



read

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



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Reference: NWP/EIA/57/2017

**Attention: Municipal Manager
Lekwa Teemane Local Municipality
P. O. Box 13
CHRISTIANA
2680**

Tel No.: (053) 441 2206
Fax No.: (053) 441 3735

Dear Sir/Madam

ENVIRONMENTAL AUTHORISATION FOR CLEARANCE OF 235, 42 HECTARES OF INDIGENOUS VEGETATION IN ORDER TO ESTABLISH A TOWNSHIP ON A PORTION OF THE REMAINING EXTENT OF PORTION 1, THE REMAINING EXTENT OF PORTION 15 (A PORTION OF PORTION 1) AND THE REMAINING EXTENT OF PORTION 26 (A PORTION OF PORTION 1) OF THE FARM KLIPFONTEIN 344 HO; TO BE KNOWN AS BLOEMHOF EXTENSION 11, 12 AND 13, LEKWA TEEMANE 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. *Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur inside an urban area, where the total land to be developed is bigger than 1 hectares [Activity number 28 (i)]*

Government Notice No. R. 325 of EIA Regulations 04 December 2014 for, as amended, for:

2. *The clearance of an area of 20 hectares or more of indigenous vegetation [Activity number 15].*

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

7. *The clearance of an area of 300 square metres or more of indigenous vegetation 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.

This Department has evaluated the **Environmental Impact Assessment Report** dated March 2018, received on 16 March 2018 for the clearance of 235,42 hectares of indigenous vegetation in order to establish a township on a portion of the remaining extent of portion 1, the remaining extent of portion 15 (a portion of portion 1) and the remaining extent of portion 26 (a portion of portion 1) of the farm Klipfontein 344 HO, to be known as Bloemhof Extension 11, 12 and 13, Lekwa Teemane 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: 24/04/2018

Cc: AB Enviro Consult CC

Contact Person: Mr. J. P. de Villiers

Tel No.: (018) 294 5005

Cell No.: 083 548 8105

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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 of environmental audit;

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

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

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

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

"state Department" means any Department or administration in the national or provincial sphere of government exercising functions that involve the management of the environment.

"the Regulations" means the Environmental Impact Assessment Regulations, of 4 December 2014.



B. Environmental Authorisation

Authorisation register number: NWP/EIA/57/2017

Holder of Environmental Authorisation: Lekwa Teemane Local Municipality

Location of activity: North West Province: Portion of the remaining extent of portion 1, the remaining extent of portion 15 (a portion of portion 1) and the remaining extent of portion 26 (a portion of portion 1) of the farm Klipfontein 344 HO, Lekwa Teemane 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 4 December 2014, the Director: Environmental Quality Management of the Department of Rural, Environment and Agricultural Development authorises:-

Lekwa Teemane Local Municipality

P. O. Box 13

CHRISTIANA

2680

Tel No.: (053) 441 2206

Fax No.: (053) 441 3735

to undertake the following activity:

Clearance of 235,42 hectares of indigenous vegetation in order to establish a township on a portion of the remaining extent of portion 1, the remaining extent of portion 15 (a portion of portion 1) and the remaining extent of portion 26 (a portion of portion 1) of the farm Klipfontein 344 HO. The project entails the following:

Bloemhof Extension 11:

Land Use	Erven
<i>Residential 1</i>	<i>827 erven</i>
<i>Business 1</i>	<i>3 erven</i>
<i>Institutional</i>	<i>3 (2 church, 1 creche)</i>
<i>Public Open Space</i>	<i>6 erven</i>
Total	75,5716 hectares



Bloemhof Extension 12:

Land Use	Erven
Residential 1	1519 erven (for low cost housing)
Residential 2	2 erven (density 80 dwelling units per hectare, 3 storeys)
Business 1	5 erven
Institutional	5 erven (2 churches, 2 creches, 1 primary school)
Public Open Space	6 erven
Total	96,2149 hectares

Bloemhof Extension 13

Land Use	Erven
Residential 1	1181 erven (for low cost housing)
Business 1	5 erven
Municipal	1 erven (existing cemetery to be accommodated into the township establishment – No expansion): 1 erf
Institutional	5 erven (2 churches, 2 creches, 1 community facility)
Public Open Space	2 erven
Total	63,6308 hectares

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

Site Location:

Alternatives S1: a portion of the remaining extent of portion 1 and the remaining extent of portion 15 (a portion of portion 1) (to be known as Bloemhof Extension 11), a portion of the remaining extent of Portion 1 and the remaining extent of portion 26 (a portion of portion 1) (to be known as Bloemhof Extension 12), and a portion of the remaining extent of portion 1 (to be known as Bloemhof Extension 13) of the farm Klipfontein 344 HO, Lekwa Teemane Local Municipality, North West Province

Site coordinates	Latitude	Longitude
Bloemhof Extension 11	27° 38' 40.60"	25° 35' 10.04"
Bloemhof Extension 12	27° 38' 13.60"	25° 34' 40.04"
Bloemhof Extension 13	27° 37' 50.60"	25° 35' 10.04"



The development site's locations are as follow:

Bloemhof Extension 11 is bounded to the north by the main access road to Boitumelong, to the east by the existing township area of Salamat, to the south by railway line and to the west by the existing township area of Boitumelong Extension 2.

Bloemhof Extension 12 and 13 are located on the northern side of the N12 national route between Wolmaransstad and Christiana, as well as west of road R34 to Schweizer Reneke within the jurisdiction of Lekwa Teemane 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) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).



- d) All provisions of the National Water Act, 1998 (Act No. 36 of 1998).
- e) National Heritage Resources Act, 1999 (Act No. 25 of 1999)
- f) National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)
- g) The Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983)
- h) National Veldt and Forest Fire Act, 1998 (Act No. 101 of 1998)
- i) National Forest Act, 1998 (Act No. 84 of 1998)
- j) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
- k) The development must adhere to the municipal by-laws.
- l) 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: 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 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 The holder of Environmental Authorisation must ensure communications and liaise with key stakeholders in respect of monitoring of compliance with conditions of Environmental Authorisation and the EMPr and also liaise with Control Environmental Officer Grade B: Environmental Compliance and Enforcement section.

6.3 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.



- 6.4 Monitoring must be routine and frequent enough to ensure that the bulk water system complies with sanitary requirements.
- 6.5 Monitoring must be done to ensure an adequate level of residual disinfectant in the bulk water system, as is important to control growth of microorganisms and inhibit biofilm formation.
- 6.6 Monitoring must be conducted at least at the water filling or connection point in the pipeline or bulk water transportation system during storage, transmission and at the point of delivery to the consumer.

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 to Control Environmental Officer Grade B: Environmental Compliance and Enforcement Section 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 Control Environmental Officer Grade B: Environmental Compliance and Enforcement Section 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 An adequate number of general waste receptacles including bins must be arranged around the site for domestic refuse collection in order to minimise littering.
- 9.3 Waterborne sanitation pipelines must be inspected on a regular basis for any leakages.
- 9.4 In order to ensure potable water for drinking and domestic purposes, water quality monitoring must be done at regular intervals from source as well as distribution system at regular intervals for estimating type of treatment required for the water.



- 9.5 Regular maintenance including scheduled inspection, cleaning, repair and asset replacement must be done, as they are key to ensure good water quality within the bulk water system, and approved materials must be used for repairs and cleaning
- 9.6 An appropriate storm water maintenance and management scheduling programme must be indicated to ensure that the storm water infrastructure is properly maintained in the long term.
- 9.7 All drainage systems must be maintained to ensure that the systems are always in a position to transport runoff or storm water from the site without increasing the possibility of erosion.
- 9.8 **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 prior to the commencement and construction must be restricted to the demarcated area to minimise the impacts on the surrounding environment.
- 11.2 Before commencement of the construction of the residential units, bulk and internal services such as water, electricity, sewage systems must be provided first by the applicant.
- 11.3 The activated sludge plant that is out of operation must be refurbished before the project begins in order to cater the development.
- 11.4 A sewage pump station and a rising main must be constructed to transport sewage to the existing Waste Water Treatment Plant (WWTP).
- 11.5 Standard sidewall protection in excavations exceeding 1,5m must be used to ensure stability of excavations as recommended by Geoset CC engineering geologist.
- 11.6 The development must be substantially in accordance with the Layout Plans created by Maxim Planning Solutions dated 11 July 2017 for Bloemhof Extension 11, 15 September 2017 for Bloemhof Extension 12 and 30 October 2017 for Bloemhof Extension 13.
- 11.7 When a T – junction with National road is considered an option, authorisation from the relevant authorities, including SANRAL must be obtained to construct the intersection.



- 11.8 Pedestrian walkways of 1.5 – 2.0 metres must be provided along the Class 4 roads to facilitate pedestrian movements.
- 11.9 All embankments must be adequately compacted and planted with grass to stop any excessive erosion and scouring of the landscape.
- 11.10 Special care must be taken to ensure adequate surface drainage to prevent the accumulation of water next to structures and around graves.
- 11.11 Clear and realistic information must be provided regarding employment opportunities for local communities in order to prevent unrealistic expectations.
- 11.12 The cemetery in Bloemhof Extension 11 must be kept intact, cleaned and fenced in and managed as part of the development as recommended by Heritage Specialist in Heritage Impact Assessment Report (Appendix E).
- 11.13 For the Stone Age sites found in the two areas, phase 2 mitigation must be undertaken before any development commences as recommended in Heritage Impact Assessment Report (Appendix E).
- 11.14 A preventative maintenance programme to maintain the integrity of the wastewater collection and treatment system must be adopted in order to protect the public from potential health hazards arising from wastewater discharges.
- 11.15 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.
- 11.16 Should any archaeological artifacts be exposed during earth moving activities, construction in the vicinity of the finding must be stopped and North West Provincial Heritage Authority 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.
- 11.17 The requirements of the National Water Act, 1998 (Act No. 36 of 1998) must be complied with at all times.
- 11.18 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). It must not be buried or burned on site.
- 11.19 The holder of the Environmental Authorisation [Lekwa Teemane Local Municipality] 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).
- 11.20 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.



- 11.21 Provision of the ablution facilities on site during the construction phase 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.

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: 24/04/2018



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Lekwa Teemane Local Municipality** applied for Environmental Authorisation to carry out the following activity:

Township establishment on a portion of the remaining extent of portion 1 and the remaining extent of portion 15 (a portion of portion 1) (to be known as Bloemhof Extension 11), a portion of the remaining extent of portion 1 and the remaining extent of portion 26 (a portion of portion 1) (to be known as Bloemhof Extension 12), and a portion of the remaining extent of portion 1 (to be known as Bloemhof Extension 13) of the farm Klipfontein 344 HO, Lekwa Teemane Local Municipality, North West Province

The applicant appointed **AB Enviro Consult CC** 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 Environmental Impact Assessment Report dated March 2018 received on 16 March 2018 compiled by AB Enviro Consult CC.
- b) All mitigation measures and recommendations as contained in the Environmental Impact Assessment Report and the Environmental Management Programme included in the report dated on March 2018.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended.
- d) The findings of a site visit undertaken by the Department official Ms. Obitseng Moholo with Mr. J. P. de Villiers of AB Enviro Consult CC on 24 January 2018.

3. Key factors considered in making the decision

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

- a) Details provided of the qualifications of the EAP indicate that the EAP is competent to carry out the Environmental Impact Assessment (EIA) procedures.
- b) The Environmental Impact Assessment Report dated March 2018, received on 16 March 2018, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.



- c) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA Regulations of 2014 for public involvement. The development was advertised in Stellalander newspaper on 08 November 2017, 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) It has been stated in the report that total capacity of the treatment works is adequate to serve the existing and the upcoming development.

4. Findings

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

- a) Environmental Impact Assessment Report dated March 2018, received on 16 March 2018 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The new development aimed to address the shortage of housing and provide people with proper water supply, sanitation and waste disposal.
- c) The area earmarked for development is not in a sensitive area and all specialists support it
- d) Housing is in demand as there is already illegal housing (informal settlement) on site earmarked for development.

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 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.

