



agriculture, rural development,
land & environmental affairs
MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuThuthukiswa kweeNdawo zemaKhaya,
iNarha neeNdaba zeBhoduluko

Enquiries : X.Nkosi
Telephone : (013) 759 4109
Reference no. : 17/2/3/E-313
NEAS No. : MPP/EIA/0000951/2015

The Department of Human Settlement
Private Bag X1328
Nelspruit
1200

Attention: Mr. Sibusiso Matsebula
Fax : c/o 013 752 6877
Email : sematsebula@mpg.gov.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR ACTIVITIES LISTED IN GOVERNMENT NOTICES R544 AND R546 ASSOCIATED WITH THE CONSTRUCTION OF BULK SERVICE INFRASTRUCTURE (RESERVOIR AND WATER AND SEWER LINES) FOR THE TEKWANE SOUTH EXTENSION 2, ON PORTION 7 OF THE FARM TEKWANE 573 JU, MBOMBELA LOCAL MUNICIPALITY

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 8295

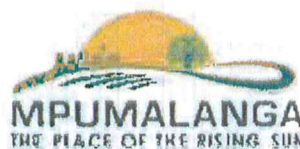
By post: Private Bag x 11219
Nelspruit
1200

By hand: Building 6, No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200

**CERTIFIED TRUE
COPY OF THE
ORIGINAL**

SIBUSISO RAINE NKUNA
Practising Attorney
Commissioner of Oaths
Suite 323 Mutual Place Building
17 Samora Machel Drive
PO Box 452 Nelspruit 1200
Tel: 013-752 6372 Fax: 013-755 416.

09/12/2016



Should you decide to appeal, you must serve a copy of your appeal on all registered interested and affected parties and any organ of state with interest in the matter, as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours sincerely,



DR. A. DE LANGE

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 3/6/15

cc: Mr. Kgatle Obrey
Wandima Environmental Services
Fax: 013 752 6877
Email: admin@wandima.co.za



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iNarha neeNdaba zeBhoduluko

Environmental Authorisation

Application number: 17/2/3/E -313

Holder of Authorisation: Department of Human Settlement

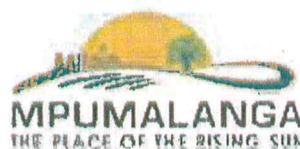
NEAS reference number: MPP/EIA/0000951/2015

Location of activity: Portion 7 of the farm Tekwane 573
JU, Mbombela Local Municipality,
Mpumalanga Province

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09/12/2016



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:

The Department of Human Settlement
Private Bag X1328
Nelspruit
1200

Contact : Mr. Sibusiso Matsebula
Tel : 013 752 5452
Email : sematsebula@mpg.gov.za

To undertake the following activities listed in Government Notices R544 and R546 of 18 June 2010 associated with the construction of bulk service infrastructure for the Tekwane South Extension 2 Township, including a reservoir and water and sewer pipelines, on Portion 7 the farm Tekwane 573 JU, Mbombela Local Municipality, at the co-ordinates indicated in the table below (hereafter referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised Where activities authorized are in accordance with layout plan in the BAR with no. 01U02 dated June 2014
GN R544 Activity 9	The construction of facilities or infrastructure exceeding 1000 m in length for bulk transportation of water, sewer or storm water with an internal diameter of 0.36 m or more.	- The construction of a bulk water pipeline along the D2296 road reserve commencing at 25°28'15.45"S 31°07'23.66"E to the Entokozweni reservoir. - The construction of a bulk sewer pipeline, starting at 25°28'42.23"S 31°07'35.59"E and ending at 25°29'12.35"S 31°0'50.38"E
GNR 546 Activity 2	The construction of reservoir for bulk water supply with capacity of more than 250 m ³	The construction of a 2ML reservoir at the co-ordinates 25°28'15.45"S 31°07'23.66"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.



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- 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 and/or withdrawn 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 authorization, 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), 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) submitted as part of the basic assessment report dated February 2015 is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14. Trees on the site taller than 5m may not be damaged or removed.
- 3.15. Before construction activities may commence, plant species of conservation concern (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.
- 3.16. Plant species of conservation concern that are identified for relocation must be relocated to areas of similar habitat that will not be transformed, unless otherwise stipulated by the relevant permitting authority.

- 3.17. The disturbance of nests or breeding activities of birds, reptiles, or any other wildlife, is strictly prohibited.
- 3.18. All vertebrates, including slow moving reptiles and smaller mammals, must be allowed to move unharmed, or be assisted and relocated in consultation with the Environmental Control Officer, to the areas of the property that will not be transformed.
- 3.19. 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:
- 3.19.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.19.2. The ECO must oversee the identification, and relocation or removal of plant species of conservation importance.
- 3.19.3. The ECO must, prior to any site clearing activities, oversee the identification and marking of trees that may not be removed.
- 3.19.4. The ECO must oversee faunal search and rescue prior to and during site clearing activities.
- 3.19.5. The ECO must monitor the contractors' entry into sensitive habitat.
- 3.19.6. The ECO must monitor the restriction of construction to designated areas.
- 3.19.7. The ECO must oversee all rehabilitation activities.
- 3.19.8. 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.
- 3.19.9. 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
- 3.19.10. 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.
- 3.20. 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.
- 3.21. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

Commissioning and operation of the activity

- 3.22. At least 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, and must include the name and contact details of the appointed ECO.
- 3.23. The area to be cleared must be defined and demarcation of material lay down areas must precede all activities on site.
- 3.24. The placement of any fencing on site must be finalised in consultation with the ECO.
- 3.25. No activity, such as construction camps, temporary housing, temporary ablution, stockpiling of topsoil, storing of equipment and material, temporary or unauthorised access, haul roads, parking, or any other use, may take place within 32m of a watercourse.

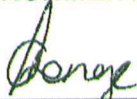
- 3.26. All riparian zones must be maintained as ecological corridors which must be kept intact throughout the life cycle of the project.
- 3.27. No activity adjacent to wetlands or riparian zones may impede the free movement of wetland or riverine biota by the construction of any barrier that inhibits the continuity of the corridor function.
- 3.28. The development may not impede any drainage line or wetland area.
- 3.29. No road crossings, temporary or permanent, may be constructed through any watercourse.
- 3.30. 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.
- 3.31. An alien plant control program must be implemented at the inception of the site clearing phase.
- 3.32. Topsoil may not be stockpiled at heights exceeding 1.5m.
- 3.33. When excavating holes and trenches, top soils and sub soils should be kept separate in order to facilitate the replacement of soils in the right order following construction.
- 3.34. Construction activities may not disturb the breeding habits of birds and wildlife.
- 3.35. Stringent measures must be applied to suppress dust emanating from the construction site.
- 3.36. No surface storm water generated as a result of the development may be channeled directly into any wetland or watercourse. All surface runoff generated during both construction and operation phases must be managed prior to entering any natural drainage system or wetland so as not to impact on the natural hydrology and morphology of the watercourse.
- 3.37. Surface water rich in sediments and other pollutants must be prevented from entering any watercourse or wetland, and all mechanisms for dissipating water energy must be implemented at the inception of the construction phase.
- 3.38. Increased runoff due to vegetation clearance and/or soil compaction and/or any hardened surfaces 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 the watercourse or wetland.
- 3.39. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
- 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. The quality of water downstream may not deteriorate as a result of development activities.
- 3.42. Where ablution facilities for construction personnel are required, dry chemical toilet facilities or e-loo's must be provided on site at a ratio of 1:10 for construction staff. Ablution facilities may not be located within 50m from any watercourse or wetland, and may not cause pollution.
- 3.43. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.44. The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.45. 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.
- 3.46. 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.
- 3.47. 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 indigenous vegetation.
- 3.48. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.49. All general waste generated on the site must be disposed of at a registered landfill site or as directed by any other relevant authority.

- 3.50. All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.51. 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 as well as ground water.
- 3.52. 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.
- 3.53. 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

- 3.54. 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.
- 3.55. 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.
- 3.56. 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.
- 3.57. 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:



DR. A. DE LANGE

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 3/6/15

Annexure 1: Reasons for the Decision



1. Background

- 1.1 The applicant, The Department of Human Settlement, applied for authorisation to carry out the following activities listed in Government Notices R544 and R546 of 18 June 2010 associated with the construction of bulk service infrastructure for the Tekwane South Extension 2 Township, including a reservoir and water and sewer pipelines, on Portion 7 the farm Tekwane 573 JU, Mbombela Local Municipality, at the co-ordinates indicated in the table below

Activity number	Activity Description	Extent to which Activity is Authorised Where activities authorized are in accordance with layout plan in the BAR with no. 01U02 dated June 2014
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GNR 546 Activity 2	The construction of reservoir for bulk water supply with capacity of more than 250 m ³	The construction of a 2ML reservoir at the co-ordinates 25°28'15.45"S 31°07'23.66"E

- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

Wandima Environmental Services
P.O. Box 1072
Nelspruit
1200

Contact : Mr. Obrey Kgatle
Tel : 013 752 5452
Fax : 013 752 6877
Email : admin@wandima.co.za

2. Information considered in making the decision.

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

- The information contained in the basic assessment report and environmental management programme dated May 2015.
- The comments received from interested and affected parties as included in the abovementioned reports.
- The objective and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Mpumalanga Biodiversity Conservation Plan.

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:

- Sustainability
- Need and desirability
- Ecological impact

4. Findings

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

- a) According to the basic assessment report, the proposed development is considered to be environmentally, economically and socially sustainable.
- b) According to the basic assessment report, no threats to species or habitat were identified, and no critical limitations to the development could be identified that are of ecological significance.
- c) According to the basic assessment report, adequate mitigation can be implemented to reduce potential impacts to acceptable levels.

In view of the above, 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, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated for to acceptable levels. Authorisation is accordingly granted.

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