



destea

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

Environmental Authorisation

**Authorisation
register number:**

EMB/27/18/18.

**Holder of
authorisation:**

Lenova Construction and Development
Pty Ltd.

Location of activity:

Plot 146 Bloemspruit Agricultural Plots,
Bloemfontein, Free State.

Project description:

Development of a residential area.

Office of the Chief Director: Environmental Quality and Protection
Private Bag X 20801 Bloemfontein 9300
Tel +27 (0)51 400 4917
E-mail: nkoen@detca.fs.gov.za

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HEAD OF DEPARTMENT
Department of Economic,
Small Business Development,
& Tourism, Environmental Affairs

2018 -09- 05

Private Bag X20801
Bloemfontein 9300

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.

Activities 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 the 2014 Environmental Impact Assessment (EIA) Regulations as amended, the Department hereby authorises –

Lenova Construction and Development Pty Ltd.

with the following contact details –

PO Box 29373

Danhof

9310

Contact Person: Ms. Alice Zhao

Email: alicez@lenovaconstruction.co.za

Cell: 076 391 4068

To undertake the following activities (hereafter referred to as "the activities") indicated in EIA Regulations Listing Notice 1 of 2014 (GN 327):

Activity 23: "The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation."



Described in the final Basic Assessment Report dated May 2018 as; Development of a residential area on Plot 146 of the Bloemspruit Agricultural Plots, Bloemfontein. The development will include 80 residential stands, one open space, road infrastructure and installation of services.

Location:

| | |
|-----------------------|---|
| Province | Free State |
| District Municipality | Mangaung Metropolitan Municipality |
| Local Municipality | Mangaung Metropolitan Municipality |
| Farm name and number | Plot 146 Bloemspruit Agricultural Plots |
| Town | Bloemfontein |
| Site coordinates | 29° 08' 03.27" S 26° 16' 47.62" E |

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

Conditions

Scope of authorisation

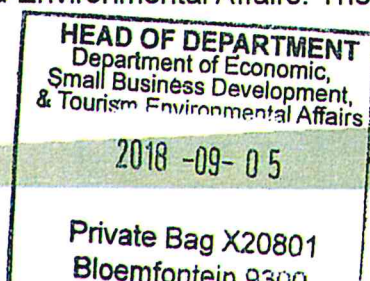
- 1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the Authorisation.
- 1.2 The holder of the Authorisation shall be responsible for ensuring compliance with the conditions by any person acting 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 at the property/site indicated above.

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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 5 (Five) years from the date of issue, the Authorisation lapses and a new application for an Environmental Authorisation (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 party, of the decision by the Department in writing 14(fourteen) calendar days of the date of this Environmental Authorisation.
- 1.9 The notification referred must –
 - 1.9.1 specify the date on which the Authorisation was issued;
 - 1.9.2 inform the interested and affected party of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38303 of 8 December 2014.
 - 1.9.3 advise the interested and affected party 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. The Appeal should be directed to:



MEC (Economic, Small Business Development, Tourism and Environmental Affairs)

Private Bag X20801

Bloemfontein

9300

Tel: 051 400 4903

Email: govozelam@destea.gov.za

Contact person: Mr. M. Govozela

An appeal not submitted to the above mentioned address 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 EA is hereby approved.
- 1.13 The provisions of the Environmental Management Programme (EMPr) included in the Basic Assessment Report dated May 2018 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 Basic Assessment Report dated May 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 Authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 1.18 The ECO shall be appointed before commencement of any land clearing or construction activities.
- 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 implementation 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 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 made available for inspection by any relevant and competent authority in respect of this development.

Commencement of the activity

- 1.24 The authorised activity shall not commence within twenty (20) days of the date of notification of Interested and Affected parties of the decision on the EA.
- 1.25 Should you be notified by the MEC of a suspension of the EA 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 activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which the construction of the activity will commence.

Operation

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



Site closure and decommissioning

1.28 Should the activity ever cease or become redundant, 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 Construction activities must be limited to the site under construction. Removal of the natural occurring vegetation must only take place on the site under construction.
- 1.30 Access to the site must be along existing pathways. Construction vehicles must keep to the designated pathway.
- 1.31 Appropriate action must be taken to reduce possible soil erosion. The same goes for soil compaction where the surface has been disturbed as a result of construction activities. The time period of bare soil being exposed must be limited to limit possible erosion. Areas disturbed during construction phase must be rehabilitated and re-vegetated with natural occurring vegetation as far as possible in order to limit and / or prevent the possibility of erosion. Removed topsoil must be stockpiled in a bunded area.
- 1.32 An integrated waste management approach must be implemented that is based on waste minimisation 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).
- 1.33 No exotic plants may be used for rehabilitation purpose. Only indigenous plants of the area may be utilised.
- 1.34 Provision must be made to prevent ponding on the site and to divert clean storm water around operations so that it cannot become contaminated as a result of construction activities.
- 1.35 A drainage system capable of adequately disposing of all storm water throughout the development must be designed and implemented by the Developer.



1.36 Recommendations of the specialist studies conducted as part of the environmental impact assessment for the development must be implemented.

General

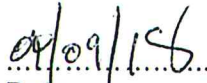
- 1.1 A copy of this particular EA must be kept at the property where the activity will be undertaken. The Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Authorisation who works or undertakes work at the property.
- 1.2 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.
- 1.3 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.
- 1.4 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.
- 1.5 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 the authorisation as set out in this document or any other subsequent document emanating from these conditions of Authorisation.
- 1.6 The applicant is responsible for compliance with the provisions of Section 28 (Duty of care) of NEMA (Act 107 of 1998) relating to remediation of damage.



1.7 Emergency and reporting of environmental incidents as stipulated in Section 30 of NEMA (Act 107 of 1998) must be followed accordingly.

Approved / Not Approved:


.....
Dr. M. Mokwena
Acting HOD: DESTEA


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Date:

HEAD OF DEPARTMENT
Department of Economic,
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& Tourism Environmental Affairs
2018 -09- 05
Private Bag X20801
Bloemfontein 9300

Annexure 1: Reasons for Decision

1. Background

The applicant, Lenova Construction and Development Pty Ltd, applied for authorisation to commence with Activity of Listing Notice 1 of the 2014 EIA Regulations as amended, described in the Basic Assessment Report dated May 2018 as-

The development of a residential area on Plot 146 of the Bloemspruit Agricultural Plots in Bloemfontein.

The applicant appointed Eko Environmental to undertake the Environmental Impact Assessment process, for the activity as described under Environmental Impact Assessment (EIA) Regulations, 2014.

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 Basic Assessment Report dated 16 April 2018 completed by Eko Environmental and, the accompanying EMPr.
- b) 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).
- c) The findings of the site visit undertaken by Ms. R. Likhoele from the Department of Economic, Small Business Development, Tourism and Environmental 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:

- The Basic Assessment Report dated May 2018 identified legislation and guidelines that have been considered in the preparation of the Basic Assessment Report.



- The potential impacts associated with the development are assessed and no fatal flaws were identified.
- The methodology used in assessing the potential impacts identified in the Basic Assessment Report dated May 2018 has been adequately indicated.
- A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the EIA regulations, 2014 for public involvement.

4. Findings

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

- The procedure followed for the EIA process has been adequate and compliant to the requirements of the Regulations, 2014.
- The procedure followed for impact assessment is adequate for the decision-making process.
- The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- No significant environmental degradation will result directly from the activity applied for if the proposed mitigation measures and recommendations in the Basic Assessment Report dated May 2018 and EMPr are implemented.
- As far as could be established the proposed development will not have any adverse impacts that cannot be sufficiently mitigated on the surrounding environment.

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.

