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LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

Ref no: 16/17/2-GS27; Enq: Ms M.E Molepo; Tel: 015 295 5633; Fax: 015 295 5016; E-Mail: molepome@ledet.gov.za

Gillyfrost 56 Pty Ltd
P.O Box 16
OHRIGSTAD
1122

Fax: 013 238 0029

Attention: Mr. Buks van der Wal

APPLICATION FOR ENVIRONMENTAL AUTHORIZATION FOR THE PROPOSED RESIDENTIAL, BUSINESS AND INDUSTRIAL DEVELOPMENT ON PORTIONS 5, 58, 60, 62 AND THE REMINDER OF PORTION 27 OF THE FARM LEEUWVALLEI 297 KT WITHIN GREATER TUBATSE LOCAL MUNICIPALITY OF SEKHUKHUNE DISTRICT: LIMPOPO PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorization. The environmental authorization and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 10 (ten) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC for Economic Development, Environment and Tourism, Mr O C Chabane within 10 days of receiving this letter, by means of one of the following methods:

By facsimile : (015) 293 8317
By post : Private Bag X 9484, POLOKWANE, 0700
By hand : 3rd floor, Evridiki Towers, 20 Hans van Rensburg Street, POLOKWANE

Should you decide to appeal, you must serve a copy of your notice on 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 faithfully

SENIOR MANAGER
ENVIRONMENTAL IMPACT MANAGEMENT

DATE: 17/10/2008

Cc: Wandima Environmental Services Attention: Mr. Danie van der Walt Fax: 013 752 6877

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LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF ECONOMIC DEVELOPMENT, ENVIRONMENT & TOURISM

ENVIRONMENTAL AUTHORIZATION

AUTHORISATION REFERENCE NO: 16/1/7/2-GS27

Holder of authorization: Gillyfrost 56 Pty Ltd

Location of activity: The site is situated on portions 5, 58, 60, 62 and remainder of portions 27 of the farm Leeuwvallei 297 KT within Greater Tubatse Local Municipality of Sekhukhune District, Limpopo Province. The coordinates are 24° 40' 31" South and 30° 18' 28" East.

A. DEFINITIONS

1. NEMA- The National Environmental Management Act, 1998 (Act 107 of 1998).
2. Regulations- Environmental Impact Assessment Regulations, R 385; R386 and R 387 of 2006, in terms of Chapter 5 of the National Environmental Management Act, 1998(Act 107 Of 1998).
3. EIA- Environmental Impact Assessment.
4. Department- Department of Economic Development, Environment and Tourism.

B. DECISION

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorization, that the applicant should be authorized to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

1. ACTIVITIES AUTHORIZED

By virtue of the powers conferred on it by NEMA and the Regulations the Department hereby authorizes—
Gillyfrost 56 Pty Ltd with the following contact details –

Mr. Buks van der Wal
Gillyfrost 56 Pty Ltd
P.O Box 16
OHRIGSTAD
1122

Fax: 013 238 0029

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to undertake the following listed activities herein referred to as follows:

From R 386 of 2006-

- 1(k) "The construction of facilities of infrastructure, including associated structures or infrastructure, for the bulk transportation of sewage and water, including storm water, in pipelines with" –
 - (i) an internal diameter of 0.36 metres or more; or
 - (ii) a peak throughput of 120 litres per second or more";
- 1(l) "The construction of facilities of infrastructure, including associated structures or infrastructure, for the transmission and distribution of electricity above ground with a capacity of more than 33 kilovolts and less than 120 kilovolts";
- 1(n) "The construction of facilities or infrastructure, including associated structures or infrastructure, for the off stream storage of water, including dams and reservoirs, with a capacity of 50 000 cubic metres or more, unless such storage falls within the ambit of the activity listed in Item 6 of Government Notice No. R387 of 2006";
- 15 "The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long";
- 16(b) " The transformation of undeveloped, vacant or derelict land to residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare";
- 17 " Phased activities where any one phase of the activity may be below a threshold specified in this schedule but where a combination of the phases, including expansions or extensions, will exceed a specified threshold"; and
- 18 "The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less".

And from R 387 of 2006-

- 1(p) " The construction of facilities or infrastructure, including associated structure or infrastructure, for the treatment of effluent, wastewater or sewage with an annual throughput capacity of 15 000 cubic metres or more"; and
- 2 "Any development activity, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be, 20 hectares or more".

The proposed development entails the residential, business and industrial development on portions 5, 58, 60, 62 and the remainder of portion 27 of the farm Leeuwallei 297 KT and will cover an area of 140ha within Greater Tubatse Local Municipality of Sekhukhune District, consisting of:

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USE	NO. OF ERVEN	AREA (Ha)	% OF TOWNSHIP
Burgersfort Ext 30 As per plan no BURGERSF X /1-4			
Business 2	7	31.74	86.25
Streets		5.06	13.75
Total	7	36.80	100.00
Burgersfort Ext 31 As per plan no BURGERSF X/1-3			
Industrial 1	48	15.39	48.47
Residential 2 ⁽¹⁾	3	4.34	13.66
Municipal	1	0.29	0.91
Park	1	3.88	12.22
streets		7.85	24.74
Total	53	31.75	100.00
Burgersfort Ext 45 As per plan no BURGERSF X (45)/1-4			
Business 2 ⁽²⁾	5	21.10	81.81
Streets		4.60	18.19
Total	5	25.79	100.00
Burgersfort Ext 46 As per plan no BURGERSF			
Residential 2	8	12.56	66.77
Municipal	2	0.58	3.08
Park	1	4.65	24.72
Streets		1.02	5.43
Total	11	18.81	100.00
Burgersfort Ext 47 As per plan no BURGERSF X (47) /1-1			
Residential 2	2	5.01	21.83
Educational	1	2.80	12.20
Municipal	1	0.94	4.09
Park	1	13.46	58.67
Streets		0.73	3.21
Total	5	22.94	100.00
Grand Total	81	136.09	-

The provision will also be made for the infrastructure developments such as Sewage Package plant, electricity distribution and transformers, a reservoir for potable water and water pipelines.

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

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Department of Economic Development, Environment and TourismRef. No. 16/17/2-GS27**C. CONDITIONS****1. SCOPING OF AUTHORIZATION**

- 1.1 Authorization of the activity is subject to the conditions contained in this authorization, which conditions form part of the environmental authorization and are binding on the holder of the authorization.
- 1.2 The holder of the authorization shall be responsible for ensuring compliance with the 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 authorization.
- 1.3 The activity which is authorized may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set out in this authorization 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 authorization to apply for further authorization in terms of the regulations.
- 1.5 This activity must commence within a period of 3 years from the date of the authorization was issued. If commencement of the activity does not occur within that period, the authorization lapses and a new application for environmental authorization must be made in order for the activity to be undertaken.
- 1.6 This authorization does not negate the holder of the authorization's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

2. NOTICE OF AUTHORIZATION

- 2.1 The holder of the authorization must notify every registered interested and affected party, in writing and within 10 (ten) calendar days, of receiving the Department's decision.
- 2.2 The notification referred to in 2.1 must –
 - 2.2.1 Specify the date on which the authorization was issued;
 - 2.2.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations R 385 of 2006; and
 - 2.2.3 Advise the interested and affected party that a copy of the authorization and reasons for the decision will be furnished on request.

3. MANAGEMENT OF THE ACTIVITY

- 3.1 The Environmental Management Plan (EMP) and mitigation measures in the Environmental Impact Assessment Report submitted on 17 July 2008 as part of the application for environmental authorization must be implemented.

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- 3.2 The Department reserves the right to monitor and audit the development throughout its full life cycle to ensure that it adheres to all the conditions and mitigation measures included in the basic assessment report. Records of monitoring and auditing must be made available for inspection to any relevant authority inspecting the development.
4. **RECORDING AND REPORTING TO THE DEPARTMENT**
- 4.1 The applicant must appoint an independent environmental officer to prepare compliance monitoring reports every six (6) months from the date of the authorization. The reports must indicate how the applicant is complying with each condition in the authorization. These reports must be submitted to the Department within fourteen (14) days after the elapse of the six (6) months.
- 4.2 A week notice must be given to the Department before the commencement of construction and operation activities.
5. **CONSTRUCTION OF THE ACTIVITY**
- 5.1 Adequate measures must be in place to ensure that recommendations and mitigation measures in the Environmental Management Plan (EMP) included in the Environmental Impact Assessment Report received on 17 July 2008 from Mr Danie van der Walt of Wandima Environmental Services are implemented. For this purpose, the EMP must be used as a working document.
- 5.2 The applicant must conduct a legal validation to identify all the water use activities associated with the proposed development that will require authorization from the Department of Water Affairs and Forestry (DWAF) and an authorization must be obtained for all identified water use activities prior to the commencement of the proposed development.
- 5.3 The applicant must also note that registration certificate does not legalise a registered water use if it not an existing lawful use as described in section 32 of the National Water Act, Act 36 of 1998.
- 5.4 No development is allowed within 1:100 year flood line of any watercourse.
- 5.5 Adequate storm water drainage system and culverts must be designed and maintained to adequately control the volume, speed, location of runoff and avoid soil erosion. Details of the storm water management plan to be implemented during the construction and the operational phases of the proposed development must be provided to DWAF for approval.
- 5.6 The access roads must comply with the required Roads Agency Limpopo and Municipal standards.
- 5.7 The Greater Tubatse Local Municipality must render sanitation services based on condition that the current sewage treatment plant has enough capacity to accommodate the additional sewage volumes from the proposed development.
- 5.8 The permit from South African Heritage Resources Agency (SAHRA) must be obtained in order to destroy and/or demolish the discovered late Iron Age or Historical sites and to relocate the identified graveyards on the proposed site. The recommendations of the Heritage Impact

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- Assessment report attached to the Environmental Impact Assessment Report must be adhered to.
- 5.9 The recommendations of the Geotechnical, Hydrogeological and Ecological reports attached to the Environmental Impact Assessment Report must be adhered to.
- 5.10 Unless the necessary permission is granted, no protected plant species and major trees must be removed; they must be incorporated in the design and layout plan. Illegal poaching and snaring of any animal during construction shall be prohibited.
- 5.11 An implementation plan must be in place to ensure the planting of indigenous trees in order to contribute to the greening of the province.
- 5.12 The hydraulic fluids or chemicals required during construction must be stored in a concrete lined surface with bund walls and shall be designed in such a manner that any spillage can be contained and reclaimed without any impact on the surrounding environment.
- 5.13 No hazardous industrial activities are included and/or permitted in this authorization, a separate application must be made for those activities.
- 5.14 Appropriate sanitation facilities must be on site for the construction workers and must regularly serviced to avoid spills or leaks from toilets to groundwater.
- 5.15 The best practicable means to prevent dust from becoming dispersed in the atmosphere must be adhered to.
- 5.16 Disturbance to the environment must be restricted to the absolute minimum and areas disturbed as a result of construction must be rehabilitated as soon as possible. In order to reduce erosion and soil loss during rain events, silt traps should be used during development and proper rehabilitation should be done before the next rainy season.
- 5.17 Under no circumstances shall waste be burned on site. All waste including builder's rubble, generated during the construction and/or operation of the development must be stored, handled and disposed off at an authorized disposal site.
- 5.18 Changes in the project resulting in significant environmental impact are only permissible if approved in writing by the Department.
- 6. OPERATION OF THE ACTIVITY**
- 6.1 All waste generated on site during the operation of the development must be stored, handled and disposed of in an environmentally acceptable manner, as directed by this Department or any other relevant authority. Communal waste storage facilities must be managed according to acceptable standards and must be removed at regular intervals and may only be disposed of at a licensed facility.

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7. SITE CLOSURE AND DECOMMISSIONING


7.1 Environmental Management Plan for site closure and decommissioning of the proposed development must be submitted to this Department and the Department must be notified within 30 days prior to the decommissioning.

8. GENERAL

8.1 A copy of this authorization must be kept at the property where the activity will be undertaken. The authorization must be produced to any authorized 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 authorization who works or undertakes work at the property.

8.2 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.

8.3 Non-compliance with a condition of this authorization may result in criminal prosecution or other actions provided for in NEMA and the Regulations.


SENIOR GENERAL MANAGER
ENVIRONMENT AND TOURISM
DATE: 2008/10/17

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Department of Economic Development, Environment and Tourism

Ref. No. 16/1/7/2-GS27

ANNEXURE 1: REASONS FOR DECISION**1. BACKGROUND**

The applicant, **Gillyfrost 56 Pty Ltd**, applied for authorization to carry out the following activity-

The proposed development entails the residential, business and industrial development on portions 5, 58, 60, 62 and the remainder of portion 27 of the farm Leeuwvallei 297 KT and will cover an area of 140ha within Greater Tubatse Local Municipality of Sekhukhune District

The applicant appointed Mr. Danie van der Walt of Wandima Environmental Services to undertake Scoping and EIA process.

2. INFORMATION CONSIDERED IN MAKING THE DECISION

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The information contained in the Environmental Impact Assessment Report together with the Environmental Management Plan;
- b) The public participation process as included in the Environmental Impact Assessment Report;
- c) Comments from the Department of Water Affairs and Forestry (DWAF);
- d) Comments from South African Heritage Resources Agency (SAHRA);
- e) Correspondences from the Greater Tubatse Local Municipality;
- f) Findings of the site visit conducted by Ms Emmy Molepo of this Department on 26 August 2008;
- g) Specialist reports (Geotechnical, Heritage Impact Assessment, Ecological and Hydrogeological reports) attached to the Environmental Impact Assessment report; and
- h) Relevant information contained in the Departmental information base including -
 - Sections 17, 27, 28 and 29 of the Regulations R. 385 of 2006; and
 - The objectives and requirements of relevant legislation, policies and guidelines.

3. KEY FACTORS AND FINDINGS CONSIDERED IN MAKING THE DECISION

3.1 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) Environmental issues identified and mitigation measures of environmental impacts in the EMP;
- b) Public participation process;
- c) Comments from stakeholders;
- d) Recommendations of the specialist reports; and
- e) Findings of the site visit conducted.

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

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- a) Potential impacts can be mitigated using the Environmental Management Plan attached to the Environmental Impact Assessment Report to ensure prevention and minimal impacts on the environment;
- b) The development was advertised on site and newspaper, public meeting was held and adjacent landowners were informed in writing; and
- c) Comments from SAHRA indicate that it finds nothing to object the proposed development however the uncovering of items of heritage significance must be reported immediately while the activities are placed on hold. However, a permit must be obtained in order to destroy and/or disturb the identified heritage features.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorization, the proposed activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of NEMA and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. Therefore, an application is accordingly granted.