

## AGRICULTURE, CONSERVATION AND ENVIRONMENT



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### RECORD OF DECISION FOR PROJECT REFERENCE GAUT 002/02-03/15 AND 48

By virtue of the powers delegated by the Minister in terms of Section 22 of the Environment Conservation Act (Act 73 of 1989) ("the Act"), the Department of Agriculture, Conservation and Environment ("the Department") hereby authorises Forum SA Trading (PTY) Ltd to undertake the activity specified/ detailed below subject to the indicated conditions.

#### 1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

The proposed activity is the change of land use which falls within the ambit of sub regulation 2 (c) of Government Notice R1182 (as amended) promulgated under sections 21, 26 and 28 of the Act.

The proposed township is proposed to take place on portion 62 and the remainder of portion 1 of the farm Rietfontein 375 JR. The site falls within the jurisdiction of the Kungwini Local Municipality of the Metsweding District Municipality.

#### 2. KEY FACTORS INFORMING THE DECISION:

In reaching its decision in respect of the application, the Department has taken, *inter alia*, the following into consideration:

- a) The information contained in:
  - The Scoping Report dated August 2003;
  - The additional information dated 31 March 2005.
- b) Information obtained from the Departmental information base including *inter alia*:
  - Geographic Information System
  - Gauteng Open Space Programme
  - The Department's Gauteng Ridges and Red Data Policies
  - The contents of the appeal file
- c) Compliance with applicable departmental, provincial and national legislation, policies and guidelines.
- d) The findings of the site visit undertaken by officials from this Department on numerous occasions.

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

- The site is predominantly vacant, except for a dwelling house and associated outbuildings and is infested with Black wattle.
- The surrounding land uses are predominantly upper income rural residential developments, such as Woodhill, Mooikloof and Grootfontein Estates.

- The proposed development is considered an infill development.
- The development proposal supports and is consistent with the objectives and principles of the Development Facilitation Act, which promotes integrated land developments.
- The ecological survey of both portions indicated that no sensitive fauna and flora were found on site.
- The site falls within the catchments of the Swavelpoorspuit, which forms the northern boundary of the site. The riparian zones associated with the watercourse are considered to be of conservation importance.
- The proposed K147 road traverse the site.
- Objections were received from Interested and Affected parties pertaining to the new density of 17 units per hectare but these were adequately addressed by the consultant.

Based on the above, 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, to grant Forum SA Trading (PTY) Ltd authorisation in terms of Regulations R1182 and R1183 (as amended) promulgated under sections 21, 22, 26 and 28 of the Environment Conservation Act (Act 73 of 1989) subject to the conditions and provisions listed below.

### 3. CONDITIONS

#### 3.1. Description and extent of the activity

The authorisation applies in respect of a township establishment on Portion 62 and the Remainder of Portion 1 of the farm Rietfontein 375 JR.

The above activity falls within the ambit of sub regulation 2 (c) of Government Notice R1182 (as amended) promulgated under sections 21, 26 and 28 of the Act.

The township establishment will occupy 376,2 ha and will be developed at a density of 17 units per hectare.

#### 3.2. Specific conditions

1. No development within the 1:100 year flood line.
2. No development must take place on the identified road reserve (K147).
3. A written undertaking that the developer will contribute to the upgrade and maintenance of all affected roads is to be submitted.
4. The identified cemetery and old buildings on site must be preserved and managed in accordance with the requirements of the South African Heritage Resources Agency (SAHRA) and the Tshwane Building Heritage Department.
5. Any archaeological sites exposed must not be disturbed during or after the construction period prior to authorisation from the South African Heritage Resources Agency (SAHRA). The removal, exhuming, destruction, altering or any other disturbance of heritage sites must be authorised by SAHRA in terms of the National Heritage Resources Act (Act No. 25 of 1999).
6. The removal of *Acacia mearnsii* (Black Wattle) on site and the planting of indigenous trees must be undertaken accordance with the requirements of the Department of Water Affairs and Forestry (DWAF).
7. All comments from DWAF must be adhered to.
8. No maintenance or repair of construction vehicles is allowed on site.
9. Construction equipment may only operate between the hours of 8H00 and 17h00 weekdays, from 08:00 to 13:00 on Saturdays and operation is prohibited on Sundays and public holidays.
10. Adequate facilities must be provided for the storage of oil, paint, diesel etc.

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11. No materials used during construction or rehabilitation phases of the project may be disposed of on site.
12. Dust generated by construction activities must be minimised by appropriate dust suppression techniques such as the use of water sprinklers.
13. Workers movements must be limited to the construction area only and must be enforced in terms of the contracts appointment.
14. During construction storm water control measures must be in place to prevent erosion and storm water related damage.
15. Prevention of erosion or leaching of water from stockpiles should be maintained during construction.
16. A record of all environmental incidents related to the development must be maintained.
17. A copy of the records mentioned above must be available to the Department within 7 days of written request by the Department for such records.

### 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, an agent, servant, or employee or any person rendering a service to the applicant in respect the activity, 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 authorisation cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.

### 3.4. Duration of authorisation

If the activity authorised by this letter does not commence within 3 years from the date of signature of this letter, the authorisation will lapse and the applicant will need to reapply for exemption or authorisation in terms of the above legislation or any amendments thereto.

### 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 authorisation, 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: 16th 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 and furnish copies of the appeal which will be submitted to the MEC to all registered interested and affected parties. 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 no development may commence prior to the expiry of the time period allowed for the submission of an appeal, or in the event of an appeal being lodged, before the MEC has reached a decision on the appeal.

Yours faithfully

  
 Dr. S.T. Cornelius  
 Head of Department  
 Department of Agriculture, Conservation and Environment

Date: 27/05/2005