



Building No. 6, No. 7 Government Boulevard, Riverside Park, 1200, Mpumalanga Province

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Litiko Letekulima, Kutfufukiswa
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Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuThuthukiswa kweNdawo zemaKhaya,
iNarha neeNdaba zeBhoduluko

Enquiries : Okwethu-kuhle Fakude
Telephone : 013 692 5806
Reference no. : 17/2/3N-404
NEAS ref no. : MPP/EIA/0000896/2014

Estelle Gous
Ivy Jewel 35 (Pty) Ltd
P.O. Box 4753
Middelburg
1050

Tel/Fax no: 013 282 0238

E-mail: estelle@mailfx.co.za

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION: FOR THE PROPOSED
DEVELOPMENT OF A RESIDENTIAL AREA ON PORTION 52 OF THE FARM RONDEBOSCH
403 JS, WITHIN STEVE TSHWETE 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 8295

By post: Private Bag x 11219
Nelspruit
1200

By hand: Building 6, No. 7 Government Boulevard,
Riverside Park Extension
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,



MR. S.S. MALULEKA
CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS
DATE: 29.08.2016

cc: Adie Erasmus; Riana Janse van Rensburg
Clean Stream Environmental Services; Coalfields cc
Fax no: 013 697 5021
E-mail: adie@cleanstreams.co.za





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Environmental Authorisation

Application number: 17/2/3N-404

Holder of Authorisation: IVY JEWEL 35 (PTY) LTD

NEAS reference number: MPP/EIA/0000896/2014

Location of activity: ON PORTION 52 OF THE
FARM RONDEBOSCH 403 JS,
WITHIN STEVE TSHWETE
LOCAL MUNICIPALITY

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:

Ivy Jewel 35 (Pty) Ltd
P.O. Box 4753
Middelburg
1050

Attention: Estelle Gous
Tel/Fax no: 013 282 0238
E-mail: estelle@mailfx.co.za

To undertake the following activity (hereafter referred to as "the activity"):

The proposed development of a residential area on Portion 52 of the farm Rondebosch 403 JS, within Steve Tshwete Local Municipality, Mpumalanga Province at the following co-ordinates: 25° 46' 24.90" S 29° 30' 40.59" E

Activity 9, 11, 18 and 55a of Government Notice R544, Activity 15 of Government Notice R545 & Activity 12 and 13 of Government Notice 546 of 18 June 2010

The proposed project will entail the following;

The applicant intends to develop a residential area on Portion 52 of the farm Rondebosch 403 JS, Middelburg. The development will be known as Middelburg Ext 44. The site is located adjacent to the Middelburg-Belfast provincial road on the outskirts of Middelburg. The site is 48.4292 ha in extent. The proposed development would comprise of 456 stands which will include the following

- 433 X residential 1 stands (average stand size of 320m²)
- 11 X residential 3 stands for higher density development such as flats. Approximately 615 units are proposed at an average density 80 units/ha
- 2 X business stands. The one business stand has been provided to accommodate the existing business on the property. The other business stand is located near the main access road and will serve as a suburban shopping centre.
- 1 X community facility to cater for the needs of the community.
- 2 X church sites;
- 1 X combined school.
- 1 X municipal. An area 0.49 ha has been set aside to accommodate a sewage package plant.

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 impacts exceed the significance as predicted in the Environmental Impact Assessment Report, 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 three (3) 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.
- 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 authorization 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.

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; and
 - 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 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 21st January 2016 and submitted as part of the Final Environmental Impact Assessment Report is hereby approved and must be implemented and adhered to throughout the lifecycle of the activity.



- 3.14 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 approved EMPr.
- 3.14.1 The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.14.2 The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.14.3 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.
- 3.14.4 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
- 3.14.5 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.
- 3.15 The holder of the authorisation must submit an environmental audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must be compiled by an independent environmental 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.
- 3.16 The Department retains the right to monitor and/ or inspect the proposed development during both construction and operational phases.

Commissioning and operation of the activity

- 3.17 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.
- 3.18 All contractor teams involved in work on the project must be briefed on their obligations towards environmental controls and methodologies in terms of the EMPr prior to commencement of work.
- 3.19 During the course of the development, the developer and contractors must comply with all the relevant legislation, including the bylaws of Steve Tshwete Local Municipality. Working hours must be confined between 07h00 to 17h00.
- 3.20 The development must take place at the authorized site and nowhere else.
- 3.21 The construction camp must be clearly demarcated before the start of construction.
- 3.22 All reasonable steps must be taken to avoid any fires.
- 3.23 The Contractor must ensure that there is access to clean drinking water for all employees on site.
- 3.24 Construction workers must be supplied with chemical toilets. No pit latrines are allowed, which means that sewage that will be generated during the construction phase must be disposed of in a controlled manner.
- 3.25 The burial of any material on the site is not be allowed.
- 3.26 The Contractor must make sure that noise generating activities are minimized and that all equipment must be kept in good working order.



- 3.27 Construction vehicles must make use of existing roads and tracks as far as possible.
- 3.28 The Contractor must ensure that the generation of dust is minimized and must implement a dust control programme to maintain a safe working environment.
- 3.29 Site clearance must only take place where construction will be undertaken, and avoid any unnecessary vegetation clearance.
- 3.30 Topsoil must be utilized in rehabilitation efforts as soon as possible and must not be stockpiled for longer than 6 months.
- 3.31 Trampling and disturbances associated with construction activities must be limited to within five metres of the footprint of the site in order to ensure minimal disturbance to the natural flora and fauna of the area.
- 3.32 The contractor must not permit work teams to litter on the environment.
- 3.33 The collection point for waste material must be an enclosed structure in order to eliminate the risk of wind scatter, and all waste must be disposed of to a previously identified, registered or permitted waste disposal site.
- 3.34 Concrete mixing must take place in a defined area and on top of boarding or sheeting so as to protect the ground.
- 3.35 All steps must be taken to ensure that no oil is spilt and that all waste, such as filters, is removed from the site and disposed of in an environmentally acceptable manner.
- 3.36 Remedial works must be implemented at affected areas in order to restore the area to its previous or better status.
- 3.37 Once construction is done, there must be no accumulation of water around the perimeter of the structures and the entire development must be properly drained.
- 3.38 Only indigenous vegetation must be used for landscaping.
- 3.39 When the civil and construction work is complete, the site must be cleaned and all waste products must be removed from the site by the contractor and must be disposed of at a registered Waste Disposal Site of Steve Tshwete Local Municipality.
- 3.40 If earth moving activities reveal any human skeletal remains, broken pieces of ceramic pottery, large quantities of sub-surface charcoal or any material that can be associated with previous occupation, the operation must be stopped immediately and the South African Heritage Resources Agency (SAHRA) must be notified of the situation.
- 3.41 Any 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

- 3.42 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.
- 3.43 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.
- 3.44 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.

- 3.45 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 AFFAIRS
DATE: 29.08.2016



Annexure 1: Reasons for the Decision

1. Background

1.1 The applicant, Ivy Jewel 35 (Pty) Ltd, applied for authorisation to carry out the following activity:

The proposed development of a residential area on Portion 52 of the farm Rondebosch 403 JS, within Steve Tshwete Local Municipality, Mpumalanga Province at the following co-ordinates: 25° 46' 24.90" S and 29° 30' 40.59" E

Activity 9, 11, 18 and 55a of Government Notice R544, Activity 15 of Government Notice R545 & Activity 12 and 13 of Government Notice 546 of of 18 June 2010

The proposed project will entail the following;

The applicant intends to develop a residential area on portion 52 of the farm Rondebosch 403 JS, Middelburg. The development will be known as Middelburg Ext 44. The site is located adjacent to the Middelburg-Belfast provincial road on the outskirts of Middelburg. The site is 48.4292 ha in extent. The proposed development would comprise of 456 stands which will include the following;

- 433 X residential 1 stands (average stand size of 320m²)
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- 2 X business stands. The one business stand has been provided to accommodate the existing business on the property. The other business stand is located near the main access road and will serve as a suburban shopping centre.
- 1 X community facility to cater for the needs of the community.
- 2 X church sites;
- 1 X combined school.
- 1 X municipal. An area 0.49 ha has been set aside to accommodate a sewage package plant.

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

Clean Stream Environmental Services
P.O. Box 647
Witbank
1035

Contact person: Adienne (Adie) Erasmus; Riana Janse van Rensburg
Tel: 013 697 5021
Fax: 013 697 5021
Email: adie@cleanstreamsa.co.za

2. Information considered in making the decision.

In reaching its decision, the Department took the following into consideration:

- a) The information contained in the Final Environmental Impact Assessment Report and the EMPr.
- b) 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
- c) The findings of the site visit undertaken by Okwethu-kuhle Fakude on 03rd February 2015.



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) The Public Participation Process was done in accordance with NEMA Regulations, 2010 and concerns and complaints were addressed.
- b) The development will be accessed from the northern boundary of the site via a new access road, which would connect to the R104 provincial road between Belfast and Middelburg.
- c) According to the Steve Tshwete Local Municipality Spatial Development Framework (2010) the site has been earmarked for residential development.
- d) The proposed activity will address the housing backlog and also improve social growth through the provision of planned and serviced housing.
- e) Locals will be the first to be considered for labour during the construction.

4. Findings

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

- a) The developer will be responsible for the link services (roads & electricity), installation of internal reticulation and storm water control measures of the development to the Steve Tshwete Local Municipality infrastructure. After installation all services will be handed over to and maintained by the Steve Tshwete Local Municipality.
- b) Refuse will be collected by the Steve Tshwete Local Municipality's refuse removal unit and will be disposed of at the Middelburg Rietfontein Waste Disposal Site.
- c) No threatened flora and faunan were observed on site during the site visit
- d) There were no signs of culturally or historically significant elements including archaeological or paleontological sites 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. Authorization is accordingly granted.

