

**DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT**

Diamond Corner Building, 68 Eloff & Market Street, Johannesburg
P O Box 8769, Johannesburg, 2000

Telephone: (011) 355-1900
Fax: (011) 355 1000

| | |
|------------|--------------------------------|
| Reference: | Gaut 002/08-09/N0816 |
| Enquiries: | Teakani Chavani |
| Telephone: | (011) 355 1975 |
| Email: | Teakani.Chavani@gauteng.gov.za |

Greenfields Gardens (Pty) Ltd
P. O. Box 786
Edenvale
1610

Attn: Mr. Harry Gey van Pittius
Fax: 011 622 9162

PER FACSIMILE & REGISTERED MAIL

Dear Sir

ENVIRONMENTAL AUTHORISATION GRANTED: PROPOSED RESIDENTIAL TOWNSHIP ON PORTION 2, 31, 32,33,56,57 AND 58 OF THE FARM RIETSPRUIT 152 LR AND THE REMAINDER OF PORTION 44 OF THE FARM RIETSPRUIT 152 IR AND THE REMAINDER OF PORTION 44 OF THE FARM WATERVAL 150 IR

With reference to the above-mentioned application, please be advised that the Department has decided to grant authorisation. The Environmental Authorisation and reasons for the decision are attached herewith.

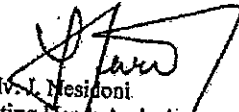
In terms of Regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties, in writing and within 10 calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedures. Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the MEC, within 10 days of 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;
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 as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully


Adv. J. Mesidoni
Acting Head: Agriculture and Rural Development
Date: 12/10/2010

CC: Planning Development Environmental Services (PDE Services)

Attn: J. J. S. Alberts
Fax: (011) 708 2312

Ekurhuleni Metropolitan Municipality

Attn: Lebohang Rullapeng
Fax: (086) 547 8027

Compliance and Monitoring

Attn: Cecilie Petlane
Fax: (011) 355 1850



Environmental Authorisation

Authorisation register number: Gaut: 002/08-09/N0816

Holder of authorisation: Greenfields Gardens (Pty)
Ltd

Location of activity: Portion 2 of the Farm
Rietspruit 152 IR and the
remainder of Portion 44 of
the Farm Waterval 150 IR

Definitions

- Basic Assessment** means a process contemplated in regulation 22;
Basic Assessment Report means a report contemplated in regulation 23;
EAP means an Environmental Assessment Practitioner;
Environmental Management Plan means an environmental management plan in relation to identified or specified activities envisaged in Chapter 5 of the Act and described in regulation 34;
Interested and Affected Parties means an interested and affected party contemplated in section 24(4)(d) of the Act, and which in terms of that section includes –
(a) any person, group of persons or organisation interested and affected by an activity; and;
(b) any organ of state that may have jurisdiction over any aspect of the activity.

Decision

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

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

Activity authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Environmental Impact Assessment Regulations, 2006, the Department hereby authorizes –

Greenfields Gardens Pty (Ltd)

with the following contact details –

Mr. Harry Grey van Pittius
P.O. Box 786
Edenvale
1610

Tel: (011) 607 8000

to undertake the following activities (hereafter referred to as "the activity") –

Residential township comprising of 9191 "Residential 1" for bonded housing, 2 high density stands, 1 primary business and community stand, 12 educational stands, 13 local business and community stands, 2 undetermined stands, 2 railway line stands, 2 sports stands and 126 public open space stands. The total area of the proposed development is approximately 696 hectares in extent on Portion 2, 31, 32, 33, 56, 57 and 58 of the Farm Rietspruit 152 IR and the remainder of Portion 44 of the Farm Waterval 150 IR. The proposed site falls within the jurisdiction of Edenvale Service Delivery Centre of the Ekurhuleni Metropolitan Municipality, hereafter referred to as "the property". The granting of this Environmental Authorisation is subject to the conditions set out below.

Conditions

Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which form part of the Environmental Authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity which is authorised may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set out in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 This activity must commence within a period of five (5) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for Environmental Authorisation must be made in order for the activity to be undertaken.
- 1.6 If the proponent anticipates that commencement of the activity would not occur within five (5) year period, he/she must apply and show good cause for an extension of the Environmental Authorisation six (6) months prior to its expiry date.
- 1.7 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.

Appeal of authorisation

- 1.8 The holder of the authorisation must notify every registered interested and affected party, in writing and within ten (10) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.9 The notification referred to in 1.7 must –
 - 1.9.1 specify the date on which the authorisation was issued;
 - 1.9.2 inform the registered interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.9.3 advise the registered interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

Management of the activity

- 1.7 The wetland and a protective buffer zone, beginning from the outer edge of the wetland temporary zone, must be designated as sensitive and 50m buffer for wetlands occurring outside the urban edge must be applied.
- 1.8 A one in ten year flood line or a 32 metre buffer zone where the flood line is unknown must be delineated from the edge of the riparian zone of the water courses along the pipeline route.
- 1.9 No servicing of machinery must occur within this buffer zone. Adequate oil containment as precautionary measures must be implemented throughout the activity footprint.

- 1.10 The layout plan must be amended and overlaid on the sensitivity map to exclude all sensitive areas from the development. The layout plan should be amended in accordance with the Department's minimum requirements for biodiversity mapping and must be submitted to the Department for approval before the commencement of the activities.
- 1.11 All areas designated as sensitive must be incorporated into an open space system and registered against the title deeds, as conservation servitude.
- 1.12 Development must be located on areas of the lowest sensitivities
- 1.13 The Environmental Management Plan ("EMP") submitted by Planning Development Environmental Services (PDE Services) as part of the Environmental Impact Assessment Report for Environmental Authorisation is hereby accordingly approved. All recommendations and mitigation measures included in the EMP must be adhered to.
- 1.14 Compliance with the approved EMP is considered an extension to the conditions of the authorisation. The contents of the EMP and its objectives must be made known to all contractors, subcontractors, agents and other people working on the site.
- 1.15 Compliance with Provincial noise requirements as outlined in Provincial Notice No. 5479 of 1999: Gauteng Noise Control Regulations.
- 1.16 Implementation of all recommendations outlined in the following reports are considered an extension of the conditions of this Authorisation:
- Agricultural Feasibility Study prepared by EnviroGIS, dated November 2007
 - Preliminary investigations for availability of Bulk Engineering services prepared by Infra Consult Engineering cc dated February 2010
 - Traffic Impact Study prepared by GOBA Consulting Engineers & Project Managers dated December 2009
 - Social Impact Study prepared by Riana du Plessis Planning
 - Vegetation and Red data Listed Flora Assessment prepared by EnviroGIS dated November 2007
 - Klipriver and palm Ridge Wetlands Delineation prepared by Exigent Environmental dated August 2008
 - Rietspruit Wetlands Delineation Index (Pty) Ltd dated May 2010
 - Faunal Assessment Study by EnviroGIS (Pty) Ltd
 - Geotechnical Report prepared by Intra Consult dated 15 January 2008.
- 1.17 Landscaping must be as far as possible be indigenous and must as far as possible be augmented with plants naturally growing on the development premises.

Commissioning of the activity

- 1.18 Fourteen (14) 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.

Monitoring of the activity

- 1.19 Departmental official shall be given access to the property referred to above, for the purpose of assessing and/ or monitoring compliance with the conditions contained in this document at all reasonable times.

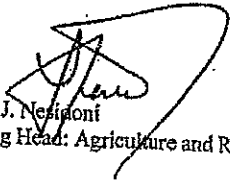
General

- 1.20 A copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorised official of the

Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.

- 1.21 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.
- 1.22 The holder of the authorisation must notify the Department, in writing and within twenty four (24) hours, if conditions of this authorisation are not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance.
- 1.23 Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.

Date of Environmental Authorisation: 2010/10/12


Adv. J. Nesigoni
Acting Head: Agriculture and Rural Development

Annexure 1: Reasons for Decision

1. Background

The applicant, Greenfields Gardens (Pty) Ltd applied for authorisation to carry on the following activities in terms of GN R. 387 of 21 April 2006 –

Listed Activity No.2 Any development activity, including associated structures and infrastructure, where the total area of the area of the development area is, or is intended to be, 20 Ha or more.

Listed Activity No.10 Any process or activity identified in terms of section 53(1) of the National Environmental Management Biodiversity Act, 2004 (Act No. 10 of 2004)

The applicant appointed Planning Development Environmental Services (PDE Services) to undertake the environmental impact assessment process.

Notification, Public Participation Process, Scoping and EIA Report compiled and submitted to Gauteng Department of Agriculture and Rural Development for review. No exemption was granted during the process.

2. Information considered in making the decision

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

- a) The information contained in the Scoping and EIA Report compiled by Planning Development Environmental Services (PDE Services) and received by the Department on 18 June 2010
- b) Relevant information contained in the Departmental information base including –
 - i. Gauteng Urban Edge Policy
 - ii. Gauteng Conservation Plan (C-Plan Version 2).
 - iii. Gauteng Agricultural Potential Atlas Version 3 (GAPA-3, 2006)
- c) 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).
- d) The Metropolitan Spatial Development Framework (MSDF) for the Ekurhuleni Metropolitan Municipality 2005/2006 (EMMSDF, 2005).
- e) The Environmental Management Framework (EMF) for the Ekurhuleni Metropolitan Municipality (2007).
- f) The findings of the site inspection undertaken by Sentle Seditso, Livhuwani Demana and Rofhiwa Ralulimi on 23 June 2010.

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 Public Participation Process was carried out according to the requirements of the Environmental Impact Assessment Regulations, 2006.
- b) No objections were received from Interested and Affected Parties.
- c) The need for the proposed activity was adequately demonstrated by the applicant.

4. Findings

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

- a) The proposed development falls within Peripheral Areas according to the Ekurhuleni Metropolitan Municipality Spatial Development Framework (EMMSDF) (EMM, 2008).
- b) The proposed development falls within Agriculture and Open Space according to the Ekurhuleni Metropolitan Municipality Environmental Management Framework (EMMEMF) (EMM, 2007).
- c) Part of the site is considered environmentally sensitive according to Departmental policies and guidelines.

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. Authorisation is accordingly granted.



DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Diamond Corner Building, 68 Eloff & Market Street, Johannesburg
P O Box 8769, Johannesburg, 2000

Telephone: (011) 355-1900
Fax: (011) 337-2292
Email: dace@gpg.gov.za

Reference: Gaut 005/10-11/0202
Enquiries: Tendani Rambuda
E-mail: Tendani.Rambuda@gauteng.gov.za
Telephone: (011) 355 1741

Mr Witness Khanye
The Designated Officer
Gauteng Development Tribunal
Ground Floor, Clegg House
C/o Fox and Simmons Street
Johannesburg

Fax No: 086 627 9468

Dear Sir

LAND DEVELOPMENT APPLICATION FOR THE PROPOSED WATERVAL DEVELOPMENT AREA ON THE REMAINING EXTENT OF PORTIONS 44 OF THE FARM WATERVAL 150 IR AND THE REMAINING EXTENT OF PORTION 2 OF THE FARM RIETSPRUIT 152 IR GDF/LDA/EMM/2906/10/003

The above Land Development Area Application dated 21 July 2010 refers.

1. Project Description

- 1.1. The proposed land is situated on the remaining Portions 44 and 2 of the Farms Waterval 150 IR and Rietspruit 152 IR, which measure 689 hectares in extent.
- 1.2. The development consists of 9191 "Residential 1" stands and 2 "Residential 3" stands occupying 14.93 ha, 14 stands zoned "Special" for business and community facilities and residential uses, 2 stands zoned "Special" for a sport stadium with total size of 9.92 ha, 126 stands zoned public open space with total area of 203.87 hectares, 2 stands zoned "Special" for future railway line and 12 educational stands, and 2 undetermined stands for construction of service infrastructure.

The Department has received an EIA report on 18 June 2010 and is currently reviewing the report (Gaut 002/08-09/N0816).

The Department's review of the application has to date identified the following major concerns:

- a. The site is affected by environmental features, which need to be taken into account when deciding on the matter, specifically:
 - The wetland and dolomite on site.
 - Red List species which are vulnerable in terms of the (IUCN) World Conservation Union's Red Listing System and considered to be facing a high

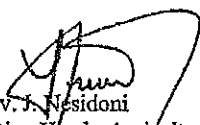
risk of extinction in the wild due to habitat loss and degradation through residential development.

- b) The site is located outside the revised 2009 urban edge. It is our view that the proposed development has the potential to set a precedent for future urban development within a rural environment due to the fact that the development will be situated in an area largely rural and undeveloped.
- c. We support government policy that aims to promote in-fill development as stipulated in the Development Facilitation Act, 1995 (Act 65 of 1995) and densification within the Urban Edge as defined in the Spatial Development Framework (2007).

In light of the above we request that, the Tribunal, in the spirit of co-operative governance and in terms of the NEMA principles, takes into account environmental issues when deciding on this application as well as to inform the Department of the outcome of the DFA application process.

Please do not hesitate to contact Mr Tendani Rambuda on (011) 355 1741 should you require further information in respect of this matter.

Yours faithfully

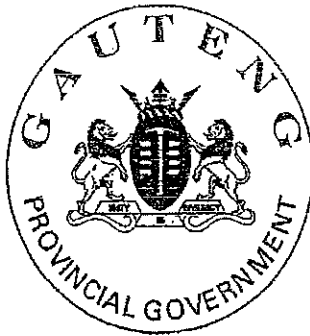

Adv. J. Nesidoni
Acting Head: Agriculture and Rural Development
Date: 26/10/2010

CC: VBH Town Planning (Pty) Ltd

Attn: Alex van der Schyff
Tel: (012) 348 5081
Fax: (012) 361 9559

Project Manager

Attn: Maggie Matumba
Tel: (011) 355 1685
Fax: (011) 355 1850



DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT

Diamond Corner Building, 68 Eloff & Market Street, Johannesburg
P O Box 8769, Johannesburg, 2000

Telephone: (011) 355-1900
Fax: (011) 337-2292
Email: dace@gpg.gov.za

Reference: Gaut 005/10-11/0202
Enquiries: Tendani Rambuda
E-mail: Tendani.Rambuda@gauteng.gov.za
Telephone: (011) 355 1741

Mr Witness Khanye
The Designated Officer
Gauteng Development Tribunal
Ground Floor, Clegg House
C/o Fox and Simmons Street
Johannesburg

Fax No: 086 627 9468

PER FACSIMILE

Dear Sir

**RE: CONCERNS REGARDING COMMENTS AND DECISION ISSUED ON THE
LAND DEVELOPMENT APPLICATION: REMAINING EXTENT OF PORTION
44 OF THE FARM WATERVAL 150 IR AND THE REMAINING EXTENT OF
PORTION 2 OF THE FARM RIETSPRUIT 152 IR**

The above matter and more specifically the electronic mail from your Pasoka Matlhaku on 29 October 2010 have reference. In response to the request to clarify what appears to be two conflicting positions by the Department, please be advised as follows:

1. The Department received an EIA application on 18 June 2010, in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) (as amended) from VBB Town Planning (Pty) Ltd (reference Gaut 002/08-09/N0514) and granted Environmental Authorisation on 12 October 2010.
2. Prior to the granting of the authorisation, the Department received a Land Development application on 21 July 2010 that had been lodged with the Gauteng Development Tribunal. The Department responded to the Tribunal in the letter dated 26 October 2010 which response was prior to the finalisation of the review of the application that had been submitted in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) hence the point made in this letter that the Department had identified certain major concerns.
3. However upon finalisation of the review of the application, the Department determined that the environmental sensitivities identified in the Department's response to the Gauteng Development Tribunal had been adequately addressed in the Scoping and Environmental Impact Assessment Report, thus a positive Environmental Authorisation was issued.

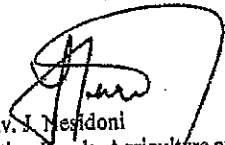
DFA Ptn 44 of Waterval 150 IR and ptn 2 of Rietspruit 152 IR
Gaut 005/10-11/0202

4. In view of the above, please note that there are no conflicting decisions in this matter as the Environmental Authorisation issued on 12 October 2010 constitutes the Department's final position in respect of this proposed development.

The Department therefore request that, the Tribunal, in the spirit of co-operative governance and in terms of the NEMA principles, takes into account the contents of the Environmental Authorisation when deciding on this application.

Please do not hesitate to contact Mr Tendani Rambuda on (011) 355 1741 should you require further information in respect of this matter.

Yours faithfully



Adv. J. Noyidoni
Acting Head: Agriculture and Rural Development
Date: 17/11/2010

CC: VBH Town Planning (Pty) Ltd

Attn: Alex van der Schyff
Tel: (012) 348 5081
Fax: (012) 361 9559

Project Manager

Attn: Maggie Matumba
Tel: (011) 355 1685
Fax: (011) 355 1850