

## GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE HEAD OF DEPARTMENT (HOD)  
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BY E-MAIL: [reuben@tyb.co.za](mailto:reuben@tyb.co.za)

BY REGISTERED MAIL:

Thaba ya Batswana Eco-Tourism (Pty) Ltd  
P.o Box 1675  
GLENVISTA  
2058

Telephone No: 011 959 0777

Dear Mr Reuben Louw

**ENVIRONMENTAL AUTHORISATION GRANTED-EIA: PROPOSED MIXED USE DEVELOPMENT (STONE RIVER'S ARCH) ON THE REMAINING EXTENT OF PORTION 2 AND THE REMAING EXTENT OF PORTION 112 OF THE FARM RIETVLEI 101- IR, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY**

With reference to the above-mentioned application, please be advised that the Department has decided to grant environmental authorisation. The environmental authorisation and reasons for the decision are attached herewith as Annexure 1.

In terms of Regulation 4 (2) of the Environmental Impact Assessment Regulations, 2014, 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 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 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

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**Physical Address:**


The Appeals Administrator  
Department of Agriculture and Rural Development  
11 Diagonal Street  
Diamond Building, 04<sup>th</sup> Floor  
Newtown  
Johannesburg  
2001

**Fax No:** 011 240 3158/2700

**Email Address:** [appeals@gauteng.gov.za](mailto: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](mailto:Tsholofelo.mere@gauteng.gov.za). The appeal form is also available from our website: [www.gdard.gpg.gov.za](http://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:** 09/10/15

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**GAUTENG PROVINCE**

AGRICULTURE AND RURAL DEVELOPMENT  
REPUBLIC OF SOUTH AFRICA

**Environmental Authorisation**

<b>Reference Number:</b>	Gaut 002/11-12/E0161
<b>Holder of Environmental Authorisation:</b>	Thaba ya Batswana Eco-Tourism
<b>Location of activities:</b>	Remaining Extent of Portion 2 and Remaining Extent of Portion 112 of the Farm Rietvlei 101-IR, City of Johannesburg Metropolitan Municipality

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## 1. Decision

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

## 2. Activities authorised

By virtue of the powers conferred by the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended) and the Environmental Impact Assessment Regulations, 2010, the Department hereby authorises **Thaba ya Batswana Eco- Tourism (Pty) Ltd** with the following contact details-

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to undertake the activities (hereafter referred to as "the activities") listed as Activities 1 (i)& (ii), 11 (ii), (iv),(vi), (x)and (xi) 18 (i), 9 (i), 10 (i), 12, 22,24 ,26, 47,& 56, of Listing Notice No. 1 (GN R. 544) , Activity 15 of Listing Notice No.2 (GN R. 545) and Activities 2 (b) (v), (v), 4 (ii), (iii), (v), (vii) and 6 (ii), (iii) and (iv)of listing Notice No 3 (GN R. 546) of Environmental Impact Assessment Regulations, 2010 promulgated in terms of Sections 24 (2)(a) of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended), and thus requiring Environmental Impact Assessment Process (EIR).

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

## 3. Conditions

### 3.1 Specific conditions

- a. Conditional Environmental Authorisation is granted for the proposed Mixed Use development and associated infrastructures on Remaining Extent of Portions 2 and Remaining Extent of Portion 112 of the Farm Rietvlei 101 IR. The development will entail the following: Residential, offices, commercial, Retail and Eco- Tourism.
- b. A **fourteen (14)** days written notice must be given to the Department that the activities 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 activities will commence.
- c. The construction area must be clearly demarcated before any construction activity takes place and signage must be displayed during the construction phase to inform the general public about potential dangerous conditions on site.
- d. **Development must only be undertaken to low sensitive area which is already transformed by existing infrastructures.**
- e. Development is not allowed to the area of medium sensitive, high sensitive and very high sensitive.
- f. 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, color-coded as follows:
  - o **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.]
  - o **ORANGE** – Indicating the edge of the buffer zone (30m buffer within urban area).
- g. The attenuation pond must be outside wetland buffer zone.
- h. Layout plan must be amended to exclude area of medium, high and very high sensitive. The amended layout must be submitted **sixty (60) days** to this Department for review before commencement of any activities on site.

- i. Removal of vegetation must be minimal to the development foot-print.
- j. The bulk services approval (e.g. water supply, sewage and disposal waste, electricity and storm water) and other related services must be obtained from the relevant competent authority.
- k. Before the site is destructed during development a destruction permit must be acquired to SAHRA.
- l. Graveyard which contains approximately 48 graves must be excluded from the development footprint.**
- m. Should any heritage resources of any nature be uncovered during development, SAHRA and/ or professional Heritage Specialists must be contacted immediately for investigations.
- n. All the activities must comply with the Local Authorities By –Laws.
- o. All disturbed areas must be rehabilitated after construction by locally indigenous species.
- p. Only indigenous plant species, preferably species that are indigenous to the natural vegetation of the area, should be used for landscaping in communal areas. As far as possible, plants naturally growing on the development site, but would otherwise be destroyed during clearing for development purposes, should be incorporated into landscaped areas. Forage and host plants required by pollinators should also be planted in landscaped areas.
- q. All waste streams generated must be managed in accordance with the hierarchy of waste management principles and disposed of at a licensed landfill site permitted to receive that type of waste. Proof of disposal of waste must be kept on site and made available to the Department upon request.
- r. Any mixing of cement, solvents, asphalts, sealants, adhesives, paints, chemical or other noxious materials must be done on an impervious surface designated for such material.
- s. If any soil contamination occurs during the construction and operational phases of the proposed activities, the contaminated soil must be removed to a suitable waste disposal facility and the site must be rehabilitated to the satisfaction of this Department. The opportunity for on-site remediation and re-use of contaminated soil must be investigated prior to disposal and this Department must be informed in this regard.
- t. The holder of the Environmental Authorisation must ensure that vehicles used for construction purposes are maintained in good condition in order to minimise noise, vehicle exhaust emissions and the risk of soil contamination through the loss of lubricants and hydraulic fluids.
- u. The storage and handling of hazardous substances such as fuels and oils must be in containers that are able to contain 110% of substance should a spillage occur.
- v. On completion of the project, all litter and construction debris must be removed from the site immediately. All waste must be disposed of at a licensed waste disposal site for the type of waste produced.

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### 3.2 Management of the activities

06 OCT 2015

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- a) The commitment and recommendations in all submitted documentation, including the Environmental Management Programme (EMPr) are an extension of this Environmental Authorisation and are binding to all contractors and operators on site and must be implemented.
- b) Any proposed amendments to the EMPr (as a result of this Environmental Authorisation or otherwise) must be submitted in writing to the Department for **approval prior** to the amendment being implemented. The proposed amendments will be decided upon by the Department within a period of **thirty (30) days** of receiving the submission.
- c) Dust suppression measures must be implemented throughout the construction phase.
- d) Noise generated from construction activities must not exceed the recommended noise level of 85dB as required by the Occupational Health and Safety Standards.

### 3.3 Monitoring and reporting

- a) Departmental officials shall be given access to the site referred to above, for the purpose of ascertaining and/ or monitoring compliance with the conditions contained in this authorisation at all reasonable times.



- b) An Environmental Control Officer (ECO) must be appointed/ designated to ensure that regular inspections are performed during the construction phase to ensure the implementation of mitigation measures.

### 3.4 General conditions

- a) Conditions of this Environmental Authorisation are binding on the holder of the Environmental Authorisation, including 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 Environmental Authorisation.
- b) The activities authorised may only be carried out at the property or site indicated in the activities location mentioned above.
- c) 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 Environmental Authorisation to apply for further authorisation in terms of the Environmental Impact Assessment Regulations, 2014.
- d) These activities must commence within a period of **ten (10) years** from the date of issue. If commencement of the activities does not occur within that period, the Environmental Authorisation lapses and a new application for Environmental Authorisation must be made in order for the activities to be undertaken.
- e) This Environmental 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 activities.
- f) A copy of this Environmental Authorisation must be kept at the property where the activities will be undertaken. The Environmental 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 Environmental Authorisation who works or undertakes work at the property.
- g) 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 apply to the Department as soon as the new details become known to the applicant.
- h) The holder of the Environmental Authorisation must notify the Department, in writing and within **twenty four (24) hours**, if the conditions of this authorisation cannot be or are not adhered to.
- i) Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act NEMA, 1998 (Act No. 107 of 1998, as amended).

Date of Environmental Authorisation: 05/10/15

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## Annexure 1: Reasons for Decision

### 1. Background

The applicant, **Thaba ya Batswana Eco- Tourism (Pty) Ltd** applied for authorisation to carry out the activities listed as Activities 1 (i)& (ii), 11 (ii), (iv),(vi), (x)and (xi) 18 (i), 9 (i), 10 (i), 12, 22,24 ,26, 47,& 56, of Listing Notice No. 1 (GN R. 544) , Activity 15 of Listing Notice No.2 (GN R. 545) and Activities 2 (b) (v), (v), 4 (ii), (iii), (v), (vii) and 6 (ii), (iii) and (iv)of listing Notice No 3 (GN R. 546) of Environmental Impact Assessment Regulations, 2010 promulgated in terms of Sections 24 (2)(a) of the National Environmental Management Act (NEMA), 1998 (Act No. 107 of 1998, as amended), and thus requiring Environmental Impact Assessment Process (EIR).

The applicant appointed **GA Environment (Pty) Ltd** to undertake an Environmental Impact Assessment 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 Environmental Impact Assessment Report dated 17 December 2014 and addendum dated 10 June 2015, including
  - Flora and Fauna Habitat Assessment
  - Wetland delineation and Assessment
  - Heritage impact assessment study
  - Visual impact assessment study
  - Traffic impact Study
- b) The comments received from interested and affected parties as included in the Environmental Impact Assessment Report dated 17 December 2014 as submitted to the Department.
- c) Relevant information contained in the Departmental information base including Geographical Information System (GIS) and Conservation Plan Version 3.3.
- d) 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, as amended).
- e) The findings of the site inspection undertaken by Simphiwe Myeza.

### 3. Key factors that informed the decision

- a) Flora and Fauna Habitat Assessment
- b) Wetland and none perennial river
- c) Heritage impact assessment study.
- d) The site is affected by Ridge class 3
- e) The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, 2010
- f) Regional Spatial Development Frame Work 2010-2011
- g) Gauteng Environmental Management Framework (GEMF)

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### 4. Findings that informed the decision

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

- a) The specialist studies concluded that:
  - *Holothrix radii* occur on the proposed site and this species is approaching thresholds for listing as threatened but there are still a number of subpopulations in existence and therefore there is need to minimise loss of habitat. Conservation of subpopulations is essential if they occur within a threatened ecosystem.

- Three declining plant species were confirmed to occur on the proposed site, however only the low sensitive area which is already transformed by old structure will be developed.
  - According to the Departmental spatial information the proposed site is habitat for African Grass Owl; however the studies concluded that the proposed site is not suitable for either African Grass Owl. Given the pristine nature of the habitats in many areas on the site it also concludes that the area supports a high abundance and diversity of bird species.
- b) A water use license would be acquired from the Department of Water and Sanitation before commencement of activities within the watercourse.
  - c) Before the site is destructed during development a destruction permit must be acquired to SAHRA.
  - d) The site is at a ridge which has sensitive flora and fauna habitat.
  - e) The public participation process complies with the requirements of Chapter 6 of the EIA Regulations, 2010. The interested and affected parties' (I&AP) consultation process included the placing of an advertisement in The Chronicle Newspaper dated 4 June 2014 and the placing of site notices. Notifications were sent to interested and affected parties. The public participation process was thus adequately conducted.
  - f) Sub Area 36 (Region F) supports conservancies and developments that are in line with eco- tourism related activities.
  - g) Some of the proposed activities are in line with zone 3: high control zone of Gauteng Environmental Management frame work.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the activities will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels. The Conditional Environmental Authorisation **is accordingly granted.**

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