

**Physical Address:**

The Appeals Administrator  
Department of Agriculture and Rural Development  
11 Diagonal Street  
Diamond Building, 04<sup>th</sup> Floor  
Newtown  
**JOHANNESBURG**  
2000

**Fax No:** 011 240 3158/2700

**Email Address:** [appeals@gauteng.gov.za](mailto:appeals@gauteng.gov.za)

Your appeal must be submitted in the prescribed appeal form obtainable from the appeal administrator, Ms Tsholofelo Mere at telephone number 011 240 3204 or email address [Tsholofelo.mere@gauteng.gov.za](mailto:Tsholofelo.mere@gauteng.gov.za). The appeal form is also available from our website: [www.gdard.gpg.gov.za](http://www.gdard.gpg.gov.za). Should you have queries or require additional information regarding the appeal process, you can contact the appeal administrator on any of the mentioned contact details.

**Yours faithfully**



**MS. THANDEKA MBASSA**  
**HEAD OF DEPARTMENT**  
**DATE:** 24/08/16

**GDARD**  
**Office of the HOA**  
24 AUG 2016  
000041



**GAUTENG PROVINCE**  
AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

### Addendum to Environmental Authorisation

**GDARD**  
Office of the HOD

24 AUG 2016

000041

<b>Authorisation Register Number:</b>	GAUT 002/11-12/E0001
<b>Last Amended:</b>	N/A
<b>Amendment Application Number:</b>	GAUT 006/16-17/E0044
<b>Holder of Authorisation:</b>	ATTACQ Waterfall Investment Company (Pty) Ltd

## Decision

The Department has decided to amend the Environmental Authorisation (EA) GAUT 002/11-12/E0001 issued to Group Five Construction (Pty) Ltd on 26 October 2011.

## Amendments to the Environmental Authorisation

The initial Environmental Authorisation (EA) is hereby amended as follows:

1. The change of the holder of Environmental Authorisation from:

### **Group Five Construction (Pty) Ltd**

P. O Box 3951

**Rivonia**

2128

**Contact Person:** Mr. John Heeger

**Tel No.:** 011 253 8505

**Fax No.:** 011 253 8503

To

### **Attacq Waterfall Investment Company (Pty) Ltd**

P. O. Box 2527

**Sunninghill**

2157

**Contact Person:** Mr. Alex De Beer

**Tel No.:** 010 596 9800

**Fax No.:** 010 596 9801

GDARD  
Office of the HOD  
24 AUG 2016 000041

2. Extension of validity of the Environmental Authorisation (EA) as per condition 1.6 which reads:

*"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."*

*is hereby amended as follows:*

*"If the activity authorised by the EA dated 26 October 2011 does not commence within a period of **five (5) years** from the date of signature of this Addendum, the authorisation will lapse. No further extensions will be granted should this extension period lapse, a new application for environmental authorisation must be made in order for the activity to be undertaken"*.

## General conditions

- 1.1 All other conditions stipulated in the EA dated 26 October 2011 that have not been amended by this amendment must be strictly adhered to.
- 1.2 A copy of this Addendum together with a copy of the initial Environmental Authorisation must be kept at the property where the activities will be undertaken. The authorisations must be produced to any authorised official of the Department who requests to see them 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. If it is not possible to keep a copy of this authorisation on site, then it must be kept at the offices of the site manager.

- 1.3 Where any of the applicant's contact details change, including the name of the responsible holder of the authorisation, the physical or postal address and/ or telephonic details, the applicant must follow an amendment process as prescribed in Chapter 5 of the NEMA Environmental Impact Assessment Regulations, 2014, by submitting an amendment application to the Department for consideration and decision making as soon as the new details become known to the applicant.
- 1.4 The holder of the authorisation must notify the Department, in writing **within 7 (seven) days** if a condition of this Addendum is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.5 Non-compliance with a condition of this Addendum may result in criminal prosecution or other actions provided for in NEMA and the Regulations.

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24 AUG 2016  
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## Annexure 1

### Reasons for Decision

#### 1. Background

The Department issued an Environmental Authorisation GAUT 002/11-12/E0001 on 26 October 2011 to **Group Five Construction (Pty) Ltd** for the proposed construction of the Waterfall Junction Water Pipeline, City of Johannesburg Metropolitan Municipality.

The applicant appointed **Seaton Thomson and Associates** to undertake the amendment application process.

#### 2. Information Considered

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

- a) The information contained in the amendment application form received by this Department on 26 July 2016;
- b) The Initial EA issued on 26 October 2011.
- c) The objectives and requirements of relevant legislation, policies and guidelines, including the principles contained in Section 2 of the National Environmental Management Act, 1998 (Act No.107 of 1998) (as amended).

#### 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. A summary of the issues which, in the Department's view, were of most significance is set out below:

- a. The amendment does not deviate substantially from the initial EA; and
- b. Scope of the application and rights of interested and affected parties.

#### 4. Findings

Having considered the information and factors listed above, the Department made the following findings:

- a. All other conditions set out in the EA dated 26 October 2011 still stand and are to be adhered to.
- b. The proposed amendments are administrative in nature without any change in scope of the activity and have no significant impact on the rights of Interested and Affected Parties (I&APs) and the environment.

In view of the above, this Department is of the opinion that the amendment would not result in a negative environmental impact that would conflict with the general objectives and principles of integrated environmental management laid down in Chapter 5 of the NEMA. The environmental authorisation **is accordingly amended.**

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Office of the HOD  
24 AUG 2016  
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**agriculture and  
rural development**

Department: Agriculture and Rural Development  
**GAUTENG PROVINCE**

68 Eloff Street, cnr. Market Street Johannesburg, P.O. Box 8769 Johannesburg 2000, Tel 011 355 1900, Fax 011 355 1000, Website: <http://www.gdard.gpg.gov.za>

**Reference:** Gaut 002/11-12/E0001  
**Enquiries:** Lindiwe Motaung  
**Telephone:** (011) 355 1283  
**Email:** [lindiwe.motaung@gauteng.gov.za](mailto:lindiwe.motaung@gauteng.gov.za)

Group Five Construction (Pty) Ltd  
P.O.Box 3951  
Rivonia  
2128

**Attn:** Mr. John Heeger  
**Tel:** 011 253 8505  
**Fax:** 011 253 8503

GDARD  
Office of the MOD

11-10-20 000003

**PER FACSIMILE/ REGISTERED MAIL**

Dear Sir

**APPLICATION FOR ENVIRONMENTAL AUTHORISATION FOR THE PROPOSED  
CONSTRUCTION OF THE WATERFALL JUNCTION WATER PIPELINE, MIDRAND**

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 10(2) of the Environmental Impact Assessment Regulations, 2010, you are instructed to notify all registered interested and affected parties, in writing and within 12 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 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 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; and  
By hand: 16th Floor, Diamond Corner Building, and 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

Ms. S.J. Sekgobela  
Head: Agriculture and Rural Development  
Date: 26/10/2011

CC: GDARD Compliance and Enforcement Branch Attn: Environmental Compliance Monitoring  
Tel: (011) 355 1900  
Fax: (011) 355 1850

City of Johannesburg Metropolitan Municipality Attn: N. Maduse  
Tel: (011) 407-6520  
Fax: 086 627 7516

GDARD EPIA SWR JHB Attn: L. Motaung  
Tel: (011) 355-1283  
Fax: 086 513 0837

Department of Water Affairs Attn: Justice Maluleke  
Tel: (012) 392 1409  
Fax:

Department of Roads and Transport Attn: D. Emett  
Tel: (011)355 7255  
Fax: ((011) 355 7184

011 355 1492  
Office of the RGD

11 -10- 20 000003



## agriculture and rural development

Department: Agriculture and Rural Development  
**GAUTENG PROVINCE**

11-10-20 000003

### ENVIRONMENTAL AUTHORIZATION

**Authorization reference number:** Gaut 002/11-12/E0001  
**Holder of authorisation:** Group Five Construction (Pty) Ltd  
**Location of activity:** Allandale and Zuurfontein Road



Department of Agriculture and Rural Development  
 Environmental Authorisation Ref. No. Gaut 002/11-12/E0001

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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 Group five Construction (Pty) Ltd with the following contact details –

Mr. John Heeger  
 Group five Construction  
 P. O. Box 3591  
 Rivonia  
 2128

11-10-2011 000003

**Tel:** (011) 253 8505  
**Fax:** (011) 253 8503

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

**The proposed installation of a bulk steel water pipeline with a diameter that varies between 300mm to 600mm along the southern side of Allandale and Zuurfontein, where it will be linked into an existing Rand Water (RW) pipeline at the Waterfall Junction in Midrand.**

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

### Conditions

#### Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation
- 1.2 Only Option 3 of the preferred alternative is authorised. This option comprises the construction of the bulk water line from the RW connection (intersection of M38 and M18) through a series of private properties and industrial area roads. This route follows existing access roads (formal and informal) located within the existing properties adjacent to Allandale Road. This option is specifically authorised as it will not pose a negative impact on the wetland since its activities will be undertaken outside the wetlands.
- 1.3 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.
- 1.4 The activity which is authorised may only be carried out at the property indicated above.
- 1.5 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.
- 1.6 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.

Department of Agriculture and Rural Development  
Environmental Authorisation Ref. No. Gaut 002/11-12/F0001

11-10-20 000003

- 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 the activity.
- 1.8 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**

- 1.9 The holder of the authorisation must notify every registered interested and affected party, in writing and within twelve (12) calendar days, of receiving notice of the Department's decision to authorize the activity.
- 1.10 The notification referred to in 1.9 must:
- 1.10.1 Specify the date on which the authorisation was issued;
  - 1.10.2 Inform the interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
  - 1.10.3 Advise the interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

#### **Management of the activity**

- 1.11 The Environmental Management Plan report (EMPr) submitted by Seaton Thomson and Associates to the Department as part of the application for authorisation has been approved by the Department and must be stringently complied with.
- 1.12 A copy of this Environmental Authorisation and EMPr must be kept on site during the construction phase of the development.
- 1.13 The construction area must be clearly demarcated prior to the commencement of the construction activities. The method for demarcation will be determined by the contractors and appropriate signage must be placed at the entrance to the area indicating the nature of work and warning the public of potential dangers as a result of the construction activities. All structures, and equipments must remain within the boundaries of the construction site.
- 1.14 Sensitive areas such as wetlands, rivers, and/ or spruit must be protected from all construction activities.
- 1.15 Care must be taken during excavation that the topsoil is removed and stockpiled separately from the subsoil (if the topsoil layer is not easily identified, the top 300mm should be re moved as topsoil). Soil layers should be replaced separately and in a correct order for rehabilitation within the development footprint.
- 1.16 Sensitive and protected areas should be fenced off for protection purposes during the construction phase. No clearing and removal of vegetation shall be allowed beyond the development footprint.
- 1.17 Should any archaeological artifacts be exposed during excavation, construction in the vicinity of the finding must be stopped, and an official from the relevant Heritage Authority, professional Heritage Specialist and archaeologist must be called to the site for investigations and recommendations. Under no circumstances shall any artifacts be destroyed or removed from the site.
- 1.18 The applicant will be held liable for any damages to the environment and associated costs, which may occur as a result of the construction activities.

#### **Commissioning of the activity**

- 1.19 A 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**

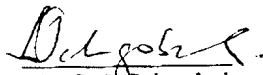
- 1.20 A copy of this authorization must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

Department of Agriculture and Rural Development  
Environmental Authorisation Ref. No. Gaut 002/11-12/E0001

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- 1.21 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.
- 1.22 The holder of the authorisation must notify the Department, in writing and within seventy two (72) hours if a condition of this authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.23 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:** 26/10/2011



Ms. S. J. Sekgobela

Head: Agriculture and Rural Development

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DEPARTMENT OF AGRICULTURE  
AND RURAL DEVELOPMENT

11-10-2011 000003

## Annexure 1: Reasons for Decision

### 1. Background

The applicant, Group five Construction applied for authorisation to undertake the following activity:

**The proposed installation of a bulk steel water pipeline with a diameter that varies between 300mm to 600mm along the southern side of Allandale and Zuurfontein, where it will be linked into an existing RW pipeline at the Waterfall Junction in Midrand.**

The applicant appointed Seaton Thomson and Associates represented by Judy Johnston to undertake a basic assessment 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 Basic Assessment Report (BAR), the EMPr and relevant specialist reports attached, compiled by Seaton Thomson and Associates, and received by this Department on 11 August 2011.
- b) Comments received from interested and affected parties as included in the Basic Assessment Report submitted to the Department.
- c) Relevant information contained in the Departmental information base including -
  - Geographical Information System (GIS);
  - C Plan Version 3.
- d) 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) (as amended).
- e) The findings of the site inspection undertaken by Tebelelo Namane and Teboho Modise, officials of this Department on the 01 September 2011.

### 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. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- a) The proposed location of the pipeline.
- b) The need and desirability of the proposed activity.

### 4. Findings

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

- a) Only Option 3 of the preferred alternative is authorised. This option comprises the construction of the bulk water line from the RW connection (intersection of M38 and M18) through a series of private properties and industrial area roads. This route follows existing access roads (formal and informal) located within the existing properties adjacent to Allandale Road. This option is specifically authorised as it will not pose a negative impact on the wetland since its activities will be undertaken outside the wetlands.
- b) The pipeline is aimed at providing bulk water not only to supplement existing areas, but also to accommodate the planned township expansion programme on the southern side of Allandale Road. The line is part of Joburg Water's wider network planning for the provision of service infrastructure to this area.

Department of Agriculture and Rural Development  
Environmental Authorisation Ref. No. Gaut 002/11-12/F0001

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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 only for the construction of the water pipeline with option three and four from the application as these two options will not have a negative impact on the environment as the activities will be undertaken outside the wetlands, compared to the first and the second options as their likely to have a negative impact on the wetland

11-10-2011 000003