

DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS**CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS**

- Letter dated, 06 August 2008, from Environmental Management: NMBMOSS Co-ordinator, Abigail Kamineth, confirming that Erf 984 does not fall within the NMBMOSS Corridor.
- 2.2. The EIA regulations of 2006 and the objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, Act 107 of 1998.
- 2.3. Observations made during a site visit undertaken on 01 August 2008 by Mr. Struwig and Ms. Sibango of this Department in the company of Mr. Berrington from NMBM.

3. Key factors considered in making the decision

- 3.1. Parsons Vlei Erf 984 contains some traces of degraded Rowallan Park Grassy Fynbos. The site does not fall within the NMMOSS corridor and is therefore not deemed important from an ecological perspective. Erf 1134 is totally transformed and therefore has little conservation value. The development is also considered to be infill development which is also in line with the NMBM spatial development framework and will tie in with the existing surrounding residential area.
- 3.2. All services will link to existing service infrastructure in the area.
- 3.3. An Environmental Control Officer will be responsible for ensuring compliance with conditions of the Environmental Authorisation and the impacts during construction will be addressed by the Environmental Management Plan (EMP), thereby ensuring that impacts associated with the construction phase are kept to within acceptable levels.
- 3.4. 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.

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Annexure 1: Reasons for Decision

1. Background

The applicant, Rashid Wahab, applied for authorisation to establish an Industrial Park situated on Erf 984 & Erf 1134, Parsons Vlei, Port Elizabeth within the Nelson Mandela Bay Municipal area.

The activity entails the rezoning of Erf 984 from Community 3 to Business1 & Industrial 2 and Erf 1134 from Undetermined to Business 1 and Industrial 2. The development will comprise of the following components:

- Erf 984 (approximately 7.2975 ha) will be subdivided into 25 portions, ranging in size from 1609m² to 3711m²;
- Erf 1134 (approximately 3.2085 ha) will not be subdivided;
- An internal road network; and
- Internal reticulation of services (water; sewage and electricity).

Access to the development will be gained from Old Cape Road. Internal services will link up with existing bulk service infrastructure in the area.

Lucro Trading (Pty) Ltd appointed CEN Integrated Environmental Management Unit to undertake a basic assessment process and compile the necessary reports. This process included public participation as prescribed by regulation.

2. Information considered in making the decision

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

2.1. The information contained in the following documentation:

- Application form dated 11 September 2007;
- Basic Assessment Report by CEN Integrated Environmental Management Unit titled "Rezoning and Subdivision of Erf 984 and 1134 from Community 3 and Undetermined to Business and Industrial for the purpose of Establishing an Industrial Park";
- Letter, dated 14 July 2008, from NMBM Executive Director: Environmental & Health Services, Dr E.M. Chabula-Nxiweni, confirming that the development will not compromise the status of the Baakens River.



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4. Appeal of Environmental Authorisation

- 4.1. The holder of this Environmental Authorisation must notify every registered interested and affected party, in writing and within 7 (seven) 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. Specify the date on which the Environmental Authorisation was issued;
 - 4.2.2. Inform interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 4.2.3. Advise interested and affected parties that a copy of the Environmental Authorisation and reasons for the decision will be furnished on request.
- 4.3. Notice of intent to appeal against the decision must be lodged, in writing, with the MEC for Economic Development and Environmental Affairs, in terms of Regulation 62(1) of the EIA regulations within 10 days after the appellant has been notified in terms of the EIA regulations of the decision. The address to which such appeals must be submitted is:

Department of Economic Development and Environmental Affairs

By post: Private Bag X0054
Bhisho
5605

By hand: 3rd Floor
Indwe House
Bhisho

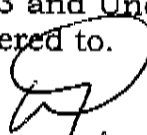
By facsimile: (040) 609 3211


LULEKA SIBANGO
ENVIRONMENTAL OFFICER: EIM

DATE: 26 SEPT. 2008


DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION
DATE: 26 SEPTEMBER 2008

DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS**CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS**

- 3.3.9. No spoil material from the construction of service infrastructure to be dumped or stored (whether temporary or permanent) in any of the Open Space areas.
 - 3.3.10. All areas disturbed as a result of the construction/installation of infrastructure must be rehabilitated on completion in accordance with the requirements of the EMP and relevant conditions contained within this Record of Decision.
 - 3.3.11. An environmental audit must be carried out by the ECO every six months and a final audit after completion of the development project and submitted to the Department.
 - 3.3.12. Non-compliance with any stipulation in the EMP will be regarded as non-compliance in terms of this Environmental Authorisation.
 - 3.3.13. Construction must be limited to between 07:00 and 17:00 during weekdays. No construction is to be permitted on weekends or public holidays.
 - 3.3.14. No blanket clearing of vegetation to take place on the site. Vegetation only to be cleared to facilitate construction /installation of infrastructure and the building of individual units. All vegetation on areas that are not developed immediately, to remain intact until such areas are developed.
 - 3.3.15. Before any vegetation clearing take place, the ECO must inspect the site to determine the occurrence of any species of special concern or species protected in terms of the Nature & Environmental Conservation Ordinance, Ordinance 19 of 1974.
 - 3.3.16. In the event of any species of special concern or species protected in terms of the Nature & Environmental Conservation Ordinance, Ordinance 19 of 1974 being present, a permit in terms of the Ordinance to be obtained from DEAE&T for the removal and/or translocation of such species.
 - 3.3.17. All exotic plant material which currently occurs on the property must be removed and that which colonises disturbed ground is to be systematically removed and destroyed prior to it attaining the seed formation stage.
 - 3.3.18. Excavated soil must be stockpiled for use during rehabilitation. Care must be taken not to mix topsoil with subsoil.
 - 3.3.19. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the consultant's Basic Assessment Report, titled "Rezoning and subdivision of Erf 984 and 1134 from Community 3 and Undetermined to Business and Industrial", must be adhered to.
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DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS**CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS**

this sand must be removed from site and disposed of at a registered waste disposal site.

- 3.3.4.2 No cement/concrete mixing is to take place on the soil surface. Cement mixers must be placed on large trays to prevent accidental spills from coming into contact with the soil surface.
- 3.3.4.3 No waste from construction or otherwise, may be disposed of on site. All waste generated on site, must be removed from site and disposed of at a registered waste disposal site. In this regard, adequate litter drums or other suitable containers must be located on site to ensure that waste generated on site is disposed of in a suitable and timeous manner.
- 3.3.4.4 Chemical toilets must be supplied on site and used during the construction phase. These facilities must be serviced regularly.
- 3.3.5. An Environmental Control Officer (ECO) is to be appointed to oversee the construction phase of the proposed development and to ensure that the conditions of this Environmental Authorisation as well as the requirements of the EMP are implemented and adhered to.
- 3.3.6. A detailed stormwater management plan must be designed and submitted to the department prior to construction taking place. The stormwater management plan must amongst other issues address the following:
 - 3.3.6.1. Measures to be taken to maintain the integrity of the Baakens river;
 - 3.3.6.2. Measures to be taken to prevent contamination of stormwater and pollution thereof; and
 - 3.3.6.3. The control of stormwater over exposed ground to prevent soil erosion during rainfall events.
- 3.3.7. The development footprint needed for the construction /installation of services as well as future development on individual erven, to be restricted to the absolute minimum necessary to facilitate construction of such. Such development footprint to be clearly demarcated with pegs. Construction activities, stockpiling of any building material and the storing of machinery must be accommodated within such demarcated areas and in accordance with the relevant provisions of the EMP.
- 3.3.8. The use of earthmoving equipment to facilitate the provision of services to be restricted to areas that have been demarcated in accordance with Condition 3.3.7.



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- 3.2.13. 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. The development must be in accordance with the layout depicted in the Job No. 1158 of HEMSLEY AND KOTZE Professional Land Surveyors, being Plan No: ERF984PS, Drawn by JK/zd, titled " *Proposed Subdivision of Erf 984 Parsons Vlei* " and dated October 2007 and Project " *Parson's Green Phase 2, Erf 1134 Layout plan* " , drawn by VH and dated 01 July 2008.
- 3.3.2. This Environmental Authorisation is granted for the operation of only the permitted uses for Business zone 1(one) and Industrial zone 2 (two) and is prohibited from noxious uses as per document received from Nadia Wessels of NMBM, titled " *Port Elizabeth Zoning Scheme Regulations*, reprinted May 1993".
- 3.3.3. An Environmental Management Plan (EMP) must be submitted to DEDEA for approval prior to the commencement of construction. The EMP is to include, amongst others:
- 3.3.3.1 Applicable conditions contained in this Environmental Authorisation;
 - 3.3.3.2 General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, minimization of dust, etc;
 - 3.3.3.3 All mitigatory measures and recommendations contained in the consultant's Basic Assessment Report, as well as in any of the annexures contained therein;
 - 3.3.3.4 Clear stipulations as to who is responsible and accountable for what actions; and
 - 3.3.3.5 A general code of conduct for any contractor that might be carrying out any work on the development site.
- 3.3.4. General principles of environmental management as provided for in Condition 3.3.3.2 must provide for amongst others, the following:
- 3.3.4.1 Generators and fuel supply needed during construction must be placed on trays, which rest on clean sand. Once construction has been completed,

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- 3.2.6. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.7. 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 this Environmental Authorisation to apply for further authorisation in terms of the regulations.
- 3.2.8. 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), then written notification of such proposed transfer must be sent to this Department a reasonable time before such transfer is proposed to take place. The Department will then consider the request and inform the applicant in writing as to whether the transfer is approved or not. Transfer may only take place if the Department has approved the transfer and issued such written approval. Conditions established in this Environmental Authorisation must be made known to and are binding on the new owner/developer.
- 3.2.9. 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 7 (seven) days of receiving this Environmental Authorisation.
- 3.2.10. 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 authorisation who works or undertakes work at the property.
- 3.2.11. 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.
- 3.2.12. 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.



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

3. Conditions

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

3.1. Duration of authorisation

- 3.1.1. Installation of the internal service infrastructure is to commence within 12 months of the date of signature of this authorisation and is to be completed within 6 months of commencement.
- 3.1.2. Construction of the business and industrial units is to commence subsequent to the completion of the installation of internal service infrastructure and is to be completed within 24 months of commencement.
- 3.1.3. Conditions relating to the operation of the project are valid for the lifetime of the project.

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.
- 3.2.4. 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.
- 3.2.5. 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.



DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS

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Activities	
R386 (1k)	The construction of facilities or infrastructure, including associated structures or infrastructure, for - the bulk transportation of sewage and water, including storm water, in pipelines with - (i) an internal diameter of 0,36 meters or more; or (ii) a peak throughput of 120 litres per second or more;
(12)	The transformation or removal of indigenous vegetation of 3 hectares or more or any size where the transformation or removal would occur within a critically endangered or an endangered ecosystem listed in terms of section 52 of the National Environmental Management : Biodiversity Act, 2004 (Act No. 10 of 2004)
(15)	The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres long.
(16)	The transformation of undeveloped, vacant or derelict land to - (a) establish infill development covering an area of 5 hectares or more, but less than 20 hectares; or (b) residential, mixed, retail, commercial, industrial or institutional use where such development does not constitute infill and where the total area to be transformed is bigger than 1 hectare
(18)	The subdivision of portions of land 9 hectares or larger into portions of 5 hectares or less.

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

District	Cacadu
Municipal Area	Nelson Mandela Bay Municipality
Farm Name	N/A
Farm Number and Portion	N/A
Erf Number and Township Extension or Suburb	Erf 984 and Erf 1134, Parsons Vlei, Port Elizabeth within the Nelson Mandela Bay Municipal area
Physical address	Parsons Vlei, south of Cape Rd: Erf 984 is situated on the immediate north of Senetech tower & Erf 1134 is situated north of the furthest westward extension of Rowallan Park extension

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CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

activity specified below. Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

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, 2006 the Department hereby authorises Lucro Trading 128 (Pty) Ltd being the legal or natural organisation who has applied for this authorisation, with the following contact details:

Name	Lucro Trading 128 (Pty) Ltd		
Address	P. O. Box 27679, Greenacres, 6057		
Telephone	(041)583 6470	Fax	
Contact	Rashid Wahab	e-mail	rashid@wdc.co.za

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

Detailed description of activity
The activity entails the rezoning of Erf 984 from Community 3 to Business1 & Industrial 2 and Erf 1134 from Undetermined to Business 1and Industrial 2. The development will comprise of the following components: • Erf 984 (approximately 7.2975 ha) will be subdivided into 25 portions, ranging in size from 1609m² to 3711m²; • Erf 1134 (approximately 3.2085 ha) will not be subdivided; • An internal road network; and • Internal reticulation of services (water; sewage and electricity). Access to the development will be gained from Old Cape Road. Internal services will link up with existing bulk service infrastructure in the area. 



PROVINCE OF THE
EASTERN CAPE

Private Bag X 5001, Greenacres, Port Elizabeth
South Africa, 6057
Phone: 041 5085800
Fax: 041 5851958
E-mail: luleka.sibango@deaet.ecape.gov.za

DEPARTMENT OF ECONOMIC DEVELOPMENT AND
ENVIRONMENTAL AFFAIRS

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	ECm1/386/M/07-128
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Lucro Trading 128 (Pty) Ltd
LOCATION OF ACTIVITY	Erf 984, and Erf 1134 Parsons Vlei, Port Elizabeth, within the Nelson Mandela Bay Municipal area

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"EIA regulations" – these are the Environmental Impact Assessment Regulations published in Government Notice R. 385 of 21 April 2006 in terms of Chapter 5 of the National Environmental Management Act, Act 107 of 1998.

"The Department" – The Department of Economic Development and Environmental Affairs, Eastern Cape Province.

"Commencement" – Any physical activity on site that can be viewed as associated with the establishment of the mixed use development node described under Section 2 of this Environmental Authorisation, inclusive of initial site preparation.

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

DEPARTMENT OF ECONOMIC DEVELOPMENT AND ENVIRONMENTAL AFFAIRS
CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

By hand: 3rd Floor
Indwe House
Bhisho

By facsimile: (040) 609 3211

Should you decide to appeal, you must serve a copy of your notice of intention to appeal on all registered interested and affected parties as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

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



DAYALAN GOVENDER
DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS
CACADU REGION
DATE: 26 SEPTEMBER 2008



Province of the
EASTERN CAPE

**ECONOMIC DEVELOPMENT &
ENVIRONMENTAL AFFAIRS
CACADU REGION**

**P/Bag X5001, GREENACRES
Port Elizabeth
South Africa, 6057
Phone: +27 (41) 508 5800
Fax: +27 (41) 585 1958**

**Web: www.deaet.ecprov.gov.za
E-mail: luleka.sibango@deaet.ecape.gov.za**

Reference: ECm1/386/M/07-128
Enquiries: L. Sibango

Lucro Trading 128 (Pty) Ltd
P.O. Box 27679
Greenacres
Port Elizabeth
6057

Attention: Mr. Rashid Wahab

APPLICATION FOR AUTHORISATION IN TERMS OF SECTION 24 OF THE ENVIRONMENTAL MANAGEMENT ACT, ACT 107 OF 1998 TO UNDERTAKE A LISTED ACTIVITY AS SCHEDULED IN THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS: DEVELOPMENT OF PARSON'S INDUSTRIAL PARK ON ERF 984 AND ERF 1134, PARSONS VLEI, IN PORT ELIZABETH, WITHIN THE NELSON MANDELA BAY MUNICIPAL AREA.

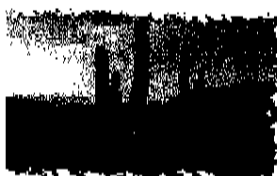
With reference to the abovementioned application (Reference number ECm1/386/M/07-128), please be advised that the Department has decided to grant authorisation. The Authorisation Notice and reasons for the decision are attached herewith.

In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within seven calendar 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 7 of the Regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, inter alia, lodge a notice of intention to appeal with the MEC, within 10 days of receiving this letter, by means of one of the following methods:

By post: Department of Economic Development and Environmental Affairs
Private Bag X0054
Bhisho
5605

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Province of the
EASTERN CAPE
**DEPARTMENT OF ECONOMIC DEVELOPMENT
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Phone: +27 (41) 508 5800
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Ref: ECm1/386/M/07 - 128

Enq.: L. Sibango

TO : Mr. Rashid Wahab
Fax No. :086 603 9455

From : Luleka Sibango
Tel No. : 041 – 5085800

Date : 26 Sept. 2008

Total no. of pages including cover :14

**AUTHORISATION IN TERMS OF SECTION 22 OF THE ENVIRONMENT
CONSERVATION ACT, ACT 73 OF 1989, TO UNDERTAKE A LISTED
ACTIVITY AS SCHEDULE UNDER SECTION 21 OF THE ACT:
DEVELOPMENT OF PARSONS INDUSTRIAL PARK ON ERF 984 AND ERF
1134 IN PORT ELIZABETH, WITHIN THE NELSON MANDELA BAY
MUNICIPAL AREA.**

Attached herewith please kindly receive the Record of Decision in respect of the above.
Please confirm receipt. Do not hesitate to contact the writer for any query in this regard.

Yours faithfully

LULEKA SIBANGO
ENVIRONMENTAL OFFICER : EIM

