



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE HEAD OF DEPARTMENT (HOD)
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Reference: **Gaut 002/14-15/E0258**
Enquiries: Caroline Sithi
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BY FACSIMILE: 086 578 4650
BY REGISTERED MAIL

Balwin Properties (Pty) Ltd
Private Bag X4
GARDENVIEW
2047

GDARD
Office of the HOD
10 DEC 2015 000011

Telephone No.: 011 680 4551

Dear Rodney Gray

ENVIRONMENTAL AUTHORISATION GRANTED-BAR: THE PROPOSED WHISKIN RESIDENTIAL DEVELOPMENT ON HOLDINGS 102, 103, 104, 105 AND 106 CROWTHORNE AGRICULTURAL HOLDINGS, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

With reference to the above-mentioned application, please be advised that the Department has decided to **grant** Environmental Authorisation. The Environmental Authorisation and reasons for the decision are attached herewith as Annexure 1.

In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, you must, in writing and within **fourteen (14) days** of the date of the decision on the application ensure that all registered interested and affected parties are provided with access to the decision and the reasons for such a decision as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 2 of the National Appeal Regulations, 2014 which regulates the appeal process. Should you wish to appeal any aspect of the decision, you must within **twenty (20) days** of the date of 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
PO Box 8769
Johannesburg
2000

Physical Address:

The Appeals Administrator
Department of Agriculture and Rural Development
11 Diagonal Street
Diamond Building, 04th Floor
Newtown
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 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: 09/2/16

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AGRICULTURE AND RURAL DEVELOPMENT
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Environmental Authorisation

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Reference Number:	Gaut 002/14-15/0258
Holder of authorisation:	Balwin Properties (Pty) Ltd
Location of activity:	Holdings 102, 103, 104, 105 and 106 Crowthorne Agricultural Holdings

1. Decision

The Department is satisfied, on the basis of information available 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

By virtue of the powers conferred by the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Environmental Impact Assessment Regulations, 2014, the Department hereby authorises- **Balwin Properties (Pty) Ltd** with the following contact details –

Private Bag X4
GARDENVIEW
2047

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Tel No.: 011 680 4551
Fax No.: 086 578 4650

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to undertake the following activities (hereafter referred to as "the activities"):

listed as GN R. 983 Activities 9, 10 and 27 of Environmental Impact Assessment Regulations, 2014 promulgated in terms of Sections 24 (2)(a) of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended), as described in the Basic Assessment Report (BAR: On-site Notice) dated October 2015 at the location stated below:

Proposal	Latitude(S)	Longitude(E)
	25°59'2.50"	28°4'42.07"

on Holdings 102, 103, 104, 105 and 106 Crowthorne Agricultural Holdings, City of Johannesburg Metropolitan Municipality.

The granting of this Environmental Authorisation is subject to the conditions set out below.

3. Specific Conditions of Authorisation

- 3.1 Environmental Authorisation is granted for the above mentioned activities on the above mentioned site that measures 12.8272 hectares in extent.
- 3.2 A **fourteen (14) days** written notice must be given to the Department that the activities 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 activities will commence.
- 3.3 The proposed new marginal access road on Pitts Avenue by Kantey and Temper (Pty) Ltd dated 18 June 2015 must be submitted to the Johannesburg Roads Agency for approval.
- 3.4 A detailed storm water management plan must be approved by the City of Johannesburg Metropolitan Municipality (COJMM) and Johannesburg Roads Agency (JRA).
- 3.5 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.
- 3.6 An email entitled "request for medicinal plant rescue operation" must be sent to GDARD_BiodiversityInfo@gauteng.gov.za/Calvin.Jonhasi@gauteng.gov.za a minimum of six weeks prior to site clearance. The following documents must be attached to the

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email: (1) A scanned version of the Record of Decision, (2) a map clearly showing the location of the site, (3) a plant species list for the site, (4) the site layout plan, clearly indicating which areas are to be retained as natural open space. The email should also indicate (1) the size of the site, (2) the contact details (telephone, fax and email) of the environmental control officer, who must make themselves available during the rescue operations and (3) the contact details (telephone, fax and email) of the project proponent and/or landowner. The relocation medical plants species must be done before commencement of the development.

- 3.7 Site clearing must be strictly limited to the construction area.
- 3.8 Any mixing of cement, solvents, asphalts, sealants, adhesives, paints, chemical or other noxious materials must be done on an impervious surface designated for such.
- 3.9 All waste streams generated must be managed in accordance with the hierarchy of waste management principles and disposed of at a licensed landfill site permitted to receive waste of that class must be the last option. Proof of disposal of waste must be kept on site and made available to the Department upon request. **The recyclable materials must be sorted at source and not be disposed off the landfill site.**
- 3.10 **The rain water must be used for irrigation of landscape areas.**
- 3.11 **The bulbs and geyser must use renewable energy for township development.**
- 3.12 If any soil contamination occurs during the construction and operational 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 and this Department must be informed in this regard.
- 3.13 The bulk services approval (e.g. water supply, sewage, waste disposal, electricity and storm water) and other related services must be obtained from the relevant competent authority before the commencement of any construction activities on site.
- 3.14 Should any heritage resources of any nature be uncovered during the construction the development must cease, SAHRA and/ or professional Heritage Specialists must be contacted immediately for investigations.
- 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.
- 3.16 Post development rehabilitation must make use of species which are indigenous to the area.

4. Management of the activities

- 4.1 The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation must be implemented. In addition to the submitted EMPr, the following must be implemented and be considered part of the subject EMPr:
 - a) Noise generated from construction activities must not exceed the recommended noise level of 85dB as required by the Occupational Health and Safety Standards.
 - b) Dust mitigation measures must be implemented throughout the construction phase.

5. Monitoring and Reporting

- 5.1 The commitment/mitigation measures and recommendations in all submitted documentation, including the Environmental Management Programme (EMPr) which forms part of the BAR dated October 2015 are an extension of this Environmental Authorisation. The EMPr submitted as part of the application for Environmental Authorisation is approved and must be strictly implemented during the construction phase of the proposed development. A copy of

the approved EMPr & Environmental Authorisation must be kept on site during the construction phase of the development.

- 5.2 Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to the Department for approval prior to the amendment being implemented.

6. Operation of activities

- 6.1 These activities must commence within a period of **ten (10) years** from the date of issue of this authorisation.
- 6.2 If commencement of the activities does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activities to be undertaken.

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7. General conditions

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- 7.1 Conditions of this authorisation are binding on the holder of the authorisation, 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 authorisation.
- 7.2 The activities authorised may only be carried out at site indicated in this authorisation.
- 7.3 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 activities.
- 7.4 This authorisation, and EMPr, must be kept at the site where the activities will be undertaken. These 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 authorisation who works or undertakes work at the property.
- 7.5 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.
- 7.6 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 (as amended) and the regulations.
- 7.7 The holder of the Environmental Authorisation must notify the Department, in writing and within **twenty four (24) hours**, if the conditions of this Authorisation cannot be or are not adhered.
- 7.8 If the Department has reason to believe that the authorisation 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 environmental authorisation and direct the holder of such environmental authorisation forthwith to cease any activities that have been commenced or to refrain from commencing any activities, pending a decision to withdraw the environmental authorisation.

8. Appeal of authorisation

- 8.1 The holder of the Environmental Authorisation must notify every registered interested and affected party, in writing and within **fourteen (14) days**, of receiving notice of the Department's decision to authorise the activities.
- 8.2 The notification referred to in 8.1 must:
- 8.2.1 Specify the date on which the Environmental Authorisation was issued;
 - 8.2.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 2 of the National Appeals Regulations, 2014; and
 - 8.2.3 Advise the interested and affected party that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.

Date of Environmental Authorisation: 09/12/15

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1. Background

The applicant, **Balwin Properties (Pty) Ltd** applied for authorisation to undertake the following activities listed as GN R. 983 Activities 9, 10 and 27 for the proposed development of a high density residential scheme and uses ancillary and subservient thereto on Holdings 102, 103, 104, 105 and 106 Crowthorne Agricultural Holdings, City of Johannesburg Metropolitan Municipality.

The applicant appointed **Landscape Architect Environmental Planner** 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 dated October 2015, including:
 - Ecological Report on Flora and Fauna;
 - Motivation for the proposed new marginal access road;
 - Heritage Impact Assessment; and
 - Environmental Management Programme.
- b) The comments received from interested and affected parties as included in the basic assessment report submitted to the Department on 14 October 2015.
- c) Relevant information contained in the Departmental information base including the Geographical Information System (GIS) and Conservation Plan Version 3.3.
- 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 Kagiso Motlhasedi on 04 November 2015.

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) Nature of the proposed site.
- b) The suitability of the proposed activities within the receiving environment.
- c) Public Participation process.

4. Findings

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

- a) The portion of the proposed site is located within an Endangered Ecosystem (Egoli Granite Grassland) as per the Departmental Conservation Plan version 3.3. Page 29 of an Ecological Report on the Flora and Fauna by Enviroguard Ecological Services dated February 2015 states that one threatened medicinal plant species (African Potato/ *Hypoxis hermerocallidea*) was found within the site, no wetlands or any other sensitive features have been identified on site.

- b) The site is already transformed and consists of old residential buildings, in addition to this the proposed development is in line with the RSDF 2010/11 for Region A, Sub Area 6.
- c) The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, 2014 and the comments from the organs of state have been included in the BAR dated October 2015. The interested and affected parties' consultation process included the placing of advertisement in the Beeld Newspaper dated 23 January 2015. Site notices were placed at various points. Written notices were sent to all the adjoining land owners and a public meeting was held on 24 February 2015 at the Urban Life Church, Midrand. The public participation process was thus adequately conducted.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activities 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 activities can be mitigated to acceptable levels. The Environmental Authorisation is **accordingly granted**.

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