

# AGRICULTURE, CONSERVATION, AND ENVIRONMENT

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Reference: Gaut: 002/05-06/0330

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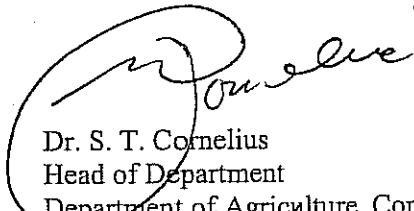
BY [FACSIMILE] / [REGISTERED MAIL]

Dear Sir

**GRANTING OF CONDITIONAL AUTHORISATION FOR PROJECT REFERENCE  
GAUT 002/05-06/0330: PROPOSED TOWNSHIP ESTABLISHMENT ON A  
PORTION OF THE REMAINDER OF PORTION 114 OF THE FARM  
OLIEVENHOUTBOSCH 389 JR; OLIEVENHOUTBOSCH X 30 - 35**

Please find attached the Record of Decision in respect of your application for 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).

Yours faithfully



Dr. S. T. Cornelius  
Head of Department

Department of Agriculture, Conservation and Environment

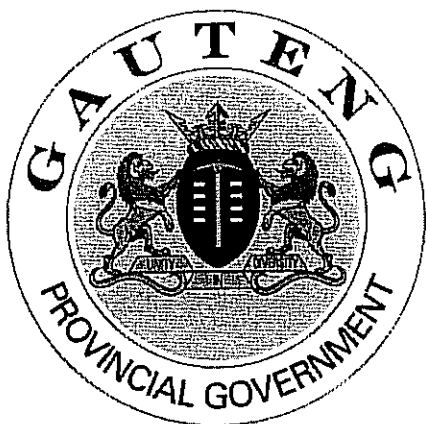
Date: 18/04/2007

CC: Bokamoso Landscape Architects and Environmental Consultants

Attn: Lizelle Gregory  
Tel: (012) 346 3810  
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City of Tshwane Metropolitan Municipality

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### RECORD OF DECISION FOR PROJECT REFERENCE GAUT: 002/05-06/0330

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 **Cosmopolitan projects** to undertake the activity specified/ detailed below subject to the indicated conditions.

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

The proposal entails a change of land use from 'Agriculture' to 'Residential 1' and 6 erven zoned 'Special' for purposes of establishing community facilities (convenience shops, crèche and clubhouses) 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 township establishment is proposed to take place on a Portion of the Remainder of Portion 114 of the farm Olievenhoutbosch 389 JR to be known as Olievenhoutbosch extension 30 - 35. The site falls within the jurisdiction of the City of Tshwane Metropolitan 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 September 2005
  - Additional information dated 21 August 2006 and 08 February 2006
- b) Information obtained from the Departmental information base including *inter alia*:
  - Gauteng Agricultural Potential Atlas (GAPA) (2006)
  - Gauteng Conservation Plan (version 2)
- c) Compliance with applicable departmental, provincial and national legislation, policies and guidelines including:
  - The objectives and requirements of the Act;
  - Principles set out in section 2 of the National Environmental Management Act, 1989 (Act 107 of 1998) ("NEMA") and
- d) The findings of the site visit undertaken by Ernest Mulibana on 08 March 2007.

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

- The proposed township constitutes infill development and will result in densification within the urban edge.
- Several specialist studies have been conducted on the entire site, focusing on amongst other things fauna and flora, traffic impact, wetlands, as well as geotechnical aspects. In view of the

recommendations contained in the specialist studies, there is a strong possibility that the township will have minimal impact on the environment and that such impacts as may eventuate could be mitigated.

- The proposed township will be developed in six phases as indicated below:  
Phase 1: Olievenhoutbosch Ext 30  
Phase 2: Olievenhoutbosch Ext 31  
Phase 3: Olievenhoutbosch Ext 32  
Phase 4: Olievenhoutbosch Ext 33  
Phase 5: Olievenhoutbosch Ext 34  
Phase 6: Olievenhoutbosch Ext 35
- Advertising was carried out as required for the consideration of an authorisation application.
- No objections were received from Interested and Affected parties (I &AP's).

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 **Cosmopolitan projects** 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 change of land use from 'Agricultural' to 'Residential 1', 'Special for purposes of establishing community facilities (convenience shops, crèche and clubhouses)' and 'Public open space'. The proposed development will be located on a Portion of the Remainder of Portion 114 of the farm Olievenhoutbosch 389 JR to be known as Olievenhoutbosch X 30 - 35 which is 60 ha in extent.

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.

#### 3.2. Specific conditions

- a. No development or any other form of disturbance is allowed within 32 meters from the edge of the temporary zone of the wetlands occurring on the site, as indicated by the wetland Delineation compiled by Scientific Aquatic Services CC. dated July 2006. The floodplain must be fenced off prior to the commencement of construction activities; to prevent any damage to vegetation and soils from construction activities and this must be zoned 'Public Open Space'.
- b. The developer should make provision for proper sanitation and ablution facilities on site during construction and these must be maintained at all times to prevent any risk of surface and ground and surface water pollution.
- c. Proper waste management measures must be implemented during all phases of the development, and the waste must be disposed off at a solid waste site permitted under section 20 of the Environmental Conservation Act, 1989 (Act 73 of 1989) and or NEMA.
- d. An infrastructure Provision Plan, drafted in accordance with the standards and requirements of CTMM must be compiled to cater for the following:
  - Storm Water Management with emphasis on the prevention of erosion and storm water related damage to the property. This must especially be relevant to the pre-construction and construction phases when an increase in built up surface coverage over the entire site will occur.
  - Clear and adequate drop off and pick up points (lay-byes) for public transport on all major roads.

- Each township must provide at least one centrally located public park of a minimum of 2000m<sup>2</sup> with recreational and aesthetically pleasing playground equipment such as park benches, picnic tables, swing sets and slides.
- e. All recommendations stipulated in the Scoping Report and conditions should be adhered to. These recommendations are seen as an extension of this RoD and non-compliance therewith will constitute non-compliance with the conditions of this RoD.

### 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 five (5) 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: 16<sup>th</sup> Floor, Diamond Corner Building, 68 Eloff Street, Johannesburg.

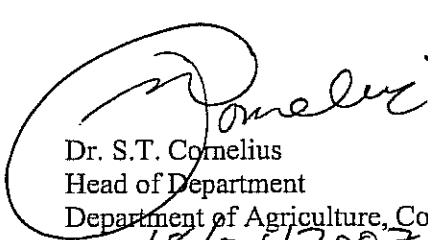
Please note that all appeals must comply with Section 35 of the Environment Conservation Act, Act No 73 of 1989, read together with Regulations R1182 and R1183 of 5 September 1997. In terms of the above section and regulations, your appeal must set out all the facts as well as the grounds of appeal. 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: 18/04/2007

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