

MPUMALANGA PROVINCIAL GOVERNMENT

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South Africa



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Department of Economic Development, Environment and Tourism

Litiko Letekutfutukiswa
Kwetemnotfo, Simondzwo neteku Vakasha

Umgango WezokuThuthukiswa
KoMnotho, iBhoduluko nezamaVakatjho

Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Enquiries : Okwethu-kuhle Fakude
Telephone : 013 692 6300
Reference No. : 17/2/3/N-317
NEAS No. : MPP/EIA/0000727/2013

VIPCON (Pty) Ltd, Property Developers & Project Managers
P.O. Box 74162
Lynwood Ridge
0040

Attention : Mr. Themba Simeon Sigudla
Fax : 086 212 5535
Email : strat@vipcon.co.za

Dear Sir

APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR AN ACTIVITY LISTED IN GOVERNMENT NOTICE R545 ASSOCIATED WITH THE DEVELOPMENT OF A RESIDENTIAL AND MIXED-USE TOWNSHIP (SIYANQOBA) ON PORTION 0 OF THE FARM TWEEDAM 377 JS AND THE REMAINDER OF PORTION 1 OF THE FARM LEEUWPOORT 283 JS, EMALAHLENI 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 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 (twelve) 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 10(2)(a)-(d) 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 Chapter 7 of the EIA Regulations, 2010.

Your attention is drawn to Chapter 7 of the Regulations, 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 4614

By post: Private Bag x 11215
Nelspruit,
1200



By hand: Building 4, No. 7 Government Boulevard,
Riverside Park Extension 2
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,

A handwritten signature in black ink, appearing to be 'S.S. Maluleka'.

MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL SERVICES

DATE: 13.05.2014

cc: Mr. Mandla Mbuyane
Wandima Environmental Services
Fax: 013 752 6877
Email: admin@wandima.co.za

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Departement van Ekonomiese
Ontwikkeling, Omgewing en Toerisme

Environmental Authorisation

- Application number:** 17/2/3/N-317
- Holder of Authorisation:** VIPCON (Pty)Ltd, Property
Developers & Project Managers
- NEAS reference number:** MPP/EIA/0000315/2012
- Location of activity:** Portion 0 of the farm Tweedam
377 JS and the Remainder of
Portion 1 of farm Leeuwpoort 283
JS, Emalaheni Local Municipality,
Mpumalanga Province

A small, handwritten signature in black ink, located at the bottom right of the text block.



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 2010, the Department hereby authorises:

VIPCON (Pty) Ltd, Property Developers & Project Managers
P.O Box 74162
Lynwood Ridge
0040

Contact person : Mr. Themba Simeon Sigudla
Tel : 083 237 0700
Fax : 086 212 5535
Email : strat@vipcon.co.za

To undertake the following activity listed in Government Notice R545 of 18 June 2010 associated with the development of a residential and mixed-use township (Siyanoqoba Township) on Portion 0 of the farm Tweedam 377 JS and the Remainder of Portion 1 of the farm Leeuwpoort 283 JS, Emalahleni Local Municipality, Mpumalanga Province at the following co-ordinates 25°49'58.07"S and 29° 11'02.10"E (hereafter referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised
GN R545 Activity 15	Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: i. linear development activities; or ii. agriculture or afforestation where activity 15 in this Schedule will apply.	The development of a residential and mixed-use township on a site measuring 602.891 ha, comprising residential erven, a business area, schools, community facilities, two cemeteries, an a park, as per the Layout plan prepared by Terraplan dated 13 March 2014.

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 predicted impacts exceed the significance as predicted in the environmental impact assessment report, the authorisation may be suspended 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 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.
- 3.9. 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 authorization, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity, including, *inter alia*, the National Water Act, 1998 (Act No. 36 of 1998).

Appeal of authorisation

- 3.11. The holder of the authorisation must notify every registered interested and affected party, in writing and within twelve (12) 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 Chapter 7 of the Regulations;
 - 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 54(2)(c) and (d) 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 28 March 2014 submitted as part of the environmental impact assessment report is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.14. Before site clearing 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 permits for their relocation or removal must be obtained from the relevant authority.
- 3.15. Prior to the commencement of construction activities, the wetland boundaries must be surveyed on site and clearly demarcated for the duration of the construction phase.
- 3.16. 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 EMPr.



- 3.16.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.16.2. The ECO must monitor the contractors' entry into sensitive habitat.
- 3.16.3. The ECO must monitor the restriction of construction to designated areas.
- 3.16.4. The ECO must oversee the surveying and implementation of the requisite buffer zones.
- 3.16.5. The ECO must oversee the implementation of an alien plant control program.
- 3.16.6. The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.16.7. 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.
- 3.16.8. 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
- 3.16.9. 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.
- 3.17. 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 be compiled by an independent 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.
- 3.18. All ongoing costs of the management of the activity post construction must be borne by the proponent or subsequent representatives (eg. Land Owners' Association) through an Environmental Management Fund set up specifically for that purpose.
- 3.19. The environmental management of the activity must be included in any future contracts or deeds of sale.
- 3.20. The Land Owners' Association or equivalent management authority must include rules governing the environmental management of the development, and must stipulate that individual owners of a development (and their successors-in-title) must be contractually bound to be members of the Land Owners' Association.
- 3.21. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

Commissioning and operation of the activity

- 3.22. At least 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, and must include the name and contact details of the appointed ECO.
- 3.23. Prior to the commencement of construction activities, all upgrades associated with the provision of water and electricity must be complete.
- 3.24. The perimeter of the construction site must be defined and demarcation of material lay down areas must precede all activities on site.
- 3.25. The placement of any fencing on site must be finalised in consultation with the ECO.
- 3.26. Fencing may not cause erosion and may not impede the flow of any watercourse or natural drainage, or the movement of wetland or riverine biota.
- 3.27. All wetlands and riparian zones must be maintained as ecological corridors which must be kept intact throughout the life cycle of the project.



- 3.28. No land owner adjacent to wetlands may impede the free movement of wetland or riverine biota by the construction of any barrier that inhibits the continuity of the corridor function.
- 3.29. The removal of indigenous wetland or riparian vegetation from stream banks and channels is strictly prohibited.
- 3.30. The development may not impede any drainage line or wetland area.
- 3.31. Development within riverine and wetland areas, or within 32m of from the edge of watercourses or wetlands, is prohibited.
- 3.32. No road crossings, temporal or permanent, may be constructed through any watercourse.
- 3.33. No activity or development, such as construction camps, temporary housing, temporary ablution facilities, stockpiling of topsoil, storing of equipment and material, disturbance of natural habitat, temporal or unauthorised access, haul roads, parking bays, or any other use, may take place within 100m of a wetland or watercourse or within the wetland buffer as per the layout plan prepared by Terraplan dated 13 March 2014.
- 3.34. 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.
- 3.35. 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.
- 3.36. An alien plant control program must be implemented at the inception of the construction phase. The alien plant control program must be implemented by the applicant during the construction phase, and must be taken over by the land owners' association (or equivalent management authority) throughout the operational phase. Alien vegetation must be eradicated from wetland and riparian areas, and indigenous vegetation must be planted in wetland and riparian areas where alien vegetation is removed.
- 3.37. Topsoil must be stockpiled at a height not exceeding 1.5m at a pre-designated location for use during rehabilitation and landscaping.
- 3.38. The disturbance of breeding habits of birds and wildlife is strictly prohibited.
- 3.39. Stringent measures must be applied to suppress dust emanating from the construction site.
- 3.40. Activities that generate unavoidable disturbances through the creation of noise or dust must be limited to normal working hours in order to prevent any impact on the surrounding residents.
- 3.41. Storm water management must adhere to the following:
 - 3.41.1. No surface storm water generated as a result of the development may be channeled directly into any wetland or watercourse. All surface runoff generated during both construction and operation phases 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.
 - 3.41.2. 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.
 - 3.41.3. Any point of overland discharge must be located at least 30m away from a watercourse, wetland or dam and overland discharge must occur over areas that have a minimum vegetation cover of 90%.
 - 3.41.4. The increase in downstream peak flows must be mitigated by retaining storm water until after peak flows.
 - 3.41.5. Flows leaving the site must be suitably attenuated, specifically for storm events with a return frequency of up to the 1:5 year return frequency. The instantaneous discharge volume and peaks may not exceed 20% of the pre-development conditions measured at the point where the current flows leave the property.
 - 3.41.6. Storm water management must be designed to promote infiltration and slow the release of runoff into wetlands and watercourses.





- 3.41.7. The rate of storm water runoff must be reduced by using mechanisms such as the construction of earth berms, grassed swales and armouflex lined channels, the vegetation of buffer zones, the construction of energy breakers at storm water outlet structures, and the use of permeable surfaces such as porous paving.
- 3.41.8. Where erosion at the base of swales or channels and at outlets from piped systems is likely to occur, inverts must be armoured to obviate scour, and where appropriate, swales must be grassed or lined.
- 3.41.9. The storm water system must support a range of habitats compatible with biodiversity support.
- 3.41.10. The following measures must be included at the road works and site level:
- 3.41.10.1. Grassed, tree-planted swales on roads that run parallel with the contours;
- 3.41.10.2. The use of porous paving in parking areas and driveways.
- 3.42. 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.
- 3.43. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
- 3.44. Scouring, erosion or sedimentation of all watercourses and wetlands must be prevented, and the stability of watercourses may not be detrimentally affected.
- 3.45. The quality of water downstream may not deteriorate as a result of construction activities.
- 3.46. 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.
- 3.47. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.48. The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.49. The mixing of cement, asphalt, chemicals or other noxious materials must be undertaken in designated areas on an impermeable layer such as a concrete slab or in a container suitable for this.
- 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 at 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. The collection point for waste material must be in an enclosed structure to eliminate the risk of wind scatter.
- 3.56. 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 ground water.
- 3.57. 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.
- 3.58. 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**

- 3.59. 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.
- 3.60. 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.
- 3.61. 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.
- 3.62. 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 SERVICES
DATE: 13.05.2014



Annexure 1: Reasons for the Decision

1. Background

- 1.1 The applicant, VIPCON (PTY) Ltd Property Developers & Project Management, applied for authorisation to carry out the following activity listed in Government Notice R545 of 18 June 2010 associated with the development of a residential and mixed-use township (Siyanoqoba Township) on Portion 0 of the farm Tweedam 377 JS and the Remainder of Portion 1 of the farm Leeuwpoort 283 JS, Emalaheni Local Municipality, Mpumalanga Province at the following co-ordinates 25°49'58.07"S and 29° 11'02.10"E:

Activity number	Activity Description	Extent to which Activity is Authorised
GN R545 Activity 15	Physical alteration of undeveloped, vacant or derelict land for residential, retail, commercial, recreational, industrial or institutional use where the total area to be transformed is 20 hectares or more; except where such physical alteration takes place for: ii. linear development activities; or ii. agriculture or afforestation where activity 15 in this Schedule will apply.	The development of a residential and mixed-use township on a site measuring 602.891 ha, comprising residential erven, a business area, schools, community facilities, two cemeteries, an a park, as per the Layout plan prepared by Terraplan dated 13 March 2014.

- 1.2 The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake an environmental impact assessment process:

Wandima Environmental Services
P O Box 1072
Nelspruit
1200

Contact person : Mr. Mandla Mbuyane
Tel : 082 337 3015
Fax : 086 752 6877
Email : admin@wandima.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 environmental impact assessment report and environmental management programme.
- The comments received from interested and affected parties as included in the abovementioned reports.
- 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 findings of the site visit.

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:

- The site will be accessed through an existing provincial road.
- Jobs will be created for the benefit of local and nearby community during the construction phase of the project. 



- c) The development will contribute to public service as it is of high importance to the government and it would help in assisting the growth and upgrade of any such services made available to the public.
- d) The project is aimed at addressing the problem of informal settlement, and will also assist the municipality to address the issue of housing shortages through the provision of RDP houses and/or integrated human settlement since eMalahleni Town is constantly growing due to the mining activities that attract people from other parts of South Africa.
- e) In the wetland study done by Ligoga Consulting & Trading CC it is recommended that appropriate buffers and mitigation measures must be put in place for the wetland found on site.
- f) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the environmental impact assessment report and conditions of this environmental authorisation be implemented and adhered to.

4. Findings

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

- a) The report drafted by C van Wyk Rowe during his Heritage Impact Assessment recommended that the 70 graves discovered on site be fenced off, maintained and that the families of the deceased be allowed access to the site.
- b) The two (2) dams on site, as per the recommendations of van der Walt in his geotechnical study, will be zoned as 'Public Open Space'.
- c) The site is disturbed and there are numerous signs of illegal dumping. Infrastructure and increased activity provided by the development, which acts as passive surveillance, will result in increased security for surrounding neighbors and prevent illegal dumping.
- d) There were no signs of culturally or historically significant elements including archaeological or paleontological sites observed during the site visit.
- e) No protected plant species were observed during the site visit.

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. Authorisation is accordingly granted.