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I. Itiko Letekulima, Kutfutukiswa  
Kwetindzawo Tasemakhaya, Temhlaba  
Netesimondzawo

Departement van Landbou,  
Landelike Ontwikkeling,  
Grond en Ongewing Sake

umNyango weZelimo  
UkuThuthukiswa kweNdawo zemaKhaya,  
iNarha neeNdaba zeBhoduluko

Enquiries : Selape Lentswana  
Telephone : 013 692 6300/5848  
Reference No. : 17/2/3N-167  
NEAS Ref. No. : MPP/EIA/0000423/2012

Mabel Motsifane  
Botshabelo Community Development Trust  
P.O Box 3907  
Polokwane  
0700

Fax : 082 717 9209  
Email : [motsifanemabel@yahoo.com](mailto:motsifanemabel@yahoo.com)

Dear Sir/ Madam

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE PROPOSED ESTABLISHMENT OF A RURAL VILLAGE ON THE REMAINING EXTENT OF THE FARM TOEVLUGT 320 JS, MIDDELBURG, MPUMALANGA PROVINCE.**

With reference to the above mentioned 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 8429

**By post:** Private Bag x 11219  
Nelspruit  
1200

**By hand:** Building 6, Floor

1and 2

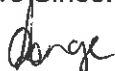




No 7 Government Boulevard  
Riverside Park  
Nelspruit  
1200

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,



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**DR. A. DE LANGE**

**ACTING CHIEF DIRECTOR: ENVIRONMENTAL SERVICES**

**DATE:** 1/4/15

cc: **Adie Erasmus**  
Clean Stream Environmental Services  
P.O Box 647  
Witbank  
1035





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## Environmental Authorisation

**Application number:**

17/2/3N-167

**Holder of Authorisation:**

Botshabelo Community Development Trust

**NEAS reference number:**

MPP/EIA/0000423/2012

**Location of activity:**

The remaining extent of the farm Toevlugt 320 JS,  
Steve Tshwete Local Municipality Mpumalanga  
Province.



### 1. Decision

The Department is satisfied on the basis of the information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity as specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

### 2. Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act 107 of 1998) and the Environmental Impact Assessment Regulations 2010, the Department hereby authorizes:

Clean Stream Environmental Services  
P.O Box 647  
Witbank  
1035

Contact person: Adie Erasmus  
Tel no: 013 697 5021  
Fax no: 013 697 5021  
Email: [Adie@cleanstreamsa.co.za](mailto:Adie@cleanstreamsa.co.za)

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

The Botshabelo Community Development Trust intends to establish a rural village on the remaining extent of the farm Toevlugt 320 JS, within Botshabelo nature reserve. The entire trust property is 2755,0952 hectares, of which 127,95 hectares will be utilized for the rural village consisting of 1000 residential stands (500 m<sup>2</sup> each), 1 Business stand, 1 combined school, 26 parks and internal roads within Steve Tshwete Local Municipality, Mpumalanga Province at the following co-ordinates 25° 41'09.07"S and 29° 25' 17.99"E: **Activity 15 of Government Notice R545 of 18 June 2010, Activity 4 of Government Notice R546 of 18 June 2010 and Activity 14 of Government Notice R546 of 18 June 2010.**

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 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 authorisation 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 11<sup>th</sup> June 2014 and submitted as part of the environmental impact 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.
- 3.15 The ECO must be appointed before the commencement of construction and the Department must be notified of such an appointment for communication purposes.
- 3.16 The ECO must oversee and monitor the success of all rehabilitation activities.
- 3.17 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.
- 3.18 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.
- 3.19 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.
- 3.20 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
- 3.21 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**

- 3.22 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, and must include the name and contact details of the appointed.
- 3.23 The appointed contractor must be contractually bound to these conditions as well as the provisions of the proposed EMP.
- 3.24 The identified sensitive area as depicted in the proposed site lay out map must be fenced off and demarcated as 'no-go' area.





- 3.25 The wetland and a protective buffer zone beginning from the outer edge of the wetland must be designated as sensitive and there must be a buffer zone of 50 meters on each side of a wetland.
- 3.26 The proposed development will take place in area that is highly sensitive as it is categorized as a Critical Biodiversity Area within the Mpumalanga Biodiversity sector Plan, therefore to minimize negative environmental impacts that might arise, the MPTA must be involved for further advice and guidance.
- 3.27 A Botshabelo Trust Management Committee comprising of relevant stakeholders (e.g. Steve Tshwete Local Municipality, Mpumalanga Tourism Parks Agency, Botshabelo Trust, any relevant specialist) must be established to ensure that identified sensitive areas which will be fenced off are managed and protected during construction and operation of the township.
- 3.28 The established Botshabelo Management Committee must also come up with management plans such as the Open Veldt Management Plan, Environmental Management Plan, to further manage any negative environmental impacts that might result in the establishment of the said township.
- 3.29 The proposed Biological toilets must be inspected and monitored bi-monthly to curb any negative environmental impacts.
- 3.30 The borehole water yields must be monitored quarterly to the sustainability thereof and alternative measures/plans arranged by the Steve Tshwete Local Municipality if the yield seems to be declining.
- 3.31 The environmental authorization as well as any license or permits must be in place before construction commences and any recommendation contained in these permits, licenses and /or authorization must be incorporated into the project design.
- 3.32 Trucks and delivery vehicles must strictly obey speed limits within a 400m radius of the site so as not to cause additional noise from driving at high speed.
- 3.33 No vehicles, machinery or equipment with leaks or causing spills may be allowed to operate on site.
- 3.34 The main contractor is responsible for ensuring that used oils/lubricants are not disposed of on/near the site and that contractors purchasing these materials understand the liability under which they must operate.
- 3.35 All cement or mortar mixing must be done in already impacted areas and on trays or sealed areas to prevent any water pollution.
- 3.36 All dirt roads must be sprayed with water in order to keep the road moist and to eliminate any dust.
- 3.37 The relevant policing and security forces that are responsible for the area must be approached and become involved in the monitoring of activities on the site.
- 3.38 Any fire started intentionally or unintentionally from the site during construction will be the responsibility of the contractors and site developers.
- 3.39 There must be a fire monitoring and prevention response plan in place.
- 3.40 All top soil removed during construction must be used for landscaping or to rehabilitate any areas scarred by construction works.







- 3.41 The applicant is responsible for the rehabilitation of any damaged caused to the environment due to any event occurring on site, or off site which has been as a direct incident emanating from the site.
- 3.42 The termite mounds, dead trees, branches, scattered low rocky outcrops, loose rocks, leaf and organic litter must be left undisturbed as these special niches provide essential foraging, roosting and nesting sites for numerous animal species.
- 3.43 There must be a preservation, maintenance and creation of tracts of natural vegetation (biological corridors) in all stages of ecological succession, interconnected by green belts for escape, foraging, breeding and exploratory movements.
- 3.44 No accumulation of surface water must be allowed around the perimeter of the structures, water should be tested quarterly and the entire development must be properly drained.
- 3.45 A storm water management plan together with details regarding erosion control measures must be developed and adhered to and it must be approved by the relevant local authority before construction commences.
- 3.46 During construction if any possible findings that are made of archaeological importance, the operation must be stopped immediately and the South African Heritage Resources Agency (SAHRA) must be notified of the situation.
- 3.47 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 vegetation.
- 3.48 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.
- 3.49 The Contractor must be familiar with and adhere to, any local by-laws and regulations regarding the generation of noise and hours of operation.

#### **General**

- 3.50 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.
- 3.51 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.
- 3.52 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.



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- 3.53 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:**

  
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**DR. A. DE LANGE**

**ACTING CHIEF DIRECTOR: ENVIRONMENTAL SERVICES**

**DATE:** 1/4/15





## Annexure 1: Reasons for the Decision

### 1. Background

1.1 The applicant, Botshabelo Community Development Trust, applied for authorization to carry out the following activity:

The Botshabelo Community Development Trust intends to establish a rural village on the remaining extent of the farm Toevlugt 320 JS, within Botshabelo nature reserve. The entire trust property is 2755,0952 hectares, of which 127,95 hectares will be utilized for the rural village consisting of 1000 residential stands (500 m<sup>2</sup> each), 1 Business stand, 1 combined school, 26 parks and internal roads within the Steve Tshwete Local Municipality, Mpumalanga Province at the co-ordinates 25° 41'09.07"S and 29° 25' 17.99"E: **Activity 15 of Government Notice R545 of 18 June 2010, Activity 4 of Government Notice R546 of 18 June 2010 and Activity 14 of Government Notice R546 of 18 June 2010.**

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

Clean Stream Environmental Services  
P.O Box 647  
Witbank  
1035

**Contact person:** Adie Erasmus  
**Tel no:** 013 697 5021  
**Fax no:** 013 697 5021  
**Email:** [Adie@cleanstreamsa.co.za](mailto: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 views and comments from interested and affected parties.
- d) The findings of the site visit undertaken by Mthimunye Charity on 06<sup>th</sup> November 2014.

### 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 are set out below:



*d*



- a) The property, on which the rural village is planned, was awarded to the Botshabelo Community Development Trust in 2005 as part of a Land Claim and the said community indicated that they intend to resettle on the identified property as is their ancestral land and would not like to be relocated anywhere else.
- b) The Environmental Impact Report (EIR) states that in 2011, the Steve Tshwete Local Municipality managed to secure required funds and agreed to assist the community to establish a township on the land awarded.
- c) According to the EIR the Steve Tshwete Local Municipality has already approved the township in terms of the town planning processes.
- d) The site will be accessed through the existing farm road.

#### 4. Findings

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

- a) The proposed site for development forms part of a nature reserve and parts of the site are fairly still very pristine, however to the fact that the community only wants to relocate to their ancestral place no alternative site was considered. In addition, the establishment of a township on such land would assist the community in acquiring title deeds and owning properties.
- b) The proposed township establishment will not be developed as a low cost housing setup (RDP's).
- c) No significant detrimental environmental impacts are anticipated, should the mitigation measures stipulated in the Environmental Impact report and conditions of this environmental authorisation be implemented and adhered to.

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. Authorisation is accordingly granted.

