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Department:
**Rural, Environment and Agricultural
Development**
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



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Reference: NWP/EIA/53/2018

Attention: **Mr. Marthinus de Jager**
Fahari Property Investments (Pty) Ltd
229A Smit Street
RUSTENBURG
0299

Cell No.: 083 306 3304
E-mail: annelie@gulland.co.za

PER E-MAIL AND POST

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE EXPANSION OF A FEEDLOT FOR CATTLE ON PORTION 4 OF THE FARM VLAKNEK 472 JP, DITSOBOTLA 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. R. 327 of EIA Regulations of 04 December 2014, as amended, for:

1. *The expansion and related operation of facilities for the concentration of animals in densities that will exceed 200 square metres per large stock unit, where the expansion will constitute more than 500 additional units [Activity number 39 (i)].*

Government Notice No. R. 324 of EIA Regulations of 04 December 2014, as amended, for:

2. *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 management plan in critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority [Activity number 12 (h) (iv)]*

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

WE BELONG WE CARE WE SERVE

This Department has evaluated the **Basic Assessment Report** dated December 2018, received on 24 January 2019 for the expansion of a feedlot for cattle on portion 4 of the farm Vlaknek 472 JP, Ditsobotla 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 National Appeal Regulations of 8 December 2014.

Yours Faithfully



Ms Portia Krisjan

Director: Environmental Quality Management

Department of Rural, Environment and Agricultural Development

Date: 06/03/2019

Cc: **Hydro Science**

Contact Person: Ms. Paulette Jacons

Tel No.: 082 667 5056

Cell No.: 082 850 5482

E-mail: paulette@hydroscience.co.za



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B. Environmental Authorisation

Authorisation register number:

NWP/EIA/53/2018

Holder of Environmental Authorisation:

Fahari Property Investment (Pty) Ltd

Location of activity:

**North West Province: Portion 4 of the farm Vlaknek 472 JP,
Ditsobotla Local Municipality, North West Province**

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 4 December 2014, the Director: Environmental Quality Management of the Department of Rural, Environment and Agricultural Development authorises:-

Fahari Property Investment (Pty) Ltd

229A Smit Street

RUSTENBURG

0299

Cell No.: 083 306 3304

E-mail: annelie@gulland.co.za

to undertake the following activity:

The expansion of a feedlot for cattle on portion 4 of the farm Vlaknek 472 JP. The project entails the following:

- *Clearance of more than 300m² of indigenous vegetation.*
- *The expansion of existing feedlot and operate it to accommodate 5000 cattle (the existing feedlot currently accommodate 490 cattle, which means it is expanded by 4510 cattle).*

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

Site Location:

Alternative S1: Portion 4 of the farm Vlaknek 472 JP, Ditsobotla Local Municipality, North West Province.

Site coordinates	Latitude	Longitude
Portion 4 of the farm Vlaknek 472 JP	25° 56' 12.45"	26° 36' 17.44"

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Expansion of a feedlot for cattle on portion 4 of the farm
Vlaknek 472 JP, Ditsobotla Local Municipality

Department of Rural, Environment
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The property is accessed from the existing R53 which cuts through the western portion of the property, within the jurisdiction of Ditsobotla Local Municipality, North West Province, hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

- 3.1.1 The preferred alternatives S1 are 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 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 **5 years** 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 the activity.
- 3.1.8 Relevant legislation that must be complied with by the holder of this Environmental Authorisation includes, *inter alia*:
- a) National Heritage Resources Act, 1999 (Act No. 25 of 1999)..
 - 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) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)
 - e) The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)



- f) National Forest Act, 1998 (Act No. 84 of 1998)
- g) Animal Protection Act (Act no 71 of 1962)
- h) Animal Disease Act (Act no 35 of 1984)
- m) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
- n) National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).

3.1.9 The holder of an Environmental Authorisation has the responsibility to apply for Environmental Authorisation amendment to the competent authority for any alienation, or deviation from project description/ ownership.

4. Appeal of Environmental Authorisation

- 4.1 The holder of the Environmental Authorisation must notify every **registered** interested and affected parties, 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 Chapter 2 of the National Appeal Regulations with:

The Appeal Administrator: Ms. Carene Nieuwoudt
Department of Rural, Environment and Agricultural Development
Agricentre Building
Cnr. Dr. James Moroka & Stadium Road
Private Bag X 2039
MMABATHO
2735

Or hand delivery 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 Appeal form obtainable from the Appeal Administrator.

5. Management of the activity

5.1 An Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.

5.2 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.

5.3 The EMPr must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually

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.

6. Monitoring

6.1 The holder of Environmental Authorisation has 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 Borehole BH1 must be used as groundwater monitoring borehole for water quality purposes on annual basis.

6.3 The one borehole must be monitored for bacteriological parameters and for major cations and anions on a bi-annual basis after the implementation of the feedlot.

6.4 As and when contamination is detected the groundwater monitoring cycle must be shortened to a two-monthly cycle.



6.5 It is the responsibility of the holder of this Environmental Authorisation to ensure that an on-going 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 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.

7.2 All incidents of major hazardous substance spill must be reported Environmental Compliance and Enforcement Section of this Department and Department of Water and Sanitation within **48 hours**, and action taken to remedy the situation must be outlined.

8. Commencement of the activity/Notification to authority

8.1 **14 days** written notice must be given to Environmental Compliance and Enforcement Section of this Department that the activity will commence. Commencement for the purposes of this condition includes site preparation.

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

8.3 **The number of people employed for construction phase must be submitted with the notice of commencement of the activity.**

9. Operation of the activity

9.1 Waste must be stored, handled and disposed in accordance with the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008).

9.2 Any offensive smells emanating from the feedlot (cattle) farm must be dealt with by way of sanitary measures that reduce such smell to an acceptable level.

9.3 All cattle faeces and waste water resulting from washing up the soiled areas must be appropriately disposed of.

9.4 An immunization programme based on knowledge of the disease to which the cattle are likely to be exposed or susceptible and the degree of their impact on the environment must be developed and incorporated into the management system of the flock.

9.5 A plan must be in place to ensure that no excessive fly breeding occurs during the summer months and feedlot (cattle) farm operation must not cause a nuisance by harbouring of pests or diseases, for example rodents.

9.6 Manure from feedlot where cattle are confined in high densities or on hard stand for extended periods, must be scraped up and removed as necessary.

9.7 Dead animals must be delivered and disposed to a rendering plant.



- 9.8 Manure must be stored in a stockpile on an impervious surface where water from rain or surface drainage cannot access the manure (or where any run – off drains back to holding ponds).
- 9.9 **The number of people employed for operational phase must be submitted to this Department 01 month after commencement with operation 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 The disturbed areas must be rehabilitated to almost a natural state, and landscaping of the disturbed areas must make extensive use of locally appropriate indigenous vegetation.
11. **Specific conditions**
- 11.1 The development site must be suitably demarcated and construction must be restricted to the demarcated area to minimise the impacts on the surrounding environment.
- 11.2 The feedlot must be designed and constructed to make optimal use of the conditions of the site to facilitate management of the day to day operations while minimising the impacts on the environment and local residents or land users.
- 11.3 The feedlot must be located above the 100 year flood line level, if identified and above flood prone land. The land must be gently sloping between 2%-5% so that storm water drainage and liquid wastes can be easily managed.
- 11.4 The area of the pens must take into account the need to carry out visual inspection of animals and convenient group sizes.
- 11.5 Size of the pen and stocking density must be consistent with maintaining adequate management control and preventing build-up of manure and spilt feed.
- 11.6 Pens must have a uniform slope of 2%-5% away from the feed troughs to promote drainage of liquid waste and drying of solid waste.
- 11.7 Pens must be cleaned regularly for efficient cattle production and to minimise odour emission and promote good pen drainage.
- 11.8 Feed troughs must be designed and located to allow easy access of animals and minimise spillage of feed material and accumulation of spilt feed and manure around the base of the trough.



- 11.9 Water troughs must be placed well away from the feed troughs in an area that allows drainage directly from the pen during cleaning or spillage.
- 11.10 Clear and realistic information must be provided regarding employment opportunities for local communities in order to prevent unrealistic expectations.
- 11.11 All manure and carcasses must be handled in accordance with the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).
- 11.12 The following conditions from the Department of Water and Sanitation in the letter dated 11 December 2018 must be adhered to:
- The applicant has to ensure the runoff and storm water has to be directed away from the site to ensure the quality of surface and groundwater.
 - The applicant must consult with the Department of Water and Sanitation regarding the authorisation for the disposing of waste in a manner which may detrimentally impact on water resources which falls under Section 21 (g) of the National Water Act, 1998 (Act No. 36 of 1998).
 - The applicant must consult the Department of Water and Sanitation regarding the Authorisation status of the water source to be used and if it is an existing lawful water use, proof of such Authorisation must be provided to this Department. Registration of water use under Section 21 in compulsory.
 - The groundwater monitoring network must include boreholes upstream and downstream of all activities that could have an impact on the groundwater and this monitoring system must be confirmed with this Department (DWS).
- 11.13 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.
- 11.14 The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 11.15 Waste material of any description must be entirely removed from the construction and disposed of at a licensed landfill facility as required in terms of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008, as amended). It must not be buried or burned on site.
- 11.16 The holder of the Environmental Authorisation [Fahari Property Investment (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).
- 11.17 The overall EMPr must be based on the premise of sound environmental management and cost effective measures that will ensure wherever possible solution to the remediation of the impacts caused by the construction and operation activities.



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 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.
- 12.3 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:



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

Date: 06/03/2019



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

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

The expansion of a feedlot for cattle on portion 4 of the farm Vlaknek 472 JP, Ditsobotla Local Municipality, North West Province

The applicant appointed **Hydro Science** to undertake Environmental Impact Assessment process as required by Regulation 12 of the EIA Regulations 04 December 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 received dated December 2018, received on 24 January 2019 compiled by Paulette Jacobs of Hydro Science.
- b) All mitigation measures and recommendations as contained in the Basic Assessment Report and the Environmental Management Programme included in the report dated December 2018, received on 24 January 2019.
- 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 Mr. Kgahliso Makoli with Ms. Paulette Jacobs of Hydro Science on 07 December 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) The Basic Assessment Report received dated December 2018, received on 24 January 2019, and 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.
- b) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the Environmental Impact Assessment (EIA) procedures.
- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 for public involvement. The development was advertised in Noordwester newspaper on 12 October 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.
- e) The letter dated 22 October 2018 from M. G. de Jager stating that as the owner of Vlaknek farm confirms that he removes all solid and cattle waste from the premises and do not make use of any contractor.
- f) The letter dated 11 December 2018 from the Department of Water and Sanitation stating that they do not have any objection towards the project on condition that the applicant adheres to conditions stipulated in the letter dated 11 December 2018.

4. Findings

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

- a) Basic Assessment Report received dated December 2018, received on 24 January 2019 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The water demand is 35m³ per day which is much lower than the groundwater recharge of 726.58m³ per day. The abstraction of water for the development will therefore be sustainable and will not have a negative impact on the boreholes of the neighbouring farming community (Findings by Geo-Logic Hydrogeological Consultants).
- c) The water demand for the feedlot will be 12 775m³ per annum or 35m³ per day which can easily be met by the groundwater recharge volume of 726.58m³ per day (Findings by Geo-Logic Hydrogeological Consultants).

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 (1) (a-f) of Chapter 5 of 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: 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

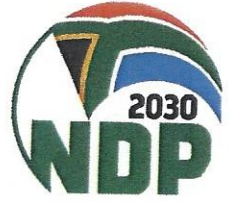
8. (1) A person may deliver documents in terms of these regulations by using one of the delivery methods referred to in section 47D of the Act, which are:
 - (i) by faxing a copy of the notice or other document to the person, if the person has a fax number;
 - (ii) by e-mailing a copy of the notice or 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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INVESTIGATION DIARY

Reference No: NWP/EA/53/2018

Subject

Proposed expansion of a feedlot for cattle on portion 4
of the farm Vlaknek 472 JP

Comments by Kgaphiso

Date	Activities
03/10/2018	Application form received <i>AS</i>
09/10/2018	Acknowledgement letter drafted <i>AS</i>
10/10/2018	File submitted to DA <i>AS</i>
10/10/2018	Ack letter checked & signed <i>AS</i>
10/10/2018	Letter emailed and file registered <i>AS</i>
12/10/2018	Captured on MEAS & Assigned
12/10/2018	File received without draft BAA
08/11/2018	Draft BAA received
28/11/2018	Draft BAA reviewed and comments were drafted
07/12/2018	Site inspection conducted

Date	Activities
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