

AGRICULTURE, CONSERVATION, AND ENVIRONMENT

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Reference: 002/07-08/N0180
Enquiries: Olivia Letlalo
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Attn: Mr. Jaco Olivier
Central Property Developments Johannesburg (Pty) Ltd
P.O. Box 754
Auckland Park
2006

Fax no: 011 315 7905

PER FACSIMILE / REGISTERED MAIL

GDACE
Office of the HOD

09 -03- 17

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Dear Mr. Olivier,

AUTHORISATION GRANTED: PROPOSED TOWNSHIP CHLOOKOP EXTENSION 65 ON PORTION 39 AND 39 (A PORTION OF PORTION 12) AND PORTION 44 (A PORTION OF PORTION 18) OF THE FARM MOOIFONTEIN 14 IR

With reference to the abovementioned application, pleased be advised that the Department has decided to grant authorisation. The Environmental Authorisation and reasons for the decision are attached herewith.

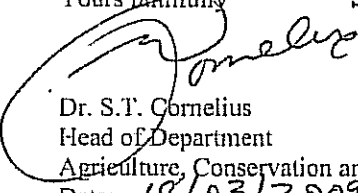
In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within ten (10) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of NEMA Regulations from Government Notice R385, 2006; 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 10 days of the date of this letter, by means of one of the following methods:

By facsimile: (011) 333-0620;
By post: P.O. Box 8769, Johannesburg 2000;
By hand: 16th Floor, Diamond Corner Building, 68 Eloff Street, Johannesburg.

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 faithfully


Dr. S.T. Cornelius
Head of Department
Agriculture, Conservation and Environment
Date: 18/03/2009

CC: Landscape Dynamics

Attn: Annelize Grubler
Fax: (012) 346-2356

Compliance Monitoring

Attn: Cecilia Petlane
Fax: (011) 355-1850

Ekurhuleni Metropolitan Municipality

Attn: Lebogang Raliapeng
Fax: (011) 456-0114

Project Manager

Attn: Mokutu Nketu
Fax: (011) 355 1850

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Environmental Authorisation

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Authorization register number:	Gaut: 002/07-08/N0180
Holder of authorisation:	Central Property Development Johannesburg (Pty) Ltd
Location of activity:	Portion 38 and 39 (a portion of portion 12) and Portion 44 (a portion of portion 18) of the farm Mooifontein 14 IR

Definitions

Basic Assessment means a process contemplated in regulation 22;

Basic Assessment Report means a report contemplated in regulation 23;

EAP means an Environmental Assessment Practitioner;

Environmental Management Plan means an environmental management plan in relation to identified or specified activities envisaged in Chapter 5 of the Act and described in regulation 34;

Interested and Affected Parties means an Interested and Affected Party contemplated in section 24(4)(d) of the Act, and which in terms of that section includes –

- (a) any person, group of persons or organization interested and affected by an activity; and;
- (b) any organ of state that may have jurisdiction over any aspect of the activity.

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 activity specified below.

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

Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006, the Department hereby authorizes –

Central Property Development Johannesburg (Pty) Ltd

with the following contact details –

Attn: Mr. Jaco Olivier

Central Property Development Johannesburg (Pty) Ltd

P.O. Box 754

Auckland Park

2006

Fax no: (011) 315-7905

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to undertake the following activity (hereafter referred to as “the activity” / “the activities”) -

- The proposed industrial development will consist of 61 “Industrial 1” erven covering an area of 16.4596 ha, 1 “Special” erf for access control and municipal services purposes covering an area of 3.4963 ha, 2 private open space for attenuation purposes covering an area of 0.3878 ha and a public street covering an area of 1.1626 ha. The proposed development will take place on Portion 38 and 39 (a portion of portion 12) and Portion 44 (a portion of portion 18) of the farm Mooifontein 14-IR which falls within the jurisdiction of Edenvale Service Centre of the Ekurhuleni Metropolitan Municipality, hereafter referred to as “the property”.

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

Conditions

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Scope of authorisation

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- 1.1 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.
- 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 activity which is authorised may only be carried out at the property indicated above.
- 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 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.
- 1.5 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.

- 1.6 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.

Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorize the activity.
- 1.8 The notification referred to in 1.7 must –
- 1.8.1 Specify the date on which the authorisation was issued;
 - 1.8.2 Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.8.3 Advise the interested and affected party that a copy of the authorisation and reasons for the decision will be furnished on request.

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Management of the activity

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- 1.9 The Environmental Management Plan (EMP) submitted as part of the Environmental Impact Assessment Report is accepted. All recommendations and mitigation measures included in the EMP must be adhered to.
- 1.10 Compliance with the approved EMP will be considered an extension of the conditions of the authorisation. The contents of the EMP and its objectives must be made known to all contractors, subcontractors, agents and other people working on the site.
- 1.11 A signed confirmation is required by the Department stating that the applicant, contractors and subcontractors know and understands the contents of the EMP and that he/she is able and shall comply with all legislation pertaining to the nature of the work to be done and all matters incidental thereto.
- 1.12 A signed copy of the service agreements for waste, water, storm water management, electricity and sewage must be forwarded to the Department prior to the commencement of construction activities.
- 1.13 Adequate measures must be implemented regarding the collection, removal and disposal of waste during each stage of the development from the site preparation to the final construction and operation.

- 1.14 It should be determined whether the municipal or regional sewerage network can accommodate the sewage from sewer pump station of the new development.
- 1.15 No waste, including builder's rubble, excavated rocks or papers may be buried or burned on the site. Wastes must be disposed off at an appropriate, permitted waste disposal facility.
- 1.16 No effluent (including effluent from any of the storage areas) may be discharged into any water course including groundwater resource. Effluent discharged to the drainage should comply with the relevant requirements and bylaws.
- 1.17 Any spills of fuel, oil, diesel, grease, lubricants and other mechanical fluids and the hazardous materials should be cleaned up and the area rehabilitated immediately, with the waste disposed of at an appropriate, permitted waste disposal facility.
- 1.18 Used fuels, oil, grease, lubricants and other mechanical fluids should be removed to an appropriate facility for reuse and or disposal, with a written agreement from the owner of such a facility.
- 1.19 Municipal by-laws applicable to the proposed development must be strictly adhered to.
- 1.20 Before waste is transported to authorised landfill, it must be stored on skips placed on a bunded area to prevent infiltration of dirty water.
- 1.21 Dust suppressing measures must be implemented as detailed in the EMP during construction phase.
- 1.22 It must be ensured that noise generated from the construction activities does not exceed noise level of 85dB as required by the Occupational Health and Safety Standards.
- 1.23 It must be ensured that raw materials, type of energy to be used as well as their sources must be in line with energy efficiency initiatives.
- 1.24 Implementation of all recommendations outlined in the following reports are considered an extension of the conditions of this Authorisation:
 - Engineering Services Report prepared by Civilcraft dated October 2007.
 - Traffic Impact Study prepared by ITS Engineers dated 25 October 2007.
 - Vegetation Survey prepared by Enviroguard Ecological Services cc dated April 2007.
 - Wetland Study prepared by Imperata Consulting cc dated May 2007.
 - Faunal Survey prepared by Dr Wynand Vloek.

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- Heritage Impact Assessment prepared by Dr Julius CC Pistorius Archaeologist & Heritage Management Consultant.

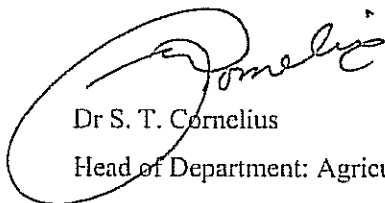
Commissioning of the activity

- 1.25 A record of all environmental incidents related to the development must be maintained and a copy of records must be available to the Department within seven (7) days of written request by the Department for such record.
- 1.26 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.

General

- 1.27 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.
- 1.28 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.
- 1.29 The holder of the authorisation must notify the Department, in writing and within twenty four (24) hours, if conditions of this authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.30 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.

Date of Environmental Authorisation: 18/03/2009



Dr S. T. Cornelius
Head of Department: Agriculture, Conservation and Environment

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Annexure 1: Reasons for Decision

1. Background

The applicant, Central Property Development Johannesburg (Pty) Ltd applied for authorisation to carry on the following activities in terms of GN R. 386 of 21 April 2006 –

Listed Activity No. 1 The construction of facilities or infrastructure, including associated structures or infrastructure, for: (k) the bulk transportation of sewage and water, including storm water, in pipelines with-

- i. *An internal diameter of 0.36 metres or more; or*
- ii. *A peak throughput of 120 litres per second or more.*

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Listed Activity No. 15 The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.

Activity listed in terms of GN R 387.

Listed Activity No. 2 Any development activity, including associated structure and infrastructure, where the total area of the developed area is, or is intended to be 20 hectares or more;

The proposed industrial development will consist of 61 "Industrial 1" erven covering an area of 16.4596 ha, 1 "Special" erf for access control and municipal services purposes covering an area of 3.4963 ha, 2 private open space for attenuation purposes covering an area of 0.3878 ha and a public street covering an area of 1.1626 ha. The proposed development will take place on Portion 38 and 39 (a portion of portion 12) and Portion 44 (a portion of portion 18) of the farm Mooifontein 14-IR which falls within the jurisdiction of Edenvale Service Centre of the Ekurhuleni Metropolitan Municipality, hereafter referred to as "the property".

The applicant appointed Landscape Dynamics to undertake a Environmental Impact Assessment process which included the steps as specified under section 22 and 24 of GN R. 385 of 21 April 2006. No exemption was requested or granted during the process

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 Environmental Impact Assessment Report including all Specialist studies and Environmental Management Plan compiled by Landscape Dynamics and received by this Department on 05 August 2008.
- b) The comments received from interested and affected parties as included in the Environmental Impact Assessment Report.
- c) Relevant information contained in the Departmental information base including –
 - i. Geographic Information System (GIS);
 - ii. Gauteng Agricultural Potential Atlas Version 3 (GAPA 3, 2006);
 - iii. Gauteng Information Layers and Buffer Zones for industries, sewerage treatment works, landfills sites and mine dumps; and
 - iv. Gauteng Conservation Plan (C-Plan Version 2).
- d) The Departmental Red Data Birds Policy (2001).
- e) The Principles of the Development Facilitation Act (Act No. 67 of 1995).
- f) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).
- g) The Metropolitan Spatial Development Framework (MSDF) for the Ekurhuleni Metropolitan Municipality 2005/2006 (EMMSDF, 2005).
- h) The GDACE findings of the site inspection undertaken by Mokutu Nketu and Rhulani Chauke on 15 January 2009.

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3. Key factors considered in making the decision

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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) The Public Participation Process was carried out according to the requirements of the Environmental Impact Assessment Regulations, 2006.
- b) Objections received from Interested and Affected Parties and it was addressed to the satisfaction of this department.
- c) The need for the proposed activity was adequately demonstrated by the applicant.

- d) All the alternatives were considered and the proposed site is deemed suitable for the activity.
- e) No significant impacts are associated with the proposed activity.

4. Findings

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

- i. The proposed development is earmarked for strategic development areas according to the Ekurhuleni Metropolitan Municipality Spatial Development Framework (EMMSDF) (EMM, 2005).
- ii. The site is within the provincial demarcated urban edge and therefore supports densification policy through in-fill development.
- iii. The proposed development does not require a significant extension of services outside of the existing network.
- iv. According to the GAPA 3, the site has no classification and located outside of both the Agricultural Hub and the Important Agricultural site. The transformation of the site will not therefore contravene the Department's policy on the protection of non-renewable resources.
- v. The site is not considered environmentally sensitive according to Departmental policies and guidelines.

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 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. Authorisation is accordingly granted.

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