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Litiko Letekulima, Kutfufukiswa
Kwetindzawo Tasemakhaya, Temhlaba
Netesimondzawo

Departement van Landbou,
Landelike Ontwikkeling,
Grond en Ongewing Sake

umNyango weZelimo
UkuT huthukiswa kweeNdawo
zemaKhaya,

Enquiries : Sindisiwe Mbuyane
Telephone : (017) 811 4830
Reference : 1/3/1/16/1 G-23
NEAS No. : MPP/EIA/0000073/2015

Picabiz 160 CC
Posbus 4704
Secunda
2302

Attention : Mr. Willem Jacobs
Email : wjljacobs@gmail.com

Dear Sir,

APPLICATION FOR ENVIRONMENTAL AUTHORISATION: THE PROPOSED SECUNDA EXTENSION 7 (ERF 3535) RESIDENTIAL DEVELOPMENT ON THE REMAINING EXTENT OF PORTION 3 OF ERF 3535 AND PORTIONS 4-14 SECUNDA WITHIN THE JURISDICTION OF GOVAN MBEKI LOCAL MUNICIPALITY: MPUMALANGA PROVINCE.

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, you are instructed to notify all registered interested and affected parties, in writing and within 14 days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 8 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 receiving this letter, by means of one of the following methods:

By facsimile: (013) 766 6067/8

By post: Private Bag x 11219
Nelspruit
1200

By hand: Building 6, 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,



Mr. S.S. Maluleka
Chief Director: Environmental Affairs
Date: 30.06.2016

CC: EAP Baoberry (Pty) Ltd
Email: yoiandi@baoberry.co.za



agriculture, rural development,
land & environmental affairs

MPUMALANGA PROVINCE
REPUBLIC OF SOUTH AFRICA

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zemaKhaya,

Environmental Authorisation

Authorisation register number: 1/3/1/16/1 G-23

NEAS No.: MPP/EIA/0000073/2015

Holder of Authorisation: Picabiz 160 CC

Location of activity: On the remaining extent of portion 3
of Erf 3535 and portions 4-14
Secunda, within the jurisdiction of
Govan Mbeki 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. Activity 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, the Department hereby authorises:

Picabiz 160 cc
Posbus 4704
Secunda
2302

Contact Person: Mr. Willem Jacobs
Telephone: (082) 804 2971
Email: wiliacobs@gmail.com

To undertake the following activities (hereafter referred to as "the activity"): The proposed Secunda extension 7 (Erf 3535) on the remaining extent of Portion 3 of Erf 3535 and Portions 4-14 Secunda within the jurisdiction of Govan Mbeki Local Municipality. The site coordinates are: 26° 30' 57.31" S and 29° 11' 44.06"E.

Applicable Activity

GNR 983 Number	Activity	Activity Description	Extent to which Activity is Authorised
			where activities authorised are in accordance with the site plan for proposed Secunda extension 7 designed by Afriplan, drawing No: sub-Erf 3535, SecX7 and dated 26-01-2016
27		The clearance of an area of 1 hectare or more, but less than 20 hectares of vegetation, except where such clearance of indigenous vegetation is required for- (i) The undertaking of a linear activity; or Maintenance purposes undertaken in accordance with a maintenance management plan.	Applicable to the entire project footprint

The granting of this environmental authorisation is subject to the conditions set out below: 

3. Conditions of authorisation

Scope of authorisation

- 3.1 Environmental Authorisation of the activity is subject to the conditions contained in this authorisation that are part of the Environmental Authorisation and are legally binding on the holder of the authorisation.
- 3.2 The holder of the Environmental Authorisation must ensure 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.
- 3.3 A copy of this Environmental Authorisation must be made available on site at all times and all relevant staff, contractors and sub-contractors must be familiar with the contents of this authorisation.
- 3.4 The activity that is authorised may only be carried out at the property indicated above.
- 3.6 Any changes to, or deviations from, the project description set out in this Environmental 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 Environmental Authorisation in terms of the regulations.
- 3.7 This activity must commence within a period of **four (4) years** from the date of issue. If commencement of the activity does not occur within that period, the Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 3.8 The Department may change or amend any of the conditions in this authorisation if, in the opinion of the Department is environmentally justified.
- 3.9 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.
- 3.10 This Environmental Authorisation does not negate the holder of the authorisation, responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 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).

Appeal of Authorisation

- 3.12 The holder of the authorisation must notify every registered interested and affected party, in writing and within 14 (fourteen) days, of receiving notice of the Department's decision to authorise the activity.
- 3.13 The notification referred to above must:
 - a) Specify the date on which the authorisation was issued;
 - b) Inform the interested and affected parties of the appeal procedure provided for in Chapter 2 of the regulations; and

- c) Advise the interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- d) Be published in the newspaper contemplated in Regulation 41 (2) (c) and (d) and which newspaper was used for the placing of advertisements as part of public participation process.

Management and Monitoring of the activity

- 3.14 The Environmental Management Programme (EMPr) dated June 2016 incorporated as an additional information of the Final Basic Assessment Report is hereby approved.
- 3.16 The holder of the authorisation must submit a post-construction environmental audit report to the Department within 30 (thirty) days after completion of the authorised activity on site. The audit report must be compiled by an independent auditor.
- 3.17 The Department retains the right to monitor and/ or inspect the proposed project during both construction and operational phases.

Commissioning and operation of the activity

- 3.18 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.
- 3.19 The conditions stipulated in this Environmental Authorisation and mitigation measures contained in the Environmental Management Programme are legally binding components of any contract and are therefore legally enforceable.
- 3.20 Erf 3535, Secunda Extension 7 which was known as a park has been permanently closed and been alienated for the purpose of residential infill by the Govan Mbeki Local Municipality and the letter dated 24 May 2014 is incorporated in the report.
- 3.21 The conclusions and recommendations of the Hydrological Wetland Impact Assessment and Management Report compiled by J.H. van der Waals of Terra Soil Science dated 15 January 2016 incorporated in the Final Basic Assessment Report dated March 2016 must be adhered to.
- 3.22 Should any archaeological artifacts be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped immediately. A registered Heritage Specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. Relevant heritage resource agency must be informed about the finding.
- 3.23 Measures must be taken to ensure the prevention or minimization of erosion during construction. Such measures must take into account the period in which construction takes place.
- 3.24 Any complaints received from the employees or anyone within the immediate vicinity of the site during the construction and operational phases of the activity must be attended to as soon as possible and addressed to the satisfaction of all involved.
- 3.25 Dust suppression measures must be implemented during all phases of the project.
- 3.26 The handling and storage of any hazardous waste must comply with the relevant statutory requirements.

- 3.27 Appropriate ablution facilities and camp waste disposal must be provided to the construction team to prevent pollution of the surrounding environment.
- 3.28 Spillages must be cleaned up as soon as it is practically possible to circumvent soil and water pollution.
- 3.29 Pounding of water must be prevented on site in order to prevent pollution of ground water and accident to animals and human beings.
- 3.30 The clearing of vegetation must make provision for conservation corridors to facilitate and maintain ecological functioning.
- 3.31 No construction activity must occur within 32m buffer of a watercourse.
- 3.32 A 1:100 year floodline must be observed and kept in all stages of the construction of the proposed activity.
- 3.33 Soil or stockpiling must not be allowed within 100m of any water course or wetland.

General

- 3.34 A copy of this Environmental 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.
- 3.35 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 Department must be notified as soon as the new details become known to the applicant.
- 3.36 The holder of the Environmental Authorisation must notify the Department, in writing and within 24 (twenty four) hours, if conditions of this Environmental Authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.37 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.
- 3.38 National government, provincial government, local authorities or committees appointed in terms of the conditions of this Environmental 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. S.S. Maluleka
Chief Director: Environmental Affairs
Date: 30.06.2016

ANNEXURE 1: REASONS FOR THE DECISION

1. Background

The applicant **Picabiz 160 CC** applied for Environmental Authorisation for the following:

The proposed Secunda extension 7 on the remaining extent of portion 3 of Erf 3535 and Portions 4-14 Secunda within the jurisdiction of Govan Mbeki Local Municipality. The site coordinates are: 26° 30' 57.31" S and 29° 11' 44.06"E.

Listed Activity

GNR 983 Number	Activity	Activity Description	Extent to which Activity is Authorised
			where activities authorised are in accordance with the site plan for proposed Secunda extension 7 designed by Afriplan, drawing No: sub-Erf 3535, SecX7 and dated 26-01-2016
27		The clearance of an area of 1 hectare or more, but less than 20 hectares of vegetation, except where such clearance of indigenous vegetation is required for- (ii) The undertaking of a linear activity; or Maintenance purposes undertaken in accordance with a maintenance management plan.	Applicable to the entire project footprint

2. The applicant appointed the following Environmental Assessment Practitioner to undertake the Environmental Assessment process:

Consultant Name: Baoberry (Pty) Ltd
Address: Private Bag X 37
Lynnwood Ridge
0040

Contact Person: Yolandi Schoeman
Telephone: (082) 562 3621
Email: yolandi@baoberry.co.za

3. Information considered in making a decision.

In reaching its decision, the Department took the following into consideration:

- The information contained in the Final Basic Assessment Report received on the 29th March 2016.
- The findings of the site visit conducted by Thabile Mahlaku and Sindisiwe Mbuyane from the Department and Yolandi Schoeman representing Baoberry (Pty) Ltd on the 08th of June 2016.

- c) 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).

4. 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 that, in the Department's views, were of the most significance is set out below:

- a) The ecological value of the site where the development will take place;
- b) The site falls in an area earmarked for residential infill;
- c) The comments from Mpumalanga Tourism and Parks Agency (MPTA); and
- d) Public Participation Process.

5. Findings

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

- a) The proposed project will provide housing for the people of Secunda.
- b) The proposed project will provide local residents with job opportunities.
- c) The Environmental Management Programme addresses the Potential impacts.
- d) Issues and concerns raised by Interested and Affected Parties were addressed.

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. 