



**the detea**  
the department of economic  
development, tourism and  
environmental affairs  
FREE STATE PROVINCE

## Environmental Authorisation

**Authorisation register number:** EMB/23(i)/14/01

**Holder of authorisation:** Ensemble Trading 535  
Proprietary Limited

**Location of activity:** Portion of the Remainder of the  
Farm Bloemfontein 654,  
Bloemfontein

02 DEC 2014

Head of Department  
Department of Economic Development  
Tourism and Environmental Affairs  
Private Bag X20801  
Bloemfontein, 9300

Office of the Deputy Director: Environmental Impact Management

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## 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, 2010 the Department hereby authorises –

Mr. Daan Krös

with the following contact details –  
28 Paul Roux Street, Dan Pienaar  
Bloemfontein  
9301  
P.O. Box 153, Bloemfontein  
9300

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Head of Department  
Department of Economic Development  
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Private Bag 820801  
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Cell: 082 452 3266

Email: daankros@vodamail.co.za

On behalf of Ensemble Trading 535 Propriety Limited

To undertake the following activity (hereafter referred to as “the activities”) indicated in Listing Notice 1 (GNR 544),

Activity 23 "The transformation of undeveloped, vacant or derelict land to-

(i) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, where the total area to be transformed is 5 hectares or more, but less than 20 hectares".

as described in the Environmental Impact Assessment report dated 24 July 2014 on Portion of the Remainder of the Farm Bloemfontein 654, Bloemfontein, Mangaung Metropolitan Municipality hereafter referred to as "the property".

Site co-ordinates are as follows:

Latitude: 29° 5.193'S  
Longitude: 26° 10.315'E

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The activity entails the mixed land use development [residential buildings, places of assembly, institutions, shops, business premises, auctioneers business, undertakers business, gymnasium, commercial workshop, offices, guest house, hospital (public or private), places of amusement, hostels, restaurants and cafes, warehouses, self-storage, motor dealerships including showrooms (workshop, selling of parts and administrative offices for motor dealer purposes) as well as take away and drive through restaurant] on a maximum permissible Gross Leasable Area (GLA) of 60 000 m<sup>2</sup>.

The granting of this environmental authorisation 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, which conditions 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 authorised activity may only be carried out at the property/site 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 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 Environmental Authorisation (EA) must be made.
- 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**

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- 1.7 The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) calendar days of the date of this environmental authorisation, of its decision to authorise the activity.
- 1.8 The notification referred 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;
  - 1.8.3 advise the interested and affected party that a copy of the authorisation will be furnished on request; and
  - 1.8.4 give the reasons for the decision.
- 1.9 The holder of the authorisation must publish a notice –

1.9.1 informing interested and affected parties of the decision;

1.9.2 informing interested and affected parties where the decision can be accessed; and drawing the attention of interested and affected parties to the fact that an appeal may be lodged against this decision in the newspapers contemplated and used in terms of regulation 54(2)(c) and (d) and which newspaper was used for the placing of advertisements as part of the public participation process.

1.10 A person affected by the decision who wishes to appeal against the decision must lodge a notice of intention to appeal with the MEC of the Department of Economic Development, Tourism and Environmental Affairs within 20 days after being notified of the decision. The notice of intent to appeal should be directed to:

**MEC (Economic Development, Tourism and Environmental Affairs)**

**Private Bag X20801**

**Bloemfontein**

**9300**

**Fax (051) 400 4709**

**Appeal notices 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**

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1.12 The Environmental Management Programme (EMPr) submitted as part of Application for Environmental Authorisation is hereby approved.

1.13 The provisions of the Environmental Management Programme (EMPr) included in the Environmental Impact Assessment Report 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 The Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. 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 Environmental Impact Assessment Report dated 24 July 2014 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 Development Tourism and Environmental Affairs and must be decided upon within a period of 30 days of the submission.

### **Monitoring**

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- 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 activities.
- 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 implementation due to construction damage, are completed and the site is ready for operation.
- 1.21 Records relating to monitoring and auditing must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

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

- 1.22 The applicant must appoint an independent auditor to conduct an environmental audit to ensure that the conditions, mitigation measures and recommendations stipulated in this environmental authorization are complied with. The environmental audit report must –

1.22.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation.

### **Commencement of the activity**

- 1.23 The authorised activity / shall not commence within twenty (20) days of the date of signature of the authorisation.
- 1.24 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**

- 1.25 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 it is anticipated that the activity will commence.

### **Specific conditions**

- 1.26 An integrated waste management approach must be implemented that is based on waste minimisation 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.
- 1.27 Permits must be obtained for the removal/ transplantation of any endangered and/ or protected plant / animal species found on site.
- 1.28 Sewerage for the proposed development must be linked to the municipal sewer system.
- 1.29 Water must be supplied by municipality.

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- 1.30 Waste from the proposed development must be disposed of at an authorised landfill site in Bloemfontein.
- 1.31 Dust suppression measures such as regular watering of the site must be implemented.
- 1.32 Construction must be limited to day time hours.
- 1.33 A blasting permit must be obtained before blasting activities is undertaken.
- 1.34 Street lighting must be provided according to Centlec Standards and Specifications.
- 1.35 Drainage of water on the site must be properly designed according to the nature of the site so that the existing flow pattern is not disturbed but rather copied.
- 1.36 Erosion berms must be designed so that the intervals between them ensure maximum soil retention during heavy rains.
- 1.37 Recommendations made from the Traffic impact study report dated April 2013 must be adhered to.

**General**

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- 1.38 A copy of this authorisation must be kept at the property where the activity (i.e.) 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.
- 1.39 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.
- 1.40 The holder of the authorisation must notify the Department, in writing and 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. 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.



1.41 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 authorisation.

Approved /-~~Not Approved~~:

  
Mr. M.R Seleke  
(HOD, DETEA)

26/11/2014  
Date:

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Braamfontein, 2009

## **Annexure 1: Reasons for Decision**

### **1. Background**

The applicant, Mr.Daan Krös on behalf of Ensemble Trading 535 Propriety Limited, applied for authorisation to commence with the following activity –

- (a) Activity 23 “ The transformation of undeveloped, vacant or derelict land to-
- (ii) residential, retail, commercial, recreational, industrial or institutional use, inside an urban area, where the total area to be transformed is 5 hectares or more, but less than 20 hectares”,

for the proposed the mixed land use development [residential buildings, places of assembly, institutions, shops, business premises, auctioneers business, undertakers business, gymnasium, commercial workshop, offices, guest house, hospital (public or private), places of amusement, hostels, restaurants and cafes, warehouses, self-storage, motor dealerships including showrooms (workshop, selling of parts and administrative offices for motor dealer purposes) as well as take away and drive through restaurant] on a maximum permissible Gross Leasable Area (GLA) of 60 000 m<sup>2</sup>,

as described in the in the Basic Assessment Report (BAR) dated 24 July 2014 on: Portion of the Remainder of the Farm Bloemfontein 654, Bloemfontein the, located within the jurisdiction of, Mangaung Metropolitan Municipality.

The applicant appointed MDA Town & Regional Planners, Environmental & Development Consultants to undertake the Basic Assessment process, for the activity as described under Regulation Notices 543 and R 544 of 2010.

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### **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 Basic Assessment Report dated 24 July 2014 completed by MDA Town & Regional Planners, Environmental & Development Consultants.

- b) 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).
- c) The findings of the site visit undertaken by Ms. M. Gunundu from the Department of Economic Development, Tourism and Environment Affairs.

### **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:

- Waste
- Fauna and Flora
- Sewage
- Water
- Storm water
- Noise
- Electricity
- Access road

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### **4. Findings**

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

- a) All waste generated during construction and operational activities will be disposed off at a registered municipal waste disposal site in Bloemfontein.
- b) The Permits will be obtained for the removal/ transplantation of any endangered and/ or protected plant / animal species found on site.
- c) Sewerage for the proposed development will be linked to the municipal sewer system.
- d) Water will be supplied by municipality.
- e) Drainage of water on the site will be properly designed according to the nature of the site so that the existing flow pattern is not disturbed but rather copied.
- f) Construction will be limited to day time hours.

- g) Electricity will be supplied by Centlec.
- h) The formal applications for the construction and upgrading of roads will be submitted for approval to the relevant authorities before commencing with the road's development.

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 as amended) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

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