



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE HEAD OF DEPARTMENT (HOD)
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Reference: **Gaut 002/14-15/0026**
Enquiries: Caroline Sithi
Telephone: 011 240 3394
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BY FACSIMILE: 011 883 3739
BY E-MAIL: glazer@glazertrust.co.za
BY REGISTERED MAIL

Bernard Glazer Will Trust
Private Bag X9
BENMORE
2010

Telephone No.: 011 884 9890

Dear Sam Glazer

ENVIRONMENTAL AUTHORISATION GRANTED: THE PROPOSED DEVELOPMENT ON PORTION 4 OF HOLDINGS 67 AND 68 MORNINGSIDE AGRICULTURAL HOLDINGS TO BE KNOWN AS MORNINGSIDE EXTENSION 187 - 189, 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 10 (2) of the Environmental Impact Assessment Regulations, 2014, you are instructed to notify all registered interested and affected parties, in writing and within **twelve (12) 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 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

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Physical Address:

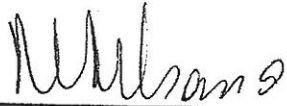
The Appeals Administrator
Department of Agriculture and Rural Development
11 Diagonal Street
Diamond Building, 04th Floor
Newtown
JOHANNESBURG
2001

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: 12/10/15

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GAUTENG PROVINCE
AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Environmental Authorisation

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Reference Number:	Gaut 002/14-15/0026
Holder of Authorisation:	Bernard Glazer Will Trust
Location of activities:	Portion 4 of Holdings 67 and 68 Morningside Agricultural Holdings, City of Johannesburg Metropolitan Municipality

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 activity specified below:

2. Activity authorised

By virtue of the powers conferred by the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, the Department hereby authorises **Bernard Glazer Will Trust** with the following contact details-

Private Bag X9
BENMORE
 2010

Tel No.: 011 884 9890

to undertake the activity (hereafter referred to as "the activity") –

listed as Activity 23 in terms of Listing Notice No. 1 of Environmental Impact Assessment Regulations, 2010 promulgated in terms of Sections 24 (2)(a) of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended), and thus requiring Basic Assessment process.

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

3. Conditions

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3.1 Specific conditions

- a. Authorisation is granted for the proposed development of a medium density residential housing units of ±395 – 400 "Residential 3" units and a boutique hotel not exceeding 125 rooms on Portion 4 of Holdings 67 and 68 Morningside Agricultural Holdings to be known as Morningside Extensions 187 - 189 ("the proposal") which measures 11, 17 hectares in extent.
- b. **Activity 11 does not form part of this Environmental Authorisation since the 32 meter buffer zone will be retained as a "no-go" zone as a result of the conservation importance of riparian zone.**
- c. As a result of the above, no development is allowed within the 32 meter buffer zone of the watercourse.
- d. A composite sensitivity map overlay must be submitted to this Department for review and comment prior to the commencement of any development activity on site. The layout must indicate all the activities that will be taking place on site in relation to the watercourse and its buffer areas.
- e. A **fourteen (14) days** written notice must be given to the Department that the activity 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 activity will commence.
- f. 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.
- g. A detailed stormwater management plan must be compiled and submitted to the Johannesburg Roads Agency (JRA) for approval.
- h. Storm water outlets are not allowed directly into the water course, unless a WULA (Water Use License Application) is undertaken for this purpose.
- i. Should any heritage resources of any nature be uncovered during construction, development must cease immediately, SAHRA and/ or professional Heritage Specialists must be contacted immediately for investigations.

- j. 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, color-coded as follows:
 - **RED** – Indicating the edge of the riparian zone ([These should be placed along the entire length of the property/site.]
 - **ORANGE** – Indicating the edge of the buffer zone (32m for rivers within urban areas).
- k. The bulk services approval (e.g. water supply, sewage and disposal waste, electricity and storm water) and other related services must be obtained from the relevant competent authority.
- l. Any mixing of cement, solvents, asphalts, sealants, adhesives, paints, chemical or other noxious materials must be done on an impervious surface designated for such material.
- m. 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.
- n. The site manager must ensure that all construction activities taking place on site adhere to the conditions of this Environmental Authorisation and complies with the approved Environmental Management Plan (EMP)
- o. Post development rehabilitation must make use of species which are indigenous to the area.

3.2 Management of the activities

- a) The commitment/mitigation measures and recommendations in all submitted documentation, including the Environmental Management Plan (EMP) are an extension of this Environmental Authorisation. A copy of the approved EMP & Environmental Authorisation must be kept on site during the construction phase of the development.
- b) Any proposed amendments to the EMP (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.

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3.3 General conditions

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- a) Conditions of this Environmental Authorisation are binding on the holder of the Environmental 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 Environmental Authorisation.
- b) The activity authorised may only be carried out at the property or site indicated in the activity location mentioned above.
- c) Any changes to, or deviations from, the project description set out in this Environmental Authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval 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 the Environmental Authorisation to apply for further authorisation in terms of the Environmental Impact Assessment Regulations, 2014.
- d) This activity must commence within a period of **ten (10) years** from the date of issue. If commencement of the activity does not occur within that period, the Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- e) This Environmental 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 activity
- f) A copy of this Environmental Authorisation must be kept at the property where the activity will be undertaken. The Environmental Authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the Environmental Authorisation who works or undertakes work at the property.

- g) Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must apply to the Department as soon as the new details become known to the applicant.
- h) The holder of the Environmental Authorisation must notify the Department, in writing and within **twenty four (24) hours**, if the conditions of this Environmental Authorisation cannot be or are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- i) Non-compliance with a condition of this Environmental Authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act NEMA, 1998 (Act No. 107 of 1998, as amended).

4. Appeal of authorisation

4.1 The holder of the Environmental Authorisation must notify every registered interested and affected party, in writing and within **twenty (20) calendar days**, of receiving notice of the Department's decision to authorise the activity.

4.2 The notification referred to in 4.1 must:

- 4.2.1.1 Specify the date on which the Environmental Authorisation was issued;
- 4.2.1.2 Inform the registered interested and affected party of the appeal procedure provided for in Chapter 2 of the National Appeals Regulations, 2014; and
- 4.2.1.3 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: 12/10/15

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Annexure 1: Reasons for Decision

1. Background

The applicant, **Bernard Glazer Will Trust** applied for authorisation to carry out the following activities:

listed as Activities 11 and 23 in terms of Listing No. 1 of Environmental Impact Assessment Regulations, 2010, (GN R 554), promulgated in terms of Sections 24 (2)(a) of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended)

The applicant appointed **Seaton Thomson and Associates CC** 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 July 2015, including:
 - Services report on Water and Sewerage Reticulation and Stormwater Management
 - Traffic Impact and Access Study
 - Vegetation Assessment, Riparian Assessment, Soil and Land Capability Study
 - Environmental Management Plan
- b) The comments received from interested and affected parties as included in the Basic Assessment Report of 30 July 2015 as submitted to the Department.
- c) Relevant information contained in the Departmental information base including Geographical Information System (GIS) and Conservation Plan Version 3.3 and Gauteng Provincial Environmental Management Framework (GPEMF), 2015.
- 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 Godfrey Nefale and Kholofelo Matsetela on 25 August 2015.

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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 most significant is set out below.

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- a) The sensitivity of the watercourse
- b) Compatibility of the development with its surroundings and its consistency with the Gauteng EMF.
- c) The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, 2010 Public Participation Process.

4. Findings

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

- a) Terra Pacis environmental recommended on their Riparian Assessment report of 21 September 2010 that an area within the 32m buffer zone must be declared a "no-go" zone and rehabilitated where necessary.
- b) The proposed activity will be compatible with the surrounding land uses, which are residential and is not foreseen to result in adverse environmental impacts if managed appropriately.

- c) In terms of the Gauteng Environmental Management Framework, majority of the site falls within Environmental Management Zone 1 (for residential area) which is dominated by urban development activities and promote infill development.
- d) The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, 2010 and the comments from the organs of state and interested and affected parties have been included in the BAR dated 30 July 2015. The interested and affected parties' consultation process included the placing of advertisements in The Citizen Newspaper dated 11 July 2014 and the placing of site notices at strategic locations. 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 activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The Environmental Authorisation is **accordingly granted**.

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