



destea

department of
economic, small business development,
tourism and environmental affairs
FREE STATE PROVINCE

Environmental Authorisation

Authorisation register number: EMS/15/17/08

Holder of Authorisation: Lenova Construction and Development (Pty) Ltd

Location of activity: Portion 30 of the farm Lillyvale

Project description: Activity 15 of Listing Notice 2

Proposed township development



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Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- 'the Department') is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), that the applicant should be authorised to undertake the activity specified below.

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

Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act ('NEMA'), 1998 (Act No. 107 of 1998) and GNR 982 of 8 December 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

Lenova Construction and Development (Pty) Ltd with the following contact details-

P.O. Box 29373

Danhof

Bloemfontein

9310

Contact person: Ms. Alice Zhao

Cell: 076 391 4068

e-mail: alicez@lenovaconstruction.co.za



To undertake the following activities (hereafter referred to as "the activities") indicated in Listing Notice 2 (GNR 325) Activity 15 in the Environmental Impact Assessment Report (EIAR) dated March 2018.

Site coordinates:

Latitude (S)	Longitude (E)
29°03'53.18"	26°12'48.70"

Activity description

The proposed project entails township establishment of 21.4 ha and the associated infrastructure. The residential development will consist of:

- 128 single dwelling erven;
- 2 general residential erven;
- 2 restricted business erven;
- 3 public open space erven;
- 3 private open space erven and
- 2 Street/road combined areas with a total sectional title scheme of 416 units.

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

Conditions

Scope of Authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the Authorisation.
- 1.2 The holder of the Authorisation 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 Authorisation.
- 1.3 The authorised activity may only be carried out as the proposed township development on portion 30 of the farm Lillyvale 2313 as indicated in the exact co-ordinates stipulated in the EIAR.



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- 1.4 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 commenced with.
- 1.5 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 which may result in the holder of the Authorisation to apply for further Authorisation in terms of NEMA.
- 1.6 If commencement of the activity does not occur within a period of 3 (three) years from the date of issue, the Authorisation lapses and a new application for an EA must be made.
- 1.7 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 this particular activity.

Appeal of Authorisation

- 1.8 The holder of the Authorisation must notify every registered interested and affected parties, of the decision by the Department in writing and within 14 (fourteen) calendar days of the date of this EA,
- 1.9 The notification referred must –
 - 1.9.1 specify the date on which the Authorisation was issued;
 - 1.9.2 inform the registered interested and affected party of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015.
 - 1.9.3 advise the registered interested and affected parties that a copy of the Authorisation will be furnished on request; and
 - 1.9.4 Give the reasons for the decision.
- 1.10 A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of the Department of Economic, Small Business Development, Tourism and Environmental Affairs. An appeal should be directed to:

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MEC (DESTEA)

Private Bag X20801

Bloemfontein

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Tel: (051) 400 4903

E-mail: tloomec@destea.gov.za

An appeal not submitted to the MEC (DESTEA) will not be regarded as valid.

- 1.11 The applicant shall not commence with the proposed activity once an appeal has been lodged with the office of the MEC.

Management of the activity

- 1.12 The Environmental Management Programme (EMPr) submitted as part of application for an EA is hereby approved.
- 1.13 The provisions of the EMPr included in the EIAR are an extension to the conditions of Authorisation, and non-compliance with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this Authorisation.
- 1.14 Should there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer and are binding on the new owner and/or developer.
- 1.15 The recommendations and mitigation measures recorded in the EIAR dated March 2018 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.16 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.



Monitoring

- 1.17 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this

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Authorisation are implemented and to ensure compliance with the provisions of the EMPr.

- 1.18 The ECO shall be appointed before commencement of any construction activity.
- 1.19 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.20 The ECO shall remain employed until all rehabilitation measures, as required for implementations due to construction damage are completed and the site is ready for operation.
- 1.21 Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 1.22 Construction and operation of the development may be temporarily or permanently stopped for reasons of non-compliance with the conditions of this particular EA as set out in this document or any other subsequent document emanating from the conditions of this EA.

Recording and reporting to the Department

- 1.23 The applicant must appoint an independent auditor to conduct an environmental audit to ensure that the conditions, mitigation measures and recommendations stipulated in this EA are complied with. The environmental audit report must –
 - 1.23.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the EA conditions as well as the corrective action plan and implementation programme.
 - 1.23.2 Be kept on site and be made available for inspection by any relevant and competent authority in respect of this development.
 - 1.23.3

Commencement of the activity

- 1.24 The authorised activities / shall not commence within twenty (20) days of the date of notification of Interested and Affected parties of the decision on the EA.

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1.25 Should you be notified by the MEC of a suspension of the Authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

Notification to authorities

1.26 Fourteen (14) days prior written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which the construction of the activities will commence.

Operation

1.27 Fourteen (14) days prior written notice must be given to the Department that the activities will commence with the operation.

Post operation and rehabilitation

1.28 During construction and operation of the proposed development, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

Specific conditions

1.29 An integrated waste management approach that is based on waste minimisation must be implemented and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008) as amended.

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- 1.30 Solid waste must be transported to the Bloemfontein Northern waste disposal site.
- 1.31 The construction rubble must also be disposed of in an appropriate manner at the licensed waste disposal site.
- 1.32 Dust suppression measures must be implemented on site to reduce dust from site, especially during the clearance of vegetation.
- 1.33 Construction activities contributing to dust emissions must be avoided during windy conditions.
- 1.34 Waste must not be burned on site and open fires during construction must not be permitted.
- 1.35 Construction vehicles and machinery must be equipped with the necessary silencers to reduce noise levels during construction.
- 1.36 Vehicles movements and speeds at which vehicles travel on the site must be kept to a minimum.
- 1.37 Construction activities contributing to elevated noise levels must be restricted to minimal working hours.
- 1.38 The two hilltops need to be buffered out of the development and conserved as per the sensitivity map (heading 8.3 of the specialist report), they must be adequately fenced off to the west but remain open to the east in order to ensure continued ecological functionality and connectivity with the Seven Dams Conservancy and municipal green zone.
- 1.39 The drainage line must be excluded from the development as per the Ecological specialist (Figure 9 in page 29).
- 1.40 The new redesigned layout map that reflects the conditions as per point 1.38 and 1.39 must be submitted for approval to the Municipality before the development commences.
- 1.41 Stormwater must be handled by means of a surface drainage system that discharges into the existing natural watercourses.
- 1.42 The minor stormwater system must be designed to cater for the 1:10 year return period and must consist of concrete stormwater channels adjacent/parallel to streets.
- 1.43 An adequate stormwater management system must be implemented during construction to accommodate runoff during rain events as well as to divert the water around the development to the surrounding drainage basins.

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- 1.44 Stormwater system must be maintained, repaired and cleaned regularly to ensure its functionality and to prevent impacts from occurring on downstream surface water resources.
- 1.45 Once construction is completed, all open natural slopes must be re-vegetated to prevent soil erosion from occurring which might lead to siltation of surface water resources.
- 1.46 The areas which will remain private open space must be barricaded and must not be disturbed during construction as the vegetation on these areas will lower the runoff velocity of surface water.
- 1.47 Any incidents on surface water resources during construction must be reported to the relevant authorities within 24 hours of the incident.
- 1.48 A complete sewage system must be installed and must consist of the construction of a below ground sewage pipeline network which connects each building to the main sewer line of the residential development.
- 1.49 The main sewage line is connected to the Municipal sewer and the system must have to meet the Municipal building regulations before any construction can take place.
- 1.50 Water services must be installed by the applicant and supplied by the MMM. The proposed activity must connect to the existing water supply line of the Municipality and must not use groundwater.
- 1.51 The proposed development is connected to the electricity servitude utilised by Centlec and must therefore be connected to the existing electricity supply grid that is supplied by Eskom but managed by Centlec in that area.
- 1.52 The development on portion 30 must gain access to the existing road infrastructure through portion 33 of the farm Lillyvale 2313. Access to portion 33 will be gained via Bloemendal Road.
- 1.53 As the need for improvements is heavily dependent on the implementation of latent rights, most of the analysed intersections must be significantly upgraded and signalised.

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General

- 1.54 A copy of this particular EA must be kept at the property where the activities 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.
- 1.55 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.56 The holder of the Authorisation must notify the Department, in writing within 48 (forty eight) hours, if any condition of this Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.57 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.
- 1.58 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 operation 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 the Authorisation.
- 1.59 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and emergency incidents contained in Section 30 of the National Environmental Management Act, (Act no 107) of 1998.

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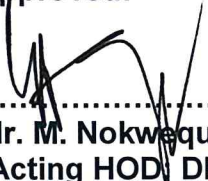
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- 1.60 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and emergency incidents contained in Section 30 of the National Environmental Management Act, (Act no 107) of 1998.
- 1.61 Emergency and reporting of incidents as stipulated in Section 30 of NEMA (Act 107 of 1998) must be followed accordingly.

Approved:


.....
Mr. M. Nokwequ
(Acting HOD, DESTE A)


.....
Date



Annexure 1: Reasons for Decision

1. Background

The applicant, Lenova Construction and Development (Pty) Ltd applied for an Authorisation to commence with the activities under Listing Notice (GNR 325) of 8 December 2014 EIA Regulations as amended and also as prescribed in the EIAR dated March 2018 for the proposed township establishment on portion 30 of the farm Lillyvale 2313, Bloemfontein. The applicant appointed EKO Environmental to undertake Environmental Impact Assessment 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 EIAR dated March 2018 completed by EKO Environmental and the accompanying EMPr.
- b) Mitigation measures as proposed in the EIAR dated March 2018 and the EMPr.
- c) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- d) The findings of the site visit were undertaken by Ms. B. Mogorosi and Ms. G. Mkhosana from the Department of Economic, Small Business Development, Tourism and Environment Affairs.

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. Factors considered in making the decision are the following:

- a) Vegetation
- b) Surface water
- c) Waste



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4. Findings

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

- (a) The two hilltops need to be buffered out of the development and conserved as per the sensitivity map (heading 8.3 of the specialist report), they will be adequately fenced off to the west but remain open to the east in order to ensure continued ecological functionality and connectivity with the Seven Dams Conservancy and municipal green zone.
- (b) Stormwater system will be maintained, repaired and cleaned regularly to ensure its functionality and to prevent impacts from occurring on downstream surface water resources.
- (c) Solid waste will be transported to the Bloemfontein Northern waste disposal site.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activities 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 potential detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels, therefore the application is accordingly granted.



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