



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Reference: GAUT 002/19-20/E2532
Enquiries: Tendani Rambuda
Tel: +27 (0)11 240 3386
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Hocom Properties (Pty) Ltd

P.O. Box 904
RUIMSIG
1732

By Registered Mail

Email: charl@genesisprojects.com

Telephone Number: 011 032 8900

Dear Mr. Charl Fitzgerald

ENVIRONMENTAL AUTHORISATION GRANTED-BAR: PROPOSED MIXED USE DEVELOPMENT AND ASSOCIATED ROADS AND SERVICES ON SURROUNDING PROPERTIES ON PORTION 260 (A PORTION OF PORTION 114) OF THE FARM RIETFONTEIN 189 IQ, MOGALE CITY LOCAL MUNICIPALITY, GAUTENG.

With reference to the above application, please be advised that the Department has decided to grant environmental authorisation. An Environmental Authorisation (EA) and reasons for the decisions 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 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
JOHANNESBURG
2000

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Physical Address:

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

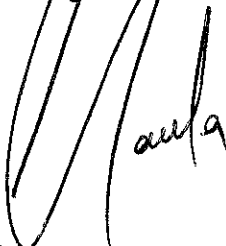
Fax No: 011 240 3158/2700

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.

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

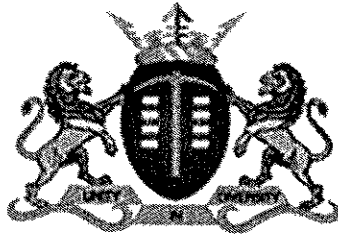
Kind regards



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

DATE: 03 FEBRUARY 2021

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GAUTENG PROVINCE
AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

ENVIRONMENTAL AUTHORISATION

Reference Number:	GAUT 002/19-20/E2532	
Holder of Authorisation:	Hocom Properties (Pty) Ltd	
Location of Activities:	Portion 260 (a Portion of Portion 114) of the farm Rietfontein 189 IQ, Mogale City Local Municipality.	
Coordinates:	Latitude (S)	Longitude (E)
	26° 2' 53,33"	27° 53' 18,41"

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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, subject to compliance with conditions herein, authorises -

Hocom Properties (Pty) Ltd

with the following contact details:

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RUIMSIG
1732

Telephone No.: 011 032 8900

Email: charl@genesisprojects.com

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to undertake the activities (hereafter referred to as "activity") listed in the table below:

Activity number and description	Proposed activity/development description
<p>Listing Notice 1; Activity 9</p> <p><i>The development of infrastructure exceeding 1000 metres in length for the bulk transportation of water or storm water –(i) with an internal diameter of 0,36 metres or more; or (ii) with a peak throughput of 120 litres per second or more; excluding where-</i></p> <p><i>(a) such infrastructure is for bulk transportation of water or storm water drainage inside a road reserve or railway line reserve; or</i></p> <p><i>(b) where such development will occur within an urban area.</i></p>	<p>The proposed development requires the development of a storm water system which will include "interlocking joint" concrete pipes with a minimum diameter of 450mm (up to 675mm diameter).</p>
<p>Listing Notice 1: Activity 12</p> <p><i>The development of – (i) dams or weirs, where the dam or weir, including infrastructure and water surface area, exceeds 100 square metres; or (ii) infrastructure or structures with a physical footprint of 100 square metres or more;</i></p> <p><i>where such development occurs –</i></p> <p><i>(a) within a watercourse;</i></p>	<p>Part of the mixed-use development occurs within 32m of a wetland. Further, with both the proposal and the alternative routes, the sewer line traverses (to varying degrees), the wetland area. Lastly Road B will also cross the wetland area. These components will thus result in more than 100m² of infrastructure within 32m of a wetland.</p>

<p>(b) in front of a development setback; or</p> <p>(c) if no development setback exists, within 32 metres of a water course, measured from the edge of a watercourse.</p>	
<p>Listing Notice 1: Activity 19</p> <p><i>The infilling or depositing of any material of more than 10 cubic metres into, or the dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.</i></p>	<p>The proposed development involves construction within and will thus involve excavation of more than 10 cubic metres from the watercourse as well as the infilling of more than 10 cubic metres of material into the watercourse.</p>
<p>Listing Notice 1: Activity 24</p> <p><i>The development of a road - (i) for which an Environmental Authorisation was obtained for the route determination in terms of activity 5 in Government Notice 387 of 2006 or activity 18 in Government Notice 545 of 2010; or</i></p> <p><i>(ii) with reserve wider than 13,5 meters, or where the road is wider than 8 meters</i></p>	<p>Number of internal and external roads are required as part of the development. These are of varying sizes including:</p> <ul style="list-style-type: none"> • 16m wide internal road
<p>Listing Notice 1: Activity 27-</p> <p><i>The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation.</i></p>	<p>The proposed development is approximately 8.8 hectares in extent. Whilst the site is degraded and parts have been used for agriculture, more than 1 hectare of indigenous vegetation will be cleared</p>
<p>Listing Notice 1: Activity 28</p> <p><i>Residential, Mixed, Retail, Commercial, Industrial or institutional developments where such land was used for agriculture, game farming, equestrian purposes or afforestation on or after 01 April 1998 and where such development; (i) Will occur outside 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.</i></p>	<p>Proposed Mixed use development which includes Business 1 and Commercial Uses is approximately 14.64ha.</p> <p style="text-align: center;">GDARD Office of the HOD</p> <p style="text-align: center;">03 FEB 2021 000 001</p>
<p>Listing Notice 3; Activity 4</p> <p><i>The development of a road wider than 4 metres with a reserve less than 13,5 metres.</i></p>	<p>Number of internal and external roads are required as part of the development. These are of varying sizes. The proposed site occurs in an area which is noted as Egoli Granite Grassland (although degraded).</p>
<p>Listing Notice 3 activity 12</p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan</i></p>	<p>The proposed development involves the development of approximately 14.64 hectares in extent in area that is degraded. Further some clearing is required with regard to crossing within an Ecological Support Area (ESA)</p>

Listing Notice 3 activity 14

The development of — (i) dams or weirs, where the dam or weir, including infrastructure and water surface area exceeds 10 square metres; or (ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs — (a) within a watercourse; (b) in front of a development setback; or (c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse.

Part of the mixed-use development occurs within 32m of wetland. Further, with both the proposal and the alternative routes.

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-for the proposed mixed-use development on Portion 260 (a Portion of Portion 114) of the farm Rietfontein 189 IQ, which falls under the jurisdiction of Mogale City Local Municipality.

Scope of Environmental Authorisation.**3. Specific Conditions**

- 3.1 Environmental Authorisation (EA) is granted for the proposed mixed-use development, to be known as Greengate Extension 98, which includes a broad range of Business 1 and Commercial uses and related services including a sewer pipeline (Sewer layout plan "Proposal" is referred to as drawing number K19-040-02-400 on the attached site plans).
- 3.2 A revised layout plan (referred to as Plan Number GGX 98/PI) that takes into consideration the requirements as detailed conditions below must be submitted to this Department for approval before construction phase commences, as there are still structures of the proposed developmental layout plan within the 32 meters buffer zone of the wetland.
- 3.3 The wetland area must be clearly demarcated and fenced off as an open space system before any construction activity takes place to ensure that construction activities remain outside this area except where the sewer pipeline connects to the existing point. Spills and waste must be managed to avoid contamination of the wetland area.
- 3.4 Further, in order to protect the wetland from the effects of development, the edge of the watercourse must be clearly demarcated in the field with pegs or poles that will last for the duration of the construction phase, colour-coded as follows:
 - **RED** – Indicating the outer edge of the wetland.
 - **ORANGE** – Indicating the edge of the buffer zone (30 meters).
- 3.5 Rehabilitation of the wetland must be done under the guidance or advice of an approved wetland specialist that must be appointed or be available for consultation and advice during the construction phase of the project.
- 3.6 Lateral movement of waters (interflow) must not be impeded especially on the hillslope seepage wetland.
- 3.7 The protected species "*Hypoxis hemerocallidea* and *Boophaea disticha*" present on site must be protected and preserved as part of the landscaping. These plant species must be fenced off before construction phase commences on site.
- 3.8 In order to ensure the protection of the species as enunciated in condition 3.11 above, an email entitled "**request for medicinal plant species rescue operation**" must be sent to [gdard_biodiversityinfo2@gauteng.gov.za/](mailto:gdard_biodiversityinfo2@gauteng.gov.za) Calvin.Jonhasi@gauteng.gov.za, a minimum of six weeks prior to commencement of site clearance. The following documents must be attached to the email:
 - 1) A scanned version of the Environmental authorisation,
 - 2) A map clearly showing the location of the site,
 - 3) A plant species list for the site,
 - 4) A site layout plan indicated in 3.2 above, clearly indicating which areas are to be retained as natural open space.

- 3.9 Should heritage resources of any nature be uncovered during the construction phase, SAHRA and/or professional Heritage Specialists must be contacted immediately for investigations and recommendations.
- 3.10 The construction area must be clearly demarcated before any construction activities takes place and signage must be displayed during the construction phase to inform the general public about potential dangerous conditions on site.
- 3.11 The preparation of building material (e.g. mixing of cement, concrete, sand etc.) must be done on a concrete impermeable surface to avoid seepage into the soil and wetland areas.
- 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 A legal agreement between the applicant and the property owners (from Portion 251 to Portion 255 and Portion 7 of the farm Rietfontein 189 IQ) where the proposed sewer pipeline will traverse must be submitted, and only if such an agreement has not been done. Proof of such agreement must be made available to the authorities on request.

4. Commencement and completion of the activities

- 4.1 The development and/or construction of the authorised activities, including post development/construction rehabilitation must be concluded within a period of 10 years from the date of signature of this EA. If the authorised activities have not been concluded within that period, the authorisation lapses.
- 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 activities, 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. Commencement of the operational activities

- 5.1 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 authorisation must be made in order for the activities to be undertaken.

6. Management of the Activities

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

- 6.1 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 or waste disposal site must be the last option. Proof of disposal of waste must be kept on site and made available to the Department upon request. No recyclable materials to be disposed off with the general waste.
- 6.2 The surface storm water management plan must be based on Sustainable Urban Drainage Systems (SUDS) Principles and consider source, local and regional controls.
- 6.3 Noise generated from construction of the activities must not exceed the recommended noise levels as required by the Occupational Health and Safety Standards.
- 6.4 Energy savings technologies (such as compact fluorescents, light emitting diodes lights, passive infra reds switches to switch off lighting when areas are unoccupied) and water savings technologies (such as rain water harvesting) must be implemented to contribute in reducing the impact of climate change.
- 6.5 The commitment and recommendations in all submitted documentation, including the Environmental Management Programme (EMPr) are an extension of the Environmental Authorisation and are binding to all contractors and operators on site and must be implemented.

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- 6.6 Any proposed amendments to the EMPr (as a result of the Environmental Authorisation or otherwise) must be submitted in writing to the Department for approval prior to the amendment being implemented.
- 6.7 An on-site waste transfer station must be developed and managed in line with the requirement of the municipality for source separation of waste and to promote recycling of waste by the residents in the proposed developed.

7. Monitoring and Reporting

- 7.1 An independent Environmental Control Officer (ECO) must be appointed to oversee the development activities and guide compliance with the conditions of the EA and the EMPr. An ECO must submit compliance report at least once during preparation and construction phase of the development and one post development rehabilitation phase to mark completion of construction development.
- 7.2 An ECO must be appointed prior to any commencement of the authorised activities.
- 7.3 Once appointed, the name and contact details of the ECO must be submitted to the Department's Compliance Monitoring Section in the Department; documentation such as monitoring/compliance reports and notifications, required to be submitted, must be submitted thereto.
- 7.4 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.
- 7.5 The ECO must keep record of all activities on the site, problems identified, transgressions identified / noted, and a task schedule of the functions undertaken by the ECO.
- 7.6 The environmental audit report must be compiled in accordance with appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the environmental authorisation conditions as well as the requirements of the EMPr.
- 7.7 Records relating to monitoring and auditing must be kept on the site and made available to any authorised person(s) acting on behalf of the relevant competent authority in respect of the development.

8. Notification of commencement of activities

- 8.1 A written notification of commencement of the activities, including site preparation, must be given to the Department 14 days prior to commencement of the activities on the 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 Director: Compliance Monitoring Ms Sasa Sekhotha, the official of the Department at the email address: Sasa.Sekhotha@gauteng.gov.za.

9. General Conditions

- 9.1 The conditions of this EA are binding on 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.
- 9.2 The activities authorised may only be carried out at the property or site indicated in this EA.
- 9.3 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, 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.
- 9.4 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.

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- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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 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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03 FEBRUARY 2021

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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 Basic Assessment Report (BAR) received by this Department on 04 December 2020 and information contained in application form.
- 1.2 The relevant information contained in the Departmental information database including the Geographical Information System (GIS), Gauteng Conservation Plan Version 3.3, the Gauteng Pollution Buffer Guideline (2017) 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 The finding of the site inspection undertaken by Edith Ngoma, the official of this Department on 01 October 2020.

2. Key Factors Considered in Making the Decision

All information presented to this 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 Environmental attributes of the proposed site.
- 2.2 Impact on the watercourse by the proposed development.
- 2.3 Suitability of the proposed activities within the area.
- 2.4 The public participation process.

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3. Findings

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

- 3.1 The properties associated with services of the proposed development excluding alternative sewer pipeline (it is only the "Proposal" that has been approved and referred to as drawing number K19-040-02-400) have been attached to table 2 of the Final Basic Assessment Report dated November 2020.
- 3.2 The site is vacant and does not display any of the environmental sensitivities according to the Departmental GIS and the Gauteng Conservation Plan version 3:3, yet the route for the proposed sewer pipeline encroaches the Ecological Support Area characterized by a non-perennial river or wetland.
- 3.3 Adequate mitigation measures have been provided to ensure that impacts on the watercourse are minimal, except that the layout plan of the proposed development (Plan Number GGX 98/PI) must be revised so that part of the development is kept outside the 30 meters buffer zone of the wetland.
- 3.4 According to GPEMF 2015, the proposed site falls within Environmental Management Zones: 3 and 4. Zone 4 is a normal control zone dominated by agricultural uses outside the urban development zone. Part of sewer pipeline route falls within Zone 3, which is a High control zone (outside the urban development zone), sensitive to development activities and need to be protected. That is why the sewer pipeline must be outside sensitive areas and buffer of the wetland and can only cross the watercourse at the connection point.
- 3.5 The proposed activities are not foreseen to result in significant adverse environmental impacts, provided that all the recommendations in all submitted documentation and the conditions of the EA are adhered to.
- 3.6 The public participation process complies with the requirements of the EIA Regulations, 2014 (as amended). The registered interested and affected parties have been included in the public participation process, notices were placed on strategic locations and the newspaper advert on The Star newspaper of 07 September 2020.

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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