



GAUTENG PROVINCE
AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Reference: Gaut 002/18-19/E2107
Enquiries: Aristotelis Kapsosideris
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Luipaardsvlei Development Partners (Pty) Ltd
1 Cruijthoff street
STELLENBOSCH
7600

Email: gmh@a-africa.co.za

By Registered Mail

Dear Mr. Michael Hartman,

GRANTING OF ENVIRONMENTAL AUTHORISATION-EIAR: PROPOSED LUIPAARDSVLEI EXTENSION 9 MIXED USE DEVELOPMENT ON PART OF THE REMAINDER OF PORTION 212 OF THE FARM LUIPAARDSVLEI 246 IQ, MOGALE CITY LOCAL MUNICIPALITY

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

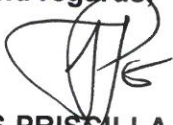
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Fax No: 011 240 3158/2700

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 PRISCILLA PIETERSEN
ACTING HEAD OF DEPARTMENT: AGRICULTURE AND RURAL DEVELOPMENT

DATE: 21/02/19

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AGRICULTURE AND RURAL DEVELOPMENT
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ENVIRONMENTAL AUTHORISATION

Reference Number:	GAUT 002/18-19/E2107	
Holder of Authorisation:	Luipaardsvlei Development Partners (Pty) Ltd	
Location of Activity / Activities:	Part of the Remainder of Portion 212 of the farm Luipaardsvlei 246 IQ, Mogale City Local Municipality	
Coordinates:	Latitude (S)	Longitude (E)
	26°09'09.90"	27°47'59.66"
21 Digit SG Number	TOIQ00000000024600212	

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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-

Luipaardsvlei Development Partners (Pty) Ltd

with the following contact details:

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to undertake the activities listed as Activity 26 of Listing Notice 1 and Activity 15 of Listing Notice 2 of the Environmental Impact Assessment Regulations, 2014 for the proposed Luipaardsvlei Extension 9 Mixed Use Development which falls within the jurisdiction of Mogale City Local Municipality.

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

3. Activities Authorised

- 3.1 Environmental Authorisation is granted for this development according to the "Proposed Layout" (Appendix 14.2.2), subject to further requirements and conditions given hereunder.
- 3.2 The applicant must obtain a Radiological Risk Assessment report from the National Nuclear Regulator to confirm that the site does not exhibit any radioactivity levels that are considered to be unsuitable for residential purposes and other uses before activities commence.
- 3.3 The area occurring within 100 metres of the undermining depth (figure 36, page 112) must be delineated on the layout plan with no development allowed thereon. The layout plan must be amended within 60 days after the date of signature of this authorisation.
- 3.4 Soil conditions must be taken in to consideration when preparing the foundations of the infrastructure. Guidance given in the Geotechnical Investigation Report (Annexure 14.5.1) must be followed.
- 3.5 A buffer zone of 1 000 metres must be maintained from the edge of all surrounding mine tailings facilities with no development allowed within this buffer zone.
- 3.6 A buffer zone of 200 metres must be maintained from the edge of the adjacent landfill site with no development allowed within this buffer zone.
- 3.7 The construction area must be clearly demarcated before any construction activity takes place and signage must be displayed during the construction phase to inform the general public about potential dangerous conditions on site.
- 3.8 A detailed storm water management plan for the site (including storm water management measures to be implemented during the construction phase and permanent measures to be installed for the operational phase) must be approved by the local municipality.
- 3.9 The surface storm water management plan must be based on Sustainable Urban Drainage Systems (SUDS) principles and consider source, local and regional controls.

- 3.10 Energy savings technologies and water savings technologies (such as rain water harvesting) must be implemented to contribute in reducing the impact of climate change.
- 3.11 Energy efficiency and sustainability principles must find practical application in the design and construction of the development such as;
 - Using natural light as a substitute for electrical lighting,
 - Using more efficient methods for heating and cooling.
- 3.12 All fuels and lubricants used during the construction phase must be stored in a demarcated area with bund walls in accordance with applicable standards. The storage and handling facility must also comply with all regulations governing the storage and handling of those materials.
- 3.13 Where engine oil, diesel or solvent materials are accidentally spilled on the ground, the contaminated soil must be immediately excavated and remediated using appropriate and applicable methods or removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of this Department.
- 3.14 If any soil contamination occurs during the construction phases of the proposed activity, the contaminated soil must be removed to a licensed landfill site and the site must be rehabilitated to the satisfaction of this Department.
- 3.15 On completion of the project, all litter and construction debris must be removed from the site immediately. All waste must be disposed of at a registered or permitted waste disposal site for the type of waste produced. All waste streams to be generated must be managed in accordance with the hierarchy of waste management principles. Proof of disposal of waste must be kept on site and made available to the Department upon request.
- 3.16 Sufficient and temporary ablution facilities must be provided for construction workers operating and using the site. Such facilities must be located on less sensitive areas and no chemical or wastewater must be allowed to contaminate the runoff on site.
- 3.17 Post development rehabilitation must make use of species which are indigenous to the area. Alien species must be removed to allow natural plant communities to propagate in public open spaces.
- 3.18 If any existing structures are confirmed to be 60 years or older,

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 but must be amended as directed in this EA and then be implemented. In addition to the submitted EMPr, the following must be implemented and be considered part of the subject EMPr:

- 4.1 A paleontological protocol for finds must be included in the EMPr.
- 4.2 Noise generated from construction activities must not exceed the recommended noise level of 85dB as required by the Occupational Health and Safety Standards. If construction is to take place over the weekend; permission from adjacent landowners should be acquired prior to construction.
- 4.3 Dust suppression measures must be implemented throughout the construction phase.

5. Monitoring and Reporting

- 5.1 An independent 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.
- 5.2 Departmental official must be given access to the property referred to above for the purpose of ascertaining and/ or monitoring compliance with the conditions contained in this Environmental Authorisation at all times.

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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 EMPr 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 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:

21 FEBRUARY 2019

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ANNEXURE 1: REASON FOR DECISION

1. Background

The applicant applied for the proposed Luipaardsvlei Extension 9 Mixed Use Development with an area measuring 47.5808 hectares in extent, for a mixed-use development consisting of mixed residential erven, business, institutional and educational erven as well as an erf zoned as "Public Open Space". The proposed development will also cater for infrastructure development such as bulk and internal services including, sewer, water, including storm water and road transportation. The "Proposed Layout" (Appendix 14.2.2), subject to further requirements and conditions given in this EA is approved for development

The Department received the Final Environmental Impact Assessment report on the 14 December 2018. The applicant appointed Prism Environmental Management Services cc to conduct an Environmental Impact Assessment process and comply with the legislation, policies and guidelines as required.

2. Information 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:

- 2.1 The information contained in the Final Environmental Impact Assessment Report (FEIAR) submitted by Prism Environmental Management Services and received by the Department on 14 December 2018.
- 2.2 Specialist studies attached to the FEIAR.
- 2.3 Information contained in the Departmental information base, including, Geographic Information System and Gauteng Conservation Plan Version 3.3.
- 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 Gauteng Pollution Buffer Guidelines, March 2017.
- 2.6 The findings of the site inspection undertaken by Thabisile Nkosi on the 28th August 2018.

3. Key Factors Considered in Making the Decision

- 3.1 Effects of existing adjacent land uses on proposed development.
- 3.2 Specialist input and consultation.
- 3.3 Safety issues and concerns.
- 3.4 Public participation process undertaken in accordance with the requirements of the regulations.

4. Findings

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

- 4.1 The surrounding land uses of the site include its close proximity to a municipal general waste landfill site an open sand mining operation, an animal rescue care facility and an industrial processing plant as well as mining tailings facilities which have been considered and appropriate buffer zones instituted.
- 4.2 In considering the above-mentioned land uses, the Department has made use of specialist input to impose suitable conditions and buffer zones for the proposed development.

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- 4.3 Safety concerns regarding safe radiological levels and acceptable air quality levels as well as suitable soil conditions for the building foundations have been addressed in the EA.
- 4.4 Public participation was undertaken according the Regulations including advertising the activity in the Krugersdorp News of 23 March 2018.

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 with certain conditions to be adhered before activities can commence.

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