



agriculture, rural development,
land & environmental affairs

MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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ItitikoLetekulima, Kuffufukiswa
KwetindzawoTasemakhaya, Temhlaba
Netesimondzawo

Departement van Landbou,
LandelikeOntwikkeling,
GrondenOngewing Sake

umNyangoweZelimo
UkuThuthukiswakweeNdawozemaKhaya,
iNarhaneeNdabazeBhoduluko

Enquiries : Ms. Charity Mthimunya
Telephone : 013 692 6300
Reference : 1/3/1/16/1N-217
NEAS No. : MPP/EIA/0000803/2020

Bakkos Projects
2 Koper Street
Chroompark
Mokopane
0600

Attention: Mr. Khaalid Hassim
Email: khaalid@hassimholdings.co.za

Dear Sir

ENVIRONMENTAL AUTHORISATION FOR ACTIVITIES LISTED IN GOVERNMENT NOTICE R983 (AS AMENDED) ASSOCIATED WITH THE DEVELOPMENT OF A LIGHT INDUSTRIAL AREA ON PORTION 58 OF THE FARM VAALBANK 289 JS, MIDDLEBURG, HENDRINA, STEVE TSHWE 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 X11219
Nelspruit
1200

By hand: Samora Machel Building, No. 7 Government Boulevard
Riverside Park Extension 2
Nelspruit
1200

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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,



MS. P.N. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 30/04/2021

cc: Riana Janse van Rensburg
Adi Environmental cc
Email: riana@adienvironmental.co.za



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umNyangoweZelimo
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iNarhaneNdabazeBhoduluko

Environmental Authorisation

Application number: 1/3/1/16/1N-217

Holder of Authorisation: Steve Tshwete Local Municipality

NEAS reference number: MPP/EIA/0000803/2020

Location of activity: Portion 58 of the farm Vaalbank 289
JS, Middleburg, Steve Tshwete
Local Municipality, Mpumalanga
Province.

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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 activities 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:

Bakkos Projects
2 Koper Street
Chroompark
Mokopane
0600

Attention: Mr. Khaalid Hassim
Email: khaalid@hassimholdings.co.za

To undertake the following activities listed in Government Notice R983 of 04 December 2014 (as amended) associated with the development of a light industrial area on Portion 58 of the farm Vaalbank 289 JS, Steve Tshwete Local Municipality at 25°50'01.31"S 29°27'51.06"E (hereafter referred to as "the activity"):

Activity Number	Activity Description	Extent to which activity is authorised
GN R983 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 (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	The clearance of not more than 10 ha of indigenous vegetation or the purposes of developing a light industrial area.
GN R983 Activity 28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development, will occur outside an urban area, where the total land to be developed is bigger than 1 hectare; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	

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 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.
- 3.10. 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), and the National Water Act, 1998 (Act No. 36 of 1998).

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 activities

- 3.14. The Environmental Management Programme (EMPr) submitted as part of the Basic Assessment Report is hereby approved, and must be implemented and adhered to throughout the lifecycle of the activity.
- 3.15. Before construction 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 relevant permits for their relocation or removal must be obtained from the relevant authority.
- 3.16. Plant species of conservation concern that are identified for relocation, including the protected *Habenaria* species, 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.
- 3.17. The disturbance of nests or breeding activities of birds, reptiles, or any other wildlife, is strictly prohibited.
 - 3.18. Development within 32m of a watercourse or within 10m of a riparian zone is prohibited.
 - 3.19. Development below the 1:100 year floodline is prohibited.
 - 3.20. Before construction activities may commence, all restricted areas referred to above must be surveyed on site in consultation with the Environmental Control Officer, and must be clearly demarcated on site for the duration of the construction phase.
 - 3.21. All vertebrates, including slow moving reptiles and smaller mammals, must be allowed to move unharmed, or be assisted and relocated in consultation with the Environmental Control Officer.
 - 3.22. 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:
 - 3.22.1. The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
 - 3.22.2. The ECO must oversee the identification, and relocation or removal of plant species of conservation importance.
 - 3.22.3. The ECO must, prior to any site clearing activities, oversee the identification and marking of trees that may not be removed.
 - 3.22.4. The ECO must oversee faunal search and rescue prior to and during site clearing activities.
 - 3.22.5. The ECO must oversee all surveying and demarcation activities.
 - 3.22.6. The ECO must monitor contractors' entry into sensitive habitat.
 - 3.22.7. The ECO must monitor the restriction of construction to designated areas.
 - 3.22.8. The ECO must oversee the implementation of an alien plant control program.
 - 3.22.9. The ECO must oversee and monitor the success of all rehabilitation activities.
 - 3.22.10. 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.
 - 3.22.11. The ECO must maintain the following on site: A site diary; copies of all reports submitted to the Department; and complaints register of all public complaints and the remedies applied to such complaints
 - 3.22.12. 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.
 - 3.23. 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.
 - 3.24. The management of open areas must be specified and included in any future contracts or deeds of sale.
 - 3.25. The Department retains the right to monitor and/ or inspect the proposed project throughout its lifecycle.

Commissioning and operation of the activity

- 3.26. 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.

- 3.27. 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.
- 3.28. Areas to be cleared must be defined and demarcation of material lay down areas must precede all activities on site.
- 3.29. The placement of any fencing on site must be finalised in consultation with the ECO.
- 3.30. Construction camps, temporary housing, temporary ablution, stockpile areas, storing of equipment and material, site offices and construction workshops are prohibited from being located within 32m of a watercourse.
- 3.31. The quality of water downstream may not deteriorate as a result of construction activities.
- 3.32. Storm water management must adhere to the following:
 - 3.32.1. The current flow regime of watercourses may not be altered.
 - 3.32.2. No surface storm water generated as a result of the development may be channeled directly into any wetland, watercourse, or 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 watercourse.
 - 3.32.3. Storm water management must be designed to promote infiltration and slow the release of runoff into wetlands and watercourses.
 - 3.32.4. All mechanisms for dissipating water energy must be implemented at the inception of the construction phase.
 - 3.32.5. Flows leaving the site must be 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.
 - 3.32.6. Attenuation must be sufficient to decrease the flow rate of the post-development run-off to a rate smaller than or equal to the pre-development scenario.
 - 3.32.7. The rate of storm water runoff must further 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.
 - 3.32.8. 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.
- 3.33. Sediment trapping facilities must be installed prior to the commencement of earth works.
- 3.34. 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.
- 3.35. Scouring, erosion or sedimentation of all watercourses and wetlands must be prevented, and the stability of watercourses may not be detrimentally affected.
- 3.36. Surface water rich in sediments and other pollutants must be prevented from entering any watercourse or wetland.
- 3.37. Topsoil may not be stockpiled at heights exceeding 1.5m.
- 3.38. Soils that become compacted through the activities of the development must be loosened to an appropriate depth to allow seed germination.
- 3.39. Stringent measures must be applied to suppress dust emanating from the construction site.
- 3.40. Where ablution facilities for construction personnel are required, 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 50m from any watercourse or wetland, and may not cause pollution.
- 3.41. Chemical toilets must be maintained and cleaned regularly and effluent must be disposed of off-site into an approved municipal sewage system.
- 3.42. The storage and handling of fuel, lubricants and other chemicals must be in especially demarcated impervious and bunded areas.
- 3.43. The mixing of cement, asphalt, chemicals or other noxious materials must be undertaken in designated areas on, as far as practicable, an impermeable layer.

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- 3.44. 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.
- 3.45. 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.
- 3.46. No construction material or any other waste material may be dumped into any watercourse or surrounding area.
- 3.47. All general waste generated on the site must be disposed of in a registered landfill site or as directed by any other relevant authority.
- 3.48. All hazardous waste must be disposed of at an official registered site, or be removed by registered hazardous waste contractors.
- 3.49. 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.
- 3.50. 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.
- 3.51. 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

- 3.52. 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.
- 3.53. 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.
- 3.54. 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.
- 3.55. 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:



MS P.N. NTULI

ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS

DATE: 20/04/2021

Annexure 1: Reasons for the Decision

1. Background

- 1.1. The applicant, Bakkos Projects (Pty) Ltd, applied for authorisation to carry out the following activities listed in Government Notice R983 of 04 December 2014 (as amended), associated with the development of a light industrial area on Portion 58 of the farm Vaalbank 289 JS, Steve Tshwete Local Municipality at 25°50'01.31"S 29°27'51.06"E:

Activity Number	Activity Description	Extent to which activity is authorised
GN R983 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 (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	The clearance of not more than 10 ha of indigenous vegetation or the purposes of developing a light industrial area.
GN R983 Activity 28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development, will occur outside an urban area, where the total land to be developed is bigger than 1ha; excluding where such land has already been developed for residential, mixed, retail, commercial, industrial or institutional purposes.	

- 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 : Adie Erasmus /Riana Janse van Rensburg
Cell phone : 083 271 8260
Email : riana@adieenvironmental.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 11 December 2020 and acknowledged on 14 December 2020.
- The information contained in the Basic Assessment Report received by the Department on 26 February 2021 and acknowledged on 08 March 2021.
- The findings of the site visit conducted by Charity Mthimunye on 26 February 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:

- Need and Desirability
- The physical environment to be affected
- Public Participation Process PN



4. Findings

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

- a) A truck stop, diesel depot (Bulk Diesel on N4) and food kiosk are already operating to the west of the site.
- b) The link services (road and electricity) and the internal reticulation (water, sewer, electricity, streets and streets lighting) will thus be done by the developer to the satisfaction of Steve Tshwete Local Municipality.
- c) According to the Basic Assessment Report, the proposed development will provide numerous job opportunities, improve service delivery and boost the economy of the Municipality through the collection of revenue.
- d) Mitigation measures and recommendations outlined in the Basic 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 activities 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.

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