

**DEPARTMENT OF AGRICULTURE,  
CONSERVATION AND  
ENVIRONMENT**

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Attention: Timo Crous

Fax No: (011) 472 3454

**BY FACSIMILE & REGISTERED MAIL**

Dear Sir

**GRANTING OF EXEMPTION FOR PROJECT REFERENCE GAUT 002/05-06/1625: PROPOSED TOWNSHIP ESTABLISHMENT ON HOLDINGS 30 AND 31 AMOROSA AGRICULTURAL HOLDINGS AND PART OF PORTION 305 WILGESPRUIT 190-I.Q TO BE KNOWN AS AMOROSA EXTENSION 40**

The abovementioned application for exemption in terms of section 28A of the Environment Conservation Act, 1989 (Act 73 of 1989) ("the Act") from complying with provisions of Government Notice R1183 (as amended) promulgated under sections 26 and 28 of the Act refers.

**1. DEPARTMENTAL DECISION**

The above activity falls within the ambit of sub regulation 2(c) of Government Notice R1182 (as amended) promulgated under sections 26 and 28 of the Act.

Based on a review of the application, the Department's conclusion is that this activity will not lead to substantial detrimental impact on the environment, alternatively, that potential detrimental impacts resulting from this activity can be mitigated to acceptable levels and that the principles contained in section 2 of NEMA can be upheld.

The Department has accordingly decided, in terms of section 28A of the Act, to grant Crous International exemption from complying with provisions of Regulations GN R.1183 (as amended) promulgated under sections 22, 26 and 28 of the Act, subject to the conditions and provisions listed in section 3 below.

## 2. KEY FACTORS INFORMING THE DECISION:

In reaching its decision in respect of the application, the Department of Agriculture, Conservation, and Environment ("the Department") has taken, *inter alia*, the following into consideration:

- a) The information contained in the:
  - Exemption application received by the Department dated 9 November 2005;
  - Additional information dated 2 June 2006, 17 July 2006, 2 October 2006 and 24 January 2007.
  - Comments from the Directorate of Nature Conservation dated 6 July 2006 and 30 November 2006.
- b) Information obtained from the Departmental information base including *inter alia*:
  - Geographic Information Systems (GIS);
  - Conservation Plan Version 2.
- c) Compliance with applicable departmental, provincial and national legislation, policies and guidelines including:
  - Including the Act and the principles set out in 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).
- d) The findings of the site visit undertaken by Linda Kühn of this Department on 24 November 2005.

In reviewing this information, the Department made the following findings:

- The proposed use of the site is compatible with the nature of the surrounding land uses.
- Advertising of the proposed development was carried out in accordance with the EIA guidelines and departmental procedure.
- Objections were received from Interested and Affected Parties but were dealt with by the Consultant.
- It was indicated that the site might consist of the following: possible habitat for *Galeosoma scutatum*, a wetland and that the development will impact on a Class 3 ridge.
- Specialist studies were undertaken and the following conclusions were made:
  - The site previously consisted of *Protea caffra* dominated mountain bushveld, but most of this vegetation has been destroyed and the area is now a grassland dominated by *Hyparrhenia hirta*;
  - No red data species occurs on the site;
  - No wetland occurs on site. A small drainage line is present and will be protected.
  - The site measures approximately 17 hectare in extent of which 4.8 hectares will be used as Public Open Space.

## 3. CONDITIONS

### 3.1. Description of the activity

The exemption application is in respect of the proposed change of land use from "Agricultural" to "Residential 2" and "Special" for the establishment of a residential township together with land set aside for the proposed PWV 5 which falls within the ambit of sub-regulation 2 (c) of GN R1182.

The activity is proposed to take place on Holdings 30 and 31 Amorosa Agricultural Holdings and a part of Portion 305 of the farm Wilgespruit 190-I.Q. The site falls within the jurisdiction of Greater Johannesburg Metropolitan Municipality.

### 3.2. Specific conditions

The proposed development site is approximately 17.0039 hectares in extent and 7,6503 hectares will be developed at a minimum density of 20 units per hectare. The remainder of the site will be set aside for Public Open Space and a further 4,8485 hectares will not be developed as it forms part of the proposed PWV5 road reserve.

1. All areas earmarked for development (as specified on drawing no. 24215/N1 as included in the exemption report dated 9 November 2006) must be fenced off from the open space system before construction is initiated. All construction related impacts (including service roads) must be contained within the fenced off development areas. Mitigatory measures are required to prevent access of vehicles to the open space system and access of people must be controlled, during both the construction and operational phases. Movement of all indigenous fauna must however be allowed through the erection of palisade fencing (i.e no solid walls).
2. An ecological management plan must be compiled by a suitably qualified specialist and submitted to the Department for approval. This ecological management must:
  - Include a fire management programme.
  - Include an ongoing monitoring and eradication programme for all non-indigenous species, with specific emphasis on invasive and weedy species.
  - Minimise artificial edge effects (e.g. water runoff from developed areas & application of chemicals).
3. The Environmental Management Plan (EMP) as compiled by Landscape Dynamics has been approved. The name and contact details of the Environmental Control Officer must be forwarded to the Department prior to the commencement of construction on site. The EMP is considered an extension of the conditions of the Departmental authorisation. Non-compliance with the requirements of the EMP will constitute non-compliance with the conditions of authorisation.

### 3.3. General conditions

- a) Any changes to, or deviations from, the project description set out in this letter 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.
- b) This Department may review the conditions contained in this letter from time to time and may, by notice in writing to the applicant, amend, add or remove a condition.
- c) The applicant must notify the Department, in writing, at least 10 (ten) days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in this letter. The applicant must furnish a copy of this document to the new owner, developer or person to whom the rights accrue and inform the new owner, developer or person to whom the rights accrue that the conditions contained herein are binding on them.
- d) 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.
- e) Authorisation for the activity is granted in terms of the Environment Conservation Act, 1989 (Act 73 of 1989) only and does not exempt the holder from compliance with other relevant legislation.
- f) The applicant shall be responsible for ensuring compliance with the conditions contained in this letter by any person acting on his behalf, including but not limited to, contractors and consultants.

- g) Departmental officials shall be given access to the property referred to in 1 above for the purpose of assessing and/ or monitoring compliance with the conditions contained in this document at all reasonable times.
- h) The applicant must notify the Department within 24 (twenty four) hours if any condition of this exemption cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.

### 3.4. Duration of exemption and authorisation

If the activity authorized by this letter does not commence within five (5) years from the date of signature of this letter, the applicant will need to reapply for authorisation in terms of the NEMA or any prevailing legislation.

## 4. CONSEQUENCES OF NON-COMPLIANCE

The applicant must comply with the conditions set out in this letter. Failure to comply with any of the above conditions may result in, *inter alia*, the Department withdrawing the exemption, issuing directives to address the non-compliance – including an order to cease the activity – as well as instituting criminal and/or civil proceedings to enforce compliance.

## 5. APPEALS

Appeals in respect of this decision must be directed to the MEC, Mr Khabisi Mosunkutu, Agriculture, Conservation and Environment, Gauteng Provincial Government within 30 (Thirty) days of the date of this decision. Appeals can be submitted utilizing one of the following methods:

By facsimile: (011) 333 0620;  
By post: P.O. Box 8769, Johannesburg 2000;  
By hand: 16<sup>th</sup> Floor, Diamond Corner Building, 68 Eloff Street, Johannesburg.

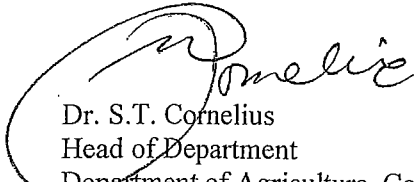
Please note that all appeals must comply with Section 35 of the Environment Conservation Act, Act No 73 of 1989, read together with Regulations R1182 and R1183 of 5 September 1997. In terms of the above section and regulations, your appeal must set out all the facts as well as the grounds of appeal. Furthermore, all the relevant documents or copies thereof must accompany the appeal and a commissioner of oaths must certify them as true.

The applicant is required to inform all registered interested and affected parties of the decision contained in this Record of Decisions as well as the process for appeal described above within 7 (Seven) calendar days of the date of signature of this Record of Decision. Failure to inform interested and affected parties within the stipulated time period will constitute non-compliance with this Record of Decision.

Should the applicant wish to appeal any aspect of this decision, the applicant must notify all registered interested and affected parties of the intended appeal, and furnish them with copies of the appeal on request. Proof of such notification must be submitted to the MEC with the appeal. Failure to comply with this provision may result in the MEC refusing to consider the appeal.

Please note that any development that commences prior to the expiry of the time period allowed for the submission of appeals, or before the MEC has reached a decision on an appeal submitted, is done so solely at the applicant's risk.

Yours faithfully



Dr. S.T. Cornelius  
Head of Department  
Department of Agriculture, Conservation and Environment  
Date: 05/04/2007

Landscape Dynamics

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