

Our Ref: 0488/1

16 April 2015

GAUTENG DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Administration Unit of the Sustainable Utilisation of the Environment (SUE) Branch
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Attention: Administration Unit of the Sustainable Utilisation of the Environment (SUE) Branch

RE: PROPOSED WRIGHT PARK SHOPPING CENTRE ON ERF 364 OF WRIGHT PARK EXTENSION 1 TOWNSHIP IN THE EKURHULENI METROPOLITAN MUNICIPALITY; NEMA EIA REGULATIONS 2014 COMPLIANCE REQUIREMENTS

It is the intention of Rebamoratiwa Property Investment Holdings (Pty) Ltd to establish a Shopping Centre and associated infrastructure on Erf 364 of the Wright Park Extension 1 Township within the Ekurhuleni Metropolitan Municipality.

The details of the project proponent and subject property are as follows:

1. Project Proponent

The Executive Director
Rebamoratiwa Property Investment Holdings (Pty) Ltd
Mr. Michael Masemola
Willow Wood Office Park
Cnr 3rd & Cedar Avenue
Broadacres
Fourways

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2. Property Description

Erf 364 of Wright Park Extension 1 Township.

3. Locality

- Locality Map. Refer to Figure 1.
- Co-ordinates (centre point of the site - co-ordinates in decimal degrees)
 - Latitude (S): 26°15'45.07"S
 - Longitude (E): 28°23'43.09"E

4. Extent

The subject property measures 5,8325 hectares.



Figure 1: Locality Plan

5. Proposed Development - The establishment of a shopping centre (18 511m2 GLA) and associated infrastructure.

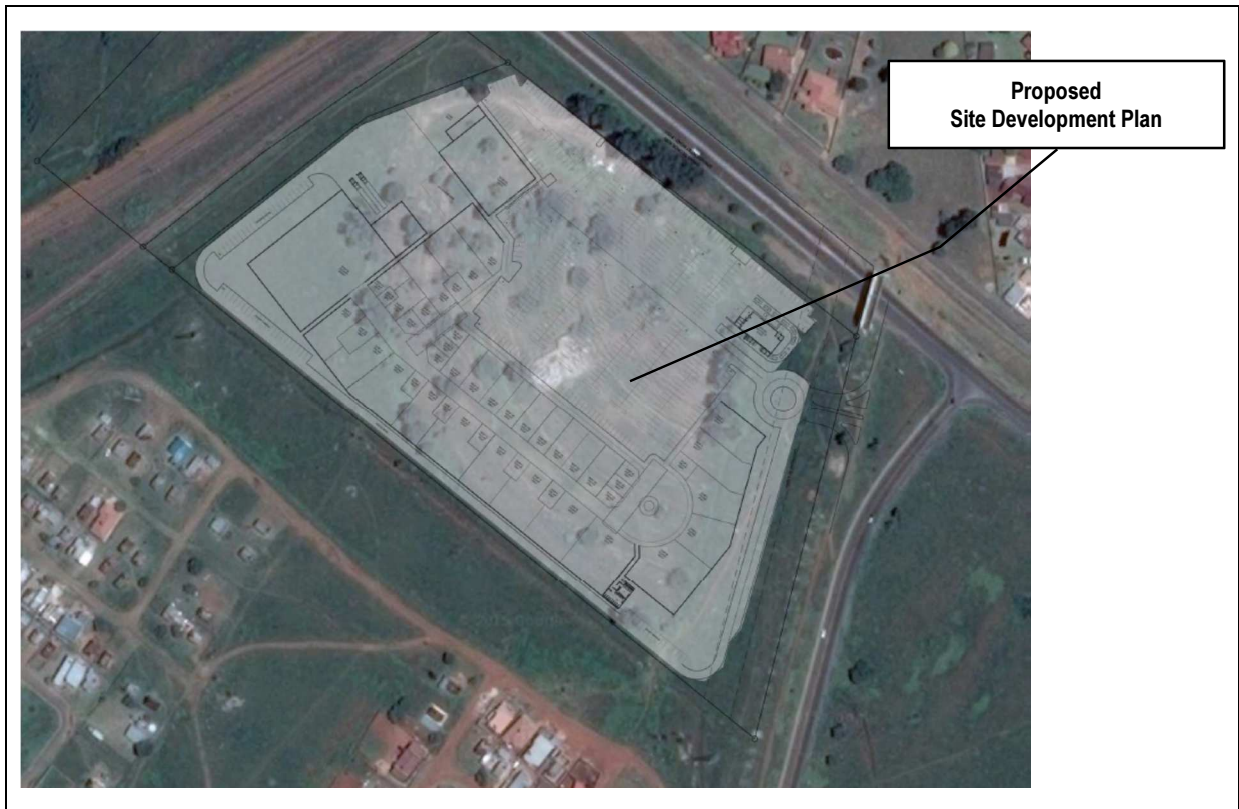


Figure 2: Site Development Plan



Figure 3: Photos of Subject Property

6. Zoning of Subject Property

The property is zoned "Special".

7. Watercourses / Flood Lines

The property is not affected by any watercourses and associated 1:50 and 1:100 year flood lines or a 32meter conservation buffer zone.

7. NEMA EIA Regulations 2014 Compliance Requirements

The subject property is:

- i. Situated inside an urban area;
- ii. Is not located within an "Irreplaceable" and/or "Important" area as identified in terms of Gauteng Conservation Plan (C-Plan 3.3);
- iii. The C-Plan also indicates that the subject property is not affected by any other ecological and/or aquatic sensitive areas. The biophysical quality of the subject property can be described as very low due to its general lack of diversity, no natural habitat remaining, low relative relief, the fact that no distinguishing features exist as a result of significant disturbance due to current commercial and residential activities.
- iv. Is not affected by any watercourses and associated 1:50 and 1:100 year flood lines and 32meter conservation buffer zones; and

- v. A Vegetation Assessment was undertaken by Enviro-Insight to determine the presence of indigenous vegetation as defined by the EIA 2014 Regulations. A summary is presented here, and the complete report may be found in Appendix D.

“Site inspection covered the majority of the area under investigation (Figure 1), and approximately 10 species of indigenous grasses and 2 tree species occurring within the study site. A comprehensive list is provided below. Despite the presence of native species, much of the study site is more recently disturbed and is heavily infested with exotic invasive species. A comprehensive list of each of the floral species observed is presented below which includes a preliminary list of alien/ invasive species, which numerically match the number of indigenous plant species. Due to the nature of the previous development, without human intervention, the study site would never be able to succeed to a level comparable to the expected natural state.

By law, impacts on extents of natural vegetation with a continuous extent of more than 1 ha must be documented, and this is shown as Figure 5. However, it must be stated that the vegetation assessment is applying the law to its literal interpretation. The study area exhibits no natural functionality and provides negligible connectivity or available habitat for fauna. Alien infestation is extremely high. In addition, the species composition of the flora is widely distributed and resilient to human activities. The so-called “Intact” portions of vegetation situated adjacent to the site are mapped in accordance with best-practice, showing that the surrounding areas of influence were assessed. This also takes into account any future development design changes, thereby negating the need for any further studies. Using the overlay of the proposed site development plan, it is clear that only 0.85 ha of “indigenous” vegetation is being impacted upon. Therefore, the proposed development is not seen as qualifying for further studies.

In summary, it is almost impossible, short of complete transformation to find an area of vegetated land which does not contain some trace of indigenous vegetation. However, the site development plan is mostly situated over previously developed land (classified as Transformed on the map, evidence of which is also shown through the historical imagery). Therefore, the development is seen as not affecting 1 ha of continuous, indigenous, natural and/or connected vegetation.”

According to the specialist report only 0.85ha of indigenous vegetation will be affected. Therefore, Activity 27: “The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation...” is not triggered.

Considering the above-mentioned finding, we are therefore of the view that the proposed establishment of the Wright Park Shopping Centre on the subject property does not constitute a listed activity and is thus excluded from assessment and authorisation in terms of the Environmental Impact Assessment Regulations, 2014 published under the National Environmental Management Act (NEMA) (Act No. 107 of 1998) and therefore does not legally require environmental authorisation from the Gauteng Department of Agriculture and Rural Development (GDARD).

Delron Consulting respectfully request that the Department confirm in writing that the proposed shopping centre development does not require authorisation in terms of the said NEMA 2014 EIA Regulations.

We thank you for your kind co-operation in this matter and if any further information is needed please do not hesitate to contact the writer.

Yours faithfully,



P De Lange BL (UP) Pr. LArch SA

Delron Consulting cc

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APPENDIX A: A VEGETATION ASSESSMENT AS UNDERTAKEN BY ENVIRO-INSIGHT