



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

FAX COVER

TO:	FROM:
Harry Gey van Pittius	Tendani Rambuda
COMPANY:	DATE:
Greenfields Gardens (Pty) Ltd	2015
FAX NUMBER:	TOTAL NO. OF PAGES, INCLUDING COVER:
011 662 9162	04
PHONE NUMBER:	TEL:
011 607 8000	011 240 3386
RE:	YOUR REFERENCE NUMBER:
AMENDMENT REFUSED: APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION (GAUT 002/08- 09/N0816) FOR THE PROPOSED RESIDENTIAL TOWNSHIP ON PORTION 2, 31, 32, 33, 56, 57, AND 58 OF THE FARM WATERVAL 150 IR	Gaut 006/15-16/E0013

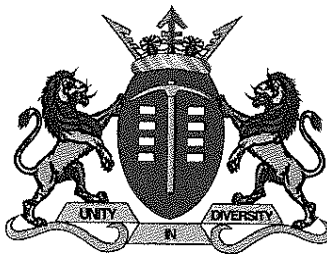
URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

CC Ekurhuleni Metropolitan Municipality

Attn: The Area Manager: Edenvale
Fax: 086 623 1815

LEAP

Attn: Dr. Gwen Theron
Fax: 086 606 6130



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AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE HEAD OF DEPARTMENT (HOD)
Diamond Building, 11 Diagonal Street, Newtown
PO Box 8769, Johannesburg, 2000
Tel: 011 240 2500
Fax: 011 2 40 2700

Reference: Gaut 006/15-16/E0013
Enquiries: Tendani Rambuda
Telephone: 011 240 3386
Email: Tendani.Rambuda@gauteng.gov.za

BY FAX: 011 662 9162

BY REGISTERED MAIL

Mr. Harry Gey van Pittius
Greenfields Gardens (Pty) Limited
P. O. Box 786
EDENVALE
1610

Tel No: 011 607 8000

Dear Sir.

APPLICATION FOR AMENDMENT OF ENVIRONMENTAL AUTHORISATION (GAUT 002/08-09/N0816) FOR THE PROPOSED RESIDENTIAL TOWNSHIP ON PORTIONS 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, EKURHULENI METROPOLITAN MUNICIPALITY (GAUT 006/15-16/E0013)

With reference to the above-mentioned application, this Department has, in terms of the powers vested in it by Regulation 30(1)(b) of the Environmental Impact Assessment Regulations, 2014 (GN R982) promulgated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998, as amended) decided to **partially amend** the Environmental Authorisation (EA) issued on 12 October 2010. The reasons for the decision are set out in the attached annexure.

In terms of Regulation 4 (2) you are instructed to notify all registered interested and affected parties, in writing and within **fourteen (14) days** of the date of this letter, of the Department's decision not to amend the environmental authorisation as well as the provisions regarding the right to appeal as provided for in Chapter 2 of the National Appeal Regulations, 2014 which regulates the appeal process.

Should you wish to appeal any aspect of the decision, you must within **twenty (20) days** of the date of notification of the decision submit your appeal including supporting documents to the appeal administrator by any of the following means:

Postal Address:

The Appeals Administrator
Department of Agriculture and Rural Development
PO Box 8769
JOHANNESBURG
2000

GDARD
Office of the HOD

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Physical Address:

The Appeals Administrator
Department of Agriculture and Rural Development
11 Diagonal Street
Diamond Building, 04th Floor
Newtown
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.gdard.gpg.gov.za. Should you have queries or require additional information regarding the appeal process, you can contact the appeal administrator on any of the mentioned contact details.

Yours faithfully



MS THANDEKA MBASSA
HEAD OF DEPARTMENT
DATE: 26/06/15

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Office of the HOD

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1. Decision

The Department has decided to **partially** amend the Environmental Authorisation issued to **Greenfields Gardens (Pty) Limited** on 12 October 2010.

2. Amendment

2.1 The holder of the Environmental Authorisation which reads:

"Greenfields Gardens (Pty) Limited"

with the following contact details-

*Harry Gey van Pittius
P. O. Box 786
Edenvale
1610"*

Is hereby amended to read:

"Cosmopolitan Projects Johannesburg (Pty) Limited

with the following contact details

*Louis Venter
P. O. Box 754
Auckland Park
2006"*

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3. Scope of amendment of the EA

- 3.1 The application for the following requested amendments to the EA is **refused** in terms of this addendum to the EA:
- Amendment of the name of the development;
 - Amendment of the description of the activity;
 - Amendment of the size of the development;
 - Amendment of condition 1.7 of the initial EA pertaining to the buffer around the wetland;
 - Amendment of the EMP (EMPr) completed by LEAP.
- 3.2 The application for the requested amendment of the layout plan is also **refused**.
- 3.3 The request for exclusion of the petrol filling station from the amended layout plan is by implication, not considered as a result of the refusal for the requested amendment of the layout plan.

4. General

- The above amendment of the EA with respect to the change of the holder of authorisation applies to all sections of the EA making a reference to the holder of the EA.
- A copy of this addendum and the EA must be kept on site and 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 EA who works or undertakes work on site. If it is not possible to keep copies on site, it must be kept at the offices of the site manager.
- The holder of the EA must notify every registered interested and affected party, in writing and within **fourteen (14) days**, of receiving notice of the Department's decision to amend the EA.

Reasons for Decision

1. Background

The applicant applied for Environmental Authorisation to undertake a listed activity and the authorisation was duly granted by this Department in an Environmental Authorisation dated 12 October 2010. The magnitude of the activity, the description of the activity as well as the conceptual layout plan submitted to this Department was considered in making a decision on the application and an Environmental Authorisation (EA) was subsequently granted based on such consideration. The Layout Plan was approved with the condition that sensitive areas will be excluded from the development.

The applicant has applied for amendment of the EA in terms of Regulation 29 of EIA Regulations, 2014 which proposed amendments include, amongst others, amendment of the description of the development which, by implication, affects the layout plan, extent of the development as well as management of the development.

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2. Information considered in making the decision

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

- a) The information contained in the amendment application received by this Department on 14 May 2015.
- b) The procedural requirements prescribed in terms of Regulations 30, 31 and 32 of the Environmental Impact Assessment Regulations, 2014 (GN R982).

3. Key factors and findings considered in making the decision

- a) The nature of the requested amendments are in terms of Part 1 and Part 2 of the amendment process and the Department has considered the amendments and decided to **partially amend EA** only with respect to the proposed change of ownership or transfer of rights and obligations as such amendment request fall within the ambit of Part 1 of the amendment process.
- b) The proposed amendments relating to the description of the development, which by implication, affects the layout plan, the size of the development, the buffer around the wetland and the approved EMPr is **refused** as the proposed amendments will result in a change to the scope of a valid environmental authorisation and the process used to apply for such a major change in scope is incorrect.
- c) Further, the Department noted the information contained in the application form. However, the merit of such information could not be considered at this stage because in the main, the application process followed is incorrect and must be submitted in terms of the correct process and only then will such information be considered together with the relevant supplementary information which is not included in the current amendment application.
- d) The proposed amendments will definitely change the scope of authorisation and therefore the rights and interest of stakeholders must be considered. The amendment application process outlined in Regulation 32 of the EIA Regulations, 2014 must therefore be followed.
- e) The name of the development (property description), which appears that will exclude the farm Waterval 150 IR is different to the property description on the two layout plans submitted as part of the amendment application form (report). Therefore, the requested amendment is refused as such change (albeit the contradiction with the layout plans) is associated with the change of scope of EA, which must be subjected to Part 2 amendment process.
- f) The application process followed in this application was for amendments that will not result in change in scope of the valid environmental authorisation.

In view of the above, the requested amendment for change of ownership or transfer of rights and obligations is **approved**. However the rest of the requested amendments applied for are hereby **refused**.