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Litiko Letekulima, Kutfufukiswa  
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-62  
**NEAS ref no.** : MPP/EIA/00000/172/2016

Exxaro coal Mpumalanga  
Mr. Johan van der Bijl  
Rodger Dyason road  
**Pretoria**  
**0001**

**Fax no:** 012 307 4612  
**E-mail:** [Johan.vanderbijl@exxaro.com](mailto:Johan.vanderbijl@exxaro.com)

Dear Sir,

**ENVIRONMENTAL AUTHORISATION: EXXARO RESETTLEMENT PROJECT ON PORTION 13 OF THE FARM ZOEKOP 462 JS ( RELOCATION OF 32 NON-LANDOWNING HOUSEHOLDS) WITHIN EMAKHAZENI LOCAL MUNICIPALITY, MPUMALANGA PROVINCE**

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, 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)(a)-(b) 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 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  
Nelspruit  
1200



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

Yours sincerely,

  
\_\_\_\_\_  
**MR. S.S MALULEKA**  
**CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**DATE: 28.04.2017**

cc: Anne –Mari White  
Aurecon South Africa )Pty) Ltd  
Fax no: 013 753 2116  
E-mail: [Anne-mari.white@aurecongroup.com](mailto:Anne-mari.white@aurecongroup.com)





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## Environmental Authorisation

**Application number:** 1/3/1/16/1N-62

**Holder of Authorisation:** EXXARO COAL  
MPUMALANGA (PTY) LTD

**NEAS reference number:** MPP/EIA/00000172/2016

**Location of activity:** ON PORTION 13 OF THE  
FARM ZOEKOP 462 JS WITHIN  
EMAKHAZENI LOCAL  
MUNICIPALITY

## 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, the Department hereby authorises:

Mr. Johan van der Bijl  
Rodger Dyason road  
Pretoria  
0001

**Fax no:** 012 307 4612  
**Tel:** 012 307 7468  
**E-mail:** Johan.vanderbijl@exxaro.com

To undertake the following activity (hereafter referred to as "the activity"):

The proposed exxaro resettlement project whereby there will be a relocation of 32 non-landowning households on Portion 13 of the farm Zoekop 462 JS, Part of the remainder of the farm Paaardeplaats 425 JS and Portion 13 of the farm Leeuwbank 427 JS, within Emakhazeni Local Municipality, Mpumalanga Province at the following co-ordinates: 25° 45' 37.54" S 29° 58' 16.85" E Activity 27 and 28 of Government Notice R983 and activity 12 of Notice 984 04 December 2014

The project will entail the following:

- Resettlement village of approximately 9 hectares on a site located north of the N4 freeway.
- The project will have residential component with 32x2500 square meter plots and the rest will be left for grazing and other potential agricultural uses.
- 200 square meter reserved for food production in the form of a combination of poultry, trees, dryland cropping and homestead vegetable garden.

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

## 3. Conditions of Authorisation

### Scope of authorisation

- 3.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the environmental authorisation and are binding on the holder of the authorisation.
- 3.2 The holder of the authorisation must ensure compliance with these conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 3.3 The activity which is authorised may only be carried out at the property indicated above.
- 3.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such



- changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 3.5 In the event that the impacts exceed the significance as predicted in the basic assessment report, the authorisation may be suspended 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 activity does not occur within that period, the authorisation lapses and a new application for the 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 the authorisation before this authorisation lapses, in which case this authorisation will remain valid. However, the activity, including site preparation, may not commence prior to amendment application being decided.
- 3.9 The holder of this authorisation is responsible for compliance with the provisions for Duty of Care and Remediation of Environmental Damage contained in Section 28 of the National Environmental Management Act, 1998 (Act 107 of 1998).
- 3.10 This authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

#### **Appeal of authorisation**

- 3.11 The holder of the authorisation must notify every registered interested and affected party, in writing and within fourteen (14) 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 the National Appeal Regulations, 2014; and
  - 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 41(2)(c) and which newspaper was used for the placing of advertisements as part of the public participation process.

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

- 3.13 The Environmental Management Programme (EMPr) dated 05<sup>th</sup> December 2016 and submitted as part of the Final Basic Assessment Report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14 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.
- 3.14.1 The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.14.2 The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.14.3 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.

- 3.14.4 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
- 3.14.5 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.
- 3.15 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental auditor and 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.
- 3.16 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.

### **Commissioning and operation of the activity**

- 3.17 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.
- 3.18 To protect the freshwater ecosystems from impacts linked to the construction phase and the operational phase appropriate buffer zones must be adopted.
- 3.19 Earth dikes and diversions to direct all storm flows from disturbed areas into silt traps must be utilized.
- 3.20 Soil stabilization practices such as sediment blankets and mulching must be conducted on site.
- 3.21 Permanent roads constructed onsite must be built above the natural ground surface to ensure efficient drainage.
- 3.22 An alien plant control programme must be implemented.
- 3.23 Plants of conservation importance found onsite must be replanted in the adjacent degraded secondary grassland.
- 3.24 All contractor teams involved in work on the project must be briefed on their obligations towards environmental controls and methodologies in terms of the EMPr prior to commencement of work.
- 3.25 During the course of the development, the developer and contractors must comply with all the relevant legislation, including the bylaws of Emakhazeni Local Municipality. Working hours must be confined between 07h00 to 17h00.
- 3.26 All reasonable steps must be taken to avoid any fires.
- 3.27 The Contractor must ensure that there is access to clean drinking water for all employees on site.
- 3.28 Construction workers must be supplied with chemical toilets. No pit latrines are allowed. Sewage to be generated during construction phase must be disposed of in a controlled manner.
- 3.29 Construction vehicles are to make use of existing roads and tracks as far as possible.
- 3.30 The Contractor must ensure that the generation of dust is minimized and must implement a dust control programme to maintain a safe working environment.
- 3.31 Trampling and disturbances associated with construction activities must be limited to within five metres of the footprint of the site to ensure minimal disturbance to the natural flora and fauna of the area. .

- 3.32 Topsoil must be utilized in rehabilitation efforts.
- 3.33 The contractor must not permit work teams to litter on the environment.
- 3.34 The collection point for waste material must be an enclosed structure to eliminate the risk of wind scatter, and all waste must be disposed of to a previously identified, registered or permitted waste disposal site.
- 3.35 Burial of waste is prohibited.
- 3.36 Concrete mixing must take place in a defined area and on top of boarding or sheeting so as to protect the ground.
- 3.37 All steps must be taken to ensure that no oil is spilt and that all waste, such as filters, is removed from the site and disposed of in an environmentally acceptable manner.
- 3.38 Only indigenous flora must be used for landscaping.
- 3.39 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.
- 3.40 Any 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**

- 3.41 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.
- 3.42 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.
- 3.43 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

**ENVIRONMENTAL AUTHORISATION APPROVED BY:**

  
**MR. S.S MALULEKA**  
**CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS**  
**DATE: 28.04.2017**



## Annexure 1: Reasons for the Decision

### 1. Background

The applicant, Exxaro Coal Mpumalanga, applied for Environmental Authorisation to carry out the following:

The proposed exxaro resettlement project whereby there will be a relocation of 32 non- landowning households on Portion 13 of the farm Zoekop 462 JS, Part of the remainder of the farm Paaardeplaats 425 JS and Portion 13 of the farm Leeuwbank 427 JS , within Emakhazeni Local Municipality, Mpumalanga Province

Activity 27 and 28 of Government Notice R983 and activity 12 of Notice 984 08 December 2014

The project will entail the following:

- Resettlement village of approximately 9 hectares on site located north of the N4 freeway.
- The project will have residential component with 32x2500 square meter plots and the rest will be left for grazing and other potential agricultural uses.
- 200 square meter reserved for food production in the form of a combination of poultry, trees, dryland cropping and homestead vegetable garden.

- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a Basic Assessment Process:

Aurecon South Africa  
10 Nelspruit  
Nelspruit  
1200

Contact person: Anne –Mari White  
Tel no: 013 752 7055  
Fax no: 013 753 2116  
E-mail: Anne-mari.white@aurecongroup.com

### 2. Information considered in making the decision.

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

- a) The information contained in the Final Basic Assessment Report and the EMPr.
- b) 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
- c) The findings of the site visit undertaken by Ms Charity Mthimunye on 07<sup>th</sup> March 2017.

### 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) The reference to the Social impact Assessment Report as well as the Resettlement Action Plan guiding the relocation of the 32 households.
- b) The commitment made by Exxaro to provide all services to the relocated community and thus no municipal services will be required.
- c) The resettlement of this community will improve the living conditions of these community members and have enormous positive social impact on the community.





d) Access to the site will be from an existing road.

#### 4. Findings

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

- a) Public Participation Process was undertaken in accordance with the EIA Regulations, 2014.
- b) There were no observable heritage resources within the perimeter of the proposed site.
- c) Biodiversity investigation indicate that the natural habitats have been fragmented as a result of human induced 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 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. Authorization is accordingly granted. 