



**destea**

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

## Environmental Authorisation

**Authorisation register number:** EMB/12(ii)(a),19,27,28(ii),12(b)(iv)/20/28

**Holder of Authorisation:** Masilonyana Local Municipality

**Project description:** Proposed Establishment of Phase 2  
Slovopark Township Development

**Location of activity:** Brandfort Townlands 720, Brandfort

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

14 MAY 2021

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.

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'), 1998 (Act No. 107 of 1998) and GNR 327 and 324 of the 2014 Environmental Impact Assessment Regulations as amended, the Department hereby authorises –

## Masilonyana Local Municipality

with the following contact details –

**PO Box 8**

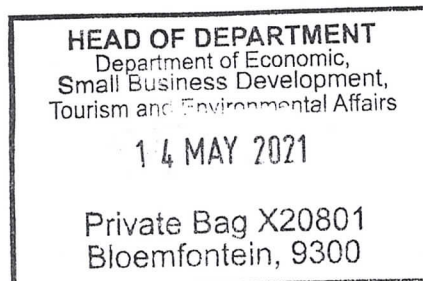
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**9410**

**Contact person: Pule Simon Tsekedi**

**Contact number: 057 733 0106**

**Email address: mm@masilonyana.co.za**



To undertake the following activity (hereafter referred to as "the activity") indicated in Listing Notice 1 (GNR 327) activity 12(ii)(a)(c), 19, 28(ii), 27, and GNR 324 Activity 12(b)(iv) described as:

12 "The development of:

(ii) infrastructure or structures with a physical footprint of 100 square metres or more; where such development occurs – (a) within a watercourse; (c) if no development setback exists, within 32 metres of a watercourse, measured from the edge of the edge of a watercourse"

**Sub-Directorate:** Environmental Impact Management  
Private Bag X 20801  
Bloemfontein  
9300  
Tel +27 (0)51 400 4812  
E-mail: [mkhosana@destea.gov.za](mailto:mkhosana@destea.gov.za)

19 "The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse"

28 "Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or before 01 April 1998 and where such development (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare"

27 "The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation"

12 "The clearance of an area of 300 square metres or more of indigenous vegetation – (b) (iv) areas within a watercourse or wetland; or within 100 metres from the edge of a watercourse or wetland" as described in the Basic Assessment report dated 22 January 2021, the activity entails the clearance of indigenous vegetation, the development of infrastructure related with the development of a residential area including roads within 32 metres of drainage lines. Construction of infrastructure associated with the development of a residential area, whereby drainage lines within the proposed site will be subjected to excavations, removal, and infill of more than 10 cubic metres of soil and infill material. The expansion of Slovpark Township Establishment will be on an area of 12 hectares outside the urban edge of Brandfort/Majwemasweu.

**Site coordinates:**

**Latitude:**

28° 41' 24.27" S

**Longitude:**

26°26' 27.29" E





## Activity description

The proposed township development with associated infrastructure i.e. road infrastructure, drainage system, water reticulation network, electricity reticulation and sewer network on Brandfort Townlands 720, Brandfort, Free State Province.

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

## Conditions

### 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 Authorisation.
- 1.2 The holder of the Authorisation 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 Authorisation.
- 1.3 The authorised activity may only be carried out on Brandfort Townlands 720, Brandfort, as indicated above at the exact site co-ordinates.
- 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 commenced with.
- 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 Authorisation to apply for further Authorisation in terms of NEMA.
- 1.6 If commencement of the activity does not occur within a period of 3 (three) years from the date of issue, the Authorisation lapses and a new application for an EA must be made.
- 1.7 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 this particular activity.

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## **Appeal of Authorisation**

- 1.8 The holder of the Authorisation must notify every registered interested and affected party, of the decision by the Department in writing and within 14 (fourteen) calendar days of the date of this EA,
- 1.9 The notification referred must –
- 1.9.1 specify the date on which the Authorisation was issued;
  - 1.9.2 inform the interested and affected party of the appeal procedure provided for in the National Appeal Regulations published in Government Gazette No. 38559 of 12 March 2015.
  - 1.9.3 advise the interested and affected party that a copy of the Authorisation will be furnished on request; and
  - 1.9.4 Give the reasons for the decision.
- 1.10 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. An appeal should be directed to:

**Attention: Mr. Thabo Molotsi**

**MEC (DESTEa)**

**Private Bag X20801**

**Bloemfontein**

**9300**

**Tel: (051) 400 4714**

**E-mail: [molotsit@destea.gov.za](mailto:molotsit@destea.gov.za)**



**An appeal not submitted to the above mentioned address will not be regarded as valid.**

- 1.11 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**

- 1.12 The Environmental Management Programme (EMPr) submitted as part of Application for EA is hereby approved.
- 1.13 The provisions of the EMPr included in the Basic Assessment Report (BAR) 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 Authorisation.
- 1.14 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 and are binding on the new owner and/or developer.
- 1.15 The recommendations and mitigation measures recorded in the BAR dated 22 January 2021 must be adhered to and incorporated as part of the EMPr where applicable.
- 1.16 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**

- 1.17 The applicant must appoint a suitably experienced Environmental Control Officer (ECO) for the construction phase of the development that will have the responsibility to ensure that the mitigation / rehabilitation measures and recommendations referred to in this Authorisation are implemented and to ensure compliance with the provisions of the EMPr.
- 1.18 The ECO shall be appointed before commencement of any construction activity.
- 1.19 The ECO shall keep record of all activities on site, problems identified, transgressions noted and a task schedule of tasks undertaken by the ECO.
- 1.20 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.





- 1.21 Records relating to monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.
- 1.22 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.

### **Recording and reporting to the Department**

- 1.23 The applicant must appoint an independent auditor to conduct an environmental audit to ensure that the conditions, mitigation measures and recommendations stipulated in this EA are complied with. The environmental audit report must –
- 1.23.1 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 corrective action plan and implementation programme.
- 1.23.2 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**

- 1.24 The authorised activity / shall not commence within twenty (20) days of the date of notification of Interested and Affected parties of the decision on the EA.
- 1.25 Should you be notified by the MEC of a suspension of the Authorisation pending appeal procedures, you shall not commence with the activity unless authorised by the MEC in writing.

### **Notification to authorities**

- 1.26 Fourteen (14) days prior 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 the construction of the activity will commence.

## **Operation**

- 1.27 Fourteen (14) days prior written notice must be given to the Department that the activity will commence operation.

## **Site closure and decommissioning**

- 1.28 Should the activity 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.
- 1.29 Before decommissioning of the development becomes evident a rehabilitation plan must be compiled and should be approved by this Department.

## **Specific conditions**

- 1.30 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.
- 1.31 The construction and operational general solid waste must be disposed of at the registered landfill site in Brandfort.
- 1.32 The access to the proposed development must be gained from the access point at the unnamed municipal road that branches from Provincial Road R703 Brandfort / Soutpan and must connect to the Majwemasweu road network.
- 1.33 The proposed development must obtain water supply from the municipality.
- 1.34 The development must connect to the existing water supply infrastructure as there is enough capacity to accommodate the new development.
- 1.35 The proposed development must obtain electricity supply from the existing Eskom Infrastructure.
- 1.36 The applicant must ensure that the proposed development sewerage is accommodated at the Brandfort WWTW.

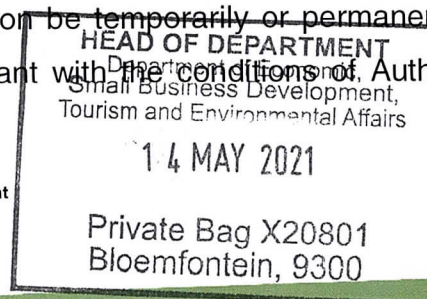


- 1.37 The Applicant must ensure that no development occurs within 1: 100 year flood line.
- 1.38 Wastewater SPECIAL LIMIT values applicable to discharge of wastewater into a water resource, General Authorisation No. 399, 2004 must be adhered to.
- 1.39 No sewage works must be built within 1: 100 year flood line.
- 1.40 Detailed plans for the sewage treatment works must be submitted to the Department of Water and Sanitation.
- 1.41 Storm water management plans must be implemented. The storm water management measures incorporated into the development layout designs must be inspected on a minimum biannual basis. They must be adequately maintained to ensure that sufficient volumes and quality of surface water runoff from the footprint area is channelled towards the water drainage lines to ensure their continued flow and subsequent ecological functionality and integrity.
- 1.42 The two larger more significant drainage lines must be adequately buffered out of the proposed development footprint area. A minimum of approximately 32m buffer must be placed around the two drainage lines and no development is allowed to take place within the buffered area.
- 1.43 The Applicant must ensure that all conditions set by the Department of Police, Roads and Transport are adhered to.
- 1.44 If any evidence of archaeological sites or artefacts, paleontological fossils, graves or other heritage resources is found during construction, South African Heritage Resource Agency (SAHRA) and archaeologist and / palaeontologist, must be informed immediately depending on the nature of the findings.
- 1.45 The conditions of the servitude i.e. building restriction of 15.5m on either side of the Eskom servitude must be adhered to.
- 1.46 All conditions set out in a letter dated 06 October 2020 by Eskom must be adhered to by the Applicant and all contractors or representatives of the Applicant.
- 1.47 No hunting and or catching of wild animals and/or reptiles is allowed. No open fires are allowed in or around the site during the construction period.

- 1.48 Chemical toilets must be supplied for construction workers and must be regularly inspected for leakages and maintained.
- 1.49 No servicing of vehicles or machinery is allowed on site and no decanting of fuels is permitted.
- 1.50 Any endangered plant species found on the site during construction must be transplanted in accordance with a DESTEA permit.

### **General**

- 1.51 A copy of this particular EA 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.
- 1.52 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.
- 1.53 The holder of the Authorisation must notify the Department, in writing within 48 (forty eight) hours, if any condition of this Authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.54 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.
- 1.55 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 operation 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 the Authorisation.

- 1.56 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.
- 1.57 Emergency and reporting of incidents as stipulated in Section 30 of NEMA (Act 107 of 1998) must be followed accordingly.

Approved:



Dr. M. Nokweu

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

Date: 14/5/2021

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Small Business Development,  
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## **Annexure 1: Reasons for Decision**

### **1. Background**

The applicant, Masilonyana Local Municipality applied for Authorisation to commence with activities from Listing Notice 1 (GNR 327) and Listing Notice 3 (GNR 324) of the 2014 EIA Regulations as amended, described in the Basic Assessment Report (BAR) dated 22 January 2021 as the proposed township development on Brandfort Townlands 720, Brandfort.

The applicant appointed NSVT Consultants to undertake Basic Assessment process, for the activity as described under Regulation Notice 326 of 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 information contained in the BAR dated 22 January 2021 completed by NSVT Consultants and the accompanying Environmental Management Programme (EMPr).
- b) Mitigation measures as proposed in the BAR dated 22 January 2021 and the EMPr.
- c) 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).
- d) The findings of the site visit undertaken by Mr. V. Hlazo from the Department of Economic, Small Business Development, Tourism and Environment Affairs on the 20 April 2021.

### **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. Factors considered in making the decision are the following:

- a) Waste Management
- b) Water Supply
- c) Sewerage Management
- d) Drainage Lines
- e) Electricity Supply

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f) Traffic Impact Assessment

#### 4. Findings

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

- (a) The construction solid waste will be disposed of at the Brandfort Landfill Site.
- (b) The proposed development will get water from the municipality.
- (c) The Brandfort WWTW has sufficient capacity to accommodate the proposed development.
- (d) The two larger drainage lines will be buffered out with a 32m buffer area and no development will be allowed in the buffer zone to allow the ecological integrity of the drainage lines to continue.
- (e) The development will connect to the existing Eskom infrastructure. Eskom has no objection to this, however, the normal application processes must be followed before connections are made.
- (f) Access to the site will be through the unnamed municipal road that connects to Provincial Road R703 Brandfort / Soutpan.

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.

