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Litikoletukulima, Kutlufukiswa  
KwetindzawoTasemakhaya, Temhlaba  
Netesimondzawo

Departement van Landbou,  
LandelikeOntwikkeling,  
GrondenOngewing Sake

umNyangoweZelimo  
UkuThuthukiswakweeNdawozemaKhaya,  
iNarhaneeNdabazeBhoduluko

Enquiries : Ms. Okwethu-kuhle Fakude  
Telephone : (013) 692 6300  
Reference : 1/3M/16/1N-235  
NEAS No. : MPP/EIA/0000874/2021

**MeronoX (Pty) Ltd**  
**Private Bag X7260**  
**Witbank**  
**1035**

Attention: Mr M.G. de Abreu  
Email: mdebreu@mweb.co.za

Dear Sir,

**ENVIRONMENTAL AUTHORISATION FOR AN ACTIVITY LISTED IN GOVERNMENT  
NOTICE R983 (AS AMENDED) ASSOCIATED WITH THE DEVELOPMENT OF A RETAIL  
CENTRE ON ERVEN 20, 21 & 22 PRESIDENT PARK EXTENSION 6, EMALAHLENI  
LOCAL MUNICIPALITY**

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 (as amended), 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 Regulation 4(2) and 4(3) 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 regulate appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge your appeal with the MEC, within 20 days of the date of receipt 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:** Samora Machel Building, No. 7 Government Boulevard  
Riverside Park Extension 2  
Nelspruit  
1200

Should you decide to appeal, you must also serve a copy of your appeal on all registered interested and affected parties and any organ of state with interest in the matter.

Yours faithfully,



**MR. C.M. CHUNDA**  
**HEAD: AGRICULTURE, RURAL DEVELOPMENT,**  
**LAND AND ENVIRONMENTAL AFFAIRS**  
**DATE:** 26/01/21

cc: Adrienne Erasmus; Riana Janse van Rensburg  
AdiEnvironmental CC  
Email: [adie@adienvironmental.co.za](mailto:adie@adienvironmental.co.za); [riana@adienvironmental.co.za](mailto:riana@adienvironmental.co.za)



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iNarhaneeNdabazeBhoduluko

## Environmental Authorisation

**Application number:** 1/3/1/16/1N-235

**Holder of Authorisation:** Meronox (Pty) Ltd

**NEAS reference number:** MPP/EIA/0000874/2021

**Location of activity:** Erven 20, 21 and 22 President Park  
Extension 6, eMalahleni Local  
Municipality, Mpumalanga Province

### 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 (as amended), the Department hereby authorises:

MeronoX (Pty) Ltd  
Private Bag X7260  
Witbank  
1035

Attention: Mr M.G. de Abreu  
Cell: 082 876 4752  
Email: mdeabreu@mweb.co.za

To undertake the following activity listed in Government Notice R983 of 4 December 2014 (as amended) associated with the development of a retail centre on Erven 20, 21 and 22 President Park Extension 6, eMalahleni Local Municipality, at 25°52'59.34"S 29°15'27.16"E (hereafter referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised
GNR 983 Activity 27	The clearance of an area of 1ha or more, but less than 20ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan.	The clearance of not more than 3 ha of indigenous vegetation for the purposes of developing a retail centre.

The granting of this environmental authorisation includes 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. Commencement for the purposes of all conditions of this authorisation means the start of any physical implementation in furtherance of the activity, including site preparation, clearance of vegetation, and any other action on the site.

- 3.3. 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.
- 3.4. The activity which is authorised may only be carried out at the property indicated above.
- 3.5. 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.
- 3.6. 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.
- 3.7. 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.
- 3.8. The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.9. This activity must commence within a period of ten (10) 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.
- 3.10. This environmental authorisation is granted for a period of twenty (20) years from the date of authorisation.
- 3.11. 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).
- 3.12. 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 the activity, including, *inter alia*, the National Forests Act, 1998 (Act 84 of 1998), the National Water Act, 1998 (Act No. 36 of 1998) and the Conservation of Agricultural Resources Act, 1983 (act 43 of 1983), as amended.

#### **Appeal of authorisation**

- 3.13. The applicant must, in writing, within fourteen days of the date of the decision on the application ensure that-
  - a) All registered interested and affected parties are provided with access to the decision and the reasons for such decision; and
  - b) The attention of all registered interested and affected parties is drawn to the fact that an appeal may be lodged against the decision in terms of the National Appeal Regulations 2014, if such appeal is available in the circumstances of the decision;
  - c) The decision includes the complete environmental authorisation granted or refused.



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

- 3.14. The Environmental Management Programme (EMPr) submitted as part of the basic assessment report dated 30 June 2021 is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.15. 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 final EMPr.
  - 3.15.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
  - 3.15.2. The ECO must ensure that subcontractors are aware of procedures set out in the EMPr.
  - 3.15.3. The ECO must oversee all rehabilitation activities.
  - 3.15.4. During the construction phase, the ECO must submit quarterly 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.
  - 3.15.5. The ECO must maintain the following on site: A site diary; copies of all reports submitted to the Department; and a complaints register of all public complaints and the remedies applied to such complaints
- 3.16. 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 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. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

### **Commissioning and operation of the activities**

- 3.19. At least fourteen (14) days written notice must be given to the Department that the activities will commence. The notice must include a date on which it is anticipated that the activities will commence, and must include the name and contact details of the appointed ECO.
- 3.20. 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.
- 3.21. Only areas designated in consultation with the ECO may be used for the storage of materials, machinery and equipment, construction camps, temporary ablution, site offices and stockpiling of topsoil. Such areas may not be located within 50m from the edge of any wetland, dam or watercourse, or within the riparian zone of any watercourse.

- 3.22. The construction camp must be established on an area that was previously disturbed, and no concrete or other construction materials must remain on site after the construction phase.
- 3.23. The storage and handling of fuel, lubricants, paint, tar, bitumen binders and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.24. The mixing of cement, asphalt, chemicals or other noxious materials must be undertaken in designated areas on, as far as practicable, an impermeable layer.
- 3.25. 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.
- 3.26. Contaminated water is prohibited from being discharged into any watercourse.
- 3.27. No activities adjacent to watercourses or riparian zones may impede the free movement of riverine biota.
- 3.28. Pollution due to improper storage or handling of construction materials or any chemicals or hazardous substances is prohibited.
- 3.29. In the event that ablution facilities are required during construction, dry chemical toilet facilities, or evaporative or eco-loo's, must be provided on site at a ratio of 1:14 for construction staff, but may not be located within 100m from any watercourse or wetland, and may not cause pollution.
- 3.30. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.31. Topsoil must be stockpiled at a height not exceeding 1.5m at a pre-designated location for use during rehabilitation and landscaping.
- 3.32. Topsoil stockpiles may not have slopes steeper than 1:2.5, and may not be compacted in any way or stockpiled for a period longer than 6 months.
- 3.33. Dust control mechanisms must be in place and must be implemented throughout the lifecycle of the project.
- 3.34. Storm water management must adhere to the following:
  - 3.34.1. No surface storm water generated as a result of the development may be channeled directly into any wetland or watercourse, or directly into any riparian zone. All surface runoff generated during both construction and operation phases must be managed prior to entering any natural drainage system, wetland or riparian zone so as not to impact on the natural hydrology and morphology of the system.
  - 3.34.2. Storm water management must be designed to promote infiltration and slow the release of runoff into wetlands and watercourses.
  - 3.34.3. Any point of overland discharge must be located at least 30m away from a watercourse, wetland, riparian zone or dam and overland discharge must occur over areas that have a minimum vegetation cover of 80%.
  - 3.34.4. All mechanisms for dissipating water energy must be implemented at the inception of the construction phase.
  - 3.34.5. The rate of storm water runoff must be reduced by using mechanisms such as the construction of earth berms, grassed swales and armourflex lined channels and the construction of energy breakers at storm water outlet structures.
  - 3.34.6. 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.
  - 3.34.7. Sediment trapping facilities must be installed prior to the commencement of earthworks.

- 3.34.8. Run-off from roads and parking areas must be directed to infiltration trenches/beds to convey storm water.
- 3.34.9. Overflow protection of kerb inlet structures must be provided in the form of infiltration trenches or grassed swales.
- 3.35. Increased runoff due to vegetation clearance and/ or soil compaction 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 any watercourse.
- 3.36. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
- 3.37. 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 or underground water.
- 3.38. The implementation of an alien invasive management plan at the inception of the construction phase is compulsory. The alien invasive management plan must be implemented throughout the lifecycle of the activity.
- 3.39. 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.
- 3.40. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.41. All general waste generated on the site must be disposed of in a registered landfill site or as directed by any other relevant authority.
- 3.42. 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.
- 3.43. Complaints received from the public during the construction and operational phases of the activities must be attended to as soon as possible and addressed to the satisfaction of all concerned.

#### **General**

- 3.44. 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.
- 3.45. 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.
- 3.46. 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.



- 3.47. 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. C.M. CHUNDA**

**HEAD: AGRICULTURE, RURAL DEVELOPMENT,  
LAND AND ENVIRONMENTAL AFFAIRS**

**DATE:** 26/08/21

## Annexure 1: Reasons for the Decision

### 1. Background

- 1.1. The applicant, Meronox (Pty) Ltd, applied for authorisation to carry out the following activity listed in Government Notice R983 of 4 December 2014 (as amended) associated with the development of a retail centre on Erven 20, 21 and 22 President Park Extension 6, eMalahleni Local Municipality, at 25°52'59.34"S 29°15'27.16"E (hereafter referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised
GNR 983 Activity 27	The clearance of an area of 1ha or more, but less than 20ha of indigenous vegetation, except where such clearance of indigenous vegetation is required for the undertaking of a linear activity; or maintenance purposes undertaken in accordance with a maintenance management plan.	The clearance of not more than 3 ha of indigenous vegetation for the purposes of developing a retail centre.

- 1.2. The applicant appointed the following Environmental Assessment Practitioner (EAP) to undertake a basic assessment process:

AdiEnvironmental CC  
P O Box 647  
Witbank  
1035

Contact Person: Adrienne Erasmus; Riana Janse van Rensburg  
Tel: 013 697 5021  
Email: adie@adienvironmental.co.za; riana@adienvironmental.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 application form received by the Department on 05 May 2021 and acknowledged on 10 May 2021.
- The information contained in the final basic assessment report received by the Department on 30 June 2021 and acknowledged on 06 July 2021.
- The information contained in the specialist studies undertaken as part of the basic assessment report.
- The comments received from interested and affected parties as included in the basic assessment report.
- The findings of the site visit conducted by Ms. Okwethu-kuhle Fakude on 06 July 2021.
- 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).

**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) Socio-economic impact
- b) Ground water impact
- c) Ecological impact
- d) Feasibility
- e) Need and desirability

**4. Findings**

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

- a) According to the basic assessment report, the development proposal is considered to be environmentally, economically and socially sustainable.
- b) There is no evidence in the basic assessment report and associated specialist studies to suggest that the physical environment will be significantly negatively impacted by the proposed development, or that the proposed development will be ecologically unsustainable or pose any undue threat to the environment.
- c) Mitigation measures and recommendations outlined in the basic assessment report prepared for the development are considered appropriate and practical for implementation, and it is anticipated that they will reduce the significance of potential 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 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 activities can be mitigated to acceptable levels. The application is accordingly granted.