



Corner Athol Furgard and Castle Hill, Central, Port Elizabeth 6001  
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Reference: ECm1/C/LN3/12/41-2018  
Enquiries: N. Nazo

Mngwenya Farms (Pty) Ltd  
7 Forbes Avenue  
Summerstrand  
6019

Attention: Dr. Cameron McIntosh

Email: [drcameron.mcintosh@gmail.com](mailto:drcameron.mcintosh@gmail.com)

**APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE LISTED ACTIVITIES AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AS AMENDED: PROPOSED PRIVATE DAY HOSPITAL, THE EDGE, ERF 6127, CENTRAL PORT ELIZABETH WITHIN THE NELSON MANDELA BAY MUNICIPALITY ALITY.**

1. With reference to the above-mentioned application (Reference number **ECm1/C/LN3/12/M/41-2018**), please be advised that the Department has decided to grant authorisation as set out in the attached Environmental Authorisation. The Authorisation Notice and reasons for the decision are attached herewith.
2. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of this letter, of the Department's decision in respect of your application.
3. The written notification referred to above must -
  - 3.1. Specify the date on which the Environmental Authorisation was issued;
  - 3.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
  - 3.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
4. Should you decide to appeal, you must serve a copy of the appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

*Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.*

5. Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred

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CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

to as “the MEC”) in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2, of the decision.

- 6 An Appeal Submission must be made on a form obtainable from the Departmental Appeal Administrator and/or the Departmental website on [www.dedea.gov.za](http://www.dedea.gov.za) or relevant Regional Office; and
- 7 The Appellant must also serve a copy of the appeal to the regional office that processed the application.
- 8 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 3.1 and 3.2 of the decision.

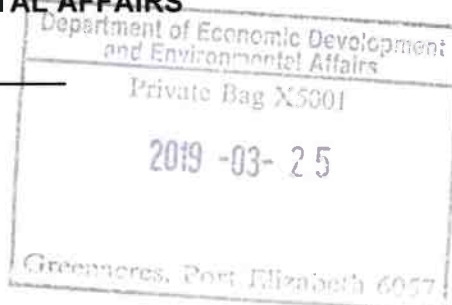
The address to which the **originals** of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, <b>BHISHO</b> , 5605
Hand deliveries at:	Beacon Hill Hockley Close King William’s Town 5601
In order to facilitate efficient administration of appeals <b>copies</b> of an appeal and any supporting documentation must also be submitted as follows:	
General Manager: Environmental Affairs per fax:	[043] 605 7300
Manager: Mr. S. Gqalangile - Environmental Impact Management per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

9. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department’s written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.

**DAYALAN GOVENDER**  
**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**CACADU REGION**

DATE: 20/03/2019





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## Environmental Authorisation

<b>AUTHORISATION NOTICE REGISTER NUMBER</b>	Provincial: ECm1/C/LN3/12/41-2018 NEAS: ECP/EIA/0000608/2018
<b>LAST AMENDED</b>	Not applicable
<b>HOLDER OF AUTHORISATION</b>	Mngwenya Farms (Pty) Ltd
<b>LOCATION OF ACTIVITY</b>	Erf 6127, Central, Port Elizabeth within the Nelson Mandela Bay Municipality.

### DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

“2014 EIA Regulations” – These are the amended 2014 Environmental Impact Assessment Regulations published in Government Notice R326 of 07 April 2017 in terms of Sections 24(5) and 44 of the National Environmental Management Act, Act 107 of 1998.

“CBA” – Critical Biodiversity Area.

“CARA” - Conservation of Agricultural Resources Act, Act 43 of 1983.

“Commencement” - Any physical activity on site that can be viewed as associated with the clearing of vegetation and installation of associated infrastructure as described under Section 2 of this Environmental Authorisation, inclusive of initial site preparation.

“DAFF” – The Forestry Branch of the Department of Agriculture, Forestry and Fisheries.

“EMPr” – refers to the Environmental Management Programme as prepared by CEN Integrated Environmental Unit dated September 2018, attached to Appendix F of the Final BAR

“FBAR ” - refers to the Final Basic Assessment Report titled “The proposed, Private day hospital, the Edge, Erf 6127, Nelson Mandela Bay Municipality, Eastern Cape” as prepared by CEN Integrated Environmental Unit and dated November 2018

“NEMBA” – National Environmental Management: Biodiversity Act, Act 10 of 2004.

“NFA” – The National Forest Act, Act 84 of 1998.

“OEMP” – Operational Phase Environmental Management Programme.

“The Department” – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

**1. Decision**

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation that the applicant, Mngwenya Farms (Pty) Ltd, should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4 of this Environmental Authorisation.

**2. Activities and regulations for which authorisation has been granted**

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations, 2014, the Department hereby authorises **Mngwenya Farms (Pty) Ltd** being the legal or natural person who has applied for this authorisation, with the following contact details:

<b>Name</b>	Mngwenya Farms (Pty) Ltd		
<b>Address</b>	No. 7 Forbes Avenue, Summerstrand, Port Elizabeth		
<b>Contact person</b>	Dr. Cameron McIntosh	<b>E-mail</b>	<a href="mailto:drcaeron.mcintosh@gmail.com">drcaeron.mcintosh@gmail.com</a>
<b>Telephone</b>	082 879 6762	<b>Fax</b>	N/A
		<b>Cell</b>	082 879 6762

To undertake the following activities (hereafter referred to as "the activity"), in terms of the scheduled activities listed in the table below:

<b>Detailed description of activity</b>
<p>The applicant proposes to construct a private day clinic in a 2 (two) storey building on Erf 6127, Central, Port Elizabeth.</p> <p>The proposed facility will include:</p> <ul style="list-style-type: none"> <li>• Private day clinic with 20 beds;</li> <li>• 2 consulting room suites;</li> <li>• 3 theatres; and</li> <li>• 79 parking bays</li> </ul> <p><b>Bulk Services</b> All services will link to existing municipal service infrastructure in the area to municipal bulk services which are available as was confirmed by the Nelson Mandela Bay Municipality.</p> <p><b>Waste</b> Domestic and medical waste will be separated and collected by a suitable service provider and disposed off at an appropriately registered disposal facility.</p> <p>Access to the proposed development will be gained from Jutland Crescent directly opposite Macintosh Road.</p>



<b>Listed Activities applied for in terms of the NEMA EIA Regulations 2014 (GN R. 326 of 07 April 2017 ) and hereby authorised.</b>	
GN R324 – Activity 12	The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan. <b>a. Eastern Cape</b> ii. Within critical biodiversity areas identified in bioregional plans;

**This Environmental Authorisation is granted subject to the conditions set out below.**

### 3. Conditions

*The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.*

#### 3.1. Duration of authorisation

- 3.1.1. Clearing of vegetation and subsequent construction of the facilities inclusive of associated infrastructure as described in Section 2 of this Authorisation Notice must commence within a period of 24 months from the date of issue of this Authorisation. If commencement of the activity does not occur within this period, this Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.1.2. Construction of all components inclusive of service infrastructure and top structures to be completed within 36 months from date of commencement.
- 3.1.3. Extension of the Environmental Authorisation may be applied for in writing provided that the Environmental Authorisation is still valid at the time of submission of such application. If no request for extension is received prior to the date of expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.4. On receipt of any such application for extension, the Department reserves the right to request such information as it may deem necessary to consider the application for extension which may include but not limited to:
  - 3.1.4.1. An updated EMP; and
  - 3.1.4.2. Such public participation process as may be deemed necessary at the time of the application for extension
- 3.1.5. Conditions relating to the operation of the project are valid in perpetuity.

#### 3.2. Standard conditions and declarations

- 3.2.1. Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2. This Environmental Authorisation applies only to the activities and properties described therein.
- 3.2.3. This Environmental Authorisation does not negate the holder thereof of his/her responsibility to **comply with any other statutory requirements** that may be applicable to the undertaking of the activity, including but not limited to:
  - 3.2.3.1. The National Environmental Management: Biodiversity Act, Act 10 of 2004;

- 3.2.3.2. The National Forests Act, Act No. 84 of 1998;
- 3.2.3.3. The Nature and Environmental Conservation Ordinance, Ordinance No. 19 of 1974;
- 3.2.3.4. The Conservation of Agricultural Resources Act, Act No. 43 of 1983; and
- 3.2.3.5. The National Heritage Resources Act, Act 25 of 1999.
- 3.2.4. The holder of this Environmental Authorisation being Mngwenya Farms (Pty) Ltd shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of this Environmental Authorisation.
- 3.2.5. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense, this without limiting the generality of the provisions of Section 28 of the National Environmental Management Act, Act 107 of 1998.
- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. **This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.**
- 3.2.8. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), such transfer is to be affected by means of an amendment to the Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.
- 3.2.9. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party including the neighbouring landowners within 14 (fourteen) days of receiving this Environmental Authorisation.
- 3.2.10. This Environmental Authorisation or a certified copy thereof must be kept at the property where the activity will be undertaken. The 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 authorisation who works or undertakes work at the site.
- 3.2.11. Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 3.2.12. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this Authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.13. 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, Act 107 of 1998 and the regulations.

### **3.3. Project-specific Conditions**

- 3.3.1. Fourteen days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.3.2. **A revised detailed layout plan of the development to be submitted to DEDEAT for approval prior to construction commencing on site. The layout plan must include amongst the others:**
  - 3.3.2.1. Demarcation of the remainder of the natural vegetation, i.e. bottom portion of the site as a no go area and it must be fenced off;
  - 3.3.2.2. Show the actual footprint;
  - 3.3.2.3. Retained Indigenous vegetation;
  - 3.3.2.4. Disturbed and infested area with aliens
  - 3.3.2.5. Layout plan showing size of the clinic to be built; and
  - 3.3.2.6. The exact location of all other components inclusive of service infrastructure
- 3.3.3. Any recommendations / mitigatory measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.
- 3.3.4. Further to Condition 3.3.3, Mngwenya Farms Pty (Ltd) to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the FBAR, in tabular format for inclusion in the Construction EMPr and Operational Phase EMPr as applicable.
- 3.3.5. The relevant conditions of this Environmental Authorisation shall form part of any contracts entered into between the applicant and any contractor(s) and or any sub-contractor(s).
- 3.3.6. Further to Condition 3.3.5, a performance based requirement with regard to environmental impact management must be included in all contracts related to any activity relating to this Environmental Authorisation inclusive of incentives and penalties.
- 3.3.7. The EMPr, as contained in Appendix F of the FBAR is to be regarded as a living document and as such must be revised and updated when necessary and relevant. The CEMPr to be updated and submitted to the Department for approval, prior to the construction phase commencing. The CEMPr to include, amongst others, the following if not included:
  - 3.3.7.1. Applicable conditions of this Environmental Authorisation;
  - 3.3.7.2. All recommendations, mitigation measures, responsibilities, key actions and other provisions contained in the FBAR;
  - 3.3.7.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, and rehabilitation measures of the development footprint area etc.;
  - 3.3.7.4. An Energy Efficiency plan
  - 3.3.7.5. Copies of all permits / licences issued to Mngwenya Farms Pty (Ltd) in relation to this project that have relevance to the environment;
  - 3.3.7.6. A general code of conduct for any contractor that may be carrying out any work on the relevant development site;
  - 3.3.7.7. A clear description of the construction activities to be carried out on the site;
  - 3.3.7.8. Details regarding storage of construction material on site; and



- 3.3.7.9. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts.
- 3.3.8. General principles of environmental management as contemplated in Condition 3.3.7.3 to include amongst others the following if not already contained in the EMPr:
  - 3.3.8.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
  - 3.3.8.2. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
  - 3.3.8.3. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
  - 3.3.8.4. All excess construction material and any waste generated during construction must be removed from site on an ongoing basis;
  - 3.3.8.5. Adequate waste disposal and sanitation facilities to be provided and the applicant must ensure that these facilities are properly used and maintained; and
  - 3.3.8.6. Clear stipulations as to who is responsible and accountable for what actions.
- 3.3.9. An Environmental Control Officer to be appointed to oversee implementation of the EMPr as well as adherence to the conditions contained within this Environmental Authorisation. Confirmation of appointment of the ECO to be provided to the Department together with the notice of commencement contemplated in Condition 3.3.1. The ECO is amongst others responsible for the following:
  - 3.3.9.1. Pre-commencement Audit report to be compiled and submitted to the Department;
  - 3.3.9.2. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
  - 3.3.9.3. To conduct monthly audits during construction, and submit a quarterly summarised audit report to DEDEAT until construction is completed.
  - 3.3.9.4. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents;
  - 3.3.9.5. To keep copies of all reports submitted to the Department on site; and
  - 3.3.9.6. To obtain and keep record of all documentation, permits, licences and authorisation relevant to the project on site.
- 3.3.10. A plant "search and rescue", to be conducted by a suitably qualified botanical specialist prior to commencement of any vegetation clearing for all protected species and species of special concern that may be affected by the development, as well as other indigenous plant specimens which can be relocated. Such specimens are to be relocated and appropriately transplanted, including in rehabilitation initiatives, where applicable and practical on site.
- 3.3.11. Further to Condition 3.3.10 any protected species which need to be removed or relocated require the necessary permits to be obtained from DEDEAT for those species protected under the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974), as well as those species listed under NEMBA, i.e. ToPS species.



- 3.3.12. A suitably qualified individual is to carry out a faunal "search and rescue", which fauna are to be relocated to a suitably protected natural area prior to the commencement of vegetation clearing. Should any injured fauna be found, they are to be taken to a veterinarian and if deemed suitable for rehabilitation, these fauna are to be taken to a suitable faunal rehabilitation centre, in consultation with the Department's Biodiversity Unit. Any species protected in terms of the Cape Nature and Environmental Ordinance (Ordinance 19 of 1974) or NEMBA, Act 10 of 2004 which need to be removed or relocated require the necessary permits to be obtained from DEDEAT and DAFF
- 3.3.13. All construction activities to be restricted to normal working hours being 08:00 to 17:00 on weekdays. No construction to take place on weekends and public holidays.
- 3.3.14. The disposal of any waste as provided for in Conditions 3.3.8.4 and 3.3.8.5 to take place at a registered waste disposal site.
- 3.3.15. Any construction camp sites that may be necessary must be identified with the help of the ECO to ensure that they are located in areas, within the development foot print but of low ecological and/or environmental sensitive areas.
- 3.3.16. The development footprint needed for the construction of the day hospital and installation of to be restricted to the absolute minimum necessary to facilitate construction of such. Such development footprint to be clearly demarcated with pegs. Construction activities, stockpiling of any building material and the storing of machinery must be accommodated within such demarcated areas and in accordance with the relevant provisions of the EMPr.
- 3.3.17. All sand, gravel, stone or other building material to be used are to be obtained from a bona fide source and the building contractor is not allowed to source any such material from the surrounding environment.
- 3.3.18. Any areas disturbed as a result of construction activities to be rehabilitated immediately using vegetation indigenous to the area.
- 3.3.19. An Operational Environmental Management Plan is to be compiled and in place before the opening of the facility and is to include, amongst others:
- 3.3.19.1. A detailed stormwater management plan;
  - 3.3.19.2. A recognised environmental management system such as ISO 14000, which includes a waste management plan, is to be implemented and adhered to for the operational phase of the development; and
  - 3.3.19.3. Management / systematical removal and subsequent destruction of all alien invasive species listed in terms of CARA that may occur on the property; and
  - 3.3.19.4. Appropriate management in accordance with conservation principles of lower section of Erf 61247 with High Biodiversity value that will remain undeveloped.
- 3.3.20. Low-flow technology such as dual flush toilets to form part of the water and sanitation system for the project to reduce potential water consumption and waste-water loading on the sanitation system.
- 3.3.21. Mngwenya Farms Pty (Ltd) will be held liable in the event of non-compliance by any contractor associated with this activity.
- 3.3.22. Compliance/non-compliance records must be kept and shall be made available on request from the authorities.
- 3.3.23. The South African Heritage Resources Agency (SAHRA) and the Eastern Cape Province Heritage Resources Agency (ECPHRA) must be **contacted** immediately should any archaeological findings be discovered during the course of the development.
- 3.3.24. Non-compliance with any stipulation in the CEMPr will be regarded as non-compliance in terms of this Environmental Authorisation.

- 3.3.25. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the Final Basic Assessment Report must be adhered to.

#### 4. Reasons for Decision

##### 4.1 Information considered in making the decision

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

- 4.1.1. The information contained in the completed application form dated 29 August 2018;
- 4.1.2. The Final Basic Assessment Report titled: "The proposed, Private day hospital, the Edge, Erf 6127, Nelson Mandela Bay Municipality, Eastern Cape" as prepared by CEN Integrated Environmental Unit and dated November 2018;
- 4.1.3. Observations made during a site visit conducted by Ms. Ndileka Nazo and Mr. Andries Struwig of the Department in the company of Ms. C. de Jongh and Merika Louw of CEN Integrated Environmental Unit on 13 March 2019;
- 4.1.4. The EIA Regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

##### 4.2. Key factors considered in making the decision

- 4.2.1. The area under assessment on Erf 6127 is currently undeveloped, but is surrounded by residential erven and sport facilities and is zoned for Residential 3 purposes.
- 4.2.2. All services will link to existing municipal service infrastructure in the area to municipal bulk services which are available as was confirmed by the Nelson Mandela Bay Municipality. In this regard it was stated that the services demand of the proposed development can be met.
- 4.2.3. The site is classified critical biodiversity area (CBA). The vegetation on the property is Baakens Forest Thicket. There is a section at the top of the property where there used to be a structure. Furthermore, the actual area that will be developed is transformed and highly disturbed and can be considered to be of no conservation value. The vegetation on the remaining, sloping portion can be improved through removal of alien invasive and replanting of indigenous Forest trees. Rehabilitation of the sloping portion of the property will increase biodiversity on the property and may lead to Forest vegetation to High conservation value. This area, sloping portion will not be developed.
- 4.2.4. It is estimated that approximately 14 temporary jobs will be created during the construction phase. It is furthermore estimated that approximately 43 permanent employment opportunities will be created during the operational phase.
- 4.2.5. Impacts during site establishment will be managed through the implementation of a comprehensive Environmental Management Programme as required in terms of **Condition 3.3.7**. Implementation of and adherence to this EMP as well as compliance to the conditions of this Environmental Authorisation are to be overseen by a dedicated Environmental Control Officer as stipulated in **Condition 3.3.9**.
- 4.2.6. Active restoration and rehabilitation of the conservation area utilising vegetation removed from the development area will ensure that the loss of biodiversity on this site is minimised.
- 4.2.7. No fatal flaws were discovered during the Basic Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, a number of other measures are stipulated in the conditions contained in Section

3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. It is further believed that this development does not present any impact that could not be successfully mitigated.

- 4.2.8. The Environmental Impact Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and the National Environmental Management Act, Act 107 of 1998. This includes the requirement for public participation and the manner in which stakeholders were engaged and responded to.
- 4.2.9. The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- 4.2.10. The Department is of the opinion that after implementation of the mitigation measures described in the EMPr and OEMP together with the conditions contained within this Authorisation, that the residual impacts and risks to the environment are acceptable.
- 4.2.11. The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed and/or managed effectively.
- 4.2.12. In conclusion, this Department is satisfied that the benefits associated with the proposed project outweigh the environmental costs and are consistent with sustainable development principles.
- 4.2.13. In general the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

## **5. Appeal of authorisation**

- 5.1 In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 5.2 The written notification referred to in Condition 5.1 above must:
- 4.2.1. Specify the date on which the Authorisation was issued;
- 4.2.2. Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 as amended in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
- 4.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3 Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014



**ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM**

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2 of the decision.


- 5.4 “An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on [www.dedea.gov.za](http://www.dedea.gov.za) or relevant Regional Office; and
- 5.5 The Appellant must also serve a copy of the appeal to the regional office that processed the application.”
- 5.6 The address to which the **original** of any appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs and Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, <b>BHISHO</b> , 5605
By Hand	Beacon Hill, Hockey Close, King Williams Town
In order to facilitate efficient administration of appeals <b>copies</b> of any appeal and supporting documentation must also be submitted as follows:	
General Manager, Mr Albert Mfenyana: Environmental Affairs per fax:	[043] 605 7300
Manager Environmental Affairs: Mr S. Gqalangile per fax:	[043] 605 7300
It is strongly recommended that electronic copies of all appeal documentation also be e-mailed	E-mail addresses will be supplied on request

In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department’s written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.

  
**NDILEKA NAZO**  
**ENVIRONMENTAL OFFICER: EIM**  
**CACADU REGION**  
DATE: 25 March 2019



  
**DAYALAN GOVENDER**  
**DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**CACADU REGION**  
DATE: 25/03/2019