

MPUMALANGA PROVINCIAL GOVERNMENT

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South Africa



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Department of Economic Development, Environment and Tourism

Litiko Letekufufukiswa
Kwetsamotfo, Simondzwo neteku Vakasha

Umngango WezokuThuthukiswa
KoMnotho, iBhoduluko nezama Vakajho

Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Enquiries : R. Luyt
Telephone : (013) 766 4826
Reference no. : 17/2/3/E-187
NEAS No. : MPP/EIA/0000553/2013

Mr. Charl Brink
Misty Mountain Trading 2 (Pty) Ltd trading as Chitwa Tented
P O Box 26291
Steiltes
1213

Fax : 013 744 3748
Email : chitwa@iafrica.com

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: ACTIVITIES LISTED IN GOVERNMENT NOTICE R544 AND R546 ASSOCIATED WITH THE CONSTRUCTION OF A LODGE AT CHITWA, SABIE SAND GAME RESERVE, ON THE REMAINDER PORTION OF THE FARM ARATHUSA 241 KU

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties in writing, and within 12 (twelve) days of the date of this letter, of the Department's decision in respect of your application. Such notification must comply with the requirements of Regulations 10(2)(a)-(d) and must draw the attention of registered interested and affected parties to the fact that an appeal may be lodged against the decision in terms of Chapter 7 of the EIA Regulations, 2010.

Your attention is drawn to Chapter 7 of the Regulations, which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 20 days of the date of this letter, by means of one of the following methods:

By facsimile: (013) 766 4614

By post: Private Bag x 11215
Nelspruit
1200



By hand: Building 4, No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200

Should you decide to appeal, you must serve a copy of your notice of intention to 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.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S.S. Maluleka'.

MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 12.09.2012

cc: Andrew Rossaak
Emross Consulting (Pty) Ltd
Fax no: 086 675 4320
Email: andrew@emross.co.za

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Departement van Ekonomiese
Ontwikkeling, Omgewings en Toerisme

Environmental Authorisation

Application number: 17/2/3/E -187

Holder of Authorisation: Misty Mountain Trading 2 (Pty) Ltd
trading as Chitwa Tented

NEAS reference number: MPP/EIA/0000553/2013

Location of activity: The Remainder Portion of the
farm Arathusa 241 KU, Singita
Sabie Sand Wildtuin,
Mpumalanga Province ↗



1. Decision

The Department is satisfied on the basis of the 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 as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2010, the Department hereby authorises:

Misty Mountain Trading 2 (Pty) Ltd trading as Chitwa Tented
P O Box 26291
Steiltes
1213

Contact person: Mr. Charl Brink
Telephone: 013 744 0876
Facsimile: 013 744 3748
Email: chitwa@iafrica.com

To undertake the following activities listed in Government Notices R544 and R546 of 18 June 2010 associated with the construction of a 12 bed tented lodge at Chitwa, Sabie Sand Wildtuin, on the Remainder portion of the farm Arathusa 241 KU, Bushbuckridge Local Municipality, Mpumalanga Province, at the following co-ordinates 24°45'09.55"S 31°28'42.83"E (hereafter referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised
GN R544 Activity 18	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 from: (i) watercourse;	The infilling, removal or moving of soil and material into or from a watercourse for the purposes of constructing a swing bridge across the Mzieme River for pedestrians.
GN R546 Activity 6	The construction of resorts, lodges or other tourism accommodation facilities that sleep less than 15 people.	The construction of a 12 bed lodge with a development footprint of approximately 3600m ² .
GN R546 Activity 16(iii)	The construction of: (i) buildings with a footprint exceeding 10 square metres in size where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.	The construction of a 12 bed lodge with a development footprint of approximately 3600m ² within 32m of a watercourse, but not within a watercourse.
GN R546 Activity 16(iv)	The construction of: (iv) infrastructure covering 10 square metres or more where such construction occurs within a watercourse or within 32 metres of a watercourse, measured from the edge of a watercourse, excluding where such construction will occur behind the development setback line.	The construction of a pedestrian swing bridge across the Mzieme River at 24°45'10.85"S 31°28'41.18"E.

The granting of this environmental authorisation is subject to the conditions set out below.



3. Conditions of Authorisation

Scope of authorisation

- 3.1. Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2. The holder of the authorisation must ensure compliance with these 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 the authorisation.
- 3.3. The activity which is authorised may only be carried out at the property indicated above.
- 3.4. Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 3.5. In the event that the impacts exceed the significance as predicted in the basic assessment report, the authorisation may be suspended after proper procedures have been followed.
- 3.6. In the event of any dispute concerning the significance of a particular impact, the opinion of the Department in respect of its significance will prevail.
- 3.7. The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.8. 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 authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken, unless the holder of this environmental authorisation has lodged a valid application to amend the validity period of this authorisation before this authorisation lapses, in which case, this authorisation will remain valid. However, the activity, including site preparation, may not commence prior to the amendment application being decided.
- 3.9. The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 3.10. This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity, including, *inter alia*, the National Forests Act, 1998 (Act 84 of 1998), the National Environmental Management: Waste Act, 2008 and the National Water Act, 1998 (Act No. 36 of 1998).

Appeal of authorisation

- 3.11. The holder of the authorisation must notify every registered interested and affected party, in writing and within twelve (12) days of the date of this decision, of the outcome of the application.
- 3.12. The notification referred to above, must –
 - a) Specify the date on which the authorisation was issued;
 - b) Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations;
 - c) Advise the interested and affected party to the manner in which the decision can be accessed;
 - d) Be published in the newspaper contemplated in Regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.



Management and monitoring of the activity

- 3.13. The Environmental Management Programme (EMPr) dated May 2013 as included in the final Basic Assessment Report is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14. Before construction activities may commence, plant species of conservation importance (endemic, protected, Red Data) must be identified and marked, and may not be disturbed, or, where required, the relevant permits for their relocation or removal must be obtained from the relevant authority.
- 3.15. The terminated lodge construction site located on the property at the following co-ordinates 24°45'50.41"S 31°28'42.83"E must be rehabilitated in accordance with the Environmental Management Programme for the Rehabilitation of Lodge Site Chitwa Sabie Sand dated July 2013 as included in the Basic Assessment Report before the operational phase of the new lodge (Chitwa Tented) may commence.
- 3.16. The applicant must appoint an independent Environmental Control Officer (ECO) that will have the responsibility of monitoring and reporting on compliance with the conditions of this environmental authorisation as well as monitoring and reporting on the implementation of the approved EMPr for the construction of the new lodge and the EMPr for the rehabilitation of the terminated lodge construction site.
- 3.16.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.16.2. The ECO must oversee the identification, and relocation or removal of plant species of conservation importance.
- 3.16.3. The ECO must, prior to any site clearing activities, mark shrubs and trees that may be removed.
- 3.16.4. The ECO must monitor contractors' entry into sensitive habitat.
- 3.16.5. The ECO must monitor the restriction of construction to designated areas.
- 3.16.6. The ECO must oversee the implementation of an alien plant control program.
- 3.16.7. The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.16.8. During the construction phase, the ECO must submit monthly compliance reports to the Department in writing and copy the applicant with such reports. Where applicable, the ECO may negotiate the required frequency for the submission of reports with the Department, which must be agreed to in writing by the Department. The reports must include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. All reports must reflect the Department's reference number of the project on the cover page.
- 3.16.9. The ECO must maintain the following on site:
- A site diary
 - Copies of all reports submitted to the Department
 - A complaints' register of all environmental complaints regarding the proposed project and the remedies applied to such complaints
- 3.16.10. The ECO must remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to the applicant by the contractor for operation.
- 3.17. The holder of the authorisation must submit an environmental compliance audit report to the Department within 30 days of completion of the construction phase. The environmental audit report must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of this authorisation as well as the requirements of the EMPr.
- 3.18. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

Commissioning and operation of the activity

- 3.19. Fourteen (14) 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.
- 3.20. Construction personnel must be made aware of the sensitivity of the area and their movements must be limited to the construction areas only and must be enforced in terms of the contracts of appointment.
 - 3.21. The perimeter of the construction site must be defined and demarcation of material lay down areas must precede all activities on site.
 - 3.22. Fencing may not cause erosion and may not impede the flow of any watercourse or natural drainage. Fencing must be monitored throughout the construction and operation phase, and any signs of erosion caused by it must be remedied immediately.
 - 3.23. Only existing access roads may be used. The construction of new access roads is not permitted.
 - 3.24. No other activity such as construction camps, temporary housing, temporary ablution, stockpiling of topsoil, storing of equipment and material, disturbance of natural habitat, temporary or unauthorised access, haul roads, or any other use, other than what is herein approved, may take place within 32m of any watercourse.
 - 3.25. Construction activities within 32m of any watercourse may only take place during low flow periods.
 - 3.26. The current flow regime of the watercourse may not be altered.
 - 3.27. No temporary or new watercourse crossings may be constructed, other than the pedestrian swing bridge across the Mzieme River.
 - 3.28. The quality of water downstream may not deteriorate as a result of construction activities.
 - 3.29. The storage and handling of fuel, lubricants, paint, tar, bitumen binders and other chemicals must be in especially demarcated impervious and bunded areas.
 - 3.30. The mixing of cement, asphalt, chemicals or other noxious materials must be undertaken in designated areas on an impermeable layer such as a concrete slab or in a container suitable for this.
 - 3.31. Construction vehicles and equipment must be checked and maintained regularly to ensure that there is no environmental contamination as a result of oil, fuel or hydraulic fluid leakages.
 - 3.32. Pollution due to improper storage of construction materials or any hazardous substances is prohibited.
 - 3.33. Dry chemical toilet facilities, or evaporative or eco-loos, must be provided on site at a ratio of 1:10 for construction staff, but may not be located within 100m from any watercourse or wetland, and may not cause pollution.
 - 3.34. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
 - 3.35. Topsoil must be stockpiled at a height not exceeding 1.5m at a pre-designated location for use during rehabilitation and landscaping.
 - 3.36. Dust control mechanisms must be in place and must be implemented during the construction phase.
 - 3.37. Increased runoff due to vegetation clearance and/ or soil compaction must be managed, and steps must be taken to ensure that storm water does not lead to bank instability and excessive levels of silt entering any watercourse.
 - 3.38. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
 - 3.39. Surface water rich in sediments and other pollutants must be prevented from entering watercourses and wetlands, and mechanisms for dissipating water energy must be implemented at the inception of the construction phase to prevent erosion.
 - 3.40. Scouring, erosion or sedimentation of all watercourses and wetlands must be prevented, and the stability of watercourses may not be detrimentally affected.
 - 3.41. It is the responsibility of the holder of the authorisation to rectify any source of pollution from their undertaking and to take appropriate measures to prevent any pollution of surface or ground water.
 - 3.42. Measures must be taken to remove alien vegetation and control new alien vegetation recruitment on the property.



- 3.43. All disturbed areas must be fully rehabilitated and protected from erosion. Rehabilitation measures must be aimed at the prevention of soil erosion and the re-establishment of vegetation.
- 3.44. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.45. All general waste generated on the site must be disposed of at a registered landfill site or as directed by any other relevant authority.
- 3.46. All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.47. The colouring of all buildings, roofs and infrastructure must blend with the environment.
- 3.48. Skylights on angled roofs are not permitted.
- 3.49. Reflective surfaces such as glass windows and doors must be tinted to reduce the reflection of sunlight.
- 3.50. Light pollution must be mitigated by having no exposed outside lights, and lighting may not be directed onto any watercourse / waterhole, or any other feature.
- 3.51. Outdoor lighting may not be elevated above 3m.
- 3.52. All machinery on site, such as pumps and generators, must be sound proofed, and may not exceed a sound level of more than 45dBA.
- 3.53. Swimming pool backwash water may not enter any natural watercourse prior to being treated, and may not flow on the ground surface, or into soak-away's that are located within 100m from a watercourse.
- 3.54. Construction activities may not harm or disturb the breeding activities of any animal.
- 3.55. No animal is to be poached or unnecessarily killed (including snakes, mice, birds and spiders).
- 3.56. Painting or permanent marking of natural features is prohibited.
- 3.57. Construction personnel must be sensitized to the requirements of the South African Heritage Resources Act. Should any material of cultural or archaeological significance be encountered during construction, all activities must cease immediately and the South African Heritage Resources Agency (SAHRA) must be informed accordingly.
- 3.58. Complaints received from the public during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all concerned.

General

- 3.59. A copy of this authorisation 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 property.
- 3.60. 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.
- 3.61. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.



- 3.62. National government, provincial government, local authorities or committees appointed in terms of the conditions of this 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 authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

ENVIRONMENTAL AUTHORISATION APPROVED BY:


MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES
DATE: 18.09.2013