

**agriculture and
rural development**

Department: Agriculture and Rural Development
GAUTENG PROVINCE

Amended ROR
Office of the HOD

16-12-11 000003

68 Eloff Street, cnr. Market Street Johannesburg, P.O. Box 8769 Johannesburg 2000, Tel 011 355-1900, Fax 011 355-1000, Website: <http://www.gard.gov.za>

Reference: Gaut 006/11-12/E0077

Enquiries: Simon Mafu

Telephone: (011) 355 - 1381

Email: Simon.Mafu@gauteng.gov.za

Heartland Properties (Pty) Ltd
P.O.BOX 500
Modderfontein
1645

Attn: Ms Leticia Plots

Fax: (011) 579 1001

Tel: (011) 579 1000

PER FACSIMILE/REGISTERED MAIL

Dear Madam

APPLICATION FOR AMENDMENT ON AN ENVIRONMENTAL AUTHORISATION (Gaut 002/08-09/N0334) FOR THE PROPOSED TOWNSHIP DEVELOPMENT ON PART OF THE REMAINDER OF PORTION 67 OF THE FARM MODDERFONTEIN 35 IR TO BE KNOWN AS WEST LAKE VIEW: GAUT 006/11-12/E0077

With reference to your application for amendment of the above-mentioned environmental authorisation, the Department has, in terms of the powers vested in it by Regulation 42 of Government Notice R543 of the Environmental Impact Assessment Regulations, 2010 (the Regulations), decided to amend the environmental Authorisation (EA) issued on 22 October 2010.

In terms of Regulation 10(2), you are instructed to notify all registered interested and affected parties in writing and within 12 (twelve) calendar days of the date this letter, of the Department's decision to amend the Environmental Authorisation as well as the provisions regarding the making of appeals that are provided in the Regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a Notice of Intention to Appeal with the MEC, within 20 (twenty) days of the date of this letter, by means of one of the following methods:

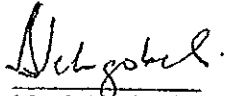
By facsimile: (011) 333 - 0620

By post: P O Box 8769 Johannesburg 2000; and

By hand: 16th Floor Diamond Corner Building 68 Eloff Street Johannesburg

Should you decide to appeal, you must serve a copy of your Notice of Intention to Appeal on all registered interested and affected parties and any organ of state within 10 (ten) days of having submitted such a Notice of Intent to Appeal as well as a notice indicating that the appeal submission will be made available to all parties on the day of lodging it with the MEC and where and for what period the appeal submission will be available for inspection. The prescribed appeal form is available on the Department's website; www.gdard.gpg.gov.za.

Yours faithfully



Ms. S.J. Sekgobela

Head: Agriculture and Rural Development

Date: 12/12/2011

GDARD
Office of the HOD

14-12-11

000003

CC: GDARD Compliance & Enforcement Branch

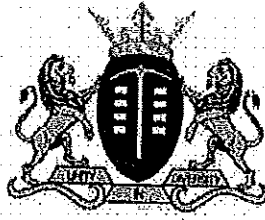
Attn: Environmental Compliance Monitoring
Tel: (011) 355 1900
Fax: (011) 355 1850

City of Johannesburg Environment Management

Attn: Lebo Molefe
Fax: 086 627 7516

Strategic Environmental Focus (Pty) Ltd

Attn: Ms Victoria Rose Napier
Tel: (012) 349 1307
Fax: (012) 349 1229



**agriculture and
rural development**

Department: Agriculture and Rural Development
GAUTENG PROVINCE

Amended Environmental Authorisation

Authorisation Register Number: Gaut 002/08-09/N0334
Last Amended: N/A
Holder of Authorisation: Heartland Properties (Pty) Ltd

The Department has decided to amend the Environmental Authorisation issued on 22 November 2010 to Ms. Leticia Potts.

The granting of this amended Environmental Authorisation is subject to the conditions set out below.

Amendment

The Environmental Authorisation dated 22 November 2010 is hereby amended as follows:

The activity authorised which reads:

"mixed use township development, including associated structures and infrastructure, where the total area of the developed area is, or is intended to be 20 hectares or more in terms of listed activity number 2 of GN R387 of 2006".

Is hereby amended by adding other activities authorised to read:

"mixed use township development, including associated structures and infrastructure, where the total area to be developed is, or is intended to be 20 hectares or more in terms of listed activity numbers 1(m); 4; 7; 12; and 15 of GN R386 of 2006 and activity number 2 of GN R387 of 2006".

Furthermore, the following conditions which read:

- 1.1 Authorisation is granted for the proposed West Lake View township development consisting of Residential 2 at a density of 60 units per hectare (2/3 storeys in height); Mixed Business (3 storeys in height with Floor to Area Ratio of 0.8); and Open Space for recreational purposes on a site covering approximately 70 hectares in extent (Preferred Alternative 3).
- 1.12 The edge of the wetland must be clearly demarcated in the field with pegs or poles that will last for the duration of the construction phase, colour-coded as follows:
 - Red - indicating the edge of the wetland (Note: this includes the permanent, seasonal and temporal wetlands, or parts thereof) (these should be placed along the entire length of the property / site).
 - Orange- indicating the edge of the buffer zone (30m for the wetland occurring inside the urban edge).
- 1.13 The wetland plus the required 30m buffer zone must be mapped from the edge of the wetland temporary zone and designated as sensitive, excluded from development;
- 1.14 All areas designated as sensitive in the sensitivity map must be incorporated into the open space system; and
- 1.16 The open space system must be fenced - off prior to construction commencing (including site clearing and pegging). All construction - related impacts (including service roads, temporary housing and ablution, disturbance of natural habitat, storing of equipment / building materials, vehicles or any other activity) must be excluded from the open space system.

are hereby amended to read:

- 1.1 Authorisation is granted for the proposed West Lake View township development consisting of Residential 2 at a density of 60 units per hectare (2/3 storeys in height); Mixed Business (3storeys in height with Floor to Area Ratio of 0.8); and Open Space for recreational purposes on a site covering approximately 70 hectares in extent (Preferred Layout-Final Amended Layout Rev0.7);
- 1.12 This condition is hereby deleted as the edge of the wetland and associated buffers are defined in Final Amended Layout -Rev0.7 of the proposed development;

- 1.13 This condition is hereby deleted as the wetland and buffer areas cannot be excluded from the proposed development as it forms the open space within the development, and storm water management measures are allowed to be accommodated within the wetland buffer area as per Final Amended Layout – Rev0.7;
- 1.14 This condition is hereby deleted as development has been allowed to encroach on the buffer and wetland area in exchange for rehabilitation of the wetland as per Final Amended Layout – Rev0.7; and
- 1.16 The open space system must be fenced – off prior to construction commencing (including site clearing and pegging). All construction – related impacts (including service roads, temporary housing and ablution, disturbance of natural habitat, storing of equipment / building materials, vehicles or any other activity, with the exception of wetland rehabilitation related activities) must be excluded from the open space system.

Appeal

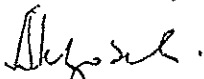
- 1.1 The holder of the authorisation must notify every registered interested and affected party, in writing and within 12 (twelve) days, of receiving notice of the Department's decision to amend the environmental authorisation.
- 1.2 The notification referred to in 1.1 must –
- Specify the date on which the amended authorisation was issued;
 - Inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the Regulations; and
 - Advise the interested and affected party that a copy of the amended authorisation and reasons for the decision will be furnished on request.

General

- 1.3 A copy of this amended authorisation and the initial environmental authorisation must be kept at the property where the activity will be undertaken. The authorisations must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property. If it is not possible to keep a copy of this authorisation on site, then it must be kept at the offices of the site manager.
- 1.4 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.
- 1.5 The holder of the authorisation must notify the Department, in writing within 7 (seven) 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.
- 1.6 The proposed land use, density and coverage must be same as indicated in the original ROD. Furthermore, all the conditions outlined in the environmental authorisation dated 10 July 2006 remain valid and must be adhered to.
- 1.7 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in NEMA and the Regulations.

Date of amended Environmental Authorisation: 12/12/2011

Yours faithfully



Ms S.J. Sekgobela

Head: Agriculture and Rural Development

Date: 12/12/2011

G. M. M.
Office of the HOD

12.12.11

000003

Reasons for Decision

1. Background

The Department granted authorisation for Township development on part of the Remainder of Portion 67 of the Farm Modderfontein 35 IR on a 70 hectares in extent, Gaut: 002/08-09/N0334 on 11 November 2010.

2. Information considered in making the decision

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

- a) Application for amendment form received by the Department on 13 September 2011;
- b) The Environmental Authorisation issued by the Department on 19 November 2010;
- c) Relevant information contained in the Departmental information base including –
 - Geographic Information System (GIS);
 - Gauteng Conservation Plan (Version 3); and
- d) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA"), and the Principles of the Development Facilitation Act (Act No. 67 of 1995).

3. 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.

- a) The original Environmental Authorisation issued on 19 November 2010; and
- b) Correspondence between Strategic Environmental Focus and the City of Johannesburg Metropolitan Municipality Environmental Department and their agreement for the final amended layout (Rev 0.7); and
- c) The City of Johannesburg Metropolitan Municipality Environmental Management Department letter dated 24 November 2010 (Annexure 4).

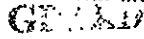
4. Findings

After consideration of the information and factors listed above, the Department found that-

The approved final amended layout as agreed to by the local authority and applicant will enhance the ecological functioning of the wetland/ watercourse. The Department is of the view that the proposed activity will not have significant impacts on the environment and can be mitigated to acceptable levels.

In view of the above, 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, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels.

The change of ownership of the Environmental Authorisation to proceed with the proposed activity is accordingly authorised.


Office of the HOD

16 -12- 11

0 0 0 0 0 3