



agriculture, rural development,
land & environmental affairs

MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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Departement van Landbou,
LandelikeOntwikkeling,
GrondenOngewing Sake

umNyangoweZelimo
UkuThuthukiswakweeNdawozemaKhaya,
INarhaneNdabazeBhoduluko

Enquiries : T. Sithole
Telephone : 082 7373 400
Reference : 1/3/1/16/1E-308
NEAS : MPP/EIA/0000846/2021

Bushbuckridge Local Municipality
Private Bag X9308
Bushbuckridge
1320

Attention: Lucas Seshabela
Email: lseshabela@bushbuckridge.gov.za

Dear Sir,

ENVIRONMENTAL AUTHORISATION FOR ACTIVITIES LISTED IN GOVERNMENT NOTICES R983 AND R984 (AS AMENDED) ASSOCIATED WITH THE DEVELOPMENT OF A TOWNSHIP ON PORTION 1 OF THE FARM NEWINGTON 255 KU, BUSHBUCKRIDGE 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 (as amended).

Your attention is drawn to the National Appeal Regulations, 2014 (as amended), 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: 05/04/21

cc: Mankaleme M. Magoro
Leago Environmental Solutions
Email: mankaleme@leagoenviro.co.za



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Environmental Authorisation

Application number: 1/3/1/16/1E-308

Holder of Authorisation: Bushbuckridge Local Municipality

NEAS reference number: MPP/EIA/0000846/2021

Location of activity: Portion 1 of the farm Newington
255 KU, Bushbuckridge Local
Municipality, Mpumalanga
Province

1. Decision

The Department is satisfied on the basis of 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:

Bushbuckridge Local Municipality
Private Bag X9308
Bushbuckridge
1320

Contact: Lucas Seshabela
Cell: 078 258 7550
Email: lseshabela@bushbuckridge.gov.za

To undertake the following activities listed in Government Notices R983 and R984 of 4 December 2014 (as amended) associated with the development of a township on Portion 1 of the farm Newington 255 KU, Bushbuckridge Local Municipality at 24°46'53"S 31°18' 54"E (here after referred to as "the activity"):

Activity number	Activity Description	Extent to which Activity is Authorised Where activities authorised are in accordance with the layout plan drawing no 2020DU-001 dated 28 July 2021
GN R983 Activity 19	The infilling or depositing of any material of more than 10m ³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m ³ from a watercourse	The construction of six (6) storm water attenuation measures as per Stormwater Management Report dated August 2021, Rev 3 as follows: - Dry Pond 1: 16163m ³ - Dry Pond 2: 8243m ³ - Swale 1: 2598m ³ - Swale 2: 888m ³ - Swale 3: 1610m ³ - Infiltration Basin: 5318m ³
GNR 984 Activity 15	The clearance of an area of 20 ha or more indigenous vegetation.	The clearance of not more than 88,41 ha of indigenous vegetation for the purpose of developing a township.

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. 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. The development of infrastructure for the bulk transportation of water and sewage beyond the boundaries of the site does not form part of this authorisation.
- 3.6. This authorisation is subject to the availability of bulk water. Commencement of the activity is prohibited until such time that there is confirmation of water supply for the entire development at the required capacity, and that the holder of this authorisation has obtained all required authorisations/permits/licenses from the relevant organs of state for the construction of the infrastructure required to supply the water.
- 3.7. This authorisation is subject to the confirmation of capacity requirements in terms of the treatment of sewage. Commencement of the activity is prohibited until such time that the holder of this authorisation has obtained all required authorisations/permits/licenses from the relevant organs of state for the construction of the infrastructure required to treat sewage, and operation of the activity is prohibited until such time that such infrastructure is operational.
- 3.8. 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.
- 3.9. In the event that the impacts exceed the significance as predicted in the environmental impact assessment report, the authorisation may be suspended and/or withdrawn after proper procedures have been followed.
- 3.10. 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.
- 3.11. The Department may change or amend any of the conditions of this authorisation if, in the opinion of the Department, it is environmentally justified.
- 3.12. This activity must commence within a period of eight (8) 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.
- 3.13. This environmental authorisation is granted for a period of twenty (20) years from the date of authorisation.
- 3.14. 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).

- 3.15. 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

- 3.16. 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.
 - 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

- 3.17. The Environmental Management Programme (EMPr) submitted as part of the Environmental Impact Assessment report dated 08 September 2021 is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.18. Prior to commencement, plant species of conservation concern (endemic, protected, Red Data), must be identified and marked, and may not be disturbed, or, where required, the relevant permits for their relocation or removal must be obtained from the relevant authority.
- 3.19. Plant species of conservation concern that are identified for relocation must be relocated to areas of similar habitat that will not be transformed, unless otherwise stipulated by the relevant permitting authority. Such species must be monitored and managed until such time that they have, in consultation with the ECO, been determined to be successfully re-established.
- 3.20. Activities are prohibited from taking place within any watercourse or wetland, or below the 1:100 year flood line, or within 20m from the 1:100 year flood line, or within 20m of the edge of any wetland or riparian zone, unless such activities are for the purposes of constructing attenuation infrastructure and are specifically authorised herein.
- 3.21. Prior to commencement, the 1:100 year flood line, as well as the 20m buffer zones to be applied to the 1:100 year flood line and the wetland and riparian zones, as illustrated in Figure 1: Ecological sensitivity map and wetland delineation as included in the Biodiversity and Ecology Report by Afrika Enviro & Biology dated April 2021, must be surveyed in consultation with the Environmental Control Officer (ECO) and the relevant specialists, and must be clearly demarcated on site for the duration of construction activities
- 3.22. The construction of a storm water attenuation pond is compulsory. The attenuation pond must be located in accordance with the Storm Water Plan dated August 2020 as included in the environmental impact assessment report dated 08 September 2021. The attenuation pond may not be located within the 20m no-development buffer zone.

- 3.23. The construction of the six (6) storm water attenuation measures as per the Storm Water Management Report dated August 2021, Rev 3 as included in the environmental impact assessment report dated 8 September 2021 is compulsory, and must be completed prior to the completion of all other earth works associated with the development.
- 3.24. The disturbance of nests or breeding activities of birds, reptiles, or any other wildlife, is strictly prohibited.
- 3.25. All vertebrates, including slow moving reptiles and smaller mammals, must be allowed to move unharmed, or be assisted and relocated in consultation with the ECO, to the areas of the property that will not be transformed.
- 3.26. The applicant must appoint an independent 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:
 - 3.26.1. The ECO must be appointed before the commencement of site clearing activities and the Department must be notified of such an appointment for communication purposes.
 - 3.26.2. The ECO must oversee the identification, relocation or removal and re-establishment of plant species of conservation importance.
 - 3.26.3. The ECO must oversee faunal search and rescue prior to and during site clearing activities.
 - 3.26.4. The ECO must monitor contractors' entry into sensitive habitat.
 - 3.26.5. The ECO must monitor the restriction of site clearing to designated areas.
 - 3.26.6. The ECO must oversee the surveying and demarcation of areas that are prohibited from being developed.
 - 3.26.7. The ECO must oversee the implementation of an alien plant control program.
 - 3.26.8. The ECO must oversee all rehabilitation activities.
 - 3.26.9. 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.
 - 3.26.10. 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.
 - 3.26.11. 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.
- 3.27. 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.
- 3.28. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

Commissioning and operation of the activity

- 3.29. At least fourteen (14) days written notice must be given to the Department that the activity will commence. 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.
- 3.30. 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.
- 3.31. The perimeter of the construction site must be defined and demarcation of material lay down areas must precede all activities on site.
- 3.32. Fencing may not cause erosion and may not impede the flow of any watercourse or natural drainage. Fencing must be monitored throughout the construction and operation phase, and any signs of erosion caused by it must be remedied immediately.
- 3.33. No activity such as construction camps, temporary housing, temporary ablution, stockpiling of topsoil, storing of equipment and material, disturbance of natural habitat, temporary or unauthorised access, roads, excavation of foundations, or any other use, may take place within 32m of any drainage line or riparian zone, or within 50m of any wetland, or within 20m of the 1:100 year flood line, unless it is for activities associated with the construction of storm water infrastructure which are specifically authorised herein.
- 3.34. All wetlands and watercourses, as well as the 20m no-development buffer zones referred to above, must be maintained as ecological corridors which must be kept intact throughout the life cycle of the project.
- 3.35. No person or activity adjacent to wetlands, watercourses, or the 20m no-development buffer zones, may impede the free movement of biota by the construction of any barrier that inhibits the continuity of the corridor function.
- 3.36. Indigenous vegetation within the buffer zones must be maintained in its natural state, and must be managed in such a way to prevent erosion and alien species invasion.
- 3.37. The clearing of vegetation must be minimised and phased to reduce the risk of significant runoff of sediments into watercourses.
- 3.38. 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.
- 3.39. Topsoil must be stockpiled at a height not exceeding 1.5m at a pre-designated location for use during rehabilitation and landscaping.
- 3.40. An alien plant control program must be implemented at the inception of the construction 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.
- 3.41. Stringent measures must be applied to suppress dust emanating from the construction site.
- 3.42. Storm water management must adhere to the following:
 - 3.42.1. The current flow regime of watercourses may not be altered.
 - 3.42.2. 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, wetland or riparian zone so as not to impact on the natural hydrology and morphology of the system.

- 3.42.3. Storm water management must be designed to promote infiltration and slow the release of runoff into wetlands and watercourses.
- 3.42.4. Any point of overland discharge must be located at least 30m away from a watercourse, wetland or riparian zone and overland discharge must occur over areas that have a minimum vegetation cover of 80%.
- 3.42.5. All mechanisms for dissipating water energy must be implemented at the inception of the construction phase.
- 3.42.6. The increase in downstream peak flows must be mitigated by retaining storm water until after peak flows.
- 3.42.7. The attenuation of flows leaving the site is compulsory. Such attenuation must include the construction of the storm water attenuation measures authorised herein.
- 3.42.8. 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.
- 3.42.9. 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.
- 3.42.10. Gravel berms must be constructed at the inception of the construction phase to divert upstream catchment runoff, which must be dissipated at the outlet points to return the flow to its pre-development state.
- 3.42.11. Sediment trapping facilities must be installed prior to the commencement of earthworks.
- 3.43. 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 watercourses or wetlands.
- 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. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
- 3.47. Where ablution facilities for construction personnel are required, dry chemical toilet facilities or e-loos must be provided on site at a ratio of 1:10 for construction staff. Ablution facilities may not be located within 50m from any watercourse or wetland or riparian zone, and may not cause pollution.
- 3.48. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.49. The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.50. The mixing of cement, asphalt, chemicals or other noxious materials must be undertaken in designated areas on, as far as practicable, an impermeable layer.
- 3.51. 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.
- 3.52. Pollution due to improper storage of construction materials or any hazardous substances is prohibited.

- 3.53. 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 underground water.
- 3.54. 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, and must commence prior to site handover.
- 3.55. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.56. All general waste generated on the site must be disposed of in a registered landfill site or as directed by any other relevant authority.
- 3.57. All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.58. 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.
- 3.59. 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

- 3.60. 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.
- 3.61. 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.
- 3.62. 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.
- 3.63. 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: 05/04/21

Annexure 1: Reasons for the Decision

1. Background

- 1.1 The applicant, Bushbuckridge Local Municipality, applied for authorisation to carry out the following activities listed in Government Notices R983 and R984 of 4 December 2014 (as amended) associated with the development of a township on Portion 1 of the farm Newington 255 KU, Bushbuckridge Local Municipality at 24°46'53"S 31°18' 54"E:

Activity number	Activity Description	Extent to which Activity is Authorised Where activities authorised are in accordance with the layout plan drawing no 2020DU-001 dated 28 July 2021
GN R983 Activity 19	The infilling or depositing of any material of more than 10m ³ into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10m ³ from a watercourse	The construction of six (6) storm water attenuation measures as per Stormwater Management Report dated August 2021, Rev 3 as follows: - Dry Pond 1: 16163m ³ - Dry Pond 2: 8243m ³ - Swale1: 2598m ³ - Swale 2: 888m ³ - Swale 3: 1610m ³ - Infiltration Basin: 5318m ³
GNR 984 Activity 15	The clearance of an area of 20 ha or more indigenous vegetation.	The clearance of not more than 88,41 ha of indigenous vegetation for the purpose of developing a township.

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

Leago Environmental Solutions
66 Graham Road
Block 5, Unit 79
0084

Contact person: Mankaleme M Magoro
Tel: 012 807 7445
Cell: 081 428 6116
Email: mankaleme@leagoenviro.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 19 February 2021 and acknowledged 22 February 2021.
- The information contained in the scoping report and plan of study submitted on 1 April 2021 and acknowledged and accepted on 7 April 2021.
- The notification letter submitted to the Department in terms of Regulation 23(1)(b) on 20 April 2021 and acknowledged on 28 April 2021, that the final environmental impact assessment report would be submitted within 156 days from the date of receipt of the application form.

- d) The information contained in the environmental impact assessment report and the environmental management program dated 08 September 2021, submitted on the 09 September 2021 and acknowledged on 09 September 2021.
- e) 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 Mpumalanga Biodiversity Sector Plan.

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:

- c) Biophysical impact
- d) Sustainability
- 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 environmental impact assessment report, the development proposal is considered to be environmentally, economically and socially sustainable.
- b) According to the environmental impact assessment report, the layout of the development was informed by ecological and wetland/watercourse studies.
- c) According to the environmental impact assessment report, all wetlands and watercourses associated buffers have been set aside and will be conserved.
- d) Mitigation measures and recommendations outlined in the environmental impact assessment report and environmental management programme are 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 activity can be mitigated to acceptable levels. The application is accordingly granted.