

ANNEXURE A – GROUNDS OF APPEAL

1. Need and desirability study has not been undertaken to assess the need for an industrial park in this area despite requests from interested parties
2. Cumulative impacts not investigated
3. Consultant dismisses requests for further study without providing factual evidence
“The level of noise is not expected to exceed the levels permitted in terms of the Gauteng Noise Regulations” The application does not indicate what the expected level of noise is and what is permitted in the Regulations.
4. Visual impact was a concern raised specifically by adjacent land owners. The comments made by the consultant dismiss these concerns without investigation.

Visual studies are generally undertaken for the marketing of properties within industrial parks as tenants require high visibility and this is one of the tenant's vital requirements. The layout and 3D rendering of the site has likely already been done for this purpose and should have been provided as part of the application. The comments of the consultant however dismiss concerns raised by residents in this regard without substantiating evidence:

“It is not anticipated that there will be any adverse visual impacts as a result of this development.”

5. The GEKCO conservancy provided a specialist opinion and requested permission to investigate the suspected presence of Grass Owls – a Red Data Species. Permission has not been granted and no feedback has been provided. The consultant dismisses the presence of Red Data species without investigation.
6. The original EIA and specialist studies were undertaken as part of the original EIA in 2008 (now outside the 5 year period) and therefore studies should be updated for existing conditions. The report did not include an avian specialist or amphibian study. The site is adjacent to a conservation project for the African Bullfrog which may utilise the site as a corridor to riverine habitat. The site has not been used extensively for farming and conditions may well have changed since the original study was done. We therefore request an update of specialist studies.
7. No socio-impact study has been undertaken. I&AP's raise this as a major concern, yet the report dismisses these claims as unsubstantiated. The onus is on the consultant to do the appropriate investigations to investigate the substance of these concerns. I attach information gathered from the Equestrian community which further supports the importance of this area for equestrian sport and business. (Annexure B)

The consultant's opinion is that objections raised as to the impact of a Light Industrial development on an equestrian area cannot be proven and summarily dismisses these concerns.

Examples exist of development impact on equestrian areas such as Linbro Park which is currently undergoing transformation do to the introduction of Commercial and Light Industrial parks. Land owners in that area now need to relocate as it has become impossible to ride horses safely due to the increased traffic, crime, and noise associated with the development. Properties in Linbro Park have devalued and road infrastructure in the area has had substantial damage from large vehicles. Equestrian land use in that area is no longer viable.

It is recognised that a buffer is required between Light industrial and residential. This has posed a challenge in the Linbro Park area as an appropriate buffer has not yet been identified or implemented. Property values have been affected negatively. This has a cumulative effect as it forces adjacent land owners to sell for development and the retention of the area for equestrian or low density housing becomes unviable.

The department should require a socio-economic impact study in addition to the studies requested above.

8. In the absence of detailed, independent studies the application relies on the opinion of the consultant. The consultant on this project does not have the required background or qualifications to make suggestions or give advice of a specialist nature. It is our understanding in discussion with another consultant on the project that the consultant making the recommendations had only visited the site once for a ground breaking ceremony for Phase 1. Therefore the opinions are based on assumptions and not an understanding of the area.

The Department must require the following studies are undertaken by accredited specialists for an accurate assessment of the impacts this amendment would have:

1. Ornithologist investigation and report
2. Sound impact study
3. Visual impact study
4. Need and desirability study
5. Socio-economic impact study

Comments made by the consultant confirm that thorough investigations have not been done and he is basing opinions on a "glance" and personal sentiment rather than consulting specialist input.

Of further concern is the tone of some these comments which indicate the consultant may perceive the issues raised by Interested and Affected Parties are irrelevant. Some of these comments are listed below:

"The exact impacts on horses of a development about 1.5km away are not clear."

*"Some of the **issues such as impacts on hedgehogs, birdlife and Bullfrogs are irrelevant as the site is already approved for development.**"*

*"**No additional noise and pollution studies have been** conducted for this amendment application as it is not envisaged that such impacts resulting from the amendment will be any different to what is already approved for the site."*

*"**AT a glance**, the proposed development is at the edge of the horse breeding area/equine area and is not expected to have the impacts identified by the objector."*

"We do not share with the sentiment that jobs will be lost in the area due to this development. We believe that this development will add to the job pool and provide sustainable employment to many in the area and further out."

*"**While no specific study has been conducted** on the probable impacts of the development on property values, there is no evidence to suggest that properties will be devalued by this development. The development will frame and physically and visually support the William Nicol Corridor and the intensification of land uses envisaged in the 2010/11 RSDF. Relative to environmental impacts, no additional detrimental impacts are envisaged."*

"There is no evidence suggesting that commercial/light industrial development cannot locate adjacent to the uses identified"

9. The consultant dismisses concerns relating to regional and macro impacts without consideration. Comments from the report are as follows:

"The discussion on global warming is welcome but of little relevance here as the site was approved for transformation in 2009. Further, addressing global warming should be approached from a macro rather than micro scale with only implementation of measures

addressed at localised levels. The COJ has a climate change strategy and these discussions must serve at that level.”

GDARD also has a climate change strategy which should be considered.

Implementation of these policies are essential at a micro scale – as this is the only way to have an impact on a macro scale. Policies at a macro level are useless without adherence to local and regional objectives. A municipality is made up of various developments, neighbourhoods and suburbs - therefore this project is the appropriate place to raise the issue.

The Regional EMF Gazetted in 2013 must be included in the review, especially if it was not considered at the time of the original assessment. Please see this document attached (Annexure C).

10. **HYDROGEOLOGICAL ASSESSMENT**

A Hydrogeological assessment is required at the end of the rainy season to establish the presence of Perched water tables. The report indicates that this study was done in the dry season as it mentions that Perched Water tables were not found, but are to be expected.

Extract from the report:

“No groundwater or shallow perched groundwater tables were encountered during the investigations. Perched water tables may however be expected especially during and towards the end of the rainy season. These perched water tables may develop on the ferruginized horizons or moderately weathered bedrock.”

We would like to request that once the MEC has made a decision, reasons are provided and distributed to the Appellants at the same time.