rietvly 272 JQ, Rustenburg Local Municipality, North West Province. Any further expansion of the development will require amendment of the Environmental Authorisation and approval thereof from this Department.
- 11.2 The development must be substantially in accordance with the Layout Plan and attached as Appendix C of the Basic Assessment Report dated February 2013, received on 18 February 2013.



- 11.3 Building plans for the proposed development must be approved by Rustenburg Local Municipality prior to the commencement of construction on site.
- 11.4 These activities 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).
- 11.5 The proposed development site must be suitably demarcated prior to the construction commencing and construction must be restricted to the demarcated areas to minimise damage to the vegetation and exposure of the ground to erosion.
- 11.6 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.
- 11.7 Topsoil must be removed and stockpiled for rehabilitation purposes prior to construction and such topsoil must be protected against water and wind erosion.
- 11.8 All excavated pits or trenches to be developed during construction must be filled up / rehabilitated immediately after work is completed in a particular area to minimise soil erosion. Excavated pits or trenches considered hazardous must be fenced off and proper signage must be placed around them for safety purposes.
- 11.9 No development should occur below the 1:100 year flood line.
- 11.10 Suitably designed and engineered drainage structures must be constructed on all internal roads, to avoid the concentration of run-off in such a manner so as to prevent erosion and to avoid environmental degradation.
- 11.11 Detailed Stormwater Management Plan must be compiled and submitted to the Department of Water Affairs for approval and it must be approved prior to the commencement of the development on site.
- 11.12 A formal drainage system of pipes or canals must be provided to convey storm water away from erven and streets and to discharge this water into natural water courses.
- 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.
- 11.14 Dust suppression measures must be implemented at all times during construction and operational phase to prevent the spreading of nuisance dust.
- 11.17 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.



- 11.15 Should any archaeological artifacts be exposed during earth moving activities, construction in the vicinity of the finding must be stopped and the South African Heritage Resource Agency must be notified immediately (**within 48 hours**). Under no circumstances shall any artifacts be destroyed. Such an archaeological site must be marked and fenced off.
- 11.16 The internal road layout must be submitted to the Rustenburg Local Municipality for approval.
- 11.17 All areas likely to be disturbed must be rehabilitated immediately after the construction and landscaping of the disturbed areas 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.
- 11.18 The Sebata Group must be responsible for compliance with the Duty of Care and Remediation as contained in Section 28 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

12. General

- 12.1 A copy of this Environmental Authorisation must be kept at the property where these activities 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 notify 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: 27/03/2013



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Sebata Group** applied for authorisation to carry out the following activities:

- ✓ A 7 Storey hotel with an approximate floor space of 11 350 m²;
- ✓ Restaurant of approximate floor space of 435 m² with one hundred seats; health spa and recreational activities,
- ✓ Wedding facility with approximate floor space of 962 m²;
- ✓ The total area for the development is 8.715 hectares,

on portion 48 (A Portion of Portion 39) of the farm Rietvly 271 JQ, this falls within the jurisdiction of Rustenburg Local Municipality, North West Province.

The applicant appointed **Nemai Consulting Environmental and Social Consulting** to undertake Basic Assessment process as required by Regulation 17 of the EIA Regulations.

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) compiled by dated February 2013, received on 18 February 2013.
- b) The Heritage Impact Assessment study compiled by Makhosazana Mngomezulu a Heritage Impact Assessor of Nemai Consulting dated 03 August 2012 attached as Appendix D2 in the BAR emphasises that no heritage resources were identified on the proposed area.
- c) The Flora and Fauna Assessment compiled by Mr. Ronald Phamphe a Biodiversity Specialist of Nemai Consulting, dated 03 August 2012 attached as appendix D2 in the BAR, found that the site is transformed mainly by cultivation and urbanisation and there are scattered to dense stands of alien invasive species such as *Cereus jamacara*, *Eucalyptus Species*. No red data bird species were observed on the site. No reptile species were observed during the survey but suitable habitats such as grassland and termite mounds were observed in the study area.
- d) The comments from South Africa Heritage Resources Agency, dated 16 October 2012, attached As appendix C in the BAR dated February 2013, found that no evidence of any significant archaeological material in the area, the SAHRA Archaeology, Palaeontology and Meteorites Unit has no objection to the development.
- e) All mitigation measures and recommendations as proposed in the Basic Assessment Report and the Environmental Management Programme dated February 2013 and received on 18 February 2013.
- f) 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.



- g) The findings of a site visit undertaken by the Department official Ms. Delta Mahlaku with the Environmental Assessment Practitioner Ms. Roxana Le Roux of Nema Consulting and Ms. Nonkanyiso Zungu and McDonald Mutsvangwa of Sebata Group (Applicant) on 13 November 2012.

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 procedures.
- b) The Basic Assessment Report dated February 2013, received on 18 February 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 February 2013, received on 18 February 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 Environmental Impact Assessment Regulations of 18 June 2010 for public involvement. The proposed development was advertised in "Daily Sun" newspaper on 16 November 2012 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) In terms of Rustenburg Local Municipality Spatial Development Framework (SDF) the proposed development is compatible with the current Land Use Zone of the area. Therefore; the proposed development is considered to be in line with the principles and aims of Rustenburg Local Municipality Spatial Development Framework.
- b) The proposed development will reduce accommodation shortage in the area.
- c) The development is proposed on area that is mostly degraded and transformed, with high presence of alien plant species. Therefore; the development is unlikely to have substantial biodiversity impacts.



- d) The identification and assessment of impacts are detailed in the Basic Assessment Report dated February 2013, received on 18 February 2013 and sufficient assessment of the key identified issues and impacts have been completed.
- e) The proposed mitigation measures in the EMP are acceptable and practical for implementation.
- f) The legal and procedural requirements have been complied with and information contained in the document is to the satisfaction of this Department.
- g) Environmental Management Programme measures for the construction, operation and rehabilitation phases of the development were proposed and included in the Basic Assessment Report dated February 2013 received on 18 February 2013 and must be implemented to manage the identified environmental impacts during construction process.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, these activities 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 –
- (a) are subject to an appeal to the MEC in terms of Section 43 (1), (2) or (3) of the Act; and
 - (b) 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.
- (2) 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) a copy of the notice referred to in subregulation (1); and
 - (b) 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.
- (3) 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) a copy of the notice referred to in subregulation (1); and
 - (b) a notice indicating where and for what period the appeal submission will be available for inspection by the applicant.
- (4) 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

64. (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.