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Ref: ECm1/C/LN1&3/M/61-2021



Lurco Trading 128 (Pty) Ltd
P.O. Box 51142, Port Elizabeth
6000

Attention: Mr Claude Jansen Van Rensburg

E-mail: claudio@vansspares.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 DEVELOPMENT OF ERF 1134 AND ERF 984, PARSONSVLEI, WITHIN THE NELSON MANDELA BAY MUNICIPAL AREA.

1. With reference to the above-mentioned application (Reference number ECm1/C/LN1&3/M/61-2021), please be advised that **the Department has decided to grant authorisation. The Environmental Authorisation 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 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 terms of the National Appeal Regulations, 2014, as contained in GN R. 993 of 08 December 2014; 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. 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.

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

5. An appeal against the decision contained in this Authorisation must be submitted in writing to the MEC for Economic Development, Environmental Affairs and Tourism (hereinafter referred to as "the MEC") in terms of Regulation 4(1) of the Appeal Regulations, 2014 and within twenty (20) days after the appellant has been notified in terms of paragraphs 2 and 3 of the decision.

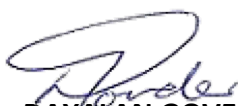
ECONOMIC DEVELOPMENT, ENVIRONMENTAL AFFAIRS AND TOURISM

CHIEF DIRECTORATE: ENVIRONMENTAL AFFAIRS

6. 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.
7. The Appellant must also submit 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 <u>copies</u> of any appeal and supporting documentation must also be submitted as follows:	
Appeal Administrator: 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:** 13 June 2022

CC: **Ms Lea Jacobs**
Engineering Advice and Services (EAS)
P.O. Box 13867, Humewood, Port Elizabeth
6013

E-mail: lea@easepe.co.za



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Ref: ECm1/C/LN1&3/M/61-2021



Province of the
EASTERN CAPE
ECONOMIC DEVELOPMENT,
ENVIRONMENTAL AFFAIRS & TOURISM

Environmental Authorisation

AUTHORISATION NOTICE REGISTER NUMBER	ECm1/C/LN1&3/M/61-2021 ECP/EIA/0001183/2021
LAST AMENDED	Not applicable
HOLDER OF AUTHORISATION	Lurco Trading 128 (Pty) Ltd
LOCATION OF ACTIVITY	Erf 1134 and Erf 984, Parsonsvei, Gqeberha, within the Nelson Mandela Bay Municipality.
CO-ORDINATES OF ACTIVITY	Centre points of each erf: • Erf 984 - 33° 56.022' S; 25° 26.524' E • Erf 1134 - 33° 55.945' S; 25° 27.114' E

DEFINITIONS:

The following definitions are applicable to this Environmental Authorisation:

"Audit" – as used in the context of this Environmental Authorisation 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.

"CBA" – Critical Biodiversity Areas, in terms of the Nelson Mandela Bay Municipality Bioregional Plan (NMBMBP).

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

"CEMPr" – Construction Environmental Management Programme.

"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" - Environmental Management Programme for construction and operation, titled "Environmental Management Programme – Proposed Development of Erven 984 and 1134, Parsonslei, for Storage, Warehousing and related facilities" as compiled by Engineering Advice and Services (EAS), dated March 2022, included in the FBAR as Appendix F.

"FBAR" - Final Basic Assessment Report titled "Proposed Development of Erven 984 and 1134, Parsonslei for Storage, Warehousing and Related", dated and received on 07 March 2022, compiled by Engineering Advice and Services (EAS).

"NEMBA" - National Environmental Management: Biodiversity Act, Act 10 of 2004.

"NMBM" – Nelson Mandela Bay Municipality.

"NMBMBP" – Nelson Mandela Bay Municipality Bioregional Plan, gazetted 30 March 2015.

"OEMPr" – Operational Environmental Management Plan.

"TIA" – Traffic Impact Assessment, titled "Traffic Impact Assessment for a Proposed Industrial Development on Erf 984 and 1134, Parsonslei, Port Elizabeth", dated February 2021, compiled by Engineering Advice and Services (EAS), included as Appendix D of the FBAR.

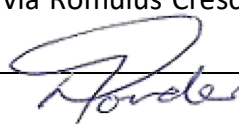
2. Activities and regulations for which authorisation has been granted

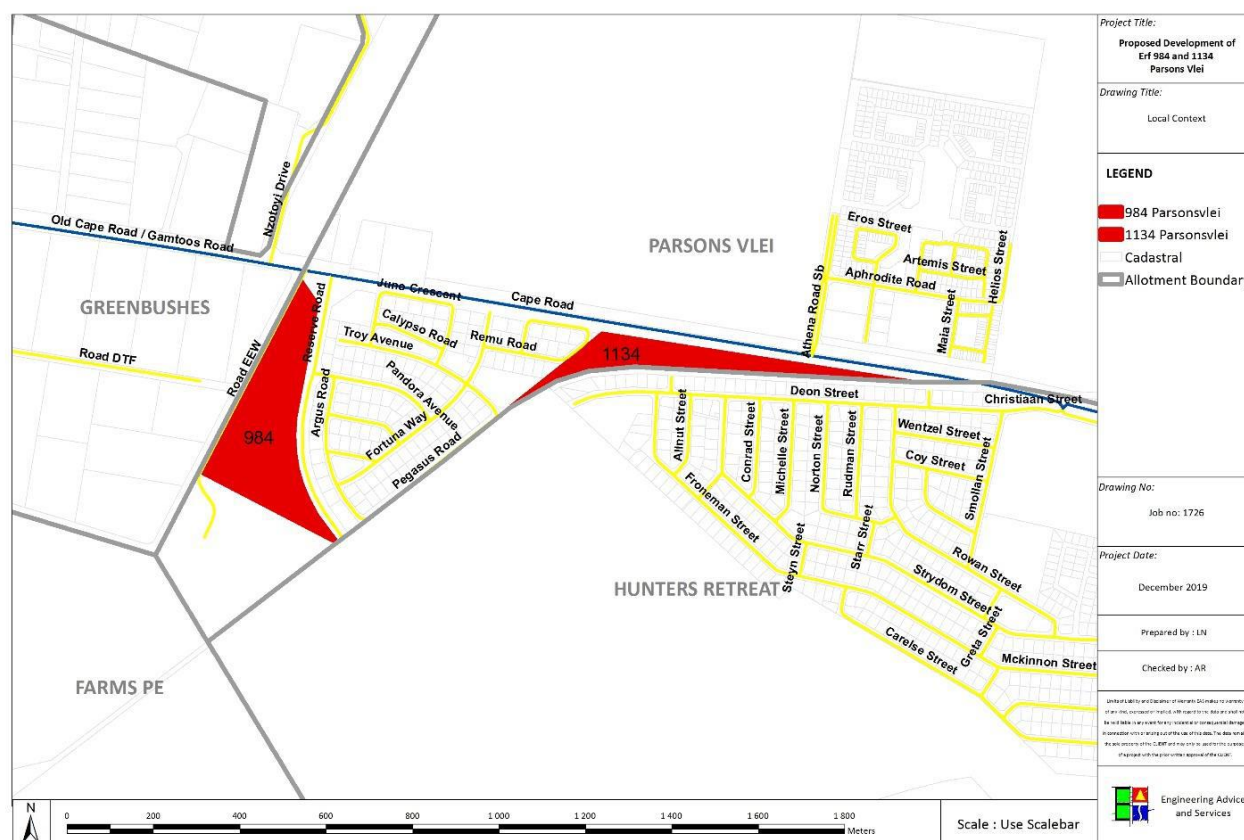
By virtue of the powers conferred on it by the National Environmental Management Act, Act 107 of 1998 and the NEMA Environmental Impact Assessment Regulations, 2014, the Department hereby authorises Lurco Trading 128 (Pty) Ltd, being the legal or natural person who has applied for this authorisation, with the following contact details:

Name	Lurco Trading 128 (Pty) Ltd		
Address	P.O. Box 51142, Port Elizabeth, 6000		
Telephone	041 484 6740	Fax	041 484 6863
Cell	076 679 2306		
Contact	Mr Claude Jansen Van Rensburg	E-mail	claudio@vansspares.co.za

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

Detailed description of activity
The proposed activity entails the development of Erf 984 Parsonslei with an area of approximately 7.29 Ha in line with its Industrial 2 Zoning permitted uses, and Erf 1134 Parsonslei which is 3.31 Ha in line with its Business 1 Zoning permitted uses. Lurco Trading (Pty) Ltd is the registered owner of both properties. The two erven are situated approximately 600 meters apart, where Erf 984 is along Reserve Road and Erf 1134 can be accessed via Romulus Crescent, as indicated in Figure 1 below, but neither have direct access via Cape Road.



**Figure 1****Development of Erf 1134, Parsonsvlei**

Erf 1134 will be cleared of vegetation in order to establish a mixed-use development including retail, residential, open space and other permitted uses, in line with its current Business 1 zoning.

The site is currently vacant, and the area to the north and west of the subject site is in the process of being developed for residential purposes, while the area to the south consists of fully developed residential dwellings. Two alternatives were considered, and this Environmental Authorisation hereby approves the preferred alternative, as included in the table below:

Notation	Alternative 1 (preferred Alternative)			Alternative 2		
	Stands (approximate)	Approximate Area (m ²)	Approximate % allotment	Stands (approximate)	Approximate Area (m ²)	Approximate % allotment
Residential/Retail (Business 1 permitted uses)	20	15765.00	47.68%	23	22413.00	67.78%
Private Open Space	6	8943.00	27.07%	3	2295.00	6.94%
Gate House	1	196.00	0.59%	1	196.00	0.59%
Private Road	-	8162.00	24.69%	-	8162.00	24.69%

The erf will be fenced and gated and will be accessed from Romulus Crescent. This "No Go" Area will be rezoned to Private Open Space. This will be retained on the Southwest corner of Erf 1134 which is identified as a Critical Biodiversity Area according to the Nelson Mandela Bay Municipality

Bioregional Plan (2015), and along the ecological corridor of the watercourse as proposed by the Biodiversity Specialist Assessment. The layout plan for this erf is included in Figure 2 below:

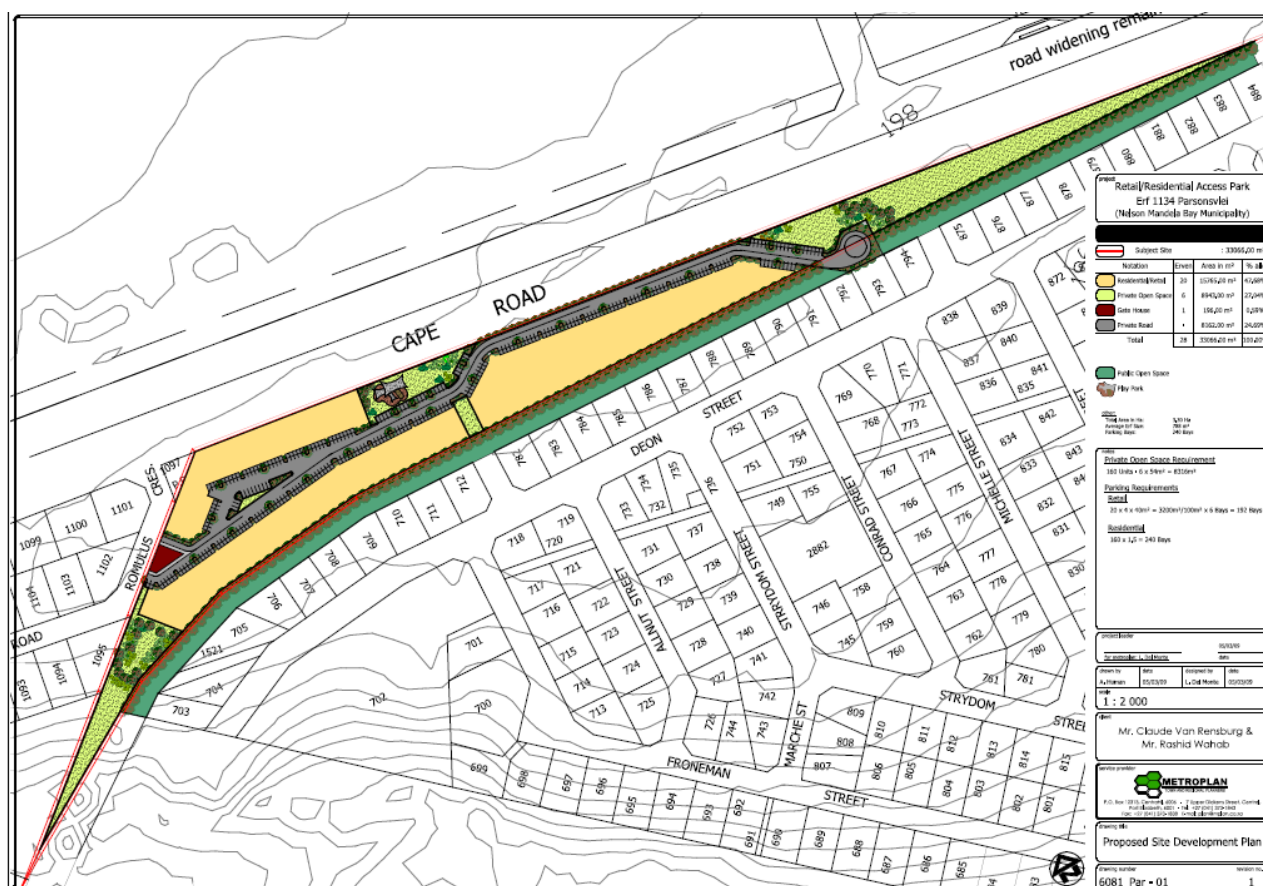


Figure 2

Development of Erf 984, Parsonslei

The proposed site plan (preferred alternative option) entails the subdivision of the erf into 4 plots and 1 transportation route. It is proposed to retain the zoning for Industrial Zone 2 (on the plots) and to rezone the transportation route for Transportation 1. The intention is to develop the area in phases. Where the first phase will constitute the development of the transportation route and thereafter, as demand effects, the 4 plots will be developed in line with its permitted uses. The layout makes provision for 4 Industrial 2 zoned erven that are suitable for warehousing development and the remainder portion for a road reserve that facilitates convenient movement of traffic inside the development.

Portion 1 – Approximate area of 1.4503 Ha

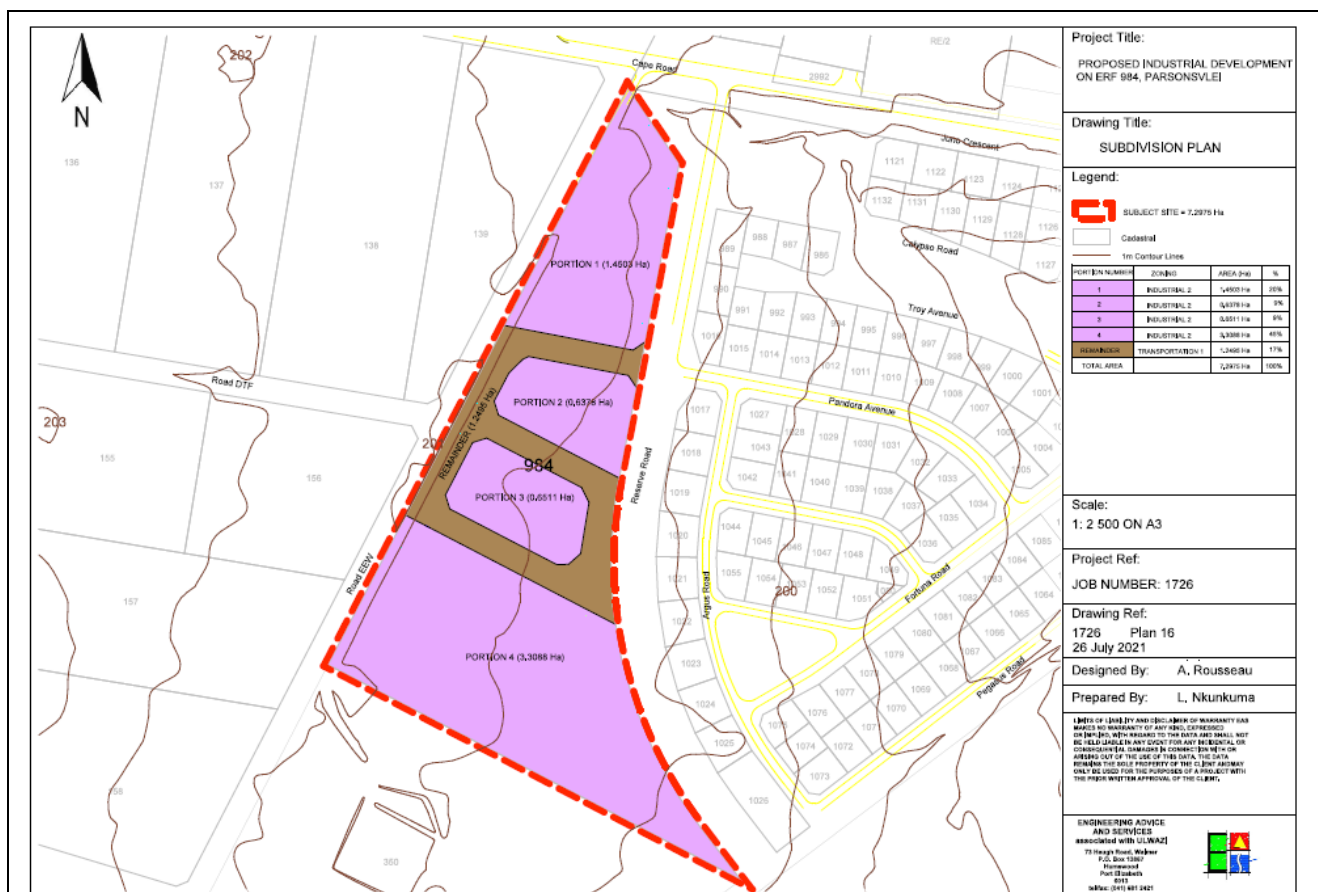
Portion 2 – Approximate area of 0.6378 Ha

Portion 3 – Approximate area of 0.6511 Ha

Portion 4 – Approximate area of 3.308 Ha

Transportation 1 – Internal roads of approximately 1.2459 Ha

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**Figure 3**

Previous rezoning and subdivision approvals by the NMBM have now lapsed on Erf 984, and new applications for the proposed development will be submitted. Once the rezoning and subdivision is approved, including the approval of bulk services provision, as well as installation of all the services, the erven zoned for Industrial 2 will be available for sale on the free market for development in line with the permitted uses for the Industrial 2 Zone as set out in the Port Elizabeth Zoning Scheme. Uses permitted in this zone are Funeral Parlours, Industries, Business Purposes, Public Garages, Parking, Warehousing, Shops, Workshops, Builder's Yards, Noxious Uses subject to regulation 3.15.2 of the Port Elizabeth Zoning Scheme. **This Environmental Authorisation, however, does not authorise any noxious uses.**

The applicant will be responsible for installation of all bulk services for both sites, as well as the construction of the internal roads. It is the applicant's intention to sell off the sites for development of top structures.

Access:

Details from the TIA indicate the following regarding access arrangements: -

Erf 984 - Access to erf 984 is proposed via Reserve Road directly opposite Pandora Avenue. Although Pandora Road is located only 240m from Cape Road it is considered that restricting access on Reserve Road to this single location is better than creating an additional access on a road that will ultimately functions as a class 3 arterial in terms of the NMBM long term road network proposals. Each access point will be configured such that there is a minimum of 25 m between the road edge and access

control. Should access control be provided from Reserve Road, any access control shall be positioned a minimum of 40m from the Reserve Road boundary.

Erf 1134 - In terms of the approved rezoning of erf 1134, access can only be gained from the existing road (Romulus Crescent) on its western boundary. Access to Romulus Crescent can be gained from Pandora Avenue via Fortuna Way.

Bulk Services:

Stormwater – stormwater facilities will be linked to existing stormwater infrastructure. The subdivision and rezoning approvals will require the applicant to submit the SDP inclusive of stormwater layout for approval.

Sewage – sewage facilities will be linked to the existing service infrastructure. The subdivision and rezoning approvals will require the applicant to submit the SDP inclusive of sewage layout plans for approval. Considering which facility will be utilised and whether the water treatment works facility will be able to accommodate the influx of waste water, would be dependent on pending approvals from the municipality upon submission of site development plans and related documents.

Solid waste - waste will be disposed of at the nearest registered waste disposal facility.

Water – water will be obtained by connections to the municipal water supply system.

NOTE: This Environmental Authorisation requires the augmentation of the water supply by rain water harvesting.

Listed Activities triggered in terms of Listing Notice 1 of the NEMA EIA Regulations 2014 as amended (GN R. 327 of 07 April 2017) as contained in the application form:

R. 327 – 27	The clearance of an area of 1 hectares or more, but less than 20 hectares of indigenous vegetation.
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Listed Activities triggered in terms of Listing Notice 3 of the NEMA EIA Regulations 2014, as amended (GN R. 324 of 07 April 2017) as contained in the application form:

R. 324 – 12	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; NOTE: <i>Algoa Sandstone Fynbos has been listed as vulnerable under the NEMBA: National list of ecosystems that are threatened and in need of protection, as listed in GN. 1002, gazetted in Government Gazette No. 34809, 09 December 2011. Updated assessments of the conservation status list this vegetation type as Critically Endangered (as per the Terrestrial Biodiversity Assessment contained in Appendix D of the FBAR, VEGMAP, 2012).</i>
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	ii. Within critical biodiversity areas identified in bioregional plans.
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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	N/A
Farm Number and Portion	N/A
Erf Number and Township Extension or Suburb	Erf 1134 and Erf 984, Parsonslei
Co-ordinates	Centre points of each erf: • Erf 984 - 33° 56.022' S; 25° 26.524' E • Erf 1134 - 33° 55.945' S; 25° 27.114' E
Physical address	Erf 1134 and Erf 984, Parsonslei, Gqeberha, within the Nelson Mandela Bay Municipality.

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.

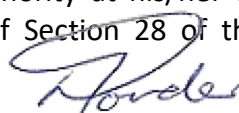
3.1. Duration of authorisation

- 3.1.1. Clearing of vegetation for the installation of bulk services and the construction of internal roads, as described in Section 2 of this Environmental Authorisation, must commence within a period of 24 (twenty-four) months from the date of issue of this Environmental Authorisation. Should commencement of the activity not occur within this time period, this Environmental Authorisation will be deemed to have lapsed and a new application for Environmental Authorisation must be submitted to the Department should the applicant wish to proceed with the development.
- 3.1.2. The installation of bulk services and the construction of internal roads must be completed within a period of 48 months from the date of commencement.
- 3.1.3. Construction of top structures on the erven must commence within 48 (forty-eight) months from the finalisation of the sale and transfer of each erf to any subsequent developer and must be completed within 60 (sixty) months from the date of commencement of construction of these top structures.

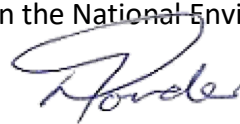
- 3.1.4. An application for the amendment of the Environmental Authorisation to extend the validity thereof may be submitted to the Department on condition that the Environmental Authorisation is valid on the date of receipt of such amendment application. If no such request for amendment is received prior to the expiry of this Environmental Authorisation, the Environmental Authorisation will be deemed to have lapsed.
- 3.1.5. 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:
- 3.1.5.1. An updated EMP; and
- 3.1.5.2. Such public participation process as may be deemed necessary at the time of the application for extension.
- 3.1.6. Conditions relating to the operation of the project are valid in perpetuity.

3.2. Standard conditions and declarations

- 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 Conservation of Agricultural Resources Act, Act No. 43 of 1983;
- 3.2.3.2. The National Water Act, Act 36 of 1998;
- 3.2.3.3. The National Environmental Management: Biodiversity Act, Act 10 of 2004;
- 3.2.3.4. The Provincial Nature Conservation Ordinance, Ordinance 19 of 1974;
- 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. The holder of this Environmental Authorisation being Lurco Trading 128 (Pty) Ltd, 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, this without limiting the generality of the provisions of Section 28 of the National Environmental Management Act, Act 107 of 1998.

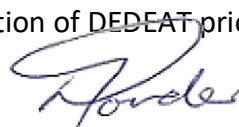


- 3.2.6. Lurco Trading 128 (Pty) Ltd will be held liable in the event of non-compliance by any contractor and/or subcontractor involved in this activity.
- 3.2.7. In the event of any dispute as to what constitutes environmental damage, this Department's opinion will prevail.
- 3.2.8. **This authorisation applies strictly to the project description as outlined in Section 2 of this Environmental 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.**
- 3.2.9. 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.
- 3.2.10. An application for an amendment to this Environmental Authorisation must be made in terms of Section 28 of the Amended 2014 EIA Regulations of 07 April 2017, and such application must be made in the form obtainable from the Departmental website on www.dedea.gov.za or the relevant Regional Office. Such application to indicate whether the amendment applied for is a Part 1 amendment application or a Part 2 amendment application, in terms of Sections 29 and 31 of the Amended 2014 EIA Regulations of 07 April 2017.
- 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 including the neighbouring landowners within 14 (fourteen) days of receiving this Environmental Authorisation.
- 3.2.12. **This Environmental Authorisation or a certified copy thereof, must be kept on site at all times during construction.** Such 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.



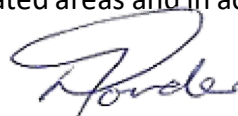
3.3. Project - specific conditions in relation to the design and construction phase

- 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. The notice must include a date on which it is anticipated that the activity will commence as well as a report indicating to what extent pre-commencement conditions have been complied with.
- 3.3.2. The TIA must be approved by the NMBM prior to the commencement of construction. Confirmation of the approval of the TIA to be submitted to the Department as soon as it is received by the applicant. A Traffic Management Plan for the construction phase must be drafted and implemented.
- 3.3.3. Confirmation of the capacity of the NMBM to provide bulk services and connections to existing bulk service infrastructure to be obtained and submitted to the Department prior to the commencement of construction.
- 3.3.4. The holder of this Environmental Authorisation being Lurco Trading 128 (Pty) Ltd to compile a detailed record of all Conditions, inclusive of recommendations / mitigatory measures contained in the Final BAR in tabular format for inclusion in the EMPr and / or Operational Phase Environmental Management Programme as applicable.
- 3.3.5. A finalised detailed layout plan for the development as authorised, together with the layout of all associated infrastructure as described in Section 2 of this Environmental Authorisation, to be drawn up and submitted to the Department for approval prior to the commencement of construction. The layout plan must include additional detailed layouts for each portion of the proposed development. Such layout to include the Private Open Space area, which is inclusive of the CBA area in the southwestern corner of Erf 1134, as well as the watercourse buffer area along the drainage line and the narrow area in the north west portion of the site, as depicted in Figure 2, which must clearly be labelled as "No-Go" areas. The layout must also reference any traffic arrangements that must be implemented as per the TIA.
- 3.3.6. A plant "search and rescue", to be conducted by a qualified botanist prior to commencement of any vegetation clearing for all protected species and species of special concern that may be affected by the development, as well as all other indigenous plant specimens which can be relocated. Such specimens are to be relocated and appropriately transplanted to the open space areas on Erf 1134, including in landscaping initiatives within the development sites on both erven, where applicable and practical on site.
- 3.3.7. Any protected flora found within the development footprint which need to be removed, relocated to other suitable areas, or trimmed, require the necessary permits to be obtained. Such permits must be obtained from DEDEAT for those species protected under the Provincial Nature Conservation Ordinance (Ordinance 19 of 1974), or those protected in terms of the National Environmental Management, Biodiversity Act (NEMBA), Act 10 of 2004. For those species protected under the National Forests Act (Act 84 of 1998), the relevant permits are to be obtained from DEFF. All permits to be obtained prior to removal or relocation and submitted to the EIM Section of DEDEAT prior to the commencement of construction.

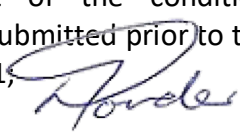


- 3.3.8. A suitably qualified individual is to carry out a faunal “search and rescue”, which fauna are to be relocated to a suitably protected natural area prior to the commencement of vegetation clearing. Should any injured fauna be found, they are to be taken to be examined by a veterinarian and if deemed suitable for rehabilitation, such fauna must be taken to a suitable faunal rehabilitation centre, in consultation with the Department's Biodiversity Unit. Any species protected in terms of the Provincial Nature Conservation Ordinance (Ordinance 19 of 1974) or NEMBA, Act 10 of 2004 which need to be removed or relocated require the necessary permits to be obtained from DEDEAT.
- 3.3.9. The development design to incorporate the following to reduce water demand:
- 3.3.9.1. Water-efficient fixtures in all the buildings such as low-flow toilet cisterns, low flow showerheads, low flow taps, or taps with auto shut-off mechanisms;
 - 3.3.9.2. The provision of rainwater tanks, specifically at least 20 Kℓ storage, to be provided for each industrial and business site, with each residential unit to have at least a 5Kℓ rainwater tank; and
 - 3.3.9.3. The design of all business units requiring such to incorporate approved grease traps and oil separator systems.
- 3.3.10. 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.
- 3.3.11. The Draft Environmental Management Programme (EMPr) contained in Appendix F of the Final BAR compiled by Engineering Advice & Services (EAS) to be amended to include a separate Construction Environmental Management Programme (CEMPr) and an Operational Environmental Management Plan (OEMPr), all mitigation measures as proposed in the FBAR, as well as the conditions of this authorisation and must be submitted to the Department for approval prior to the commencement of construction. The CEMPr is to include, amongst others:
- 3.3.11.1. Applicable conditions contained in this Environmental Authorisation;
 - 3.3.11.2. General principles of environmental management as applicable to construction activities including environmental best practice, erosion prevention and control, minimization of dust, etc.;
 - 3.3.11.3. All mitigation measures as contained in the FBAR and Appendix D, the Terrestrial Biodiversity Assessment;
 - 3.3.11.4. A rehabilitation and landscaping plan for the development, which incorporates the relocation of plant species and rehabilitation of the open space area, as well as for landscaping purposes within the development area on Erf 1134, with any search and rescue vegetation, as stipulated in Condition 3.3.6. Such plan to also address operational management and monitoring of the open space areas on Erf 1134, as well as any areas that will be landscaped within the development, including method statements for vegetation clearing and all aspects of restoration and rehabilitation;
 - 3.3.11.5. An alien invasive vegetation management plan, which includes operational management and monitoring;

- 3.3.11.6. Any fauna or avi-fauna on site is to remain undisturbed as far as possible, except in search and rescue relocations, and shall not be trapped/killed or otherwise caught by any persons;
 - 3.3.11.7. A detailed stormwater management and erosion control plan for the construction phase;
 - 3.3.11.8. A fire management plan;
 - 3.3.11.9. Clear stipulations as to who is responsible and accountable for what actions;
 - 3.3.11.10. 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;
 - 3.3.11.11. Contingency plans for any emergencies that may affect the environment during construction, such as fuel spills from the construction equipment; and
 - 3.3.11.12. Provision for penalties and fines is to be made for any non-compliance or transgressions, and all contractors and subcontractors are to be held liable, in conjunction with the authorisation holder, Lurco Trading 128 (Pty) Ltd, and will be required to rectify any damages to the environment on site.
- 3.3.12. The detailed storm water management and erosion control plan, as contained in Condition 3.3.11.7, must be designed and submitted to the department prior to construction taking place, and address Erf 984 and Erf 1134 separately. The storm water management plan must amongst other issues address the following:
- 3.3.12.1. Measures to be taken to maintain the integrity of tributary of the Baakens River located near Erf 1134 and the Baakens River, located approximately 400 m to the south of Erf 984;
 - 3.3.12.2. Integration of the stormwater infrastructure into the present network of the erven connecting with bulk services in the area;
 - 3.3.12.3. Measures to be taken to prevent contamination of stormwater and pollution thereof; and
 - 3.3.12.4. The control of stormwater over exposed ground to prevent soil erosion during rainfall events.
- 3.3.13. Construction work must be limited to between 07:00 and 17:00 during weekdays. No construction must take place on weekends or public holidays.
- 3.3.14. Construction areas are to be clearly demarcated and all construction activities are to be restricted to within this demarcated area.
- 3.3.15. No blanket clearing of vegetation. The development footprint needed for the construction of internal roads and the installation of services, as well as future development on individual erven, to be restricted to the absolute minimum necessary to facilitate the 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 CEMPr.



- 3.3.16. In addition to the requirements contained in the CEMPr referred to in Condition 3.3.11, the following general principles of environmental management to be implemented during the construction phase of the project if not specifically contained within the CEMPr:
- 3.3.16.1. 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;
 - 3.3.16.2. Dust that may be generated during construction from stockpiled, excavated material must be dampened to minimize dust until such time that this material has been utilized during the rehabilitation process or that it can be removed and disposed of;
 - 3.3.16.3. 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;
 - 3.3.16.4. 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;
 - 3.3.16.5. 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;
 - 3.3.16.6. 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;
 - 3.3.16.7. The contractor must provide adequate waste disposal and sanitation facilities and must ensure that these facilities are properly used and maintained; and
 - 3.3.16.8. Measures to be taken to minimize soil erosion associated with construction activities.
- 3.3.17. The relevant conditions of this Environmental Authorisation as well as the relevant requirements of the CEMPr shall form part of any contracts entered into between the holder of the authorisation and any contractor/sub-contractor(s).
- 3.3.18. Further to Condition 3.3.17, a performance-based requirement with regards to environmental impact management must be included in all contracts related to any activity relating to this Environmental Authorisation inclusive of incentives and penalties.
- 3.3.19. Lurco Trading 128 (Pty) Ltd must appoint a suitably qualified Environmental Control Officer (ECO) prior to the commencement of construction and the name, qualifications and contact details of the ECO together with the 14-day notice to commence must be submitted to the Department once appointed.
- 3.3.20. The ECO will be responsible, amongst others, for the following:
- 3.3.20.1. A Pre-Commencement Audit of the conditions of this Environmental Authorisation, which must be submitted prior to the notice of commencement, as referred to in Condition 3.3.1,



- 3.3.20.2. Ensuring that the CEMPr is implemented and strictly adhered to inclusive of the relevant conditions contained within this Environmental Authorisation;
 - 3.3.20.3. The ECO to report any non-compliance with the provisions of the CEMPr and conditions of this Environmental Authorisation to DEDEAT within 48 hours;
 - 3.3.20.4. To keep record of all activities on site, problems identified, transgressions noted as well as a schedule of tasks undertaken by the ECO;
 - 3.3.20.5. 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;
 - 3.3.20.6. To keep copies of all reports submitted to the Department on site; and
 - 3.3.20.7. To obtain and keep record of all documentation, permits, licences and authorisations relevant to the project on site.
- 3.3.21. The construction 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. A final post construction audit is to be conducted and submitted to this Department within three months of the completion of the construction. All audit reports must include photographic records for the construction site.
- 3.3.22. The construction camp site and any lay down areas if required, must be restricted to within the boundaries of the site. Furthermore, such camp site and lay down areas must not be within the Private Open Space area or in close proximity to any drainage lines etc. The camp site are furthermore to be identified in conjunction with the ECO.
- 3.3.23. The ECO is to monitor the adherence of the contractors to their method statements and the Conditions of the CEMPr and this Environmental Authorisation.
- 3.3.24. Non-compliance with any stipulation in the CEMPr or conditions of this Environmental Authorisation will be regarded as non-compliance in terms of this Environmental Authorisation.
- 3.3.25. The South African Heritage Resources Agency (SAHRA) as well as the Eastern Cape Provincial Heritage Resources Authority (ECPHRA) must be contacted immediately should any archaeological or palaeontological findings be discovered during the course of the development. Should such material be exposed then work must cease in the immediate area until examined by these authorities.
- 3.4. Conditions specific to the ongoing operation and management of the development inclusive of the open space area.**
- 3.4.1. Property Owners' Associations (POA's) are to be instituted and the owners of each freehold residential unit and owners of all business and industrial erven on both Erf 984 and Erf 1134, are to be bound as a condition of title to be a member of such. The POA's to appoint a suitably qualified person to oversee the implementation of the OEMPr on each erf.
- 3.4.2. The OEMPr, as referenced in Condition 3.3.11, to be drafted by a suitably qualified person and submitted for approval by the Department prior to the commencement of

construction. Such OEMPr to address each site individually. The OEMPr must be implemented by the POA's for the duration of the lifespan of the project. The OEMPr must be regarded as a working document to allow for information gained during the monitoring of activities on site to inform any changes necessary to the OEMPr. Should any changes be required, such must be submitted to the Department for approval prior to the implementation of such changes.

- 3.4.3. The OEMPr contemplated in Condition 3.4.2 to provide for amongst others:
- 3.4.3.1. Maintenance and management of the Private Open Space area, inclusive of a comprehensive vegetation management plan;
 - 3.4.3.2. Adequate measures to protect against soil erosion both in the Private Open Space area on Erf 1134 and on Erf 984; and
 - 3.4.3.3. An alien vegetation control programme for the removal of alien vegetation in the Private Open Space area on Erf 1134.
- 3.4.4. The rehabilitation plan and the alien vegetation management plan as contained in the CEMPr, specifically in Conditions 3.3.11.5 and 3.3.11.6, to be adhered to during the operational phase of the development for Erf 1134, under the management of the POA.
- 3.4.5. The storm water management plan as contained in Condition 3.3.12, to be adhered to during the operational phase of the development for both erven. The responsible person appointed by the POA for each erf, to oversee the implementation of the stormwater management plan for each erf.
- 3.4.6. Lurco Trading 128 (Pty) Ltd will be held liable in the event of non-compliance with any condition of this Authorisation Notice or any stipulation of the CEMPr. The POA's for each erf will be held liable in the event of non-compliance with any condition of this Authorisation Notice and OEMPr by any contractor/worker associated with this activity.
- 3.4.7. Notwithstanding the provisions of any of these conditions, all recommendations, guidelines and standard conditions contained in the consultant's FBAR 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:
- 4.1.1.1. The Application Form dated 09 November 2021, submitted on 15 November 2021, as well as the updated signed declaration of the applicant, signed and received on 16 November 2021;
 - 4.1.1.2. The Draft Basic Assessment Report (DBAR) and associated Appendices dated and received electronically on 06 December 2021;
 - 4.1.1.3. The Department's comment letter on the DBAR dated 09 February 2022; and
 - 4.1.1.4. The Final Basic Assessment Report titled "Proposed Development of Erven 984 and 1134, Parsonslei for Storage, Warehousing and Related", dated and received on 07 March 2022, compiled by Engineering Advice and Services (EAS).

- 4.1.2. Observations made during a site visit conducted on 30 May 2022 for the application.
- 4.1.3. 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. There was a previous Environmental Authorisation issued for the development of these two erven dated 26 September 2008, which subsequently lapsed. The development proposals for the two erven were very similar. Previous rezoning and subdivision approvals for Erf 984 have subsequently also lapsed, and thus a new application will be made to the NMBM as the proposed layout has also been altered for this application for Environmental Authorisation.
- 4.2.2. The erven are located in the south-western corner of the Parsonsvelei Allotment Area, north of Hunters Retreat, and south of Old Cape Road, and are situated approximately 600 meters apart, where Erf 984 is along Reserve Road and Erf 1134 can be accessed via Romulus Crescent, but neither have direct access via Cape Road. Both erven are currently vacant, and are surrounded by vacant land, residential developments as well as some warehousing and other businesses to the west and north of the erven.
- 4.2.3. The total extent of Erf 1134 is approximately 3.31 Ha, whilst Erf 984 is approximately 7.29 Ha. As described in Section 2 of this Environmental Authorisation, the preferred alternatives have been authorised in this Environmental Authorisation. Erf 1143 will be cleared of vegetation in order to establish a mixed-use development including retail, residential, open space and other permitted uses, in line with its current Business 1 zoning. Erf 984 will be subdivided into 4 plots and 1 transportation route. It is proposed to retain the zoning for Industrial Zone 2 (on the plots) and to rezone the transportation route for Transportation 1. This erf will be developed in phases, where the first phase will constitute the development of the transportation route (including bulk services installation) and thereafter, as demand effects, the 4 plots will be developed in line with its permitted uses.
- 4.2.4. This Environmental Authorisation has prohibited any noxious uses, as indicated under Section 2 of this Environmental Authorisation, for any of these erven on Erf 984, as the possibilities for these noxious uses and the impacts associated with these have not been assessed as the eventual owners of these erven and the possibilities for such noxious uses are unknown at this stage. The surrounding areas also contain many residential properties and the possibility for noxious uses on Erf 984 is deemed unacceptable in terms of possible negative impacts that could be associated with such noxious uses.
- 4.2.5. Specialist studies have included a Terrestrial Biodiversity Assessment as well as a Traffic Impact Assessment (TIA). The Terrestrial Biodiversity Assessment has identified the vegetation type as Algoa Sandstone Fynbos (Vegetation of Southern Africa 2012), which is listed as Critically Endangered (National VegMap, 2018). In the NMBM Bioregional Plan (2015), the site is indicated to be within the Rowallan Park Grassy Fynbos vegetation type and has a conservation status of Vulnerable. There are various alien vegetation species invading the sites, including *Acacia saligna* (Port Jackson Willow), and *Hakea sericea*. The sites are heavily infested with Port Jackson Willow, there is evidence of dumping and occasional grazing occurs on the sites. Areas of grassy fynbos where invasion has been dense have been transformed to a secondary grassy vegetation, without the distinct fynbos

characteristics. There is a pocket within Erf 984 that has degraded semi-intact natural vegetation with more distinctive fynbos species which are characteristic of Algoa Sandstone Fynbos. However, this small pocket is significantly degraded and the likelihood of finding any species of special concern within the site is moderate to low.

Conditions 3.3.6, 3.3.11.5 and 3.3.11.6 of this Environmental Authorisation will ensure that all species that can be translocated from this area, are replanted in rehabilitation initiatives in the open space area on Erf 1134, as well as ensuring the eradication of and management of alien vegetation. According to the specialist, "Erf 1134 is a narrow erf with Old Cape Rd to the north and a residential development to the south. The erf is not totally fragmented from open space with a small section to the southwest falling with an ecological corridor and is thus classified as a CBA according to the NMBMBP. This CBA area is entirely contained within the area earmarked to be retained as Private Open Space and will be managed in terms of the OEMPr contained in Conditions 3.4.3, 3.4.4 and 3.4.5. The Terrestrial Biodiversity Assessment recommended that this small section is left as open space and not developed in order to retain the ecological corridor and watercourse buffer.

The vegetation on site has low biodiversity, predominantly covered in grassy vegetation and scattered alien vegetation. No pockets of vegetation clearly representing Algoa Sandstone Fynbos were evident due to the degradation of the site in the past either from disturbance or alien vegetation. The likelihood of finding any flora species of special concern within the site is low." Condition 3.3.5 of this Environmental Authorisation will ensure the retention of the open space areas "No-Go" area on Erf 1134 which include the areas discussed above. Condition 3.3.11.3 ensures that all recommended mitigation measures from this specialist study are taken into account. The specialist's conclusions are as follows:

"It is the conclusion of this terrestrial biodiversity and species assessment that the proposed clearing of vegetation on the full site **will not** have a significant impact on conservation of the vegetation unit and loss of habitat for species of conservation concern. The overall impact is limited by the size of the sites, which constitutes a small overall proportion of the vegetation unit and distribution range of respective species both with an elevated conservation status" and the development proposal for Erf 1134 "...balances development of a portion of the site with retention of natural areas has been implemented as a result of the "No Go Area" on Erf 1134 to maximise conservation and ecological connectivity, despite the fact the area is moderately-densely invaded with alien invasive species. The area identified is classified with a high sensitivity ... because a small section to the southwest falls within an ecological corridor and is thus classified as a CBA according to the NMBMBP. A comprehensive rehabilitation plan (including alien management plan) and Environmental Management Programme (EMPr) is to be implemented."

- 4.2.6. The TIA has proposed access arrangements, as well as looked at parking arrangements and possible levies payable by the developer and is required to be approved by the NMBM, as contained in Condition 3.3.2.
- 4.2.7. The two sites form part of the western suburbs where the Western Suburbs Local Spatial Development Framework/ WSLSDF (NMBM, 2011) is applicable. The development is in accordance with the objectives of the WSLSDF, which "includes identifying vacant land that could be used to stimulate growth in the area and recommend suitable future land uses, and to accommodate pressure for new development including residential, commercial and industrial in order to improve the quality of life of residents." According to the FBAR, "Erf

1134 is located within Sustainable Community Unit /SCU 11, which is vacant land in the south that is envisioned to provide an opportunity for planning residential developments in the WLSDF (NMBM, 2011). The SCU Planning Guidelines have identified 6 functional elements which enable effective functionality for mixed use development in the area. In order to understand the functioning of each individual element, SCU evaluates how needs of its residents are met (a measure of sustainability). The Western Suburbs are foreseen to need to provide additional employment opportunities to the current and future residents as it is envisioned for expansion (NMBM, 2011)."

Also, "The priority is to increase socio-economic growth in the western suburbs. That notion provides the understanding that not all land uses have equal potential to generate employment opportunities, hence, mixed use development is encouraged (NMBM, 2011)" and "These employment opportunities are encouraged along transportation routes or at nodes of activity where the residents would have easy and effective access (NMBM, 2011). The two sites are less than a kilometre away from the industrial Greenbushes area. Erf 984 will provide an ideal service in line with the industrial functionality of Greenbushes. The extension of the Greenbushes industrial area will make provision for the current demand as well as for the future demand for industrial and warehousing space in office, residential areas i.e., mixed use developments. Development of Erf 1134, Parsonslei will promote densification inside the urban growth boundary and it will make optimum use of existing resources in established urban areas, such as bulk service infrastructure, roads and public facilities. Considering Erf 984, the development of warehousing and industrial land uses will also address the needs of the residents with differing skill levels."

Furthermore, the two sites enable residents and businesses to access facilities and services which can be easily available in close vicinity to their locations, and both sites will provide both construction and operational employment opportunities.

- 4.2.8. All bulk services will link to existing service infrastructure in the area, and Condition 3.3.3 ensures that provision of these services is confirmed prior to commencement of construction.
- 4.2.9. The project has been advertised and has been subjected to Public Participation as per the EIA Regulations and no objections were lodged against the proposed activity. All relevant organs of state have been informed of the Environmental Impact Assessment and that the FBAR was available for comment.
- 4.2.10. The Environmental Assessment process undertaken satisfies the procedural requirements of the EIA Regulations and provides adequate information on which to base an informed decision on the environmental implications of the proposed project.
- 4.2.11. The Department is of the opinion that after implementation of the mitigation measures described in the FBAR, the residual impacts and risks to the environment are acceptable. The conditions set in this Authorisation have been designed to ensure that the negative impacts and risks associated with the project are identified, addressed or managed effectively.
- 4.2.12. 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 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.

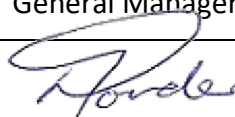
5. Appeal of authorisation

- 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 fourteen (14) days of the date of the Department's decision in respect of your application.
- 5.2. The written notification referred to above must –
 - 5.2.1. Specify the date on which the Environmental Authorisation was issued;
 - 5.2.2. Inform interested and affected parties of the appeal procedure provided for in terms of the National Appeal Regulations, 2014, as contained in GN R. 993 of 08 December 2014; 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 6.1 and 6.2 of the decision.
- 5.4. 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; and
- 5.5. The Appellant must also serve a copy of the appeal to the regional office that processed the application.
- 5.6. 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.

- 5.7. The address to which the **originals** of any such an 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 and Tourism
Attention	General Manager: Environmental Affairs



Postal Address	Private Bag X0054, BHISHO , 5605
By Hand	Old Safety and Liaison Building (Global Life Complex) opposite Engen Garage, Bhisho
In order to facilitate efficient administration of appeals <u>copies</u> of any appeal and supporting documentation must also be submitted via email as follows:	
Appeal Administrator: 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 Environmental Authorisation, no listed activities as described in this Environmental Authorisation may 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.

**NICOLE GERBER****ENVIRONMENTAL OFFICER: EIM****SARAH BAARTMAN/NMB REGION****DATE:** 13 June 2022**DAYALAN GOVENDER****DEPUTY DIRECTOR: ENVIRONMENTAL AFFAIRS****SARAH BAARTMAN/NMB REGION****DATE:** 13 June 2022