



read

Department:

**Rural, Environment and Agricultural
Development**

North West Provincial Government

REPUBLIC OF SOUTH AFRICA

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CHIEF DIRECTORATE: ENVIRONMENTAL SERVICES
DIRECTORATE: ENVIRONMENTAL QUALITY MANAGEMENT

Reference: NWP/EIA/51/2015

Attention: Amos Setou
Barokologadi Community Property Association (BCPA)
P. O. Box 2389
MOGALE CITY
1740

Tel No.: (011) 410 8080
Cell No.: 082 801 7829
Fax No.: (011) 660 8160
Email: amosk.setou@gmail.com

PER FACSIMILE AND POST

Dear Sir/Madam

ENVIRONMENTAL AUTHORISATION FOR LODGE DEVELOPMENT ON THE REMAINDER OF THE FARM SEBELE 931 KP NEAR MADIKWE NATURE RESERVE, ACTIVITIES NUMBER 12 (x) (xii) (c), 19 (i) AND 27 IN GN. NO. R. 983 AND ACTIVITIES NUMBER 6 (e) (iii) (aa) (bb), 12 (a) (ii) (iv), 14 (x) (xi) (xii) (e) (i) (ff) (hh), 15 (a) (i), 18 (e) (i) (ee) (gg) IN GN. NO. R. 985, RAMOTHERE MOILOA 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. 983 of 04 December 2014 for:

1. *The development of buildings exceeding 100 square metres in size, infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs if no development setback exists, within 32 metres of a watercourse, measured from the edge of a watercourse [Activity 12 (x) (xii) (c)].*
2. *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 [Activity 19 (i)].*

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3. *The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation [Activity 27].*

Government Notice R. 985 of 04 December 2014 for:

4. *The development of resorts, lodges, hotels and tourism or hospitality facilities that sleeps 15 people outside urban areas in critical biodiversity area (Terrestrial Type 1 and 2) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; or area on the watercourse side of the development setback line or within 100 metres from the edge of a watercourse where no such setback line has been determined [Activity 6 (e) (iii) (aa) (bb)].*
5. *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 maintenance plan within critical biodiversity areas identified in bioregional plans; on land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning [Activity 12 (a) (ii) (iv)].*
6. *The development of buildings exceeding 10 square metres in size; boardwalks exceeding 10 square metres in size; infrastructure or structures with a physical footprint of 10 square metres or more outside urban areas, in critical biodiversity areas or ecosystem service areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans [Activity 14 (x) (xi) (xii), (e) (i) (ff) (hh)].*
7. *The transformation of land bigger than 1000 square metres in size, to residential, retail, commercial, industrial or institutional use, where, such land was zoned open space, conservation or had an equivalent zoning, on or after 02 August 2010 in all areas [Activity 15 (a) (i)].*
8. *The widening of a road by more than 4 metres, or the lengthening of a road by more than 1 kilometre outside urban areas, in critical biodiversity areas (Terrestrial Type 1 and 2) as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans; areas within 10 kilometres from national parks or world heritage sites or 5 kilometres from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve [Activity 18 (e) (i) (ee) (gg)].*

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

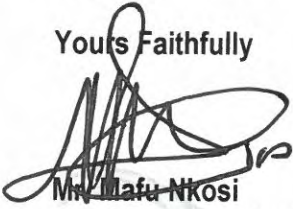
This Department has evaluated the **Basic Assessment Report** dated May 2016 received on 19 May 2016 and additional information received on 19 July 2016 for lodge development on the remainder of the farm Sebele 931 KP near the Madikwe Nature Reserve within the jurisdiction of Ramotshere Moiloa Local 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 MEC/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



Mr. Mafu Nkosi

Chief Director: Environmental Services
Department of Rural, Environment and Agricultural Development

Date: 16/08/16

Cc: **NuLeaf Planning and Environmental**

Contact Person: Mr. Peter Velcich

Tel No.: (012) 753 5792

Fax No.: 086 571 6292

North West Parks Board

Mr. Phuti Mahloko

Tel: 018 381 6030

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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 4 December 2014.



B. Environmental Authorisation

Authorisation register number: NWP/EIA/51/2015

Last amended: First issue

Holder of Environmental Authorisation: Barokologadi Community Property Association (BCPA)

Location of activity: North West Province: Remainder of the farm Sebele 931 KP, Ramotshere Moiloa 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 Chief Director: Environmental Services of the Department of Rural, Environment and Agricultural Development authorises:-

Barokologadi Community Property Association (BCPA)

P. O. Box 2389

MOGALE CITY

1740

Tel No.: (011) 410 8080

Cell No.: 082 801 7829

Fax No.: (011) 660 8160

to undertake the following activity:

The development of a lodge on the remainder of the farm Sebele 931 KP near Madikwe Nature Reserve within the jurisdiction of Ramotshere Moiloa Local Municipality in the North West Province. The project entails the following:

- *The main/family lodge of 60 beds will consist of the following:*
 - *Back of house*
 - *Parking area*
 - *Spa and gym*
 - *Swimming pool*
 - *Restaurant*
 - *Boma*



➤ 20 guest units

- The 10-32 bed lodges will consist of the following:
 - Back of house
 - Parking area
 - Spa and gym
 - Swimming pool
 - Restaurant
 - Boma
- Lengthening of one or more routes by more than 1 kilometre.

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

Site Location:

Site coordinates	Latitude	Longitude
Remainder of the farm Sebele 931 KP:	24° 52' 17.59"	26° 25' 56.51"
Alternative Site D		
Alternative Site E	24° 52' 15.93"	26° 25' 3.40"
Alternative Site F	24° 52' 1.02"	26° 24' 56.05"

The development site is located on the remainder of the farm Sebele 931 KP, within the jurisdiction of Ramotshere Moiloa 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 Sites D, E and F are 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 activity 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 activity would not occur within **five (5) years** period, he/she **must** apply and **show good cause** for an extension of the Environmental Authorisation three **months (3) months** 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) All provisions of 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) All provisions of National Veld and Forest Fires Act, 1998 (Act No. 101 of 1998).
 - e) All provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013).
 - f) The development must adhere to the municipal by-laws.
 - g) National Environmental Management: Waste Act, 2008 (Act No 59 of 2008).
 - h) National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004).
 - i) Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).
- 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 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 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 /Member of Executive Council
Department of Rural, Environment and Agricultural Development
Agricentre Building
Cnr. Dr. James Moroka & Stadium Road
Private Bag X 2039
MMABATHO
2735
Tel No.: (018) 389 5688/5056
Fax No.: (018) 384 2679

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 The recommendations and mitigation measures outlined in the Basic Assessment Report received on 19 May 2016 and additional information received on 19 July 2016 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 the Chief Director: Environmental Services 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 EMPr must form part of the contractor's tender documentation for all contractors working on the project and must be endorsed contractually
- 5.5 The provisions of the EMPr are an extension of the conditions of the Environmental Authorisation and therefore non-compliance with the EMPr would constitute non-compliance with the Environmental Authorisation.

6. Monitoring

- 6.1 The 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 with key stakeholders in respect of monitoring with 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 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 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 and Department of Water and Sanitation and action taken to remedy the situation must be outlined.

8. Commencement of the activity/Notification to authority

8.1 **Fourteen (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/ Appeal Administrator.

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 Monitoring points must be established to monitor the treated effluent quality as well as the metered discharge volume or flow rates from any on-site sewage purification package plants, which must comply with the General Authorisation in terms of Section 39 of the National Water Act, 1998 (Act No. 36 of 1998) to ensure that the activity does not impact on a water resource or any other person's use, property or land.

9.2 Sewage lines carrying solids from the source to the tank must have sufficient slope to maintain velocities that keep solids moving.

9.3 Septic tank must be pumped out regularly to prolong the life of the system and it must be maintained to stay working.

9.4 There must be a periodic checking of the site's drainage system to ensure that the water flow is unobstructed.

9.5 General waste must be collected in containers and be disposed of weekly at a nearest permitted/ licensed landfill site. Recycled waste must be recovered for recycling purpose.

9.6 All water supply boreholes must be equipped with flow meters to record abstraction volumes.



- 9.7 The boreholes must be equipped with the measuring tubes or “piezometers” to facilitate unhampered water level measurements.
- 9.8 Special care must be taken to ensure adequate surface drainage to prevent the accumulation of water next to structures.
- 9.9 A maintenance plan must be implemented to ensure that no soil erosion occur as specified in the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983).
- 9.10 The number of people employed for operational phase must be submitted to this Department one (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 applicant must adhere to the mitigation measures and recommendations contained in the Basic Assessment Report received on 19 May 2016 and additional information received on 19 July 2016.
- 11.2 The development site must be suitably demarcated prior to the commencement and construction must be restricted to the demarcated area to minimise damage to the vegetation and the surrounding environment.
- 11.3 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 inform North West National Heritage Resources Authority and also South African Heritage Resources Agency. Heritage remains uncovered or disturbed during earthworks must not be disturbed further until the necessary approval has been obtained from the South African Heritage Resources Agency and/or North West National Heritage Resources Authority.
- 11.4 All foundations must be inspected by a competent person to ensure that the desired founding medium has been attained and that recommendations made in the geotechnical report have been adhered to.
- 11.5 The normal drainage precautionary measures, applicable to dolomite terrain must be adhered to and a risk management strategy must be drawn up for the proposed development in soil zone “D”.
- 11.6 If trace fossils are present in the affected area then a palaeontologist must be called to assess the trace fossils and either makes a representative collection of the trace fossils or recommend preservation of the site and relocation of the proposed construction.



- 11.7 The septic tank must be designed to hold three times the volume of waste water flowing into it every day; this allows the solid material to settle out.
- 11.8 The septic tank including all extensions to the surface must be watertight to prevent leakage into or out of the tank.
- 11.9 The layout of the south – eastern arm of lodge site D must be re – designed to ensure that no infrastructure is located within the defined heritage area (SAHRA letter dated 13 May 2016).
- 11.10 A social consultation process must be conducted to investigate the claims of the Baphuting Community regarding the possible ancestral graves located within the farm. This must include a site visit so that community members can point out the graves and location of the graves can be recorded (SAHRA letter dated 13 May 2016).
- 11.11 A consultation process in terms of Chapter XI of the NHRA Regulations must be conducted so that the future of the graves can be decided (SAHRA letter dated 13 May 2016).
- 11.12 A report detailing the results of the consultation and any mitigation measures must be submitted to SAHRA for comment and approval.
- 11.13 A comprehensive Conservation Management Plan (CMP) must be developed to ensure the on-going conservation of all identified heritage resources located within the proposed development area.
- 11.14 A Conservation Management Plan must include management principles that will be put in place during the construction, operational and decommissioning phase.
- 11.15 Clear and realistic information must be provided regarding employment opportunities for local communities in order to prevent unrealistic expectations.
- 11.16 All recommendations by specialists must be implemented and adhered to at all times during construction and operation phases.
- 11.17 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.
- 11.18 Every effort must be made to confine the footprint to the narrow strip allocated for development and have the least possible edge effects on the ecosystem.
- 11.19 Appropriate signage must be placed to caution employees and drivers of the construction activities taking place.
- 11.20 Proper precautionary measures must be taken to ensure sufficient drainage of surface water on the site and to prevent concentrated flow of water that will result in soil erosion.



- 11.21 Waste material of any description must be entirely removed from the construction and disposed of at a licensed landfill facility. It must not be buried or burned on site.
- 11.22 The holder of the Environmental Authorisation (Barokologadi Community Property Association) 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).
- 11.23 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 **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:



Mr. Wafu Nkosi
Chief Director: Environmental Services
Department of Rural, Environment and Agricultural Development

Date: 16/08/2016



ANNEXURE 1: REASONS FOR ENVIRONMENTAL AUTHORISATION

1. Background

The Applicant, **Barokologadi Community Property Association (BCPA)** applied for Environmental Authorisation to carry out the following activity:

The lodge development on the remainder of the farm Sebele 931 KP, which falls within the jurisdiction of Ramotshere Moiloa Local Municipality, North West Province

The applicant appointed **NuLeaf Planning and Environmental** to undertake Basic 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 Basic Assessment Report dated May 2016 received on 19 July 2016 compiled by NuLeaf Planning and Environmental.
- b) All mitigation measures and recommendations as contained in the Basic Assessment Report dated May 2016 and the Environmental Management Programme included in the report received on 19 July 2016.
- 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) All specialist studies conducted for development recommended that the site is suitable for development provided that mitigation measures and recommendations are implemented.

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 Basic Assessment Report dated May 2016 received on 19 July 2016, included a description of the environment that may be affected by the activity and the manner in which the physical, biological, social, economic and cultural aspects of the environment may be affected by the proposed activity.
- c) The Basic Assessment process was conducted in terms of the prescribed Regulations.
- e) Letter dated 26 July 2016 from Ramotshere Moiloa Local Municipality confirming that the solid waste site disposal of the Municipality has sufficient capacity to accommodate the solid waste from Sebele Tourist Lodge.



- 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 newspaper dated 26 February 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 identification and assessment of impacts are detailed in the Basic Assessment Report dated May 2016 received on 19 July 2016 and sufficient assessment of the key identified issues and impacts have been completed.
- b) The mitigation measures of impacts contained in the specialist studies, EMPr and mentioned in the Basic Assessment Report acceptable and practical for implementation
- c) Findings from specialist support the development with mitigation measures and findings of site visit conducted on 30 June 2016 by Department officials with the EAPs also support the development.
- d) The findings of a site visit undertaken by the Department officials Ms. Obitseng Moholo and Mr. Kgahliso Makoli with Ms. B van Niekerk and Mr. Peter Velcich of NuLeaf Planning and Environmental on 30 June 2016.

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) 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

Ref No.: NWP/EIA/51/2015
Lodge development on the remainder of the farm Sebele 931 KP

Department of Rural, Environment
and Agricultural Development

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4. (1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter **within 20 days** from:
 - (a) the date that the notification of the decision for an application for an environmental authorisation was sent to the registered interested and affected parties by the applicant; or
 - (b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).
- (2) An appeal submission must be-
 - (a) submitted in writing in the form obtainable from the appeal administrator; and
 - (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; anda statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations.

Responding statement

5. The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Appeal panel

6. (1) If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the appeal administrator must source an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority,
- (2) The appeal panel contemplated in 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 email 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.

