

THE HIGH-PERFORMANCE SPORT CENTRE, SPORTS ACADEMY AND ASSOCIATED INFRASTRUCTURE ON PORTION 28 (A PORTION OF PORTION 15) AND PORTION 63 (A PORTION OF PORTION 25) OF FARM GUSTROUW NO. 918, STRAND. - Compliance with the conditions of the Environmental Authorisation (EA) dated 8 March 2024 with DEA&DP Reference number: 16/3/3/1/A3/57/2031/23

The table below gives a summary of the conditions applicable to this environmental authorisation and discuss compliance on the hand of proof.

EA Condition No.	Short description of each Condition	Comments on Compliance (The following colours are used for ease of reference) Compliant Partial-compliant Non-compliant Require confirmation Not auditable
1	The holder is authorised to undertake the listed activities specified in Section B above in accordance with and restricted to the Preferred Alternative described in Section B above and in the BAR dated 01 November 2023 on the site as described in Section C above.	Noted
2	The holder must commence with, and conclude, the listed activities within the stipulated validity period, which this Environmental Authorisation is granted for, or this Environmental Authorisation shall	Compliant The activities should be concluded in 2034.

	lapse and a new application for Environmental Authorisation must be submitted to the competent authority. This Environmental Authorisation is granted for – (a) A period of five (5) years, from the date of issue, during which period the holder must commence with the authorised listed activities; and (b) A period of ten (10) years, from the date the holder commenced with the authorised listed activities, during which period the authorised listed activities for the construction phase, must be concluded.	
3	The holder shall be responsible for ensuring compliance with the conditions by any person acting on his/her behalf, including an agent, sub-contractor, employee, or any person rendering a service to the holder.	Compliant The Holder to take note of this condition.
4	Any changes to, or deviations from the scope of the alternative described in section B above must be accepted or approved, in writing, by the Competent Authority before such changes or deviations may be implemented. In assessing whether to grant such acceptance/approval or not, the Competent Authority may request information in order to evaluate the significance and impacts of such changes or deviations,	Partial Complaint The Holder of the EA notified the ECO that Field A has moved to the other side, which is a deviation from the approved Site Development Plan. The Holder to please comment on this condition.

	and it may be necessary for the holder to apply for further authorisation in terms of the applicable legislation.	
5	A minimum of seven (7) calendar days' notice, in writing, must be given to the Competent Authority before commencement of the development activity. The notice must make clear reference to the site details and EIA Reference number given above. The notice must also include proof of compliance with the following conditions described herein: Conditions: 6, 7, 10, and 21.1.	Non-Compliant The letter of commencement has been sent to the Department on the 1st of July 2024. It was clear that construction has commenced in March 2024 and was stated by the contractor. However, the conditions noted in the EA were included in the letter of commencement.
6	The holder of the authorisation must in writing, within 14 (fourteen) calendar days of the date of this decision – 6.1.3 the date of the decision; and 6.1 notify all registered interested and affected parties ("I&APs") of – 6.1.1 the outcome of the application; 6.1.2 the reasons for the decision;	Compliant The EA was issued on the 8th of March 2024, and the I&APs has been notified of the EA on the 11th of March, so within 3 days of the EA being issued.

6.1.4 the date of issue of the decision;

6.2 draw the attention of all registered I&APs to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014 (as amended);

6.3 draw the attention of all registered I&APs to the manner in which they may access the decision; and

6.4 provide the registered I&APs with:

6.4.1 the name of the holder (entity) of this Environmental Authorisation,

6.4.2 name of the responsible person for this Environmental Authorisation,

6.4.3 postal address of the holder,

6.4.4 telephonic and fax details of the holder,

6.4.5 e-mail address, if any;

6.4.6 the contact details (postal and/or physical address, contact number, facsimile and e-mail address) of the decision-maker and all

	registered I&APs in the event that an appeal is lodged in terms of the National Appeal Regulations, 2014 (as amended).	
7	The listed activities, including site preparation, must not commence within twenty (20) calendar days from the date the holder notifies the registered I&APs of this decision. In the event that an appeal is lodged with the Appeal Authority, the effect of this Environmental Authorisation is suspended until the appeal is decided i.e. the listed activities, including site preparation, must not commence until the appeal is decided.	Non-Compliant The I&APs were notified on the 11th of March 2024, and the letter of commencement for site preparation was sent on the 1st of July 2024. It was however noted that construction has started without notifying the ECO somewhere in March. It is unsure if this condition is complaint.
8	The Environmental Management Programme ("EMPr") (compiled by Guillaume Nel Environmental Consultants and dated 01 November 2023) submitted as part of the application for Environmental Authorisation is hereby approved and must be implemented.	Compliant The EMPr is implemented on site.
9	The EMPr must be included in all relevant contract documentation for the applicable phases of implementation.	Compliant As the Holder and the developer is the same, no contract documentation is available, thus the developer signed a letter to confirm that the EMPr will be implemented on site.

10	The holder must appoint a suitably experienced environmental control officer (“ECO”), or site agent where appropriate, before the commencement of any land clearing or development activities to ensure compliance with the provisions of the EMPr and the conditions contained in this Environmental Authorisation.	Non-Compliant The ECO was appointed in June 2024, and the contractor mentioned that construction started in March 2024 already. Thus this condition is non-compliant.
11	A copy of the Environmental Authorisation, EMPr, Environmental Audit Reports and compliance monitoring reports must be kept at the site of the authorised activities during the development activities thereafter it must be kept at the office of the holder and must be made available to any authorised person on request.	Compliant A copy of the EA, EMPr and ECO reports are kept on site in the file, thank you for that.
12	Access to the site referred to in Section C above must be granted, and the environmental reports mentioned above must be produced, to any authorised official representing the Competent Authority who requests to see it for the purposes of assessing and/or monitoring compliance with the conditions contained herein.	Compliant
13	In terms of Regulation 34 of the NEMA EIA Regulations, 2014 (as amended), the holder must conduct environmental audits to determine compliance with the conditions of the Environmental Authorisation and	Partial Compliant The contractor stated that work has been done in

the EMPr and submit Environmental Audit Reports to the Competent Authority. The Environmental Audit Report must be prepared by an independent person with the relevant environmental auditing expertise and must contain all the information required in Appendix 7 of the NEMA EIA Regulations, 2014 (as amended). The holder must undertake an environmental audit within three (3) months of the commencement of development activities and submit an Environmental Audit Report to the Competent Authority within one (1) month after the completion of the environmental audit. A second Environmental Audit Report must be submitted to the Competent Authority within one (1) year of commencement of development activities and submit an Environmental Audit Report to the Competent Authority within one (1) month after the completion of the environmental audit. Environmental Audit Reports must be submitted to the Competent Authority every two years for the duration of the development phase and submit the Environmental Audit Reports to the Competent Authority within one (1) month after the completion of the environmental audit.	March 2024, just after the EA was granted, so the External audit report should have been done in June 2024, but because the ECO was only appointed in June, the External audit should be done as soon as possible. Another audit should also then be done before March 2025.
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	A final Environmental Audit Report must be submitted to the Competent Authority within three (3) months of commencement of the operational phase and submit an Environmental Audit Report to the Competent Authority within one (1) month after the completion of the environmental audit. The holder must, within seven (7) days of the submission of the Environmental Audit Reports to the Competent Authority, notify all potential and registered I&APs of the submission and make the Environmental Audit Report available to any I&APs upon request.	
14	An integrated waste management approach must be implemented that is based on waste minimisation and must incorporate avoidance, reduction, recycling, treat, reuse and disposal where appropriate.	Compliant
15	Should any heritage resources be discovered during the execution of the activities above, all works must be stopped immediately and the Provincial Heritage Resources Authority of the Western Cape, Heritage Western Cape must be notified without delay. Heritage remains uncovered or disturbed during earthworks must not be further disturbed until the necessary approval has been obtained from Heritage Western Cape. Heritage remains include: meteorites,	Not auditable No heritage remains were noted on site.

	archaeological and/or palaeontological remains (including fossil bones and fossil shells); coins; indigenous and/ or colonial ceramics; any articles of value or antiquity; stone artifacts and bone remains; structures and other built features with heritage significance; rock art and rock engravings; and/or graves or unmarked human burials including grave goods and/or associated burial material. A qualified archaeologist must be contracted where necessary (at the expense of the applicant and in consultation with the relevant authority) to remove any human remains in accordance with the requirements of the relevant authority.	
16	The recommendations of the supplementary Heritage Impact Assessment (compiled by Cindy Postlethwayt and dated September 2023) and as supported by Heritage Western Cape (dated 25 October 2023) must be implemented during the construction phase.	Noted The Holder should take note of the Heritage recommendation, with regards to the fencing, lighting and landscaping.
17	Surface, storm, or groundwater must not be polluted due to any actions on the site. The applicable requirements with respect to relevant legislation pertaining to water must be met.	Noted
18	The following groundwater mitigation measures must be implemented:	Compliant

	18.1 The recommendations of the Groundwater Impact Assessment (compiled by GEOSS (South Africa) (Pty) Ltd and dated 30 September 2022) (as included and supported in the Freshwater Ecological Verification (compiled by FEN Consulting and dated June 2020 and updated July 2023)) and as included in the EMPr must be implemented during all phases of the proposed development. This must include, <i>inter alia</i>, the following: 18.1.1 Groundwater monitoring boreholes must be installed during the development phase. 18.1.2 The location, number of boreholes and frequency of monitoring must be determined by a suitably qualified person prior to the installation of boreholes. 18.2 The recommendations of the Addendum to the Groundwater Impact Assessment (compiled by GEOSS (South Africa) (Pty) Ltd and dated 17 July 2023) must be implemented during the development phase. This includes, <i>inter alia</i>, the installation of an additional monitoring well/borehole, which must be placed downgradient of Portion 63 (a portion of Portion 25) and in the south western corner of the property.	18.1.1) The Holder is in process of installing monitoring of the groundwater and was supplied with quotes. 18.1.2) The boreholes have been placed on site, the locations of the boreholes have been sent to the ECO. Supply proof 18.1.3) Holder to comment on the the installation of an additional monitoring well/borehole, which must be placed downgradient of Portion 63 (a portion of Portion 25) and in the south western corner of the property.
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19	The recommended mitigation measures provided by the Visual Impact Assessment (compiled by Filia Visual and dated June 2021 (revision 1)) and the Visual Impact Assessment Supplementary Report (compiled by Filia Visual and dated 25 September 2023) and as included in the EMPr must be implemented during all phases of the proposed development.	Note The holder to take note of this condition.
20	Noise monitoring must be conducted by a suitably qualified person during the construction and operational phases of the development in accordance with the recommendations of the Noise Impact Assessment (compiled by Safetech and dated 10 July 2023).	Not auditable No noise monitoring has been done on site to date as none of the chimpanzees of MonkeyTown is on site anymore, which was the purpose of the noise surveys.
21	The recommended mitigation measures provided by the Primatological Assessment (compiled by African Primate Initiative for Ecology and Speciation – Dr C. Andrews) and as included in the EMPr, must be implemented during all phases of the proposed development. This must include, <i>inter alia</i>, the following: The appointment of a suitably qualified person prior to the commencement of development activities to record and monitor the behaviour and physiology of the chimpanzees at least one week prior to the commencement of development activities and during the	Not auditable No qualified person has been appointed prior to commencement as no chimpanzees are in the adjacent property anymore.

	development phase (where applicable). The implementation of the construction methodology (compiled by Swart and Associates Architects dated 18 October 2023) must be adhered to.	
22	Dust suppression measures must be used to mitigate dust during the construction phase. No potable water must be used to mitigate dust nuisance. Alternative dust suppression methods (such as shade netting screens and/ or straw stabilisation, etc.) must be implemented instead.	Compliant Dust suppression is done on site in the summer months. Potable water is not used, borehole water is used for the dust suppression.
23	Employment opportunities must be afforded to the local community (as far as possible) during all phases of the proposed development.	Compliant Employment has been given to the local community.