



destea

department of
economic, small business development,
tourism and environmental affairs
FREE STATE PROVINCE

Environmental Authorisation

Authorisation register number: EMS/15, 28 (i)/21/10

Holder of Authorisation: Mangaung Metropolitan Municipality

Location of activity: Remainder of the Farm Botshabelo 826

Project description: Activity 28 (i) of Listing Notice 1 & Activity 15 of Listing Notice 2

The clearance of vegetation for the proposed township establishment.

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
Private Bag X 20801 113 St Andrews Street Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail: nkoen@destea.fs.gov.za

HEAD OF DEPARTMENT
Department of Economic,
Small Business Development,
Tourism and Environmental Affairs

03 AUG 2022

Private Bag X20801
Bloemfontein, 9300

Decision

The Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA- 'the Department') is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), that the applicant should be authorised to undertake the activity specified below.

Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, Act No. 107 of 1998, as amended and the Environmental Impact Assessment (EIA) Regulations 2014, as amended.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act ('NEMA'), Act No. 107 of 1998, as amended and GNR 326 of the 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

Mangaung Metropolitan Municipality

With the following contact details-

Room 214

Bram Fisher Building

De Villiers Street

Bloemfontein

9301

Contact person: Mr. B. S. Mthembu

Telephone Number: 083 777 2178

Email: bheki.mthembu@mangaung.co.za

CHIEF DIRECTORATE: ENVIRONMENTAL QUALITY & PROTECTION
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to undertake the following activity (hereafter referred to as "the activity") indicated in Listing Notice 1 (GNR 327) and Listing Notice 2 (GNR 325):

Activity 28 (i): Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development will occur inside an urban area, where the total land to be developed is bigger than 5 hectares and

Activity 15: The clearance of an area of 20 hectares or more of indigenous vegetation, as described in the Final Environmental Impact Assessment Report (EIAR) dated 09 May 2022,

Site coordinates:

Latitude (S): **Longitude (E):**
29°12'19.12" 26°41'27.32"

Activity description

The proposed township establishment on the Erf K77, K1689 and K1990 on the remainder of the Farm Botshabelo 826, Free State Province.

The granting of this EA is subject to the conditions set out below.

Conditions of the Environmental Authorisation

Scope of Authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this document. These conditions form part of the EA and are binding on the holder of the EA.
- 1.2 The holder of the EA shall be responsible for ensuring compliance with the 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 EA.
- 1.3 The authorised activity may only be carried out on Farm Botshabelo 826, as indicated above at the exact site co-ordinates.

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- 1.4 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 affected.
- 1.5 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 which may result in the holder of the EA to apply for further Authorisation in terms of NEMA (Act 107 of 1998) and the 2014 EIA Regulations as amended.
- 1.6 The holder of the EA must apply for an amendment of the EA with the Competent Authority for any alienation, transfer or change of ownership rights in the property on which the activity is to take place.
- 1.7 Commencement with one activity listed in terms of this EA constitutes commencement of all authorised activities.
- 1.8 This EA is valid for a period of 5 (five) years from the date of issue. If commencement of the activity does not occur within that period, the EA lapses and a new application for an EA must be made.
- 1.9 This EA 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 this particular activity.

Appeal of Authorisation

- 1.10 The holder of the EA must notify every registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this EA, of its decision to authorise the activity.
- 1.11 The notification referred must –
 - 1.11.1 specify the date on which the EA was issued;
 - 1.11.2 inform the registered interested and affected parties of the appeal procedure provided for in National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015;

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1.11.3 advise the registered interested and affected parties that a copy of the Authorisation will be furnished on request; and

1.11.4 give the reasons for the decision.

1.12 A person affected by the decision who wishes to appeal against the decision must lodge an appeal with the MEC of the Department of Economic, Small Business Development, Tourism and Environmental Affairs within 20 calendar days after being notified of the decision. The appeal should be directed to:

Attention: Mr. T. Molotsi

MEC (DESTEA)

Private Bag X20801

Bloemfontein

9300

Tel: (051) 400 4810

E-mail: modisepm@destea.gov.za

- An appeal not submitted to the above-mentioned address will not be regarded as valid.
- The applicant shall not commence with the proposed activity once an appeal has been lodged with the office of the MEC.

Management of the activity

1.13 The Environmental Management Programme (EMPr) submitted as part of application for an EA is hereby approved.

1.14 The provisions of the EMPr included in the Final Environmental Impact Assessment Report (EIAR) are an extension to the conditions of Authorisation, and non-compliance with the conditions of the EMPr would accordingly constitute non-compliance with the conditions of this EA.

1.15 Should there be a change of ownership and/or project developer, the Department must be notified within 30 (thirty) days prior to the change itself. Conditions imposed in this EA must be made known to the new owner and/or developer.

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- 1.16 The recommendations and mitigation measures recorded in the Final Environmental Impact Assessment Report (EIAR) dated 09 May 2022 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.17 Any updates or amendments to the EMPr must be submitted to the Department of Economic, Small Business Development, Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

Monitoring

- 1.18 The applicant must appoint a suitably experienced independent Environmental Control Officer (ECO) for the construction and operation phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this EA are implemented and to ensure compliance with the provisions of the EMPr.
- 1.19 The ECO shall be appointed before commencement of any construction activity.
- 1.20 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.21 The ECO shall remain employed until all rehabilitation measures, as required for implementations due to construction damage are completed and the site is ready for operation.
- 1.22 The ECO shall keep the records relating to monitoring and auditing on site and make them available for inspection to any relevant and Competent Authority in respect of this development.
- 1.23 Construction and operation of the development may be temporarily or permanently stopped for reasons of non-compliance with the conditions of this particular EA as set out in this document or any other subsequent document emanating from the conditions of this EA.

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Recording and reporting to the Department

1.24 The holder of the Authorisation must submit an environmental audit report to the Department within thirty (30) days upon completion of the construction and rehabilitation activities. The environmental audit report must –

1.24.1 Be compiled in accordance with Appendix 7 of the 2014 EIA Regulations as amended 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 EA conditions as well as the requirements of the approved EMPr.

1.24.2 Be kept on site and be made available for inspection by any relevant and competent authority in respect of this development.

Commencement of the activity

1.25 The authorised activity shall not commence within twenty (20) days after the EA has been issued by the Department to allow the appeal process to proceed accordingly.

1.26 Should you be notified by the MEC of a suspension of the EA pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

Notification to authorities

1.27 Fourteen (14) days prior written notice must be given to the Department that the activities will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which the construction of the activities will commence, as well as a reference number.

Operation of the activity

1.28 Fourteen (14) days prior written notice must be given to the Department that the activities will commence with the operation.

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Private Bag X 20801 113 St Andrews Building Tel: (051) 400 4917
Bloemfontein Bloemfontein Fax: (051) 400 4842
9300 9301 E-mail: nkcen@destea.gov.za

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Site closure and decommissioning

- 1.29 Should the activities ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.
- 1.30 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and should be approved by this Department.

Specific conditions

- 1.31 An integrated waste management approach that is based on waste minimisation must be implemented and must incorporate reduction, recycling, re-use and disposal where appropriate. Any solid waste shall be disposed of at a landfill licensed in terms of section 20 (b) of the National Environment Management Waste Act, 2008 (Act No. 59 of 2008) as amended.
- 1.32 An application for re-zoning in order to accommodate the proposed land uses must be obtained.
- 1.33 The applicant must adhere to all the recommendations as outlined within the Heritage and Palaeontological Impact Assessment and with all the comments from South African Heritage Resource Agency.
- 1.34 The Applicant must adhere to all recommendations outlined in the Ecological Impact Assessment.
- 1.35 Waste generated during the construction phase must be temporarily stored in waste skips and disposed of at a registered waste disposal site.
- 1.36 Solid waste generated during the operational phase must be disposed of at the local Municipal waste disposal site – Botshabelo waste disposal site.
- 1.37 The Mangaung Metropolitan Municipality must ensure that it provide the proposed development with the bulk services.

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- 1.38 A 250 mm uPVC class 12 water pipeline must be installed from the existing 400 mm water pipeline in order to accommodate and supply the proposed development.
- 1.39 The sewer system of the proposed development must drain to the southeastern and southwestern corners, connecting to the existing sewer network.
- 1.40 The MMM power line supply network must supply the proposed development with electricity and the Municipality must be responsible for the bulk metering.
- 1.41 All the internal and external networks must adhere to the standards and requirements of MMM and other standards including SABS safety and equipment standards, and NRS 048 Quality of Supply Standards.
- 1.42 The following foundations must be considered for 2/H1/C1, 2C1/S1 and 2/H1/C1/P zones according to NHBRC classification.
- 1.43 During construction, clay materials must be removed and replaced with suitable material with no heave or high compressibility potential.
- 1.44 All earthworks must be carried out along the guidelines given in SANS 1200 and must be carried out in a manner to promote stable development of the site.
- 1.45 None of any of the 1:50 and 1:100 year flood lines must be affected by the proposed development.
- 1.46 The proposed development must be accessed through the unnamed road from the main road (N8).
- 1.47 The remainder of the roads must be local roads with a road reserve of 13 m.
- 1.48 For the internal road, network and intersections there are four internal order roads, which must have a reserve width of 21 m.

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- 1.49 The sidewalks must be present around the crèche facilities as Non- Motorised- Transport (NMT) is expected to be used to access these facilities.
- 1.50 The sidewalks must be supplied along all the proposed collectors proposed for the development, as well as envisaged higher traffic movement roads linking the residential neighborhoods, however, a combined cycleway/walkway must be available along Road C.
- 1.51 A pedestrian crossing must be available at all access as well as intersections crossing the internal collectors.
- 1.52 Wheelchair ramps must be constructed at the pedestrian crossings as well as along the sidewalks routes where there is need to cross a Kerbed Street.
- 1.53 Four public transport lay-bys must be constructed along Road C at the proposed Access 1, 2, 3, 4 and additional lay-by must be constructed at Access 5.
- 1.54 The street lighting must be constructed as per the MMM policy must be at the signalised intersections and along the proposed NMT routes.
- 1.55 Traffic calming must be constructed along the crèches.
- 1.56 All the proposed roads, NMT and intersections improvements must be implemented to ensure that the development can accommodate the additional traffic impact on the wider road network, as well as the internal proposed township road networks.
- 1.57 The applicant must adhere to all the recommendation as stipulated in the Traffic Impact Assessment.

General

- 1.58 A copy of the EA must be kept at the property where the activities will be carried on. The EA must be produced to any authorised official of the Department who requests to see it

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and must be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.

- 1.59 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.
- 1.60 The applicant is responsible for compliance with the provisions for Duty-of-Care and remediation of damage contained in Section 28 and Emergency Incidents contained in Section 30 of the National Environmental Management Act, (Act no 107 of 1998).
- 1.61 The holder of the EA must notify the Department, in writing within 48 (forty-eight) hours, if any condition of this EA cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.62 Non-compliance with a condition of the EA may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the 2014 EIA Regulations as amended.
- 1.63 The Department shall not be held responsible for any damages or losses suffered by the applicant or his successor.

Approved: 

Dr. M. Nokwequ

HOD: Department of Economic, Small Business Development, Tourism and Environmental Affairs (DESTEA)

Date of the EA: 



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Annexure 1: Reasons for Decision

1. Background

The applicant, Mangaung Metropolitan Municipality applied for an Authorisation to commence with activity 28 (i) Listing Notice 1 (GNR 327) and activity 15 of Listing Notice 2 (GNR 325) of the 2014 EIA Regulations as amended, described in the Final Environmental Impact Assessment Report (EIAR) dated 09 May 2022, for the proposed township establishment on the remainder of the Farm Botshabelo 826.

The applicant appointed **Mang Geoenviro Services (Pty) Ltd** to undertake Environmental Impact Assessment process for the activity as required by Regulation 21 of the 2014 EIA Regulations as amended.

2. Information considered in making the decision

In reaching its decision, the Department took, *inter alia*, the following into consideration -

- a) The listed activities as applied for in the application form received on 18 October 2021.
- b) The information contained in the Final EIAR dated 09 May 2022 completed by Mang Geoenviro Services (Pty) Ltd.
- c) Comments received from the interested and affected parties as included in the Final EIAR dated 09 May 2022.
- d) Mitigation measures as proposed in the Final EIAR dated 09 May 2022 and the EMPr.
- e) The objectives and requirements of relevant legislation, policies and guidelines and Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- f) The findings of the site visit undertaken by Ms. B. Mogorosi from the Department on the 13th July 2022.



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) Details provided of the qualifications of the Environmental Assessment Practitioner (EAP) indicated the EAP is competent to carry out the Environmental Impact Assessment procedures.
- b) The need for the proposed township establishment to address the issue of resettlement of people informally, and a high risk of encroachment on this land.
- c) The Final EIAR dated 09 May 2022 identified all legislation and guidelines that have been considered in the preparation for the proposed development.
- d) The methodology used in assessing the potential impacts identified in the Final EIAR dated 09 May 2022 have been adequately indicated and in the specialist reports.
- e) A sufficient public participation process was undertaken and the applicant has satisfied the minimum requirements as prescribed in the 2014 EIA Regulations as amended for public involvement.
- f) Recommendations made by the EAP in the Final EIAR, feasible and reasonable alternative options including the no-go were investigated as part of the assessment process.

4. Findings

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

- (a) The need for the development has been identified.
- (b) The identification and assessment of impacts are detailed in the Final EIAR dated 09 May 2022 and sufficient assessment of the key identified issues and impacts have been completed.

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- (c) The procedure followed for impact assessment is adequate for the decision-making process.
- (d) The proposed mitigation of impacts identified and assessed adequately curtails the identified impacts.
- (e) EMPr measures for the pre-construction, construction, operation and rehabilitation phases of the development were proposed and included in the Final EIAR and will be implemented to manage the identified environmental impacts throughout the life span of the project.
- (f) Adequate process in line with law and legislation for public participation process was undertaken and the EAP has met the minimum requirements as prescribed in the 2014 EIA Regulations as amended.

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 potential detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels, therefore the application is accordingly granted.

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