



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Reference: GAUT 002/18-19/E2292

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City of Ekurhuleni - Department of Human Settlements

29 Lakeview Crescent

Kleinfontein

BENONI

1527

Email: Andile.mahlalutye@ekurhuleni.gov.za

By Registered Mail

Dear Mr. Andile Mahlalutye,

ENVIRONMENTAL AUTHORISATION GRANTED: THE PROPOSED BULK SEWER AND WATER PIPELINES ON THE REMAINDER OF PORTION 39, PORTION 63 AND 64 OF THE FARM WITFONTEIN 15 IR, FARM 693 IR AND ERF 1480 ESSELEN PARK EXTENSION 2, CITY OF EKURHULENI

Regarding the above-mentioned application, please be advised that the Department has decided to grant Environmental Authorisation (EA). The EA and reasons for the decisions are attached herewith.

In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you must notify all registered interested and affected parties, in writing, and within 14 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.

Your attention is drawn to Chapter 2 of the National Appeals Regulations, 2014 which regulates the appeal process. Should you wish to appeal any aspect of the decision, you must within 20 days of the date of the notification of the decision submit your appeal, including supporting documents, to the appeal administrator by any of the following means:

Postal Address:

The Appeals Administrator
Department of Agriculture and Rural Development
P.O. Box 8769
Johannesburg
2000

Physical Address

The Appeals Administrator
Department of Agriculture and Rural Development
56 Eloff Street, Umnotho House, 23rd Floor
Johannesburg
2000

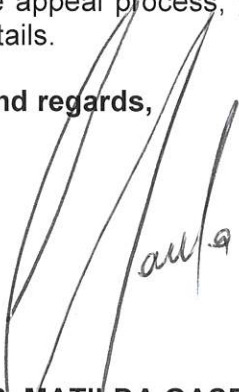
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Fax No: 011 240 3158/2700

Email Address: 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. The appeal form is also available from our website: www.gdard.gpg.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.

Kind regards,



MS. MATILDA GASELA
HEAD OF DEPARTMENT: AGRICULTURE AND RURAL DEVELOPMENT

DATE: 17 OCTOBER 2019

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 AGRICULTURE AND RURAL DEVELOPMENT
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ENVIRONMENTAL AUTHORISATION

Reference Number:	GAUT 002/18-19/E2292		
Holder of Authorisation:	City of Ekurhuleni - Department of Human Settlements		
Location of Activity / Activities:	Remaining of Portion 39, Portions 63 and 64 of the farm Witfontein 15 IR, farm 693 IR and Erf 1480 Esselen Park Extension 2		
Coordinates Linear Activity:		Latitude (S)	Longitude (E)
	Starting Point:	-26.035654°	28.235122°
	Middle Point:	-26.026306°	28.243116°
	End Point:	-26.028511°	28.237925°

21 Digit SG Number	TOIR00000000001500039 TOIR00000000001500063 TOIR00000000001500064 TOIR09160000148000000	GDARD Office of the HOD 17 OCT 2019 000020
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1. Decision

The Department is satisfied, based on the information available to it and subject to compliance with the conditions of this Environmental Authorisation (EA), 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-

City of Ekurhuleni - Department of Human Settlements

with the following contact details:

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to undertake the activities listed as Activities 9, 10, 19, 25 and 56 of Listing Notice 1 and Activities 12, 14 and 18 of Listing Notice 3 of the Environmental Impact Assessment Regulations, 2014 for the proposed bulk sewer and water pipelines as well as the upgrade and extension of Link road which falls within the jurisdiction of City of Ekurhuleni Metropolitan Municipality.

The Granting of this EA is subject to the conditions set out below:

3. Specific Conditions

- 3.1 Environmental authorisation is granted for only the proposed alternative one (1) "The proposal" for the development of the provision of bulk sewer and water pipelines to the Birchleigh North Extension 4 areas as well as the upgrading and extension of the existing Link road to the north of the proposed Esselen Park Integrated Housing Development.
- 3.2 All other necessary licenses/permits must be obtained by the applicant from relevant authorities before the commencement of the construction activities on site.
- 3.3 Soil erosion and sediment controls must be properly installed and maintained to avoid sedimentation into the pan and/or wetland.
- 3.4 The construction area must be clearly demarcated before any construction activity take place and signage must be displayed during the construction phase to inform the general public about potential dangerous conditions on site.
- 3.5 The construction camp-site and/or storage area for construction material and machinery must be kept outside watercourse and its 32m buffer.
- 3.6 Site clearing must be strictly limited to the construction area, and no damage to sensitive environmental features is permitted outside the construction footprint.
- 3.7 Obstruction of natural stream flow pattern must be avoided at all stage of the construction activities.
- 3.8 If any soil contamination occurs during the construction phases of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of this Department. The opportunity for the on-site remediation and re-use of contaminated soil must be investigated prior to disposal.
- 3.9 It must be mandatory for all personnel and construction team member to wear appropriate Personal Protective Equipment (PPE).

- 3.10 Should any heritage resources of any nature be uncovered during construction development must stop, SAHRA and/or professional heritage Specialists must be contacted immediately for investigations.
- 3.11 Rehabilitation of all affected areas must take place immediately after construction activities.

4. Management of the Activities

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

- 4.1 All recommendations and mitigation measures included in the EMPr must be adhered to.
- 4.2 The contents of the EMPr and its objectives must be made known to all contractors, subcontractors, agents and other people working on the site.
- 4.3 Adequate measures to collect, remove and safely dispose of waste must be implemented during each stage of the proposed development.
- 4.4 Proper waste handling facilities must be provided on the construction site and emptied at prescribed intervals.
- 4.5 All waste streams to be generated during construction and operational phase must be managed in accordance with the hierarchy of waste management principles and disposal at an authorised landfill site must be the last option. Proof of disposal of waste must be kept on site and made available to the Department upon request.

5. Monitoring and Reporting

- 5.1 An Environmental Control Officer (ECO) must be appointed to oversee the development activities and provide advice in terms of compliance with the conditions of this authorisation. An Environmental Control Officer (ECO) must submit compliance report at least once during preparation and construction phase of the activity.

6. General Conditions

- 6.1 The conditions of this EA are binding on the holder of the EA ("The Holder"), 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 holder of the EA.
- 6.2 The activities authorised may only be carried out at the property or site indicated in this EA.
- 6.3 The activity / activities must commence within a period of 10 years from the date of issue of this EA. If commencement of the activities does not occur within that period, the EA lapses and a new application for EA must be made for the activity or activities to be undertaken.
- 6.4 Any changes to, or deviation from, the activity or 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 effected. In assessing whether to approve such changes 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 EA to apply for further authorisations in terms of the Regulations.
- 6.5 Where any of the applicant's contact details changes, including the name of the holder of the EA, 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.
- 6.6 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.
- 6.7 This EA and EMMPr must be kept at the property or site where the activity or activities will be undertaken. The documents must be produced to any authorised official of the

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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.

- 6.8 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.
- 6.9 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 any 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:

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17 OCTOBER 2019

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ANNEXURE 1: REASON FOR DECISION

1. Background

The applicant, City of Ekurhuleni - Department of Human Settlements, applied for EA to undertake the activity or activities listed as Activity 9, 10, 19, 25 and 56 of Listing Notice 1 and Activities 12, 14 and 18 of Listing Notice 3 of the Environmental Impact Assessment Regulations, promulgated in terms of the National Environmental Management Act, 1998, (Act No. 107 of 1998) (as amended) for the proposed bulk sewer and water pipelines as well as the upgrade and extension of Link road, which falls within the jurisdiction of the City of Ekurhuleni Metropolitan Municipality.

The applicant appointed Lokisa Environmental Consulting to undertake BA process.

2. Information Considered in Making the Decision

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

- 2.1 The information contained in the Basic Assessment Report September 2019 received by the Department on 05 September 2019 including:
 - 2.1.1 Wetland Delineation and Ecological Surveys, Terrestrial Fauna & Flora Surveys, Ecological Impact Surveys prepared;
 - 2.1.2 Heritage Impact Assessment;
 - 2.1.3 Geotechnical Investigations; and
 - 2.1.4 Stormwater Management Plan Report.
- 2.2 The comments received from Interested and Affected Parties as included in the Basic Assessment Report.
- 2.3 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.
- 2.4 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).
- 2.5 The findings of the site inspection undertaken by Livhuwani Demana, the official of the Department on 25 June 2019.

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.

- 3.1 Public participation process undertaken in accordance with the requirements of the regulations;
- 3.2 Sensitive environment feature on site;
- 3.3 Compatibility of the proposed development;
- 3.4 The specialist study attached;
- 3.5 The Gauteng Provincial Environmental Management Framework 2015.

4. Findings

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

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- 4.1 Public participation was done according to the requirements of 2014 EIA Regulations, as the proof of newspaper advert was attached in the final Basic Assessment report and site notices were put on strategic positions on the proposed site.
- 4.2 Part of the site is sensitive; however, the development will take place outside environmentally sensitive areas and its protective buffer.
- 4.3 The proposed development is compatible with the surrounding land use as is the provision of bulk sewer and water pipeline in order to service Birchleigh North extension 4 township.
- 4.4 The attached specialist reports including the mitigation measures are in support of the proposed bulk sewer and water pipeline as well as the upgrading and extension of the existing Link road.
- 4.5 According to GPEMF 2015, the proposed site falls within Environmental Management Zone 1 which streamline urban development activities in it and promote development infill and Zone 2 which is sensitive areas within the urban development zone must be conserved and where linear development (road etc.) cannot avoid these areas, a proper assessment and implementation of alternatives must be undertaken.

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 acceptable levels. The Environmental Authorisation is accordingly granted.

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