



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Reference: GAUT 002/22-23/E3514

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Oakmers CC
P. O. Box 576
LENASIA
1820

By Registered Mail

Email: rashaad@casamiagroup.co.za

Telephone Number: 011 342 3523/082 786 0041

Dear Mr. Rashaad Ahmed,

ENVIRONMENTAL AUTHORISATION GRANTED: THE PROPOSED DEVELOPMENT OF THE GOLDEN WAY FILLING STATION AND SHOPPING COMPLEX (REFERRED TO AS ENNERDALE SOUTH EXT 6) SITUATED ON PORTION 37 OF THE FARM FONTEINE 313-IQ, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

With reference to the above application, please be advised that the Department has decided to grant environmental authorisation. Environmental Authorisation (EA) and reasons for the decisions are attached herewith.

In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, as amended, you must notify all registered interested and affected parties, in writing, within 14 days of the date of this EA, of the Department's decision in respect of your application as well as the provisions that are contained on the Appeal Regulations regarding the submission of appeals. A copy of this EA must also be appended to the letter of notification to the registered interested and affected parties.

Your attention is drawn to Chapter 2 of the National Appeals Regulations, 2014, which prescribes the appeal procedure to be followed. Should any person wish to lodge an appeal against the decision or any aspect of the decision, he/she must submit an appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party, and any organ of state with interest on the matter within 20 days from the date that the notification of the decision was sent to the registered interested and affected parties by the applicant; or the date that the notification of the decision was sent to the applicant by the Department, whichever is applicable. The appeal(s) must be submitted in writing by any of the following means:

Postal Address:

The Appeals Administrator
Department of Agriculture, Rural Development and Environment
P.O. Box 8769
JOHANNESBURG
2000

ROBERT RORY CLIFF
COMMISSIONER OF OATHS
CA (SA) ex officio (RSA)
Investec Bank Limited

Cnr. Atterbury & Klarinet, Menlo Park 0081

Physical Address

The Appeals Administrator
Department of Agriculture, Rural Development and Environment
56 Eloff Street, Umnotho House, 23rd Floor
JOHANNESBURG
2000

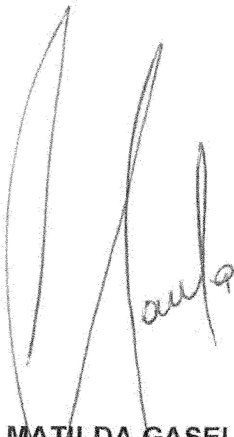
Fax No: 011 240 3158/2700

Email Address: appeals@gauteng.gov.za

Your appeal must be submitted in the prescribed appeal form obtainable from the appeal administrator, Ms. Tsholofelo Mere, at telephone number 011 240 3204 or email address tsholofelo.mere@gauteng.gov.za. The appeal form is also available from our website: www.gauteng.gov.za. Should you have any queries or require additional information regarding the appeal process, you can contact the appeal administrator on any of the mentioned contact details.

Kindly take note that in terms of Section 43(7) of the National Environmental Management Act, 1998 (NEMA), as amended, the lodging of an appeal suspends an environmental authorisation as well as its associated Environmental Management Programme. This means that the activity authorised by this EA must not commence until such time that the appeal is finalised.

Kind regards



MS. MATILDA GASELA
HEAD OF DEPARTMENT: AGRICULTURE, RURAL DEVELOPMENT AND ENVIRONMENT
DATE: 22 JUNE 2023

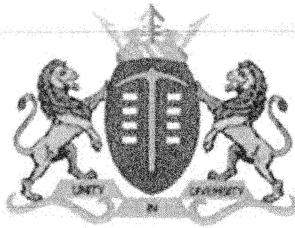
CC: Batho Earth Social and Environmental Consulting
EMAIL: diana@bathoearth.co.za/stephweb@mweb.co.za

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GAUTENG PROVINCE
AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

ENVIRONMENTAL AUTHORISATION

Reference Number:	GAUT 002/22-23/E3514	
Holder of Authorisation:	Oakmers CC	
Location of Activity / Activities:	Portion 37 of the farm Fontaine 313-IQ, City of Johannesburg Metropolitan Municipality	
Coordinates:	Latitude (S)	Longitude (E)
	26° 25' 37 54"	27° 52' 33 19"
SG Digit Code:	T0IQ00000000031300037	

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1. Decision

The Department is satisfied, on the basis of the information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activities specified below.

2. Activities Authorised

Under the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Environmental Impact Assessment Regulations, 2014, the Department hereby authorises-

Oakmers CC (hereafter referred to as the Applicant)

with the following contact details-

P. O. Box 576
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1820

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Email: rashaad@casamiagroup.co.za

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to undertake the activities (hereafter referred to as "activity") listed in the table below:

Activity number and description	Proposed development description
Listing Notice 1 of GNR 327, Activity 14: The development and related operation of facilities or infrastructure, for the storage, or for the storage and handling of dangerous good, where such storage occurs in containers with a combined capacity of 80 cubic metres or more but not exceeding 500 cubic metres.	The proposed filling station will have four underground diesel and petrol storage tank with the total combined storage capacity of 180m ³
Listing Notice 1 of GNR 327 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.	The size of the development site is 5,65ha in extent. The development is situated inside the urban edge area and the total land to be developed is bigger than 5ha
Listing Notice 3 of GNR 324 Activity 12: The clearance of an area of 300 square meters 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. c. Gauteng (ii) Within Critical Biodiversity Areas or Ecological Support Areas identified in the Gauteng Conservation Plan or bioregional plans;	According to the Gauteng Conservation Plan Version 3.3 database, the western periphery and approximately half of the study Area in the east is considered a Critical Biodiversity Area (CBA) and the western portion is considered an Ecological Support Area (ESA). The Gauteng C-Plan also indicates that the north-eastern periphery of the study area is bordered by a wetland

-for the proposed construction of Golden Way filling station with a total combine storage capacity of 180m³ including parking bays and shopping complex (retail centre) on Portion 37 of the farm Fontaine 313-IQ, which falls within the jurisdiction of the City of Johannesburg Metropolitan Municipality.

Scope of Environmental Authorisation.

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3. Specific Conditions

- 3.1 Environmental Authorisation is granted for the proposed construction of Golden Way filling station with a combined capacity of 180m³ including parking bays and shopping complex (retail centre) with the following development components: shops, offices, restaurants, a launderette or dry cleaner, a hardware as a well as a provision for a taxi rank on Portion 37 of the farm Fontaine 313-IQ with a development footprint of 5 hectares in extent. The development must be according to the proposed standard site layout plan attached as Figure 9 (Option A, Preferred Layout Alternative), Drawing Number: S2205-3 (dated July 2022).
- 3.2 Consent from Eskom to utilise the powerline servitude area to store building materials for the hardware store must be obtained prior to commencement with the development. Should consent not be obtained, no storage of any material is allowed on the servitude.
- 3.3 The wetland and river stream and associated buffer zones are designated as sensitive and as a result, no development must take place within the watercourse and its 32m buffer measured from the edge of a watercourse/temporary wetland.
- 3.4 The construction area must clearly be demarcated before any construction activity takes place and signage must be displayed during the construction phase to inform the public about potential dangerous conditions on site
- 3.5 The following mitigation measures proposed for both the construction and operational phase must strictly be adhered to:
 - The recommendations and conclusions on page 23 of the Aqanzi Geoconsultant's Geohydrological Investigation Report dated November 2021.
 - The Groundwater Monitoring Protocol designated as table 9 (page 24) of the Aqanzi Geoconsultant's Geohydrological Investigation Report dated November 2021.
 - The precautions measures as well as the foundation recommendations from the Geotechnical Investigation Report dated 29 October 2021 designated as Section 7.4 and located on pages 5 to 8.
- 3.6 The Emergency Preparedness and Response Plan (EPRP) for the proposed activities must be compiled prior to commencement with the development and must be approved by City of Johannesburg Metropolitan, must be kept on site and made available to this Department upon request.
- 3.7 A Stormwater Management Plan must be submitted to the City of Johannesburg Metropolitan Municipality's unit in charge of water infrastructure for approval prior to commencement with the proposed development. The Stormwater Management Plan must incorporate the Sustainable Urban Drainage System principles and with emphasis on alleviate flooding problems on the area.
- 3.8 A borehole must be drilled to test the ground water before commencement of the depot station facility and during the operational phase of the facility. The quality of ground water before commencement and during the operation of the facility must be recorded and kept on the site.
- 3.9 The storage and handling of hazardous substances such as solvents, lubricants, fuels and oils must be done on an impervious surface that can contain 110% of substance should a spillage occur.
- 3.10 The installation of the Underground Storage Tanks (UST's) must take place in accordance with industry standards.
- 3.11 The underground fuel storage tanks must be regularly inspected, by a professional engineer, for any visible signs of leakage, corrosion or general structural failure.
- 3.12 Record must be compiled during the installation of the Underground Storage Tank system that includes the technical drawings of the installation showing the location and orientation of the tanks and pipework, their dimensions and the material used on the premises for future reference in the event of leakages or spillage.
- 3.13 All storm water runoff from the filling station must be directed to catch-pits with sand and oil and grease separators prior to re-use or release in the storm water drains on the site.
- 3.14 All storm water runoff must be managed efficiently to avoid storm water damage and erosion to adjacent properties.

- 3.15 Daily stock reconciliation must be conducted, and records maintained.
- ~~3.16 A spill-response kit must be available on the site.~~
- 3.17 A leak detection system must be installed on pressure systems.
- 3.18 If a leak occurs, the following must be adhered to:
- i. The Department must be notified within 24 hours;
 - ii. A record of the incidents must be kept in the form of an incident register. The incident register must outline but not be limited to the following:
 - The nature of the leak/incident;
 - The extent of the leak/incident;
 - Impacts associated with the leak/incident;
 - Measures taken to mitigate the leak/incident; and
 - The incident register must be kept onsite and made available to the officials of this Department upon request.
- 3.19 Fire prevention equipment must be present onsite and in good working condition.
- 3.20 The proposed filling station must comply with the requirements of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).
- 3.21 If any archeological sites, cultural heritage resources, historical houses or graves are found during excavations and foundations of the proposed development, then the development or construction must be stopped and a Paleontologist or archeological or heritage specialist must be contacted to assess the findings and to contact the Gauteng Provincial Heritage Resource Agency.

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4. Commencement and completion of the activity/activities

- 4.1 The construction and related operation of the proposed activity must commence within a period of 10 years from the date of signature of this environmental authorisation. If commencement of the proposed activity does not occur within the said period of 10 years and the environmental authorisation lapses, a new application for environmental authorisation must be made for the proposed activity to be undertake.
- 4.2 Continuation of the authorised activity after the lapsing period of this EA and where such continuation will meet the threshold of any listed activity, will constitute an offence.
- 4.3 Commencement with one listed activity authorised in terms of this environmental authorisation constitutes commencement with all other authorised activities.

5. Management of the activity or activities

The Environmental Management Programme ("EMPr") submitted as part of the application for environmental authorisation (EA) is also authorised in terms of the EA and must be implemented. In addition, the following is considered part of the subject EMPr:

- 5.1 Induction of the contractors, subcontractors, agents and other people working on the site about the contents of the EMPr and its objectives.
- 5.2 The principles of sustainable development must be incorporated into the proposed development. Aspects such as green building techniques, energy (renewable energy proposal is commended) and water efficiency measures as well as waste minimization techniques, needs to be implemented. 50% of energy must be obtained from renewable energy sources.
- 5.3 All waste streams to be generated during construction and operational phase must be managed in accordance with the hierarchy of waste management principles and disposal at an authorised landfill or waste disposal site must be the last option. Proof of disposal of waste must be kept on site and made available to this Department upon request.
- 5.4 The surface storm water management plan must be based on Sustainable Urban Drainage Systems (SUDS) Principles and consider source, local and regional controls.
- 5.5 The Applicant must submit recommendations to amend the EMPr where the findings of the environmental audit reports indicate insufficient mitigation of environmental impacts associated with the undertaking of the proposed activity, or insufficient levels of compliance with the environmental authorisation or the EMPr and where applicable, the closure plan.
- 5.6 The request to amend the EMPr must contain recommendations or mitigation to rectify the shortcomings identified in the environmental audit report.

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Environmental Authorisation Registration Number: GAUT 002/22-23/E3514

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- 5.7 The recommendations to amend the EMPr must be submitted to the Department for approval together with the environmental audit report in accordance with the regulations. Such updated EMPr must have been subjected to public participation process, which has been agreed to by the competent authority prior submission.
- 5.8 In assessing whether to grant approval of an amended EMPr because of an audit report, the competent authority may request such amendments to the EMPr as it deems appropriate to ensure that the EMPr or closure plan sufficiently provides for avoidance, management and mitigation of environmental impacts associated with the undertaking of the activity.

6. Monitoring and Reporting

- 6.1 An independent Environmental Control Officer (ECO) must be appointed to oversee the development of the activity and guide compliance with the conditions of environmental authorisation and EMPr. An ECO must submit compliance report at least once during preparation and construction phase of the development and one post development rehabilitation phase to mark completion of construction development.
- 6.2 An ECO must be appointed prior to any commencement of the authorised activity.
- 6.3 Once appointed, the name and contact details of the ECO must be submitted to this Department's Compliance Monitoring Section. Documentation such as monitoring or audit or compliance reports and notifications, required to be submitted, must be submitted thereto.
- 6.4 Frequency of the submission of environmental audit report within 30 days after completion of the construction phase and a final environmental audit report within 30 days after the completion of the development including associated post development rehabilitation and monitoring actions must be done in 06 (six) months.
- 6.5 The ECO must keep records of all activities on the site, problems identified, transgressions identified / noted, and a task schedule of the functions undertaken by the ECO.
- 6.6 An annual environmental audit report must be compiled in accordance with Appendix 7 of the EIA Regulations, 2014 and must indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the conditions of the environmental authorisation as well as the requirements of the EMPr.
- 6.7 Records relating to monitoring and auditing must be kept on the site and be made available to any authorised person(s) acting on behalf of the relevant competent authority in respect of the proposed development.

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7. Notification of commencement of activity

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- 7.1 A written notification of commencement of the activity, including site preparation, must be given to the Department 14 days prior to commencement of the activity on the site. The notice must include the date on which it is anticipated that the activity will commence as well as the EA reference number and be submitted to the Director: Compliance Monitoring, Ms. Sasa Sekhotha, the official of the Department at the email address: Sasa.Sekhotha@gauteng.gov.za.

8. General Conditions

- 8.1 The conditions of this EA are binding to the applicant ("Holder of EA"), including any person acting on his or her behalf, including but not limited to an agent, sub-contractor, employee, or person rendering a service to the applicant.
- 8.2 The activity authorised may only be carried out at the property or site indicated in this EA.
- 8.3 Any changes to, or deviation from the activity' description set out in this EA must follow the appropriate amendment process described in the Environmental Impact Assessment Regulations, and be approved, in writing, by the Department before such changes or deviation are affected. In assessing whether to approve such changes, 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 applicant to apply for further authorisations in terms of the Regulations.

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- 8.4 Where any of the applicant's contact details changes, including the name of the applicant, the physical or postal address and/or telephonic details, the applicant must follow the relevant amendment process as prescribed in the Environmental Impact Assessment Regulations, by submitting an amendment application to the Department for consideration and decision making as soon as the new details become known to the applicant.
- 8.5 This EA does not negate the holder's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
- 8.6 This EA and EMPr must be kept at the property or site where the activity will be undertaken.
- 8.7 The documents must be produced to any authorised official of the Department who requests to inspect them and must also be made available for inspection by any employee or agent of the holder of the EA who works or undertakes work at the property.
- 8.8 Non-compliance with a condition of this EA may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and the Environmental Impact Assessment Regulations.
- 8.9 If the Department has reason to believe that the EA was obtained through fraud, non-disclosure of material information or misrepresentation of a material fact, the Department may, in writing, suspend or partially suspend, with immediate effect, the EA and direct the holder of such EA forthwith, to cease the activity that have been commenced with or to refrain from commencing any activity, pending a decision to withdraw the EA.

Date of the Environmental Authorisation:

22 June 2023

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Environmental Authorisation Registration Number: GAUT 002/22-23/E3514

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ANNEXURE 1: REASON FOR DECISION

1. Information considered in making the decision

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

- 1.1 The information contained in the Final Basic Assessment Report received by this Department on 08 May 2023.
- 1.2 The relevant information contained in the Departmental information base including the Geographical Information System (GIS), Gauteng Conservation Plan Version 3.3 and the Gauteng Provincial Environmental Management Framework (GPEMF), 2021.
- 1.3 The objectives and requirements of relevant legislation, policies, and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended).
- 1.4 Screening tool report dated 11 February 2023.
- 1.5 The finding of the site inspection undertaken by Ms. Edith Ngoma, the official of this Department on 22 May 2023.

2. Key factors considered in making the decision

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below.

- 2.1 The sensitivities of the site.
- 2.2 Needs and desirability of the proposed activity.
- 2.3 The comments received from the registered Interested and Affected Parties as included in the Final Basic Assessment Report's public participation process as well as objections from both ESKOM and the City of Johannesburg Metropolitan Municipality's Impact Management and Compliance Monitoring unit.

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3. Findings

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

- 3.1 According to Gauteng Conservation Plan (C-Plan Version 3.3), the proposed site is designated as being within Critical Biodiversity Area (Important Area) in the east and the western portion as Ecological Support Area (ESA) characterised by Primary Vegetation (Gauteng Grassland) and a wetland on the north-eastern border of the site. However, a site inspection conducted by the official of this Department shows that the site is largely vacant with presence of disturbed vegetation emanating from anthropogenic activities. Furthermore, no development will take place within the watercourse and its 32/30-meter buffer zone delineated from the edge of the watercourse/temporary wetland zone.
- 3.2 The need and desirability of the filling station has been demonstrated by way of fuel volumes to be supplied, the lack of similar enterprise in the area as well as an employment opportunity that the development presents.
- 3.3 The City of Johannesburg Metropolitan Municipality's Impact Management and Compliance Monitoring unit raised an objection to the proposed development due to an observation of the conditions on site. The unit seems to suggest that the site and adjacent properties along the Golden Highway were left to serve as regional attenuation facility and that function seems to be carried out accordingly. The unit is also concerned that the development of these properties will lead to the flooding of the surrounding areas as the attenuation capacity will be altered. Notwithstanding the above, the recommendation of both the Geohydrology and the Geotechnical studies have adequately addressed these concerns. Additionally, Eskom also raised an objection to this development due to the encroachment to its powerlines servitudes by the proposed development, however the applicant only proposes to utilise this part of land to store the hardware's building materials with no buildings to be erected. This proposal will only be carried out after approval from ESKOM. In addition to the above, comments were

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COMMISSIONER OF BATHS

received from the registered interested and affected parties and were responded to in the comments and response report. Site notices were placed on various conspicuous place around the site; written notices were issued to various stakeholders; and the newspaper advert was placed on Sedibeng Star of 15 - 21 February 2023.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in this EA, the activities will not conflict with the general objectives of integrated environmental management laid down in the National Environmental Management Act, 1998 (Act No. 107 of 1998) (as amended) and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to an acceptable level. The Environmental Authorisation is accordingly granted.

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