

October 2, 2019

Attention: Registered Interested and Affected Party

**NOTIFICATION OF ENVIRONMENTAL AUTHORISATION ISSUANCE FOR THE FOLLOWING
PROJECT: BELFAST MALL AND MIXED USE DEVELOPMENT**

EIA REFERENCE NUMBER: 1/3/1/16/1N-121

NEAS REFERENCE NUMBER: MPP/EIA/0000403/2018

This letter serves to inform you, as a registered Interested and Affected Party (I&AP), that the Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs (the Department) has decided to grant the Mlangeni Family Trust (the applicant) with an Environmental Authorisation for their "Belfast Mall and Mixed Use Development" and its associated activities. The Department has authorised these activities by virtue of the powers delegated to it by the MEC in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended, and the Environmental Impact Assessment Regulations of 4 December 2014, as amended on 7 April 2017. The Department's decision was signed on the 18th of September 2019 and issued via email on the 30th of September 2019. The Environmental Authorisation and Reasons for the decision (Annexure 1) are attached to this letter.

In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations of 4 December 2014, as amended on 7 April 2017, the applicant must, in writing and within 14 days of the date of the decision on the Environmental Authorisation application, ensure that all registered I&APs are provided with access to the decision and the reasons for such decision; and that the attention of all registered I&APs is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations, 2014. Labesh (Pty) Ltd is facilitating this process on behalf of the applicant.

In terms of Chapter 2 of the National Appeal Regulations, 2014, an appeal may be lodged against the decision by the Department to grant an Environmental Authorisation. An appellant must submit the appeal to the Appeal Administrator (MEC), and a copy of the appeal to the applicant (the Mlangeni Family Trust), any registered I&AP and any organ of state with interest in the matter within **20 days** from the date that the notification of the decision for an application for an Environmental Authorisation was sent to the registered I&APs by the applicant (via the EAP). The deadline for submission of appeals is the **22nd of October 2019**.

An appeal submission must be-

- (a) submitted **in writing** on the form (Appeal Form) obtainable from the Appeal Administrator; and
- (b) accompanied by-
 - (i) a statement setting out the grounds of appeal;
 - (ii) supporting documentation which is referred to in the appeal submission; and
 - (iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of the National Appeal Regulations.

Any appeals should be addressed to the **MEC** for the **Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs** and submitted by any of the following means:

By post: Private Bag X11219, Nelspruit, 1200

Hand delivery to: Samora Machel Building, No. 7 Government Boulevard, Riverside Park Extension 2, Nelspruit, 1200

Fax: (013) 766 8295



Postnet Box 469, Private Bag X504, Sinoville, 0129

Tel: 087 230 8462

Cell: 082 789 6525

Email: lourens@labesh.co.za

The appeal form as well as any further information regarding the appeals process can be sought from the **MEC** at the contact details provided below:

Tel: (013) 766 6067/8

Please do not hesitate to contact us should you require any additional information or if any of the information provided in this letter is unclear.

Environmental Assessment Practitioner for the project	Labesh (Pty) Ltd - Lourens de Villiers Tel: 082 789 6525 Email: admin@labesh.co.za Fax to Email: 086 552 6837 Postal Address: PostNet Box #469, Private Bag X504, Sinoville, 0129
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Regards

Lourens de Villiers

Managing Director and Environmental Assessment Practitioner



Samora Mashel Building, No. 7 Government Boulevard, Riverside Park, 1200, Mpumalanga Province
Private Bag X 11219, 1200
Tel: +27 (013) 766 6067/8, Fax: +27 (013) 766 8295, Int Tel: +27 (13) 766 6067/8, Int Fax: +27 (13) 766 8295

Litiko Letekulima, Kutfutukiswa
Kwetindzawo Tasemakhaya, Temhlaba
Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuThuthukiswa kweeNdawo zemaKhaya,
iNarha neeNdaba zeBhoduluko

Enquiries : Charity Mthimunye
Telephone : 013 692 5806
Reference no. : 1/3/1/16/1N-121
NEAS ref no. : MPP/EIA/0000403/2018

Mlangeni Family Trust
21 Sagittarius Street
Reyno Ridge
1100

Attention: Mr. Oscar Mlangeni
E-mail : onnkosi35@gmail.com

Dear Sir,

ENVIRONMENTAL AUTHORISATION FOR AN ACTIVITIES LISTED IN GOVERNMENT NOTICES R983, R984 AND R985 (AS AMENDED) ASSOCIATED WITH THE CONSTRUCTION OF BELFAST MALL AND MIXED USE DEVELOPMENT ON THE REMAINDER OF THE FARM BERGENDAL 981 JT AND THE REMAINDER OF PORTION 12 OF THE FARM WEMMERSHUIS 379 JT, BELFAST, EMAKHAZENI LOCAL MUNICIPALITY

With reference to the above mentioned 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 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) 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 4(2) and 4(3) 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 National Appeal Regulations, 2014.

Your attention is drawn to National Appeal Regulations 2014, 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: Samora Mashel Building, No. 7 Government Boulevard,
Riverside Park Extension 2
Nelspruit
1200

PH

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,



MS. P.N. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 18/09/2019

cc: Mr. Lourens de Villiers
Labesh (Pty) Ltd
E-mail: admin@labesh.co.za





Samora Mashel Building, No. 7 Government Boulevard, Riverside Park, 1200, Mpumalanga Province

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iNarha neeNdaba zeBhoduluko

Environmental Authorisation

Application number: 1/3/1/16/1N-121

Holder of Authorisation: Mlangeni Family Trust

NEAS reference number: MPP/EIA/0000403/2018

Location of activity: The Remainder of the farm Bergendal 981 JT and the Remainder of Portion 12 of the farm Wemmershuis 379 JT, Belfast, Emakhazeni Local Municipality, 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 2014 (as amended), the Department hereby authorises:

Mlangeni Family Trust
21 Sagittarius Street
Reyno Ridge
1100

Attention: Mr. Oscar Mlangeni
E-mail: onnkosi35@gmail.com
Cell: 082 398 8971

To undertake the following activities that are listed in Government Notice R983, R984 and R985 of December 2014 (as amended), associated with the construction of Belfast Mall and Mixed Use Development on the Remainder of the farm Bergendal 981 JT and the Remainder of Portion 12 of the farm Wemmershuis 379 JT, Belfast, Emakhazeni Local Municipality, Mpumalanga Province at the co-ordinates: 25°43'1.42" S 30°4'14.71" E (hereafter referred to as "the activity")

Activity Number	Activity Description	Extent to which Activity is Authorised
GNR 983 Activity 24(ii)	The development of a road with a reserve wider than 13,5m, or where no reserve exists where the road is wider than 8m; but excluding a road (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1km or shorter.	The development of an access road to the development, as well as internal roads. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 983 Activity 28(ii)	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur outside an urban area, where the total land to be developed is bigger than 1ha; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	<p>The transformation of 53.9048 ha on a site measuring 117.5729 ha for the purposes of developing a mall and a mixed use township, comprising the following:</p> <ul style="list-style-type: none"> ▪ Medium density residential (8.5008 ha) ▪ High density residential (9.6774 ha) ▪ Institutional (1.4025 ha) ▪ Mixed use (18.9075 ha) ▪ Industrial (2.3753 ha) ▪ Utilities (0.1915 ha) ▪ Street (12.8498 ha) ▪ Open Space (11.4324 ha) <p>Where 52.2357 ha of the site will remain as agricultural land.</p> <p>Note: Listed activities proposed on the abovementioned units that have not specifically been authorised herein must be applied for separately.</p>

GNR 983 Activity 56	The widening of a road by more than 6m, or the lengthening of a road by more than 1km (i) where the existing reserve is wider than 13,5m; (ii) where no reserve exists, where the existing road is wider than 8m; excluding where widening or lengthening occur inside urban areas.	Existing gravel roads on the project properties will be widened by more than 6 meters and lengthened by more than 1 kilometer. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 985 Activity 2	The development of reservoirs, excluding dams, with a capacity of more than 250 m ³ . f. Mpumalanga ii. Outside urban areas: (dd) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	The construction of a reservoir with a capacity of 1 300m ³
GNR 985 Activity 4	The development of a road wider than 4m with a reserve less than 13,5m. f. Mpumalanga i. Outside urban areas: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	The development of an access road to the development, as well as internal roads. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 985 Activity 6	The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more. f. Mpumalanga i. Outside urban areas: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	The development of a lodge that will accommodate more than 15 people, that will be located outside the watercourse / wetland buffer zone as per the Wetland and delineation study conducted by Limosella Consulting.
GNR 985 Activity 18	The widening of a road by more than 4m, or the lengthening of a road by more than 1km. f. Mpumalanga i. Outside urban areas: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	Existing gravel roads on the project properties will be widened by more than 4 meters and lengthened by more than 1 kilometer. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 984 Activity 15	The clearance of an area of 20ha or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for (i) the undertaking of a linear activity; or (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.	The clearance of not more than 53.9048 ha of indigenous vegetation for the purposes of developing a mall and a mixed use township.
GNR 985 Activity 12	The clearance of an area of 300 m ² 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. f. Mpumalanga ii. Within critical biodiversity areas identified in bioregional plans.	

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

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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. Commencement for the purposes of all conditions of this authorisation means the start of any physical implementation in furtherance of the activity, including site preparation, clearance of vegetation, and any other action on the site.
- 3.3. This authorisation is subject to the availability of bulk water. Commencement of the activity is prohibited until such time that there is confirmation of water supply for the entire development at the required capacity, and that the holder of this authorisation has obtained all required authorisations/permits/licenses from the relevant organs of state for the construction of the infrastructure required to supply the water.
- 3.4. This authorisation is subject to the confirmation of capacity requirements in terms of the treatment of sewage. Commencement of the activity is prohibited until such time that the holder of this authorisation has obtained all required authorisations/permits/licenses from the relevant organs of state for the construction of the infrastructure required to treat sewage, and operation of the activity is prohibited until such time that such infrastructure is operational.
- 3.5. 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.
- 3.6. The activity which is authorised may only be carried out at the property indicated above.
- 3.7. 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.
- 3.8. In the event that the impacts exceed the significance as predicted in the environmental impact assessment report, the authorisation may be suspended and/or withdrawn after proper procedures have been followed.
- 3.9. 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.
- 3.10. The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.11. 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.
- 3.12. This environmental authorisation is granted for a period of twenty (20) years from the date of authorisation.
- 3.13. 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).
- 3.14. 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 Water Act, 1998 (Act No. 36 of 1998) and the Conservation of Agricultural Resources Act, 1983 (act 43 of 1983), as amended.



Appeal of authorisation

- 3.15. The applicant must, in writing, within fourteen days of the date of the decision on the application ensure that-
- All registered interested and affected parties are provided with access to the decision and the reasons for such decision; and
 - The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations 2014, if such appeal is available in the circumstances of the decision;
 - The decision includes the complete environmental authorisation granted or refused.

Management and monitoring of the activity

- 3.16. The Environmental Management Programme (EMPr) dated 27 March 2019 submitted as part of the Environmental Impact Assessment Report is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.17. Prior to commencement, 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.
- 3.18. 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. Such species must be monitored and managed until such time that they have, in consultation with the ECO, been determined to be successfully re-established.
- 3.19. Activities are prohibited from taking place within 32m of, or within any watercourse or wetland, or below the 1:100 year floodline, or within the watercourse / wetland buffer zone as per the Wetland and Delineation Study conducted by Limosella Consulting.
- 3.20. Prior to commencement, the 1:100 year flood line, the 32m buffer zones to be applied to wetlands and watercourses, as well as the watercourse / wetland buffer zone as per the Wetland and Delineation Study conducted by Limosella Consulting, must be surveyed in consultation with the Environmental Control Officer (ECO) and the relevant specialists, and must be clearly demarcated on site for the duration of construction activities.
- 3.21. The disturbance of nests or breeding activities of birds, reptiles, or any other wildlife, is strictly prohibited.
- 3.22. All vertebrates, including slow moving reptiles and smaller mammals, must be allowed to move unharmed, or be assisted and relocated in consultation with the ECO, to the areas of the property that will not be transformed.
- 3.23. The applicant must appoint an independent 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:
- 3.23.1. The ECO must be appointed before the commencement of site clearing activities and the Department must be notified of such an appointment for communication purposes.
 - 3.23.2. The ECO must oversee the identification, relocation or removal and re-establishment of plant species of conservation importance.
 - 3.23.3. The ECO must oversee faunal search and rescue prior to and during site clearing activities.
 - 3.23.4. The ECO must monitor contractors' entry into sensitive habitat.
 - 3.23.5. The ECO must monitor the restriction of site clearing to designated areas.
 - 3.23.6. The ECO must oversee the surveying and demarcation of areas that are prohibited from being developed.
 - 3.23.7. The ECO must oversee the implementation of an alien plant control program.
 - 3.23.8. The ECO must oversee all rehabilitation activities.

- 3.23.9. 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.
- 3.23.10. The ECO must maintain the following on site:
- A site diary
 - Copies of all reports submitted to the Department
 - A complaints register of all public complaints and the remedies applied to such complaints
- 3.23.11. 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.
- 3.24. 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.
- 3.25. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

Commissioning and operation of the activity

- 3.26. At least fourteen (14) days written notice must be given to the Department that the activity will commence. 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.
- 3.27. 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.
- 3.28. The perimeter of the construction site must be defined and demarcation of material lay down areas must precede all activities on site.
- 3.29. 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.
- 3.30. No 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, roads, excavation of foundations, or any other use, may take place within 32m of any watercourse or riparian zone, or within 50m of any wetland, below the 1:100 year flood line, or on any stand to be zoned as open space.
- 3.31. Construction camps, temporary ablution, and storing of equipment and material, must be restricted to transformed areas.
- 3.32. All wetlands, watercourses and riparian zones, and all associated buffers must be maintained as ecological corridors which must be kept intact throughout the life cycle of the project.
- 3.33. No person or activity adjacent to wetlands, watercourses and riparian zones may impede the free movement of biota by the construction of any barrier that inhibits the continuity of the corridor function.
- 3.34. The removal of indigenous vegetation from wetlands, watercourses and riparian zones is strictly prohibited.
- 3.35. Indigenous vegetation within the wetlands, watercourses and riparian zones must be maintained in its natural state, and must be managed in such a way to prevent erosion and alien species invasion.



- 3.36. The clearing of vegetation must be minimised and phased to reduce the risk of significant runoff of sediments into watercourses. Where large areas of vegetation are cleared, strips of intact vegetation must be left to bind soils and reduce the risk of erosion dongas developing.
- 3.37. Topsoil must be stockpiled at a height not exceeding 1.5m at a pre-designated location for use during rehabilitation and landscaping.
- 3.38. An alien plant control program must be implemented at the inception of the construction phase. Alien vegetation must be eradicated from wetland and riparian areas, and indigenous vegetation must be planted in wetland and riparian areas where alien vegetation is removed.
- 3.39. Stringent measures must be applied to suppress dust emanating from the construction site.
- 3.40. Storm water management must adhere to the following:
 - 3.40.1. The current flow regime of watercourses may not be altered.
 - 3.40.2. No surface storm water generated as a result of the development may be channeled directly into any wetland, watercourse or riparian zone. All surface runoff generated during both construction and operation phases must be managed prior to entering any natural drainage system, wetland or riparian zone so as not to impact on the natural hydrology and morphology of the system.
 - 3.40.3. Storm water management must be designed to promote infiltration and slow the release of runoff into wetlands and watercourses.
 - 3.40.4. Any point of overland discharge must be located at least 32m away from a watercourse, wetland, riparian zone or dam and overland discharge must occur over areas that have a minimum vegetation cover of 80%.
 - 3.40.5. All mechanisms for dissipating water energy must be implemented at the inception of the construction phase.
 - 3.40.6. The increase in downstream peak flows must be mitigated by retaining storm water until after peak flows.
 - 3.40.7. The attenuation of flows leaving the site is compulsory.
 - 3.40.8. The rate of storm water runoff must be reduced by using mechanisms such as the construction of earth berms, grassed swales and armourflex lined channels and the construction of energy breakers at storm water outlet structures.
 - 3.40.9. Where erosion at the base of swales or channels and at outlets from piped systems is likely to occur, inverts must be armoured to obviate scour, and where appropriate, swales must be grassed or lined.
 - 3.40.10. Gravel berms must be constructed at the inception of the construction phase to divert upstream catchment runoff, which must be dissipated at the outlet points to return the flow to its pre-development state.
 - 3.40.11. Sediment trapping facilities must be installed prior to the commencement of earthworks.
 - 3.40.12. The following measures must be included at the road works and site level:
 - 3.40.12.1. All parking areas must be porous to allow infiltration of surface water.
 - 3.40.12.2. Run-off from roads and parking areas must be directed to infiltration trenches/beds to convey storm water.
 - 3.40.12.3. Overflow protection of kerb inlet structures must be provided in the form of infiltration trenches or grassed swales.
- 3.41. 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 watercourses or wetlands.
- 3.42. Scouring, erosion or sedimentation of all watercourses and wetlands must be prevented, and the stability of watercourses may not be detrimentally affected.
- 3.43. The quality of water downstream may not deteriorate as a result of construction activities.
- 3.44. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.

- 3.45. Where ablution facilities for construction personnel are required, dry chemical toilet facilities or e-loos 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 or riparian zone, and may not cause pollution.
- 3.46. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.47. The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.48. 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.
- 3.49. 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.
- 3.50. Pollution due to improper storage of construction materials or any hazardous substances is prohibited.
- 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 underground water.
- 3.52. 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, and must commence prior to site handover.
- 3.53. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.54. All general waste generated on the site must be disposed of in a registered landfill site or as directed by any other relevant authority.
- 3.55. All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.56. 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.
- 3.57. 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.
- 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.

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- 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:



MS. P.N. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 18/09/2019

Annexure 1: Reasons for the Decision

1. Background

- 1.1 The applicant, Mlangeni Family Trust, applied for authorisation to undertake activities that are listed in Government Notices R983, R984 and R985 of December 2014 (as amended), associated with the construction of Belfast Mall and Mixed Use Development on the Remainder of the farm Bergendal 981 JT and the Remainder of Portion 12 of the farm Wemmershuis 379 JT, Belfast, Emakhazeni Local Municipality, Mpumalanga Province at the co-ordinates 25°43'1.42" S 30°4'14.71" E:

Activity Number	Activity Description	Extent to which Activity is Authorised
GNR 983 Activity 24(ii)	The development of a road with a reserve wider than 13,5m, or where no reserve exists where the road is wider than 8m; but excluding a road (a) which is identified and included in activity 27 in Listing Notice 2 of 2014; (b) where the entire road falls within an urban area; or (c) which is 1km or shorter.	The development of an access road to the development, as well as internal roads. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 983 Activity 28(ii)	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur outside an urban area, where the total land to be developed is bigger than 1ha; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	The transformation of 53.9048 ha on a site measuring 117.5729 ha for the purposes of developing a mall and a mixed use township, comprising the following: <ul style="list-style-type: none"> ▪ Medium density residential (8.5008 ha) ▪ High density residential (9.6774 ha) ▪ Institutional (1.4025 ha) ▪ Mixed use (18.9075 ha) ▪ Industrial (2.3753 ha) ▪ Utilities (0.1915 ha) ▪ Street (12.8498 ha) ▪ Open Space (11.4324 ha) <p>Where 52.2357 ha of the site will remain as agricultural land.</p> <p>Note: Listed activities proposed on the abovementioned units that have not specifically been authorised herein must be applied for separately.</p>
GNR 983 Activity 56	The widening of a road by more than 6m, or the lengthening of a road by more than 1km (i) where the existing reserve is wider than 13,5m; (ii) where no reserve exists, where the existing road is wider than 8m; excluding where widening or lengthening occur inside urban areas.	Existing gravel roads on the project properties will be widened by more than 6 meters and lengthened by more than 1 kilometer. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 985 Activity 2	The development of reservoirs, excluding dams, with a capacity of more than 250 m ³ . f. Mpumalanga ii. Outside urban areas: (dd)	The construction of a reservoir with a capacity of 1 300m ³ PN

	Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	
GNR 985 Activity 4	The development of a road wider than 4m with a reserve less than 13,5m. f. Mpumalanga i. Outside urban areas: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	The development of an access road to the development, as well as internal roads. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 985 Activity 6	The development of resorts, lodges, hotels, tourism or hospitality facilities that sleeps 15 people or more. f. Mpumalanga i. Outside urban areas: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	The development of a lodge that will accommodate more than 15 people, that will be located outside the watercourse / wetland buffer zone as per the Wetland and delineation study conducted by Limosella Consulting.
GNR 985 Activity 18	The widening of a road by more than 4m, or the lengthening of a road by more than 1km. f. Mpumalanga i. Outside urban areas: (ee) Critical biodiversity areas as identified in systematic biodiversity plans adopted by the competent authority or in bioregional plans.	Existing gravel roads on the project properties will be widened by more than 4 meters and lengthened by more than 1 kilometer. The roads will vary between 5.5m and 10m in width, with street reserves of between 10.5m and 30m in width.
GNR 984 Activity 15	The clearance of an area of 20ha or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for (i) the undertaking of a linear activity; or (ii) Maintenance purposes undertaken in accordance with a maintenance management plan.	The clearance of not more than 53.9048 ha of indigenous vegetation for the purposes of developing a mall and a mixed use township.
GNR 985 Activity 12	The clearance of an area of 300 m ² 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. f. Mpumalanga ii. Within critical biodiversity areas identified in bioregional plans.	

- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake an environmental impact assessment process:

Labesh
Postnet Box 469
Sinoville
0129

Contact person: Mr. Lourens de Villiers
Cell: 073 463 0109
Email: admin@labesh.co.za

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2. Information considered in making the decision.

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

- a) The information contained in the application form received by the Department on 24 April 2018.
- b) The extension letter dated 31 May 2018, requesting permission to submit the scoping report to the Department at the end of August 2018, which was approved.
- c) The information contained in the Scoping Report dated and submitted on 17 August 2018 which was accepted on 03 September 2018.
- d) The information contained in the letter and its attached motivation submitted on 23 November 2018, requesting permission for the extension of the date for submission of the environmental impact assessment report (EIAR) to 30th March 2019, which was approved.
- e) The information contained in the draft EIAR submitted on 20 February 2019.
- f) The information contained in the final EIAR submitted on 29 March 2019.
- g) The additional information submitted on 12 July 2019.
- h) Information gathered during the site visits on 25 July 2018 and 20 June 2019.
- i) The comments received from interested and affected parties as included in the final EIAR.
- j) 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 Sector 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:

- a) Biophysical impact
- b) Sustainability
- c) Need and desirability

4. Findings

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

- a) No threatened flora and fauna observed on site during the site visit.
- b) The Public Participation Process was undertaken in accordance with the EIA Regulations, 2014 (as amended).
- c) There were no observable heritage resources within the perimeter of the proposed site.

In principle, 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 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 to acceptable levels. In view of the above, authorization is accordingly granted.

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