



read

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



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Reference: NWP/EIA/36/2016

Attention: **Mr. Ben Gumbi**
Kubu Property Investments (Pty) Ltd
6205 Birch Acres
25 Mogo Street
KEMPTON PARK
GAUTENG
1618.

Tell No: (081) 209 0239
E-mail: ben@bakubungfire.com

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED CONSTRUCTION OF BAKUBUNG LEDIG MIXED USE HOUSING DEVELOPMENT ON PORTION 15 OF FARM LEDIG NO. 909 JQ, LISTED ACTIVITY NUMBERS 9, 12, 19 IN GN. NO. R. 983, ACTIVITY NUMBER 15 IN GN. NO. R. 984, ACTIVITY NUMBERS 2, 4, &14 IN GN. NO. R. 985 AND MOSES KOTANE 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. R983 of 04 December 2014 for:

- 1 *The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water with an internal diameter of 0,36 metres or more; or with a peak throughput of 120 litres per second or more.[Listed activity 9(i&ii)]*
- 2 *The development of bridges exceeding 100 square metres in size and bulk storm water outlet structures exceeding 100 square metres in size where such development occurs within a watercourse [Listed activity 12 (iii,vi& a)]*
- 3 *The infilling or depositing of any material of more than 5 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 5 cubic metres from a watercourse [Listed activity 19 (i)]*



WE BELONG WE CARE WE SERVE

Government Notice No. R984 of 04 December 2014 for:

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

Government Notice No. R985 of 04 December 2014 for:

- 1 The development of reservoirs for bulk water supply with a capacity of more than 250 cubic metres within 5km from a protected area identified in terms of NEMPAA [Listed activity 2(e) (i)]
- 2 The development of a road wider than 4m with a reserve less than 13,5m within 5km from a protected area identified in terms of NEMPAA [Listed activity 4(e) (i)-(aa)]
- 3 The development of bridges exceeding 10 square metres in size and bulk storm water outlet structures exceeding 10 square metres in size within 5km from a protected area identified in terms of NEMPAA [Listed activity 14(iii)(ii)(e)(i)-(aa)]

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

This Department has evaluated the **Environmental Impact Assessment Report** dated May 2017 and received on 25 May 2017 for the construction of Bakubung Ledig mixed use housing development on portion 15 of the farm Ledig 909 JQ, Moses Kotane 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

Yours Faithfully



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

Date: 08/08/2017

Cc: K2M Environmental (Pty) Ltd
Contact Person: Simitha Bechan
Cell No.: (031) 764 6743
Fax No.: (031) 764 2354

Moses Kotane Local Municipality
Contact Person: Sharon Rasepai
Tel No.: (014) 555 1326
Cell No.: (071) 678 0226
Fax No.: (014) 555 6368



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A DEFINITIONS

“activity” means an activity identified in any notice published by the Minister or MEC in terms of Section 24D(1)(a) of the Act as a listed activity or specified activity.

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

“development” means the building, erection, construction or establishment of a facility, structure or infrastructure, including associated earthworks or borrow pits, that is necessary for the undertaking of a listed or specified activity, including any associated post development monitoring, but excludes any modification, alteration or expansion of such a facility, structure or infrastructure, including associated earthworks or borrow pits, and excluding the redevelopment of the same facility in the same location, with the same capacity and footprint;

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

“independent”, in relation to an EAP, a specialist or the person responsible for the preparation of an environmental audit report, means-

- (a) that such EAP, specialist or person has no business, financial, personal or other interest in the activity or application in respect of which that EAP, specialist or person is appointed in terms of these Regulations; or
 - (b) that there are no circumstances that may compromise the objectivity of that EAP, specialist or person in performing such work;
- excluding –

- (i) normal remuneration for a specialist permanently employed by the EAP; or
- (ii) fair remuneration for work performed in connection with that activity, application or environmental audit;

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

“registered interested and affected party”, in relation to an application, means an interested and affected party whose name is recorded in the register opened for that application in terms of regulation 42;

“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 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/36/2016

Last amended: First issue

Holder of Environmental Authorisation: Kubu Property Investments (Pty) Ltd

Location of activity: North West Province: On portion 15 of the
Ledig 909 JQ, Moses Kotane 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, the Director: Environmental Quality Management of the Department of Rural, Environment and Agricultural Development authorises:-

Kubu Property Investments (Pty) Ltd
6205 Birch Acres
KEMPTON PARK
GAUTENG
1618

Tell No: (081) 209 0239
E-mail : ben@bakubungfire.com

to undertake the following activity:



Land Use	Number	Erf No.	Area (ha)	%
Residential 6	4604	1-4604	131,08	36,34%
Residential 30	4	4605-4608	10,058	1%
Special	1	4609	14,39	5%
Commercial	2	4610	12 334,84	2%
Tourism	2	4611,4612	7,99	2%
Business	30	4613-4635, 4637-4643	21,74	6%
Parks	39	4644-4682	81,02	3%
Roads			81,84	22,76%
Total	4682		361	100

The total site of the development is 361 ha.

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

Site Location:

On portion 15 of the farm Ledig 909 JQ, Moses Kotane Local Municipality	Latitude	Longitude
BakubungLedig mixed used housing development	25° 21' 48,19"	27° 04',35.41"

The operational site is located on portion 15 of the farm Ledig 909 JQ, it bordered by the R556 to the South , Sun City to the East and North and Ledig Community to the West, within the jurisdiction of Moses Kotane Local Municipality, North West Province, hereafter referred to as "the property".

3. Conditions

3.1 Scope of Environmental Authorisation

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

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

3.1.3 The holder of the Environmental Authorisation must be responsible for ensuring compliance with the conditions contained in this Environmental Authorisation. This includes any person acting on the holder's behalf, including but not limited to, an agent, servant, contractor, sub-contractor, employee, consultant or person rendering a service to the holder of the Environmental Authorisation.

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



- 3.1.5 This activity must commence within a period of **five (5) years** from the date of issue. If commencement of the activity does not occur within that period, the Environmental Authorisation **lapses** and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.6 If the holder of the Environmental Authorisation 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.
- 3.1.7 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) The Occupational Health and Safety Act, 1993 (Act No. 85 of 1993)
 - c) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
 - d) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
 - e) National Environmental Management: Air Quality Act,2004 (Act 39 of 2004) as amended
 - f) National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended.
 - g) All provisions of Hazardous Substance Act, 1973 (Act No. 15 of 1973)
 - h) 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 when 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 party, in writing and within **fourteen (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 party that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 4.2.3 Specify the date on which the Environmental Authorisation was issued.
- 4.2.4 Inform the registered interested and affected 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 delivery to:

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: cwessels@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 The draft Environmental Management Programme (EMPr) for the project submitted as part of application for Environmental Authorisation is **hereby approved**.
- 5.2 The recommendations and mitigation measures outlined in the Environmental Impact Assessment Report compiled by K2M Environmental (Pty) Ltd received by the Department on 25 May 2017 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 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 **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 and Enforcement Section upon appointment of the ECO.

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

6.4 The ECO must act as liaison with this Department's Environmental Compliance and Enforcement Section and other relevant authorities, and must ensure communications with key stakeholders with respect to monitoring of compliance with conditions of Environmental Authorisation and the EMPr.

6.5 The ECO must keep record of all activities on site, monitoring programmes, problems identified, transgressions noted and a schedule of tasks undertaken by the ECO.

6.6 It is the responsibility of the holder of this Environmental Authorisation to ensure that an ongoing management and monitoring of the impacts of the activity on the environment throughout the life cycle of the activity is put into practice.

7. Recording and reporting to the Department

7.1 All major spills of hazardous substances must be reported to the Control Environmental Officer Grade B: Environmental Compliance and Enforcement Section and the Department of Water and Sanitation within **twenty-four (24) hours** and action taken to remedy the situation must be outlined.

7.2 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

8. Notification to authority

8.1 **Fourteen (14) days** written notice must be given to the Control Environmental Officer Grade B: Environmental Compliance and Enforcement Section that the operational period will be extended.

8.2 An appeal made against Environmental Authorisation result in it being suspended, therefore the activity must not continue pending the decision by the 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 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 Hazardous waste must be removed from site by a registered contractor to a registered hazardous waste site. Records must be kept on site of all waste removed.

9.3 Indigenous vegetation should be introduced and maintained for gardening and landscaping purposes.

9.4 Provision for 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.

9.5 **The number of people employed for operational phase must be submitted to this Department one (01) month after extending the operational period of activity.**

10. Site Closure and Decommissioning of the activity

10.1 Should the activity ever cease or become redundant, the applicant must undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

10.2 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 applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report compiled by K2M Environmental (Pty) Ltd on 25 May 2017.

11.2 The Operational site must be restricted to Bakubung Ledig mixed use housing development on portion 15 of the farm Ledig 909 JQ, Moses Kotane Local Municipality, North West Province. The Occupational Health and Safety Act 1993, (Act No.83 of 1993) must be adhered to.

11.3 All vegetation outside immediate development footprint must be left intact and undisturbed. Measures must be introduced to clear all alien invasive plants and to control further spread into natural areas.

11.4 The proposed development site must be suitably demarcated and construction must be restricted to the demarcated area to minimise damage to the vegetation and exposure of the ground to erosion.



- 11.5 Appropriate signage must be placed to caution community, employees and contractors not to attempt to enter certain structures without being authorised and regular safety inspections must be conducted in order to ensure that participants are equipped with necessary safety equipments.
- 11.6 'Special stand' (page 28 of EIAR) adjacent to the existing Sun City accommodation must only be developed once agreement has been reached with Sun City Management.
- 11.7 Archaeological remains, artificial features and structures older than **sixty (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 relevant Heritage Resources Agency or North West Provincial Heritage Authority must be informed about the finding.
- 11.8 The zip line 2000 which is for tourism purpose must be accommodated for on the green areas/parks and the existing stop area and no buildings must be allowed on the parks/green areas, so the functionality of the zip line will not be affected.
- 11.9 The stockpiles must be placed within drainage line or site and all trenches and excavation works must be properly backfilled and compacted and if any soils are contaminated, it should be stripped and disposed of at registered hazardous waste landfill site
- 11.10 The area must further be surveyed before ground clearing begins for any *Schlerocarya Birrea* (Murula Tree) or Champion Trees which are protected trees and if any, permits must be obtained from Department of Agriculture Forestry and Fisheries for removal or relocation thereof.
- 11.11 Topsoil must be removed and stockpiled aside for rehabilitation purposes prior to the development commencing, and such topsoil must be protected against water and wind erosion.
- 11.12 Wetland identified must be managed in a grass stormwater canal considering that the residence in the area have modified most of the wetland from original state (Appendix M-Wetland Assessment Report, page 35)
- 11.13 The wetland rehabilitation plan must include measures to rehabilitated gullies and head cuts, and also include measures to prevent further erosion of the system, as stated in the recommendations of the wetland specialist report in Appendix M of the final EIAR dated February 2017.
- 11.14 Management of stormwater must be done so as to prevent sedimentation of the receiving wetland system.
- 11.15 No habitual structure must be constructed within 1: 100 year floodline,
- 11.16 Stormwater Management Plan must be adhered in order and SANRLA must be consulted for upgrading of culverts crossing under R556 road.
- 11.17 The stripped and stockpiled topsoil may be chemically altered due to storage, this can potentially alter nutrient levels in the soil and result in loss of fertility, therefore proper management of topsoil must be ensured.



- 11.18 No surface or ground water must be polluted due to any activities on the property or site. General housekeeping at the site must be kept at a high standard. The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 11.19 The holder of the Environmental Authorisation Kubu Property Investments (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
- 11.20 The contractor must ensure that drip trays are always available to collect any fluid that may result from accidental spillage, overflow and/or servicing. All equipments that leak must be repaired immediately and/or removed from the site when necessary.
- 11.21 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 **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.
- 12.3 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: 08/08/2017

Ref No.: NWPIEIA/36/2016
BakubungLedig mixed use housing development
Portion 15 of the farm Ledig 909 JQ

Department of Rural, Environment
and Agricultural Development

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ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

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

Bakubung Ledig mixed use housing development on portion 15 of the farm Ledig 909 JQ, Moses Kotane Local Municipality, North West Province

The applicant appointed **K2M Environmental (Pty) Ltd** to undertake Scoping and Environmental Impact Assessment process as required by Regulation 12 of the EIA Regulations, 2014.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Environmental Impact Assessment Report (EIAR) compiled by K2M Environmental (Pty) Ltd received by the Department on 25 May 2017.
- b) All mitigation measures and recommendations as contained in the Environmental Impact Assessment Report (EIAR) and the Environmental Management Programme received on 25 May 2017.
- c) The letter dated 23 February 2017 from K2M Environmental (Pty) Ltd (Affidavit).
- d) The letter dated 10 March 2017 from the Department of Agriculture, Forestry and Fisheries.
- e) The letter dated 19 February 2013 from the Johannesburg Roads Agency.
- f) Transport Impact Assessment compiled by Jan Coetzee of Innovative Transport Solution (Pty) Ltd dated January 2017.
- g) Floodline Report compiled by PJ Ngozo of Bigen Africa Services (Pty) Ltd dated November 2016.
- h) Ecological Assessment compiled by Adrian Hudson of Hudson Ecology (Pty) Ltd dated April 2017.
- i) Wetland Assessment compiled by Andrew Husted (Wetland/ Aquatic Ecologist) dated February 2017.
- j) Preliminary Geotechnical Report compiled by Dave Buttrick (Dr Dave Buttrick) dated 12 November 2015.
- k) The letter dated 28 September 2016 from Environment and waste management unit of Moses Kotane Local Municipality.
- l) Heritage Impact Assessment compiled by J. A. van Schalkwyk (Heritage Consultant) dated March 2017



- m) Letter of Exemption for Paleontological Assessment compiled by Heidi Fourie (Dr .H. Fourie) dated 06 February 2017.
- n) The letters dated 28 September 2016, 07 March 2017 and 03 May 2017 from the Department of Water and Sanitation.
- o) The letters dated 02 November 2016, 28 March 2017 and 06 April 2017 from South African Heritage Resources Agency.
- p) 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.
- q) The findings of a site visit undertaken by the Department official Ms. Tshego Lekgari with Tshilidzi Ramushoana of K2M Environmental (Pty) Ltd on 12 October 2016.

3. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the Environmental Impact Assessment (EIA) procedures.
- b) The Environmental Impact Assessment Report received on 25 May 2017, 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 Scoping/Environmental Impact Assessment Process was conducted in terms of the prescribed Regulations.
- d) 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 "RUSTENBURG HERALD" and "PALTINUM WEEKLY" dated 26 August 2016 as part of the public participation process.
- e) 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 area is in line with Moses Kotane Spatial Development Framework earmarked for towns and settlements.
- b) The activity is also compactable with the area as it has been already disturbed by local communities with illegal shacks and dumping.
- c) The proposed development is required to bring long term sustainability and viability of the industry while creating employment opportunities.

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**



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 subregulation (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 subregulation (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 subregulation (1) must also email, fax or hand deliver the document to the recipient, if the document is delivered by ordinary mail or registered mail.

