

ORIGINAL ROD

**DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT**

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

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Reference: Gaut 002/08-09/N0334
Enquiries: Simon Mafu
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Heartland Properties (Pty) Ltd
P O Box 500
Modderfontein
1645

Attn: Ms. Leticia Potts

Fax: (011) 606-5001
Tel: (011) 606-5000

10-11-22 0020

PER FACSIMILE/REGISTERED MAIL

Dear Madam

APPLICATION FOR ENVIRONMENTAL AUTHORISATION 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 002/08-09/N0334

With reference to the abovementioned application, please be advised that the Department has decided to grant authorization. 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; 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 as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Yours faithfully


Adv. J. Ngaidoni
Acting Head: Agriculture and Rural Development
Date: 20/11/10

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Office of the RDP
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ENVIRONMENTAL AUTHORISATION

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Authorization register number:	Gaut 002/08-09/N0334
Holder of authorization:	Hearland Properties (Pty) Ltd
Location of activity:	On Part of the Remainder of Portion 67 of the Farm Modderfontein 35 IR

Department of Agriculture and Rural Development
 Environmental Authorisation Ref. No. CAUT 002/08-09/140334

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 authorized to undertake the activities specified below.

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

Activities authorized

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 Heartland Properties (Pty) Ltd with the following contact details

Ms. Leticia Potts

Heartland Properties (Pty) Ltd
 P O Box 500
 Modderfontein
 1645

Fax: (011) 606-5000
 Tel: (011) 606-5001

to undertake the following activities (hereafter referred to as "the activities"):-

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 R.387 of 2006.

The granting of this environmental authorization is subject to the conditions set out below.

Conditions

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Scope of authorisation

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- 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); Commercial retail development with a Floor to Area Ratio of 0.6 (2 storeys in height); and Open Space for recreational purposes on a site covering approximately 70 hectares in extent (Preferred Alternative 3).
- 1.2 Authorisation of the activities is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.3 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.
- 1.4 The activities which are authorized may only be carried out at the property indicated above.
- 1.5 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.
- 1.6 These activities must commence within a period of five (5) years from the date of issue. If commencement of any activity does not occur within that period, the authorisation lapses and

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a new application for environmental authorisation must be made in order for the activities to be undertaken.

- 1.7 This authorisation does not negate the holder of the authorization's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activities.

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 authorize the activities.
- 1.9 The notification referred to in 1.8 must:
- 1.9.1 Specify the date on which the authorisation was issued;
 - 1.9.2 Inform the interested and affected parties of the appeal procedure provided for in Chapter 7 of the regulations; and
 - 1.9.3 Advise the interested and affected parties that a copy of the authorisation and reasons for the decision will be furnished on request.

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Management of the activity

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- 1.10 The Environmental Management Plan (EMP) dated August 2010 and submitted by Strategic Environmental Focus as part of the application for authorisation has been approved by the Department and must be complied with.
- 1.11 An independent and suitably qualified individual registered in accordance with the Scientific Professions Act (No. 27 of 2003), must act as the Environment Control Officer (ECO) / Site Officer / Auditor.
- 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 wetlands 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.
- 1.15 The open space system must be formally protected in accordance with the appropriate legislative tool identified by the ecological management plan prior to any disturbance / clearance / installation of services / construction taking place.
- 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.
- 1.17 Access of vehicles to the open space system must be prevented and access of people must be controlled, both during the construction and operational phases. The movement of indigenous fauna must however be allowed through the erection of palisade fencing.
- 1.18 Permeable fencing must be used to cordon off sensitive areas as this allows species movement to continue.
- 1.19 Should any heritage resources of any nature be uncovered during development, the South African Heritage Resources Agency and a professional Heritage Specialist must be contacted immediately to conduct further investigations.
- 1.20 Oil, fuel and chemicals must be confined in a specific and secure area, in bunds measured at one and a half times their quantities throughout the construction period to prevent potential spills and leaks.
- 1.21 All waste generated on site must be disposed off at a certified landfill site.
- 1.22 Dust suppression measures must be implemented throughout the construction phase.

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- 1.23 The construction of bulk service infrastructure such as service roads and storm water must be undertaken to the standards of the City of Johannesburg Metropolitan Municipality and Johannesburg Roads Agency (JRA).
- 1.24 The construction area is to be clearly demarcated before any construction activities may take place, and appropriate signage must be displayed during the construction phase to inform the general public about potential dangerous conditions on site.
- 1.25 Landscaping, re-vegetation, and rehabilitation of all disturbed areas must be undertaken post the construction period with indigenous plant species.

Monitoring, Recording and reporting to the Department

- 1.26 The Environmental Control Officer (ECO) must compile monthly environmental audit reports which must be kept on site and shall be made available immediately upon request from an official of this Department or the local authority.
- 1.27 An appropriate management authority such as the body corporate, must be contractually bound and informed of their responsibilities, in order to implement the EMP and Environmental Authorisation during the operational phase of the development. As soon as it is established, the management authority must notify the Department and provide relevant contact details.
- 1.28 The open space system must be managed in accordance with an ecological management plan that complies with the the Department of Agriculture and rural Development minimum requirements for Biodiversity Assessments and must form part of the EMP. A site diary must be maintained on site to monitor and report on the implementation of the plan.
- 1.29 A copy of the ecological management plan must be provided to all land owners of adjacent properties.
- 1.30 A funding mechanism that will cover the cost of implementing the ecological management plan must be established.


Commissioning of the activity

- 1.31 A thirty (30) day written notice should 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.

General

- 1.32 During construction phase, a copy of this authorisation must be kept at the property where the activity will be undertaken. The authorisation must be produced to any authorized 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 work or undertakes work at the property.
- 1.33 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephone details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.34 The holder of the authorisation must notify the Department, in writing and within seventy two (72) hours 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.
- 1.35 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: 19/11/2010


 Adv. S. Nesdoni
 Acting Head: Agriculture and Rural Development

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Department of Agriculture and Rural Development
 Environmental Authorisation Ref. No. Goul 002/09-09/N0334

Annexure 1: Reasons for Decision

1. Background

The applicant, Heartland Properties (Pty) Ltd applied for authorisation to undertake the following activities-

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 R.387 of 2006.

The applicant appointed Strategic Environmental Focus to undertake a Scoping and 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:
 - ▷ Application form for environmental authorisation and the Environmental Impact Assessment Report received by the Department on 06 August 2010;
 - ▷ The Environmental Management Plan dated August 2010 and received by the Department on 06 August 2010;
- b) Relevant information contained in the Departmental information base including -
 - ▷ The Geographical Information System C-Plan Version 2;
- c) The objectives and requirements of relevant legislation, policies and guidelines, including:
 - ▷ The principles contained in Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998); and
- d) The site visit undertaken by Zongozile Bango of this Department on 27 August 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) Potential impacts on the water course and sensitive open space; and
- b) The need and desirability for the proposed township development.

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4. Findings

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

- a) The development will enhance the ecological functioning of the watercourse/wetland within. The Department's conclusion is that the proposed activity will not have significant impacts on the environment or public safety and that impacts as they occur can be mitigated to acceptable levels.
- b) The department notes that the proposed mixed-use development would make economic contributions in terms of production and income generation for the area.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activities 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 activities can be mitigated to acceptable levels. Authorisation for this application is accordingly granted.