


 Lindelwa Twala
 073 259 6062
 073 259 6062
 Lindelwa.xipu@dedea.gov.za
Ref: ECm1/C/LN1&3/M/02-2024



Holding 302/308 Pomona (Pty)Ltd
P.O. Box 1667
Bedfordview
2008.

Attention: Mr Steven Gottschalk.

E-mail: steveng@value.co.za

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE NATIONAL ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 AS AMENDED: PROPOSED MIXED USE DEVELOPMENT INCLUDING WAREHOUSE AND LOGISTICS ON PORTION 98, 99 AND 102 OF THE FARM LITTLE CHELSEA NO 10, WITHIN NELSON MANDELA BAY MUNICIPALITY.

1. With reference to the above-mentioned application (Reference **ECm1/C/LN1&3/M/02-2024**), please be advised that the Department has decided to grant authorisation as set out in the attached Environmental Authorisation. The Authorisation Notice and reasons for the decision are attached herewith.
2. In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within fourteen (14) days of the date of this letter, of the Department's decision in respect of your application.
3. The written notification referred to above must -
 - 3.1 Specify the date on which the Environmental Authorisation was issued;
 - 3.2 Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 as amended in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
 - 3.3 Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 4 Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 2 and 3 of the decision.

- 5 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 2 and 3 of the decision.

Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.

- 6 An Appeal Submission must be made on a form obtainable from the Departmental Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.
- 7 The Appellant must also serve a copy of the appeal to the regional office that processed the application.
- 8 The address to which the **originals** of such appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administration: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

- 9 In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter



DAYALAN GOVENDER

DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS

SARAH BAARTMAN/NMB REGION

DATE: 24 July 2024

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	Provincial number: ECm1/C/LN1&3/M/02-2024 NEAS number: ECP/EIA/0001504/2024
LAST AMENDED	Not Applicable
HOLDER OF AUTHORISATION	Holding 302/308 Pomona (Pty)Ltd
LOCATION OF ACTIVITY	Portions 98, 99 and 102 of the farm Little Chelsea, Nelson Mandela Bay Municipality

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

“Audit” - refers to an audit of compliance with conditions contained in this Environmental Authorisation and the requirements / stipulations of a Construction and / or Operational Environmental Management Programme and not to an Environmental Audit undertaken in terms of an accredited environmental management system by a certified environmental management systems auditor.

"CEMPr" – Construction Environmental Management Programme.

“Commencement” – Any physical activity on site that can be viewed as associated with the construction of the components of the mixed used development inclusive of initial site preparation and site camp establishment.

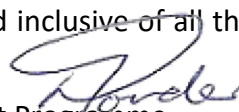
“EA- Environmental Authorisation

“EIA regulations” – These are the 2014 Environmental Impact Assessment Regulations as amended and published in Government Notice R326 of 07 April 2017 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998 as amended.

“EMPr” – refers to the Environmental Management Programme titled: “Environmental Management Programme Proposed mixed use development including warehousing and logistics on Portion 98, 99 and 102 of the farm Little Chelsea No 10, Port Elizabeth, Eastern Cape” dated April 2024 as prepared by Engineering Advice & Services (Pty) Ltd, and attached to the FBAR as Appendix F.

"FBAR" - refers to the Final Basic Assessment Report titled “Final Basic Assessment Report Proposed mixed use development including warehousing and logistics on Portion 98, 99 and 102 of the farm Little Chelsea No 10, Port Elizabeth, Eastern Cape” dated April 2024, as prepared by Engineering Advice & Services (Pty) Ltd inclusive of all the appendices thereto and consisting of three volumes.

“OEMPr” – Operational Environmental Management Programme.



“The Department” – The Department of Economic Development, Environmental Affairs and Tourism, Eastern Cape Province.

1. Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this Environmental Authorisation that the applicant should be allowed to undertake the activity specified below. Details regarding the basis on which the Department reached this decision are set out in Section 4.

2. Activities and regulations for which authorisation has been granted

By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the Environmental Impact Assessment Regulations, 2014 as amended the Department hereby authorises **Holding 302/308 Pomona (Pty) Ltd** being the legal or natural person who has applied for this Authorisation, with the following contact details:

Name	Holding 302/308 Pomona (Pty)Ltd		
Address	147 North Reef Road, Bedfordview, 2008.		
Applicant as Represented By	Steven Gottschalk	Cellphone	Non supplied
		E-mail	steveng@value.co.za
Contact Person	Steven Gottschalk	Telephone	011 524 7600

To undertake the following activities (hereafter referred to as “the activity”), in terms of the scheduled activities listed in the table below:

Detailed description of activity
<p>The proposed development entails the establishment of a mixed use development including warehousing and logistics services on Portions 98, 99 and 102 of the Farm Little Chelsea No 10. The three farm portions adjoin each other and abut Wyndomayne Road on the one end and Lakeside Road on the other end. The total area of the three portions is 25.1042ha made up as follows: Portion 98 - 8.12Ha in extent; Portion 99 - 8.57 Ha in extent and Portion 102 - 8.39Ha in extent. It is not intended to clear the total area of vegetation as portions of the total area will remain undeveloped (no go area) with the vegetation retained in its natural state. The anticipated development area (area to be disturbed) will cover approximately 19.104 Ha.</p> <p>The proposed development will entail the following activities:</p> <ul style="list-style-type: none"> • Clearing vegetation on the areas earmarked for development; • Levelling and landscaping the site for roads, buildings and on-site parking etc; • Construction of roads to provide access to the proposed development;

- Construction of services and integration thereof into the present network;
- Establishment of the areas that will remain undeveloped (no-go areas) as Open Space; and
- Construction of top structures and related engineering services.

Services

Water - Currently two 25mm erf connections have been provisionally provided by NMBM. Ideally a 75mm connection is required and therefore the development will require water storage / balancing tanks for domestic and firefighting purposes which will require booster pumps to mitigate long distances of 25mm pipe with limited capacity and reduce the friction losses. In addition, rainwater harvesting will be implemented at all buildings to reduce dependence on the municipal water supply.

Sewage- There is no municipal sewer infrastructure available to service the development. Two on-site sewage treatment package plants, each with its own internal sewer network are proposed on portions 98 and 99 and 102 respectively. It is proposed to use the Alveo Water Containerised Membrane Bio Reactor Waste Water Treatment System.

Electricity - Connections to the municipal electricity supply is readily available from the Tembani Substation. It will however require installation of a 22kV overhead, approximately 3.5km in length within an existing municipal servitude.

Stormwater – Two stormwater attenuation ponds are proposed to manage stormwater on the site. Two layout options were proposed and assessed in the FBAR. One option place the two attenuation ponds within the two no-go areas while the other option place the two attenuation ponds outside the no-go areas. This Environmental Authorisation authorises the latter i.e. placement of the two storm water attenuation ponds outside of the two no-go areas.

The development will be implemented in phases with the first phase commencing on Portion 98 and 99 and utilising Lakeside Road and Seaview Road to access the N2 interchange. The second phase will make use of Wyndomayne Road to access the N2 interchange.

TABLE 1: COORDINATES OF THE CORNER POINTS OF THE PROPERTY

		Latitude (S) (DDMMSS)				Longitude (E) (DDMMSS)		
ERF98/10	A	33 ⁰	95	1066	25 ⁰	42	4556	
	B	33 ⁰	95	0577	25 ⁰	42	9550	
	C	33 ⁰	95	0661	25 ⁰	42	9637	
	D	33 ⁰	95	1629	25 ⁰	42	9765	
	E	33 ⁰	95	2256	25 ⁰	42	9726	
	F	33 ⁰	95	2830	25 ⁰	42	9448	
	G	33 ⁰	95	3300	25 ⁰	42	8957	
ERF 99/10	H	33 ⁰	95	4925	25 ⁰	42	6578	
	I	33 ⁰	95	1524	25 ⁰	42	3743	

	J	33 ⁰	95	1061	25 ⁰	42	4335	
ERF 102/10	K	33 ⁰	95	1104	25 ⁰	42	8329	
	L	33 ⁰	95	1197	25 ⁰	42	8340	
	M	33 ⁰	95	3882	25 ⁰	42	0605	



Listed Activities in terms of the NEMA EIA Regulations 2014 as amended

GN R.327- Listing Notice 1 Activity 9	The development of infrastructure exceeding 1000 meters in length for the bulk transportation of water or storm water— (i) with an internal diameter of 0,36 meters or more; or (ii) with a peak throughput of 120 liters per second or more; excluding where— a) such infrastructure is for bulk transportation of water or storm water or storm water drainage inside a road reserve or railway line reserve; or b) where such development will occur within an urban area.
GNR 327: Listing Notice 1 Activity 27	The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation, except where such clearance of indigenous vegetation is required for— (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.

GNR 327: Listing Notice 1 Activity 28	Residential, mixed, retail, commercial, industrial or institutional developments where such land was used for agriculture or afforestation on or after 01 April 1998 and where such development: (i) will occur inside an urban area, where the total land to be developed is bigger than 5 hectares; or will occur outside an urban area, where the total land to be developed is bigger than 1 hectare.
GNR 324: Listing Notice 3 Activity 4	The development of a road wider than 4 metres with a reserve less than 13,5 metres a. In Eastern Cape: i. Outside urban areas: (gg) Areas within 10 kilometers from national parks or world heritage sites or 5 kilometers from any other protected area identified in terms of NEMPAA or from the core areas of a biosphere reserve, excluding disturbed areas.
	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. (a) Eastern Cape i. Within any critically endangered or endangered ecosystem listed in terms of section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;

At the locality defined in the Table below, and hereafter referred to as “the property”:

District	Sarah Baartman
Municipal Area	Nelson Mandela Bay Municipality
Farm Name	Little Chelsea
Farm Number and Portion	Portion 98, 99 and 102 of farm No. 10
Erf Number and Township Extension or Suburb	N/A
Co-ordinates	See Table 1 contained within the project description
Physical address	Portion 102 – Abutting Wyndomaene Road and Portions 98 and 99 abutting Lakeside Road at the intersection with Butterfield Road with all three portions bordering on the N2 to the north.

This Environmental Authorisation is granted subject to the conditions set out below.

3. Conditions

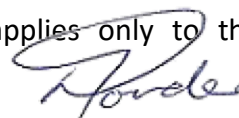
The Department of Economic Development, Environmental Affairs and Tourism may from time to time review this Environmental Authorisation and on good grounds and after written notice to the holder thereof, suspend or amend such Environmental Authorisation.

3.1. Duration of authorisation

- 3.1.1. Development as authorised in this Environmental Authorisation inclusive of the establishment of warehouses and logistical services inclusive of associated infrastructure as authorised in this Environmental Authorisation must commence within a period of 24 (twenty-four) months from the date of issue of this Authorisation. If the commencement of the activity does not occur within this period, this Environmental Authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 3.1.2. Construction is to be completed within 24 (twenty-four) months from the date of Commencement.
- 3.1.3. An application for the amendment of the Environmental Authorisation must be submitted to the Department on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application. If no request for amendment is received prior to the expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.4. On receipt of any such application for amendment, the Department reserves the right to request such information as it may deem necessary to consider the application for amendment which may include but not limited to:
 - 3.1.4.1. An updated EMP; and
 - 3.1.4.2. Such public participation process as may be deemed necessary at the time of the application for extension
- 3.1.5. Conditions relating to the operation of the project are valid in perpetuity.

3.2 Standard conditions

- 3.2.1 Authorisation is subject to the conditions contained in this Environmental Authorisation which conditions form part of the Environmental Authorisation and are binding on the holder thereof.
- 3.2.2 This Environmental Authorisation applies only to the activities and property described therein.



- 3.2.3 This Environmental Authorisation does not negate the holder thereof of his/her responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity, including but not limited to:
- 3.2.3.1. The National Forests Act, Act 84 of 1998 (and any amendments thereto);
 - 3.2.3.2. The National Environmental Management: Biodiversity Act, Act 10 of 2004;
 - 3.2.3.3. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974;
 - 3.2.3.4. The National Water Act, Act 36 of 1998;
 - 3.2.3.5. The National Heritage Resources Act, Act No. 25 of 1999;
 - 3.2.3.6. The National Environmental Management Waste Act, Act No. 59 of 2008;
 - 3.2.3.7. The Occupational Health and Safety Act, Act 85 of 1993; and
 - 3.2.3.8. Municipal Building Regulations and By-Laws.
- 3.2.4. **This Environmental Authorisation specifically excludes the establishment of any noxious trade uses as well as the storage of any dangerous goods or any activities that may result in emissions to the atmosphere.**
- 3.2.5. The holder of this Environmental Authorisation shall be responsible for ensuring compliance with the conditions by 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 this Environmental Authorisation.
- 3.2.6. Should any environmental damage be detected, that in the opinion of this Department, is the result of the development, then the applicant shall be required to make good that damage to the satisfaction of the said authority at his/her own expense.
- 3.2.7. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.8. This Department reserves the right to impose additional conditions or requirements on the applicant in respect of impacts identified during the EIA process, or suspend this authorisation, in the event that such impacts exceed its significance as predicted in the EAP's FEIR and supporting documentation provided by the EAP in relation to this application.
- 3.2.9. **This authorisation applies strictly to the project description as outlined in Section 2 of this Authorisation. Should the applicant wish to amend any component or aspect of the project hereby authorised, then approval will be required from this Department. The Department will advise what information is required as well as the process that must be followed in order to apply for an amendment to this**

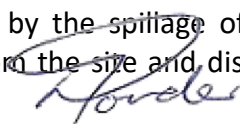
Environmental Authorisation or, if needed, for authorisation in terms of the applicable EIA Regulations promulgated in terms of the National Environmental Management Act, Act 107 of 1998.

- 3.2.10. This Environmental Authorisation is issued to the applicant described above. Should the applicant wish to transfer this Environmental Authorisation to another person (whether legal or natural), such transfer is to be affected by means of an amendment to the Environmental Authorisation. Such amendment to be applied for in terms of the relevant provisions contained in the EIA Regulations that may be applicable at the time.
- 3.2.11. This Environmental Authorisation must be made available to any interested and affected party who has registered their interest in the proposed development. The applicant is responsible for ensuring that a copy of this Environmental Authorisation is given to any such interested and affected party within 14 (fourteen) days of receiving this Environmental Authorisation.
- 3.2.12. This Environmental Authorisation or a certified copy thereof must be kept at the property where the activity will be undertaken. The 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 authorisation who works or undertakes work at the site.
- 3.2.13. 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 notify the Department as soon as the new details become known to the applicant.
- 3.2.14. In all cases, the holder of the Environmental Authorisation must notify the Department, in writing, within 30 days if a condition of this Authorisation is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 3.2.15. 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, Act 107 of 1998 and the regulations.

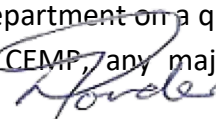
3.3. Project - specific conditions

- 3.3.1 Fourteen days' written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation and site camp establishment. The notice must include a date on which it is anticipated that the activity will commence.
- 3.3.2 The fourteen day notice contemplated in Condition 3.3.1 may only be submitted once all pre-construction conditions have been complied with and proof of such compliance to be submitted with the fourteen day notice.

- 3.3.3 The development design to incorporate the following to reduce water demand:
- 3.3.2.1. Water-efficient fixtures such as low-flow toilet cisterns, low flow showerheads or taps; and
 - 3.3.2.1 The provision of rainwater tanks, with piping connected to the building, with at least 20 Kℓ storage, to be provided for each building.
- 3.3.4. The development design to incorporate the installation and use of alternative energy sources where possible, such as solar geysers, solar panels, compact fluorescent or LED lighting and load control relays.
- 3.3.5. This Environmental Authorisation authorises layout **Alternative 1 as described in the FBAR and attached to Appendix 1 as Alternative 1.**
- 3.3.6. **No development, inclusive of any associated service infrastructure to be positioned within the environmental no-go areas. Furthermore, these no-go areas to be reflected as Open Space III on any rezoning of the property that may be required to facilitate the development.**
- 3.3.7. Prior to the commencement of development activities as authorised a detailed layout plan to be submitted to the Department for approval. Such layout plan must provide for amongst others:
- 3.3.7.1. Be based on Layout Alternative 1 as contained in Appendix 1 of the FBAR;
 - 3.3.7.2. Demarcation of a 5m buffer around the environmental no-go areas identified in Layout Alternative 1.
 - 3.3.7.3. Exclusion of any structures / infrastructure from the environmental no-go areas inclusive of the 5m buffer contemplated in Condition 3.3.6.2;
 - 3.3.7.4. The location of all other infrastructure inclusive of the two sewage package plants, the two storm water attenuation ponds, access road, internal service roads and other services.
- 3.3.8. The holder of this Environmental Authorisation being **Holding 302/308 Pomona (Pty) Ltd** to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the Final BAR (inclusive of its appendices) in tabular format for inclusion in the CEMPr and/or OEMPr as applicable.
- 3.3.9. Any recommendations / mitigatory measures contained in the FBAR and its appendices and not explicitly covered under the conditions contained in this Environmental Authorisation, are regarded as conditions in terms of this Environmental Authorisation. In the event that any such recommendation / mitigatory measure is contradictory to a condition contained in this Environmental Authorisation, such condition will be deemed to take precedence.

- 3.3.10. Further to Condition 3.3.9, **Holding 302/308 Pomona (Pty)Ltd** is to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the Final BAR and any specialist studies, in tabular format for inclusion in the Construction phase Environmental Management Programme and / or Operational Phase Environmental Management Programme as applicable.
- 3.3.11. **Holding 302/308 Pomona (Pty)Ltd** will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.3.12. A dedicated CEMPr to be compiled, submitted and approved by the Department prior to the commencement of the development. In this regard the sections of the EMPr that addresses construction can be used as a point of departure and is to include amongst others the following:
- 3.3.12.1. Applicable conditions of this Environmental Authorisation;
 - 3.3.12.2. All recommendations, mitigation measures, responsibilities, key actions and other provisions contained in the FBAR;
 - 3.3.12.3. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, and rehabilitation measures of the development footprint area etc.;
 - 3.3.12.4. Copies of all permits / licences issued to Holding 302/308 Pomon (pty) Ltd in relation to this project that have relevance to the environment;
 - 3.3.12.5. A general code of conduct for any contractor carrying out any work on the development site;
 - 3.3.12.6. Stormwater management during construction; and
 - 3.3.12.7. A framework for all contracts associated with the construction phase of the development and the Environmental Method Statements that will be associated with such contracts.
- 3.3.13. General principles of environmental management as contemplated in Condition 3.3.12.3 to include, amongst others ,the following:
- 3.3.13.1. No cement/concrete mixing to take place on the soil surface. Cement mixers to be placed on large trays to prevent accidental spills from coming into contact with the soil surface;
 - 3.3.13.2. Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed, this sand must be removed from site and disposed of at a registered waste disposal site;
 - 3.3.13.3. Any substrate contaminated by the spillage of hydrocarbons or other pollutants to be removed from the site and disposed of at a registered waste disposal site;
- 

- 3.3.13.4. No servicing of vehicles and other machinery to take place on site and no fuel or other hazardous material to be stored on site;
- 3.3.13.5. All excess construction material and any waste generated during construction must be removed from site on an ongoing basis and disposed of at a suitably registered waste disposal site;
- 3.3.13.6. The contractor must provide adequate waste disposal and sanitation facilities and must ensure that these facilities are properly used and maintained;
- 3.3.13.7. Clear stipulations as to who is responsible and accountable for what actions; and
- 3.3.13.8. Sufficient erosion control measures must be stipulated and adhered to.
- 3.3.14. The CEMP referred to in Condition 3.3.12 to be implemented and strictly adhered to for the duration of the construction phase.
- 3.3.15. The holder of this Environmental Authorisation shall appoint a suitably qualified construction Environmental Control Officer (ECO) who must be based on site for the duration of construction and who will be responsible for ensuring that the CEMP is implemented and strictly adhered to (inclusive of the relevant conditions contained within this Environmental Authorisation).
- 3.3.16. The ECO to be appointed prior to the commencement of construction and the name and contact details of the ECO together with the 14 day notice to commence must be submitted to the Department once appointed.
- 3.3.17. The ECO is amongst others responsible for the following:
 - 3.3.17.1. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.17.2. To keep and maintain a detailed incident and complaints register (inclusive of any spillages of hazardous substances and other materials) indicating how these issues were addressed (including any rehabilitation measures implemented) and preventative measures implemented to avoid re-occurrence of such incidents;
 - 3.3.17.3. To keep copies of all reports submitted to the Department on site; and
 - 3.3.17.4. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.
- 3.3.18. The construction phase as well as the post construction rehabilitation phase is to be audited on an ongoing basis by the ECO. The findings of such audits are to be consolidated and submitted to this Department on a quarterly basis. Furthermore, any significant deviations from the CEMP, any major non-compliances or any



imminent risk to the environment must be reported immediately to the Department.

- 3.3.19. The holder of this Environmental Authorisation must ensure that all contracting companies tendering for any work related to the construction of the facility receive a copy of the CEMP referred to in Condition 3.3.12. Furthermore, it must be ensured that all appointed contractors have made appropriate allowance for managing the environmental aspects related to their work in accordance with the provisions of such CEMP.
- 3.3.20. The exact location of any construction camp site that may be necessary, to be approved by the ECO and such area to be restricted to a maximum size of 2000m².
- 3.3.21. The vegetation to be cleared according to the layout plan to be approved in accordance with Condition 3.3.7 must be clearly demarcated before any vegetation clearing commences and no disturbance of vegetation to take place outside the demarcated areas.
- 3.3.22. The Environmental No-Go areas as illustrated on the layout plan (inclusive of the 5m buffer area) is to be retained in its natural state and no disturbance to be allowed.
- 3.3.23. Before vegetation clearing occurs, species of special concern or protected plant species, and trees protected in terms of the National Forest Act, Act 84 of 1998, within the development footprint must be identified.
- 3.3.24. In the event that any species of special concern or protected species in terms of the relevant provincial and national legislation and or the NFA are to be removed the necessary permits / licences to be obtained from the Department and/or DAFF for the removal and/or translocation of such species.
- 3.3.25. Any species identified in terms of Condition 3.3.24 as well as any other species that could be translocated are to be removed and relocated to other suitable areas elsewhere on the property in consultation with a suitably qualified botanist / ecologist.
- 3.3.26. A suitably qualified individual is to carry out a faunal "search and rescue" prior to the commencement of vegetation clearing, which fauna are to be relocated to a suitable area elsewhere on the farm.
- 3.3.27. No activities, inclusive of site preparation and related pedestrian /vehicle traffic are to be allowed within the areas designated as No-Go Areas in terms of the layout plan as approved in terms of Condition 3.3.7.
- 3.3.28. The South African Heritage Resources Agency (SAHRA) must be contacted immediately should any archaeological findings be discovered during the development.
- 3.3.29. Any areas disturbed as a result of construction and/or vegetation clearing activities that will not form part of the completed development as authorised to be rehabilitated immediately using vegetation indigenous to the area.
- 3.3.30. All the necessary precautions to prevent contamination of soil and water by fuel, oil, and chemical products during the lifetime of the project are to be undertaken.

- 3.3.31. No servicing of vehicles or machinery is to take place on site. All such servicing is to take place at a properly appointed workshop facility.
- 3.3.32. All waste, particularly chemicals and associated containers, and diseased plant material, must be disposed of in an environmentally responsible manner.
- 3.3.33. Adequate measures to protect against soil erosion must be implemented in all areas, including access roads and roads within the developed area.
- 3.3.34. An environmental audit must be carried out by the ECO monthly and submitted to the Department within two weeks of such audit being completed for the duration of vegetation clearing and subsequent planting of dryland grazing and associated infrastructure inclusive of the rehabilitation phase.
- 3.3.35. A post construction / development environmental audit to be carried out and the report submitted to this Department within one (1) month of the completion of vegetation clearing / establishment of agricultural crops as contemplated in the Environmental Authorisation. This audit to, as a minimum, consider adherence to the relevant conditions contained in this Environmental Authorisation and the stipulations of the CEMPr.
- 3.3.36. An An OEMPr is to be compiled and submitted to the Department for approval and implemented for the operational phase of the development. In this regard the sections of the EMPr that that deals with operational aspects may be used as a point of departure and is to include amongst others:
- 3.3.36.1. A code of conduct for any contractors and or workers;
- 3.3.36.2. A comprehensive stormwater management plan to manage stormwater during the operational phase of the development inclusive of the stormwater detention pond as contemplated in the FBAR;
- 3.3.36.3. Operational management and maintenance of the two sewerage treatment plants;
- 3.3.36.4. A comprehensive waste management plan inclusive of the appropriate disposal / release of any effluent;
- 3.3.36.5. Management / systematic removal and subsequent destruction of all alien invasive species listed in terms of CARA that may occur on the property or that may colonise disturbed ground prior to it attaining the seed formation stage during the lifetime of the project; and
- 3.3.36.6. A management plan incorporating conservation principles and active rehabilitation for that portion of the site that will remain undeveloped as per layout plan contemplated in Condition 3.3.6 with specific reference to the no-go areas referenced in Conditions 3.3.6 and 3.3.7.2.
- 3.3.37. A property owners association / governing body to be established for the operational phase of the development and all property owners / business operators

to be bound as a condition of title or by means of conditions in any lease agreement to be part of this body.

- 3.3.38. The property owners association / governing body contemplated in Condition 3.3.37 to appoint a dedicated environmental manager to oversee implementation of and adherence to the OEMPr during the operational life of the development.
- 3.3.39. Non-compliance with any stipulation in the CEMPr and OEMPr will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.3.28. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the Final Basic Assessment Report must be adhered to.

4. Reasons for Decision

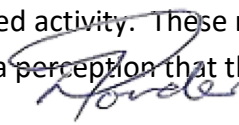
4.1 Information considered in making the decision

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

- 4.1.1. The information contained in the following documentation:
 - Completed application form dated 25 January 2024 and received on 18 January 2024;
 - DBAR 1 dated February 2024 and received by the Department on 20 February 2024;
 - FBAR dated April 2024 and received by the Department on 12 April 2024;
- 4.1.2 The EIA regulations of 2014 as amended and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.

4.2 Key factors considered in making the decision.

- 4.2.1 The applicant intends to develop portions 98, 99, and 102 of the Farm Little Chelsea No. 10, situated on the outskirts of Gqeberha for mixed use inclusive of warehousing and logistical services. The proposed mixed-use development aligns seamlessly with the Metropolitan Spatial Development Framework, indicating a strategic fit within the long-term land use for the area. All three portions are located within a transitional area on the outskirts of Gqeberha and according to the long-term land use planning for the area to the west of the Bay West City / N2 North Development node, the land portions falls within an area identified for mixed-use development in terms of the Metropolitan Spatial Development Framework (SDF) and as such is included in the urban edge as demarcated on the SDF.

- 4.2.2 The properties are currently zoned for Agriculture Zone I but are not utilised for this purpose. The proposed development will contribute to the existing character and identity of the urban development goals of NMBM and more specific that of the development in the vicinity of Seaview Road in close vicinity to the N2 corridor development area and its direct surrounds. It will furthermore contribute to the economic development of the area providing for more opportunities to choose from in the form of a logistics park related land uses and services.
- 4.2.3 The study area spans one vegetation type defined by Mucina and Rutherford (2007), as amended in the National Vegetation Map 2012 and 2017/18 spatial information being Algoa Sandstone Fynbos. This vegetation type is listed as a Threatened Ecosystem, as per the National Environmental Management: Biodiversity Act.
- Typical species associated with Algoa Sandstone Fynbos are dominated by a variety of grasses, Ericas and Proteas, and is only located within a narrow coastal belt between the Van Stadens River in the West and Summerstrand in the East, within the NMBM. The Aquatic & Biodiversity Specialist Report, however has concluded that a large portion of the land units in question has been transformed through previous land use practices including grazing and the development of residential units and other infrastructure with large portions being heavily infested with invasive alien trees (mainly black wattle). The Aquatic and Biodiversity Specialist Report did however map two areas where Fynbos is still occurring although none of the dominant Protea species normally associated with Algoa Sandstone Fynbos were observed and a low number of Erica individuals seen.
- These two remaining fynbos areas will remain undeveloped and managed as natural areas inclusive of a 5m buffer area as required in terms of conditions included in this Environmental Authorisation. Due to the transformed nature of those portions of the site that will be developed, no further biodiversity offsets were.
- 4.2.4 Impacts during site establishment and construction will be managed through the implementation of a comprehensive CEMPr as required in terms of this Environmental Authorisation. Implementation of and adherence to this EMPr as well as compliance to the conditions of this Environmental Authorisation are to be overseen by a dedicated Environmental Control Officer.
- 4.2.5 Impacts during the operational phase will be managed through implementation of a comprehensive OEMPr as required in terms of conditions contained in this Environmental Authorisation. This includes rehabilitation and management of the two remaining fynbos areas that will be demarcated as environmental no-go areas.
- 4.2.6 The project has been advertised and has been subjected to Public Participation as per the EIA Regulations. A number of comments inclusive of objections were lodged against the proposed activity. These mainly referenced the existing rural character of the area and a perception that this development does not fit in with
- 

this character and that it will change the character of the area. As articulated in Paragraph 4.2.1 above, the area is however located within the urban edge of the NMBM as demarcated in the NMBM SDF and furthermore, earmarked for mixed use development. The Department is thus satisfied that comments raised by I&AP's as well as by the Department during the assessment had been satisfactorily addressed in the FBAR.

- 4.2.7 No fatal flaws were discovered during the Environmental Impact Assessment Process and from an environmental perspective there is nothing that would preclude an authorisation being issued. In addition, a number of other measures are stipulated in the conditions contained in Section 3 of this Environmental Authorisation that are intended to ensure that potential impacts associated with the development are kept within limits that are compatible with the environmental character of the site. It is further believed that this development does not present any impact that could not be successfully mitigated.
- 4.2.8 The Department is satisfied that the risks to the natural environment and to humans can be adequately managed if all the conditions contained within this Environmental Authorisation are adhered to.
- 4.2.9 The conditions set out in this Environmental Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed and/or managed effectively.
- 4.2.10 In conclusion, this Department is satisfied that the benefits associated with the proposed project outweigh the environmental costs and are consistent with sustainable development principles.
- 4.2.11 In general, the environmental process followed is deemed to be satisfactory. It is the opinion of the Department that the information at hand is sufficient and adequate to make an informed decision. In this regard the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management as laid down in Chapter 5 of the National Environmental Management Act, Act 107 of 1998, and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels.

5 Appeal of authorization

- 5.1 In terms of Regulation 4(2) of the Environmental Impact Assessment Regulations, 2014 as amended, you are instructed to notify all registered interested and affected parties, in writing and within 14 (fourteen) calendar days of the date of this letter, of the Department's decision in respect of your application.
- 5.2 The written notification referred to in Condition 5.1 above must:

- 5.2.1 Specify the date on which the Authorisation was issued;
- 5.2.2 Inform interested and affected parties of the appeal procedure provided for in the Appeal Regulations published in GN R993 of 8 December 2014 as amended in terms of Section 44 read together with Section 43 of the National Environmental Management Act, Act 107 of 1998 as amended; and
- 5.2.3 Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 5.3 Any appeal against the decision contained in this Authorisation must be addressed in writing, to the MEC for Economic Development, Environmental Affairs & Tourism (hereinafter referred to as “the MEC”) in terms of Regulation 4(1) of the NEMA Appeal Regulations 2014 and within 20 (twenty) days after the appellant has been notified in terms of paragraphs 5.1 and 5.2 of the decision.
- 5.4 In the event that an appeal is lodged, copies of such appeal must be served on the applicant (if not the appellant), all registered interested and affected parties as well as juristic state departments (organ of state with interest in the matter) within 20 days of having been notified in accordance with the requirements stipulated in paragraphs 5.1 and 5.2 of the decision.
- Only appeals on environmental grounds can be considered. All appeals should be accompanied by relevant supporting documentation.***
- 5.5 An Appeal Submission must be made on a form obtainable from the Department Appeal Administrator and/or the Departmental website on www.dedea.gov.za or relevant Regional Office.
- 5.6 The Appellant must also serve a copy of the appeal to the regional office that processed the application.”
- 5.7 The address to which the **original** of any appeal and any other documents pertaining to the appeal must be mailed is outlined below. Please note that originals may also be delivered per hand or courier.

Department	Economic Development, Environmental Affairs & Tourism
Attention	General Manager: Environmental Affairs
Postal Address	Private Bag X0054, BHISHO , 5605
Hand delivery	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals copies of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administration: Mr S. Gqalangile	Siyabonga.Gqalangile@dedea.gov.za
Administrative assistant: Ms P. Gxala	Phumeza.Gxala@dedea.gov.za

- 5.8. In the event that an appeal is lodged with regard to this Authorisation, the listed activities described in this Authorisation may not commence prior to the resolution of the appeal and prior to the Department's written confirmation of compliance with all conditions that must be met before construction can commence, whichever event is the latter.



LINDELWA TWALA

ENVIRONMENTAL OFFICER: EIM

SARAH BAARTMAN/ NMB REGION

DATE: 24 July 2024



DAYALAN GOVENDER

DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS

SARAH BAARTMAN/NMB REGION

DATE: 24 July 2024