



agriculture, rural development,  
land & environmental affairs

**MPUMALANGA PROVINCE**  
REPUBLIC OF SOUTH AFRICA

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LitikoLetekulima, Kufutfukiswa  
KwetindzawoTasemakhaya, Temhlaba  
Netesimondzawo

Departement van Landbou,  
LandelikeOntwikkeling,  
GrondenOngewing Sake

umNyangoweZelimo  
UkuThuthukiswakweeNdawozemaKhaya,  
iNarhaneNdabazeBhoduluko

**Enquiries** : M. Masango  
**Telephone** : 013 759 4000  
**Reference** : 1/3/1/16/1E-254  
**NEAS** : MPP/EIA/0000688/2020

Ms Teck Farming Pty (Ltd)  
P.O. Box 182  
**Barberton**  
**1300**

Attention : Mark Tecklenburg  
Email : mark@ramburg.co.za

Dear Sir,

**ENVIRONMENTAL AUTHORISATION FOR AN ACTIVITY LISTED IN GOVERNMENT NOTICE R983 (AS AMENDED) ASSOCIATED WITH THE CLEARING OF INDIGENOUS VEGETATION FOR THE PURPOSE OF CULTIVATION ON PORTION 3 OF THE FARM BOERLANDS 631 JT, BARBERTON, CITY OF MBOMBELA**

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 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 Regulation 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 the National Appeal Regulations, 2014.

Your attention is drawn to the National Appeal Regulations, 2014, which regulate appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge your appeal with the MEC, within 20 days of the date of receipt 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 Machel Building, No. 7 Government Boulevard  
Riverside Park Extension 2  
Nelspruit  
1200

PN



Should you decide to appeal, you must also serve a copy of your appeal on all registered interested and affected parties and any organ of state with interest in the matter.

Yours faithfully,



**MS. P.N. NTULI**

**ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**

**DATE: 11/08/2020**

cc: Anne-Mari White  
Core Environmental Services  
Email: anne-mari@coreenviro.co.za



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iNarhaneNdabazeBhoduluko

## Environmental Authorisation

**Application number:** 1/3/1/16/1E-254

**Holder of Authorisation:** MS Teck Farming (Pty) Ltd

**NEAS reference number:** MPP/EIA/0000688/2020

**Location of activity:** Portion 3 of the farm Boerlands  
631 JT, City of Mbombela,  
Mpumalanga Province

## 1. Decision

The Department is satisfied on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant 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:

MS Teck Farming Pty (Ltd)  
P.O. Box 182  
Barberton  
1300

Contact person : Mark Tecklenburg  
Cell : 083 375 8326  
Email : mark@ramburg.co.za

To undertake the following activity listed in Government Notice R983 of 4 December 2014 (as amended) associated with the clearing of indigenous vegetation for the purpose of cultivation on Portion 3 the farm Boerlands 631 JT, Barberton, City of Mbombela, located at the co-ordinates 25°46'6.12"S 30°53'36.66"E (hereafter referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised Where activities authorised are in accordance with the Layout Map dated 8 June 2020 (Figure 1) as included in the BAR
GN R983 Activity 27	The clearance of an area of 1 ha or more, but less than 20 ha of indigenous vegetation, except 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 18ha of indigenous vegetation for the purposes of cultivation.

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. 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. 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.
- 3.4. The activity which is authorised may only be carried out at the property indicated above.

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- 3.5. 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.
- 3.6. 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.
- 3.7. 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.
- 3.8. The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.9. 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.
- 3.10. This environmental authorisation is granted for a period of twenty (20) years from the date of authorisation.
- 3.11. 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).
- 3.12. 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**

- 3.13. The applicant must, in writing, within fourteen days of the date of the decision on the application ensure that-
  - a) All registered interested and affected parties are provided with access to the decision and the reasons for such decision; and
  - b) 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;
  - c) The decision includes the complete environmental authorisation granted or refused.

#### **Management and monitoring of the activity**

- 3.14. The Environmental Management Programme (EMPr) dated 13 July 2020 submitted as part of the basic assessment report is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.15. 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.
- 3.16. 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. 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.
- 3.17. Activities, or associated activities, are prohibited from taking place within, or within 32m of, any watercourse or wetland.

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- 3.18. Activities, or associated activities, are prohibited from taking place within, or within 10m of, the riparian zone, as per the Layout Map dated 8 June 2020 (Figure 1) as included in the basic assessment report dated 8 June 2020.
- 3.19. Before site clearing activities may commence, all buffer zones referred to above and as illustrated in the Layout Map dated 8 June 2020 submitted as part of the basic assessment report, must be delineated in consultation with the Environmental Control Officer (ECO) and relevant specialists, and must be clearly demarcated on site for the duration of site clearing, installation of irrigation and planting activities.
- 3.20. All buffers zones referred to above must be maintained as ecological corridors which must be kept intact throughout the life cycle of the project, and must be managed in such a way to prevent erosion and alien species invasion.
- 3.21. The pushing of spoil material into the surrounding natural environment or into any of the buffer zones referred to above, or into any watercourse, is prohibited.
- 3.22. The disturbance of nests or breeding activities of birds, reptiles, or any other wildlife, is strictly prohibited.
- 3.23. 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.
- 3.24. Damage to or the removal of large indigenous trees taller than 6m and/or with a diameter of 30cm or more, is prohibited.
- 3.25. 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:
  - 3.25.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
  - 3.25.2. The ECO must oversee the identification, and relocation or removal of plant species of conservation importance.
  - 3.25.3. The ECO must, prior to any site clearing activities, oversee the identification and marking of trees that may not be removed.
  - 3.25.4. The ECO must oversee faunal search and rescue prior to and during site clearing activities.
  - 3.25.5. The ECO must oversee all surveying and demarcation activities.
  - 3.25.6. The ECO must monitor contractors' entry into sensitive habitat.
  - 3.25.7. The ECO must monitor the restriction of construction to designated areas.
  - 3.25.8. The ECO must oversee the implementation of an alien plant control program.
  - 3.25.9. The ECO must oversee and monitor the success of all rehabilitation activities.
  - 3.25.10. 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.
  - 3.25.11. The ECO must maintain the following on site: A site diary; copies of all reports submitted to the Department; and a complaints register of all public complaints and the remedies applied to such complaints
  - 3.25.12. 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.
- 3.26. 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.

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- 3.27. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

**Commissioning and operation of the activity**

- 3.28. 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.
- 3.29. The perimeter of the construction site must be defined and demarcation of material lay down areas must precede all activities on site.
- 3.30. Site clearing activities, alteration or compaction of virgin soil, disturbance of natural habitat, construction camps, temporary housing, temporary ablution, stockpiling of topsoil, storing of equipment and material, disturbance of natural habitat, temporary or unauthorised access, haul roads, parking, or any other use, are not permitted within, or within 10m of, the riparian zone, as per the Layout Map dated 8 June 2020 as included in the basic assessment report dated 8 June 2020.
- 3.31. No activity adjacent to watercourses and riparian zones, or any of the buffers referred to above, may impede the free movement of biota by the construction of any barrier that inhibits the continuity of the corridor function.
- 3.32. The removal of indigenous wetland or riparian vegetation is strictly prohibited.
- 3.33. The development may not impede any drainage line or wetland area.
- 3.34. No road crossings, temporary or permanent, may be constructed through any watercourse.
- 3.35. 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.
- 3.36. An alien plant control program must be implemented at the inception of the site clearing phase.
- 3.37. Topsoil may not be stockpiled at heights exceeding 1m.
- 3.38. Stringent measures must be applied to suppress dust emanating from the construction site, and debushing must only take place during low wind conditions.
- 3.39. All roads between agricultural fields must be protected against run-off and erosion through the use of mitre drains, speed humps and patch gravelling.
- 3.40. No surface storm water generated as a result of the development may be channeled directly into any wetland or watercourse. All surface runoff 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.
- 3.41. 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.
- 3.42. 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.
- 3.43. 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.
- 3.44. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
- 3.45. Scouring, erosion or sedimentation of all watercourses and wetlands must be prevented, and the stability of watercourses may not be detrimentally affected.
- 3.46. The quality of water downstream may not deteriorate as a result of development activities.
- 3.47. Where ablution facilities 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 100m from any watercourse or wetland, and may not cause pollution.
- 3.48. The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.

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- 3.49. The mixing of cement, asphalt, chemicals or other noxious materials must be undertaken in designated areas on, as far as practicable, an impermeable layer.
- 3.50. 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.
- 3.51. 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.
- 3.52. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.53. All general waste generated on the site must be disposed of in a registered landfill site or as directed by any other relevant authority.
- 3.54. All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.55. 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.
- 3.56. 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.

**General**

- 3.58. 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.
- 3.59. 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.
- 3.60. 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.
- 3.61. 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:** 11/08/2020



## Annexure 1: Reasons for the Decision

### 1. Background

- 1.1 The applicant, MS Teck Farming Pty (Ltd), applied for authorisation to carry out the following activity listed in Government Notice R983 of 4 December 2014 (as amended) associated with the clearing of indigenous vegetation for the purpose of cultivation on Portion 3 the farm Boerlands 631 JT, Barberton, City of Mbombela, located at the coordinates 25°46'6.12"S 30°53'36.66"E:

Activity number	Activity Description	Extent to which Activity is Authorised Where activities authorised are in accordance with the Layout Map dated 8 June 2020 (Figure 1) as included in the BAR
GN R983 Activity 27	The clearance of an area of 1 ha or more, but less than 20 ha of indigenous vegetation, except 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 18ha of indigenous vegetation for the purposes of cultivation.

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

Core Environmental Services  
55 Hunter Street,  
Nelspruit  
1200

Contact person : Anne-Mari White  
Tel : 060 878 1591  
Email : Anne-maricoreenviro.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 application form submitted and acknowledged on 9 June 2020.
- The information contained in the basic assessment report and the environmental management programme dated July 2020, submitted on 14 July 2020 and acknowledged on 16 July 2020.
- The comments received from interested and affected parties as included in the basic assessment report.
- 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:

- Biophysical impact
- Sustainability
- Need and desirability

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#### 4. Findings

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

- a) Mitigation measures and recommendations outlined in the basic assessment report and environmental management programme prepared for the activity are appropriate and practical for implementation, and it is anticipated that they will reduce the significance of potential impacts.
- b) According to information provided in the basic assessment report, there are sufficient water rights to service the proposed development.
- c) Mitigation measures and recommendations outlined in the basic assessment report and environmental management programme are appropriate and practical for implementation, and it is anticipated that they will reduce the significance of potential impacts.

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 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. The application is accordingly granted.

*PN*