



## GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

Reference: GAUT 002/21-22/E3115

Enquiries: Tendani Rambuda

Tel: +27 (0)11 240 3386

[Tendani.Rambuda@gauteng.gov.za](mailto:Tendani.Rambuda@gauteng.gov.za)

### By Registered Mail

**Mr. Alberto Das Fontes**  
**Dabi Investments (Pty) Ltd**  
PO Box 42486  
**FORDSBURG**  
2033

**Email:** [market@mweb.co.za](mailto:market@mweb.co.za)

**Telephone Number:** 011 815 6909

Dear Mr. Fontes

### **ENVIRONMENTAL AUTHORISATION GRANTED: PROPOSED DEVELOPMENT FOR BUSINESS PURPOSES INCLUDING FILLING STATION ON PORTION 62 (A PORTION OF PORTION 27) OF THE FARM RIETSPRUIT 152 IR, MIDVAAL LOCAL MUNICIPALITY**

With reference to the above subject, please be advised that the Department has decided to grant environmental authorisation. An Environmental Authorisation (EA) and reasons for the decision are attached herewith.

In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, as amended, you must notify all registered interested and affected parties, in writing, within 14 days of the date of this EA, of the Department's decision in respect of your application as well as the provisions that are contained on the Appeal Regulations regarding the submission of appeals. A copy of this EA must also be appended to the letter of notification to the registered interested and affected parties.

Your attention is drawn to Chapter 2 of the National Appeals Regulations, 2014, which prescribes the appeal procedure to be followed. Should any person wish to lodge an appeal against this decision or any aspect of this decision, he/she must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest on the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable. The appeal(s) must be submitted in writing by any of the following means:

### **Postal Address:**

The Appeals Administrator  
Department of Agriculture and Rural Development  
P.O. Box 8769

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**JOHANNESBURG**  
2000

**Physical Address**

The Appeals Administrator  
Department of Agriculture and Rural Development  
56 Eloff Street, Umnotho House, 23<sup>rd</sup> Floor  
**JOHANNESBURG**  
2000

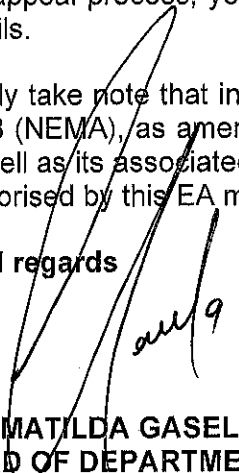
Fax No: 011 240 3158/2700

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

The 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 the website: [www.gauteng.gov.za](http://www.gauteng.gov.za). Should you have any queries or require additional information regarding the appeal process, you can contact the appeal administrator on any of the mentioned contact details.

Kindly take note that in terms of Section 43(7) of the National Environmental Management Act, 1998 (NEMA), as amended, the lodging of an appeal suspends an environmental authorisation as well as its associated Environmental Management Programme. This means that the activities authorised by this EA must not commence until such time that the appeal is finalised.

Kind regards

  
**MS. MATILDA GASELA**  
**HEAD OF DEPARTMENT: AGRICULTURE AND RURAL DEVELOPMENT**  
DATE: 29 SEPTEMBER 2022

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## ENVIRONMENTAL AUTHORISATION

<b>Reference Number:</b>	GAUT 002/21-22/E3115
<b>Holder of Authorisation:</b>	Dabi Investments (Pty) Ltd
<b>Location of Activities:</b>	Portion 62 (a portion of portion 27) of the farm Rietspruit 152 IR, Midvaal Local Municipality

<b>Coordinates:</b>	<b>Latitude (S)</b>	<b>Longitude (E)</b>
	26°25'27.78000"	28°8'31.15000"

<b>21 Digit SG Number</b>	T0IR000000000015200062
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AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

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<b>21 Digit SG Number</b>	T0IR00000000015200062
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## 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 activities specified below.

## 2. Activities Authorised

Under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Environmental Impact Assessment Regulations, 2014, the Department hereby authorises-

**Dabi Investments (Pty) Ltd** (hereafter referred to as the Applicant)

with the following contact details-

PO Box 42486  
**FORDSBURG**  
2033

Tel No.: 0118156909

Email: market@mweb.co.za

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29 SEP 2022 000029

to undertake the activities listed in the table below:

Activity number and description	Proposed activity/development description
<b>Listing Notice 1 of GNR 327, Activity 14:</b> The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling, of a dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.	The proposal entails the establishment of business including filling station.
<b>Listing Notice 1 of GNR 327, Activity 27:</b> The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.	The proposed site measures approximately 9.08 hectares and will all be utilised.
<b>Listing Notice 1 of GNR 327, Activity 28:</b> Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation	Proposed development is for business purposes.

on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or (ii) will occur outside an urban area, where the total land to be developed is bigger than 1 hectare,

**excluding where such land has already been developed for residential, mixed, retail, commercial, industrial, or institutional purposes.**

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29 SEP 2022 000029

- for the establishment of business that will include a filling station on Portion 62 (a portion of portion 27) of the farm Rietspruit 152 IR, which falls within the jurisdiction Midvaal Local Municipality, Sedibeng.

## Conditions of this Environmental Authorisation.

### 3. Scope of Environmental Authorisation

- 3.1 Environmental Authorisation is granted for the proposed business development that will consist of medical rooms, retail, filling station and taxi rank on Portion 62 (a portion of portion 27) of the farm Rietspruit 152 IR. The proposed site development plan (SDP) attached as Figure 4-1: is hereby approved.
- 3.2 Comments from the Gauteng Department of Roads and Transport for the proposed development must be obtained on the attached traffic impact study prior to any development commencing on site.
- 3.3 Consent or comments from Midvaal Local Municipality's Environmental Resource, Waste Management and Road and Stormwater Departments must be obtained prior to any development commencing on site.
- 3.4 The construction areas must be clearly demarcated before any construction activities take place on site.
- 3.5 The signage must be displayed during the construction phase to inform the public of the potentially dangerous conditions that exists on site.
- 3.6 The proposed filling station must comply with the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 3.7 It is indicated in the final report that the Emergency Management Response Plan is not available yet. The Emergency Management Response Plan must therefore be compiled and submitted to this department prior any development commencing on site.
- 3.8 All permits or licenses required for any of the proposed and associated activities must be obtained from the relevant authorities (i.e., Local Authority, DWS, etc.) prior to the commencement of activities.
- 3.9 The installation of tanks including all secondary containment equipment and mitigation measures must be undertaken by an experienced professional, in accordance with the relevant SANS codes. A certificate of compliance with relevant SANS codes must be included in the annual audit report.
- 3.10 The tanks installation must not intercept groundwater level and the underground cavity, which will house the fuel storage tanks and must be lined with an impermeable layer.
- 3.11 The proposed tanks must be fitted with an appropriate over-fill shut valve to prevent spillages during the filling of the tank.
- 3.12 If any soil contamination occurs during the construction phases of the proposed activities, the contaminated soil must be removed to a licensed landfill site and the site must be rehabilitated to the satisfaction of this Department.
- 3.13 Oil, petrol, or diesel must be kept in a cement and brick bunded areas.

- 3.14 The fuel pumps must be located on a hardened surface (concrete) to contain spillages.
- 3.15 If any archeological sites, cultural heritage resources, historical houses or graves are found during excavations and foundations of the proposed development, then the development/construction must be stopped and a Paleontologist or archeological or heritage specialist must be contacted to assess the findings and to contact the Gauteng Provincial Heritage Resource Agency.

#### **4. Commencement of operational and non-operational of the activities**

- 4.1 The construction and related operation of the proposed activities must commence within a period of 10 years from the date of signature of this environmental authorisation. If commencement of the proposed activities does not occur within the said period (10 years) and the environmental authorisation lapses, a new application for environmental authorisation must be made for the activities to be undertaken.
- 4.2 Continuation of the authorised activities after the lapsing period of this EA and where such continuation will meet the threshold of any listed activity, will constitute an offence.
- 4.3 Commencement with one listed activity authorised in terms of this environmental authorisation constitutes commencement with all other authorised activities.

#### **5. Management of the activities**

The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation is also approved in terms of this EA and must be implemented. In addition, the following must be considered part of the EMPr:

- 5.1 The principles of sustainable development must be incorporated into the proposed development. Aspects such as green building techniques, energy (renewable energy proposal is commended) and water efficiency measures as well as waste minimization techniques, needs to be implemented.
- 5.2 All waste streams to be generated during construction and operational phases must be managed in accordance with the hierarchy of waste management principles and disposal at an authorised landfill or waste disposal site must be the last option. Proof of disposal of the waste must be kept on site and made available to this Department upon request.
- 5.3 The surface storm water management plan must be based on Sustainable Urban Drainage Systems (SUDS) Principles and consider source, local and regional controls.
- 5.4 The management and monitoring requirements in section 10 of the hydrogeological investigation by consulting environmental scientists (on page 37 to 38 of the EMP) must be adhered to.

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#### **6. Monitoring and Reporting**

29 SEP 2022

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- 6.1 An independent Environmental Control Officer (ECO) must be appointed to oversee the development of the activities and guide compliance with the conditions of environmental authorisation and EMPr. An ECO must submit compliance report at least once during preparation and construction phases of the development and one post development rehabilitation phase to mark completion of the construction phase.
- 6.2 An ECO must be appointed prior to the commencement of the authorised activities.
- 6.3 Once appointed, the name and contact details of the ECO must be submitted to this Department's Compliance Monitoring Section. Documentation such as monitoring or audit or compliance reports and notifications, required to be submitted, must be submitted thereto.
- 6.4 Frequency of the submission of environmental audit report within 30 days after completion of the construction phase and a final environmental audit report within 30 days after the completion of the development including associated post development rehabilitation and monitoring actions must be done in 06 (six) months.
- 6.5 The ECO must keep records of all activities on the site, problems identified, transgressions identified / noted, and a task schedule of the functions undertaken by the ECO.

- 6.6 The environmental audit report must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must include, *inter alia*, the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of the environmental authorisation as well as the requirements of the EMPr.
- 6.7 Records relating to monitoring and auditing must be kept on the site and be made available to any authorised person(s) acting on behalf of the relevant competent authority in respect of the proposed development.

## 7. Notification of commencement of activities

- 7.1 A written notification of commencement of the activities, including site preparation, must be given to the Department 14 (fourteen) days prior to commencement of the activities on site. The notice must include the date on which it is anticipated that the activities will commence as well as the EA reference number and be submitted to the Director: Compliance Monitoring, Ms. Sasa Sekhotha, the official of the Department at the email address: [Sasa.Sekhotha@gauteng.gov.za](mailto:Sasa.Sekhotha@gauteng.gov.za).

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## 8. General Conditions

- 8.1 The conditions of this EA are binding to the applicant ("Holder of EA"), including 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 applicant.
- 8.2 The activities authorised may only be carried out at the property or site indicated in this EA.
- 8.3 Any changes to, or deviation from the activities' description set out in this EA must follow the appropriate amendment process described in the Environmental Impact Assessment Regulations, and be approved, in writing, by the Department before such changes or deviation are affected. In assessing whether to approve such changes, 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 applicant to apply for further authorisations in terms of the Regulations.
- 8.4 Where any of the applicant's contact details changes, including the name of the applicant, the physical or postal address and/or telephonic details, the applicant must follow the relevant amendment process as prescribed in the Environmental Impact Assessment Regulations, by submitting an amendment application to the Department for consideration and decision making as soon as the new details become known to the applicant.
- 8.5 This EA does not negate the holder's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.
- 8.6 This EA and EMPr must be kept at the property or site where the activities will be undertaken. The documents must be produced to any authorised official of the Department who requests to inspect them and must also be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.
- 8.7 Non-compliance with a condition of this EA may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Environmental Impact Assessment Regulations.
- 8.8 If the Department has reason to believe that the EA was obtained through fraud, non-disclosure of material information or misrepresentation of a material fact, the Department may, in writing, suspend or partially suspend, with immediate effect, the EA and direct the holder of such EA forthwith, to cease the activities that have been commenced with or to refrain from commencing any activity, pending a decision to withdraw the EA.

Date of the Environmental Authorisation:

29 SEPTEMBER 2022



## ANNEXURE 1: REASON FOR DECISION

### 1. Information considered in making the decision

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

- 1.1 The information contained in the Final Basic Assessment Report received by this Department on 27 May 2022.
- 1.2 The relevant information contained in the Departmental information base including the Geographical Information System (GIS), Gauteng Conservation Plan Version 3.3 and the Gauteng Provincial Environmental Management Framework (GPEMF), 2015.
- 1.3 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).
- 1.4 Screening tool report dated 11 November 2021.
- 1.5 The finding of the site inspection undertaken by Ms. Edith Ngoma, the official of this Department on 13 June 2021.

### 2. Key factors considered in making the decision

All information presented to the Department was considered 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.

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- 2.1 The sensitivities of the site.
- 2.2 Provision of services required including Eskom services.
- 2.3 Spatial planning tools such as the screening tool.
- 2.4 The comments received from the registered Interested and Affected Parties as included in the Final Basic Assessment Report as part of the public participation process.

29 SEP 2022

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### 3. Findings

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

- 3.1 The site inspection report conducted by the official of this Department shows that the proposed site is transformed and does not portray any of the identified environmental sensitivities. There is an existing operating business facility (New Sky Wholesale Market) on site.
- 3.2 The applicant is awaiting comments from the municipal engineering departments (water and sanitation) on the available capacity to supply the proposed new development. Further, the studies relating to water and sewer will be done should the municipality indicate that there is no capacity available to support the proposed development. It is also suggested that Borehole water and Wastewater Treatment Package Plant will be used if there is no capacity available for these services and this will require Water Use License and comments from the local municipality if they agree with the envisage package plant.
- 3.3 Eskom's comments on land development application are still pending. A formal application for power provision will be lodged once the development rights have been approved.
- 3.4 The site occurs within Zone 1 of the Environmental Management Framework (2015). The intention of this Zone is to streamline urban development activities in it and promote development infill, densification, and concentration within the urban development area.
- 3.5 The screening tool shows that there is low sensitivity of biodiversity theme, agricultural theme, aquatic biodiversity, civil aviation, and paleontology themes.
- 3.6 The proposed site is transformed due to human activities.
- 3.7 With regard to public participation process, site notices were placed in conspicuous areas around the site; written notices were issued to the registered Interested and Affected

Parties; and the newspaper advert was placed on the Sedibeng Ster of 23 February to 1 March 2022.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in this EA, the activities will not conflict with the general objectives of integrated environmental management laid down in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to an acceptable level. The Environmental Authorisation is accordingly granted.

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29 SEP 2022  
000029