



Department of Agriculture, Conservation & Environment

My Ref: EIA 510/2005 NW

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Ms. Anna Greyling
P.O. Box 40111
MORELETA PARK
0044
Tel: 082 447 2171
Fax:

Attention: Ms. Anna Greyling

Dear Madam

AUTHORISATION FOR THE PROPOSED TOWNSHIP ESTABLISHMENT ON PORTION 233 (A PORTION OF PORTION 70) OF THE FARM WATERKLOOF NO. 305 JQ AND THE REMAINING EXTENT OF PORTION 70 (A PORTION OF PORTION 6) OF THE FARM WATERKLOOF NO. 305 JQ, RUSTENBURG LOCAL MUNICIPALITY, NORTH WEST PROVINCE

Your application for authorisation in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) in respect of the following activities:

1. Change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use;
2. The construction, erection or upgrading of:
 - Schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes; and
 - Sewerage treatment plants and associated infrastructure.[Listed activities 2(c), 1(l) and 1(n), respectively, in Schedule 1 of GN.R 1182 of 5 September 1997, as amended in terms of section 21 of the said Act] refers.

This Department has evaluated the Scoping Report for the *proposed township establishment on portion 233 (a portion of portion 70) of the farm Waterkloof 305 JQ and the remaining extent of portion 70 (a portion of portion 6) of the farm Waterkloof 305 JQ, Rustenburg Local Municipality, North West Province* received 25 May 2007 compiled by K. Raubenheimer (Maxim Planning Solutions) to verify whether these activities will have significant negative impacts on the environment.



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In terms of section 22(3) and by virtue of the power delegated by the Minister in terms of section 33(1) of the Environment Conservation Act, 1989 (Act No. 73 of 1989), the Chief Director: Environmental Services of the Department of Agriculture, Conservation and Environment authorises:

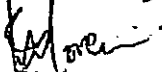
1. *Change of land use from agricultural or zoned undetermined use or an equivalent zoning to any other land use;*
2. *The construction, erection or upgrading of:*
 - *Schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes; and*
 - *Sewerage treatment plants and associated infrastructure.*

As prescribed in schedule 1, items 2(c), 1(l) and 1(n) of Government Notice No R 1182 of 5 September 1997, as amended, refer to the proposed township establishment on portion 233 (a portion of portion 70) of the farm Waterkloof 305 JQ and the remaining extent of portion 70 (a portion of portion 6) of the farm Waterkloof 305 JQ, Rustenburg Local Municipality, North West Province.

Enclosed, please find the Record of Decision and the conditions under which your application is authorised.

Formal appeals regarding the authorisation can be directed to the MEC for Department of Agriculture, Conservation and Environment, North West Province. Such an appeal must be lodged within 30 days from the date of this authorisation.

Yours faithfully



Mr. Tshupo Moremi

Chief Director: Environmental Services

North West Department of Agriculture, Conservation and Environment

Date: 15/08/07

Cc: Maxim Planning Solutions

Contact Person: Mr. K. Raubenheimer

Tel: (018) 462 1756

Fax: (018) 462 4593

Department of Water Affairs and Forestry

North West Regional Manager: -Mr C. M Lobakeng

Tel: (018) 383 3270

Fax: (018) 384 0913/392 2998

RECORD OF DECISION

DECISION IN TERMS OF SECTION 22(3) OF THE ENVIRONMENT CONSERVATION ACT, 1989 WITH REGARD TO THE UNDERTAKING OF THE ACTIVITY DESCRIBED BELOW AS REQUIRED BY GOVERNMENT NOTICE NO. R 1183 OF 5 SEPTEMBER 1997, AS AMENDED.

1. REFERENCE NUMBER: EIA 510/2005 NW

2. BRIEF DESCRIPTION OF ACTIVITY:

The development will consists of 20 "Residential 1" stands, 3 "Residential 2" stands and four "Special" stands for offices.

3. LOCATION:

The proposed township Waterkloof East Extension 6 is situated on Portion 233 (a Portion of Portion 70) of the farm Waterkloof No. 305 JQ and the remaining extent of portion 70 (a Portion of Portion 6) of the farm Waterkloof No.305 JQ.

The proposed development area is located directly adjacent and to the west of the Rustenburg-Johannesburg Road (P16-1) and to the south of the Rustenburg Central Business District. The Waterfall Mall as well as the intersection of the N4 and the R24 (Rustenburg-Johannesburg Road) is located to the north of the site.

4. APPLICANT:

Mrs. Anna Greyling
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MORELETA PARK
0044
Cell: 082 447 2171
Fax: 011 444 0913

5. CONSULTANT

Maxim Planning Solutions
P.O. Box 21114
PROTEA PARK
0305
Tel: (014) 592 9489
Fax: (014) 594 2061

6. SITE VISITS

A site visit was conducted on 19 June 2007 by Alter Mavunda and Junior Sekoale of this Department, and Lorinda of Maxim Planning Solutions.

7. DECISION

Authorisation is granted in terms of section 22(3) of the Environment Conservation Act, 1989 (Act No. 73 of 1989) for the following activities:

1. *Change of land use from Agriculture or zoned undetermined use or an equivalent zoning to any other land use;*
2. *The construction, erection or upgrading of-*
 - *Schemes for the abstraction or utilisation of ground or surface water for bulk supply purposes;*
 - *Sewerage treatment plants and associated infrastructure;*

[Listed activities 2(c), 1(i) and 1(a), respectively, as prescribed in Schedule 1 of Government Notice No. R. 1182 of 5 September 1997, as amended, refer to the proposed township establishment on portion 233 (a portion of portion 70) of the farm Waterkloof 305 JQ and the remaining extent of portion 70 (a portion of portion 6) of the farm Waterkloof 305 JQ, Rustenburg Local Municipality, North West Province.

This authorisation is granted subject to the following conditions:

7.1. SPECIFIC CONDITIONS

- 7.1.1 The authorised activities, including site preparation may not commence before the statutory 30 days of an appeal period has expired.
- 7.1.2 The mitigation measures and recommendations in the Scoping Report received on 22 May 2007 compiled by Mr. K. Raubenheimer (Maxim Planning Solutions) for the above-mentioned activities must be adopted and implemented. This document is included in all contract documentation for the construction phase of the development and shall be a legally binding component of the contract. Any alteration to the Scoping Report shall be subject to the Approval by this Department.
- 7.1.3 The applicant must appoint a suitably experienced Environmental Control Officer to ensure that conditions stipulated in this Record of Decision and mitigation measures outlined in the Scoping Report strictly complied with. The name and the contact details of such an officer must be forwarded to this Department at least three weeks prior to construction taking place.
- 7.1.4 Prior to construction commencing on site, top soil must be stripped from the work site and separately stockpiled for later use in rehabilitating damaged areas.
- 7.1.5 Storm water from the development must be attenuated on site before discharging into the water course.
- 7.1.6 All access points must be designed in accordance with the requirements, standards, and specifications of the Department of Transport, Roads and Community Safety which shall be informed one month prior to the works commencing.
- 7.1.7 Mobile dry chemical toilets must be supplied for the construction workers during the construction phase of the project.

- 7.1.8 Cement contaminated effluent must not be allowed to enter any natural or man-made water system.
- 7.1.9 Dust must be properly managed during the construction phase.
- 7.1.10 Effective measure must be put in place to combat soil erosion.
- 7.1.11 Construction during peak rainfall season must be avoided.
- 7.1.12 A written confirmation from Rustenburg Local Municipality in respect of whether sufficient water is available to sustain the development must be obtained prior to the commencement of the development.
- 7.1.13 A Landscaping Plan that incorporates the locally occurring indigenous vegetation must be compiled and enforced for landscaping of all private and communal landscaping.
- 7.1.14 In the event that ground water utilisation is contemplated, the applicant shall strictly comply with the following:
- 7.1.14.1 The water use license in terms of relevant provisions of section 21 National Water Act, 1998 (Act No.36, 1998) must be obtained from Department of Water Affairs and Forestry before the development is allowed to commence. The Ground Water feasibility Study must accompany the application;
- 7.1.14.2 The Ground Water Management Plan which shall include routine monitoring of water levels, abstraction volumes, rainfall figures and quality, and the evaluation of hydro- geological monitoring by a qualified independent hydro-geologist on a bi-annual basis must be developed and be forwarded to the Department of Water Affairs and Forestry (DWAF).
- 7.1.15 The sewerage treatment plant to be used must meet the Department of Water Affairs and Forestry's Minimum requirements in terms Environmental Best Practice Guidelines and Specifications for Environmental Planning, Construction and Operation.
- 7.1.16 A Solid Waste Management Plan detailing the responsible party for solid waste removal as well as the frequency in terms of how it will be done and where it would be disposed of must serve as a prerequisite before the development takes place.
- 7.1.17 In the event of the uncovering of any further material of archaeological or cultural significance during foundation excavation, the construction in the vicinity of the finding must be stopped. Such an archaeological site must be marked and fenced off, and South African Heritage Resource Agency must be contacted as soon as possible. Under no circumstances shall any artefact be destroyed.

- 7.1.18 A comprehensive Storm Water Management Plan which outlines the storm water drainage lines and discharge thereof must be developed in accordance with the requirements of both the Rustenburg Local Municipality and the Department of Water Affairs prior to the development taking effect.
- 7.1.19 All services infrastructure must conform to the design and standards as published in the "Guidelines for Provision of Engineering Services and Amenities in Residential Developments". Any deviation in this regard shall be subject to the approval of the Department Civil Engineering of the Rustenburg Local Municipality.
- 7.1.20 Should any endangered or red data species be found during construction, such species must be translocated by a suitably qualified botanist to a suitable habitat.
- 7.1.21 No fires are allowed outside the construction area. Adequate fire fighting equipment in good working condition according to the fire hazard during construction period must be available on site. Suitable firebreaks must be established in accordance with the requirements and conditions as stipulated in chapter 3 of the National Veld and Forest Fire Act, 1998.
- 7.1.22 Strict design parameters aimed at retaining the visual aesthetics of the natural surroundings must be decided upon and implemented.
- 7.1.23 During the construction phase, the operation of machinery, equipment, and or vehicles must be kept to normal working hours from 07H00-18H00 in summer and from 07H30-17H00 in winter in order to avoid noise from constituting a nuisance.
- 7.1.24 On completion of the construction, the contractor must clear away and remove from the site all construction unwanted materials. Disturbed areas must be rehabilitated to the satisfaction of this Department.

7.2 STANDARD CONDITIONS

- 7.2.1 This authorisation is granted only in terms of section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) and does not exempt the holder thereof from compliance with any other legislation.
- 7.2.2 This authorisation refers only to the activities as specified and described above. Any other activity listed under section 21 of the Environment Conservation Act, 1989 (Act 73 of 1989) which is not specified above, is not covered by this authorisation, and must therefore comply with the requirements of the Act, Government Notice R. 1183 and its amendments.
- 7.2.3 The conditions of this authorisation must be brought to the attention of all persons (employees, sub-contractors, contractors, etc) associated with the undertaking of those activities and the applicant must take necessary measures to bind such persons to this conditions. The applicant must carry out regular environmental audits to establish compliance with condition of this authorisation.
- 7.2.4 This authorisation is subject to the approval of the affected local authority in terms of any legislation administered by them.

- 7.2.5 One week's notice, in writing, must be given to the Director: Environmental Management and Protection of this Department before commencement of the construction activities. Such notice shall make clear reference to the site location details and reference number given above.
- 7.2.6 The applicant must notify the Director: Environmental Management and Protection, in writing, within 24 hours, if any condition of the conditions of this authorisation is not complied with.
- 7.2.7 Changes in the proposal resulting in significant environmental impacts are only permissible if approved in writing by the Director: Environmental Management and Protection of this Department.
- 7.2.8 The applicant must within five days of receipt of this Record of Decision:
- 7.2.8.1 Inform all interested and affected parties registered during the EIA process of the outcome of this application and, if requested, provide copies of this Record of Decision, including all the conditions attached thereto.
- 7.2.8.2 Include in such information the explicit provisions of the regulation 11 of the Environmental Impact Assessment Regulations (Government Notice R 1183 of 5 September 1997) which reads as follows:
- "An appeal to the Minister or provincial authority under section 35(3) of the Act must be done in writing within 30 days from the date on which the Record of Decision was issued to the application in terms of regulation 10(1).
 - An appeal must set out all facts as well as the grounds of appeal, and must be accomplished by all relevant documents or copies of them which are certified as true by a commissioner of oaths".
 - Include the date on which the Record of Decision was issued to the applicant in terms of regulation 10(1).
 - 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.
- 7.2.9 A copy of this authorisation shall be available on site during construction and all staff, contractors and sub-contractors shall be familiar with or be made aware of the contents of this authorisation.
- 7.2.10 This Department may add to, change and/or amend any of the condition in this authorisation if, in the opinion of the department, the addition, change or amendment is environmentally justified.
- 7.2.11 This Department must be notified, within 30 days thereof, of any change of ownership and/or project developer. Conditions stipulated in this Record of Decision must be known to the new owner and/or developer and are binding on the new owner and/or developer.

- 7.2.12 This Department must be notified for any change of the address of the applicant.
- 7.2.13 Any complaint from the public during the construction and operation of the activities must be attended to as soon as possible to the satisfaction of the parties concerned. A complaint register must be kept up to date and shall be forwarded to this Department upon request.
- 7.2.14 The applicant is responsible for compliance with the provisions of the Duty of care and remediation of damage contained in section 28 of the National Environmental Management Act (Act No. 107 of 1998).

7.3 NON - COMPLIANCE

- 7.3.1 In the event of non-compliance by any contractor during the construction of the authorised activities, the holder / applicant of this authorisation will be liable.
- 7.3.2 The holder / applicant shall be responsible for all costs necessary to comply with the above conditions unless otherwise specified.
- 7.3.3 If any condition imposed in terms of this authorisation is not being complied with, the authorisation may be withdrawn after 30 days written notice to the applicant in terms of section 22(4).
- 7.3.4 Failure to comply with any of these conditions shall be regarded as an offence and may be dealt with in terms of sections 29, 30 and 31 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) as well as any other appropriate legal mechanisms.
- 7.3.5 The holder must in the event of non-compliance with any condition of this authorisation inform the Director : Environmental Management Protection of this Department, in writing, within 48 hours.
- 7.3.6 Records relating to compliance and non-compliance with the conditions of this authorisation must be kept in good order. Such records shall be made available to this Department within seven (7) days of receipt of a written request by the Department.
- 7.3.7 Provincial Government, Local Authority or committees appointed in terms of the conditions of the application or any other public authority or organisation shall not be held responsible for any damages or losses suffered by the developer or his successor in title in any instance where construction or operations subsequent to construction are to be temporarily or permanently stopped for reasons of non-compliance by the developer with the conditions of approval as set out in this document or any other subsequent document emanating from these conditions of approval.

8 KEY FACTORS FOR DECISION

- 8.1 The Department's authorisation is based upon a review of the Scoping Report received on 25 May 2007 and the additional information dated February 2006. The EIA concludes that both benefits and negative impacts are anticipated as a result of the development.

- 8.2 The Environmental Impact Assessment conducted complies with the requirements of the EIA regulations. Information submitted by the independent environmental consultant is deemed to be sufficient and adequate to make an informed decision.
- 8.3 According to the Geotechnical Investigation conducted by Mr David van der Merwe, the Engineering Geologist, the site is deemed feasible should all the proposed site-specific engineering requirements be implemented and strictly adhered to.
- 8.4 No sensitive biophysical, socio-economic or cultural-historical aspects were found to have fatal flaws during the EIA process and review of the Scoping report.
- 8.5 The requirements of relevant government legislation, policies and guidelines, including section 2 of the National Environmental Management Act ("NEMA") have been considered.
- 8.6 The advertisement of the project was placed in the "Rustenburg Herour" newspaper on 25 May 2007. On site notice was displayed prominently on the fence of the proposed site. The public participation process followed as part of the EIA process conformed to the requirements of the EIA regulations.

9. DURATION AND DATE OF EXPIRY

If the construction does not commence within a period of two years from the date of this authorisation, it will lapse, and should the applicant intend to invoke the project, the application procedure as detailed in GN.R 1183 must be followed.

10. APPEAL

Formal appeals on the Record of Decision must be lodged within 30 days from the date of this authorisation, with:

The Member of the Executive Council
Department of Agriculture, Conservation and Environment
Private Bag x 2039
MMABATHO
2735
Tel. (018) 389 5111
Fax. (018) 384 2679

11. ISSUED BY

Mr Tshepo Moremi
Chief Director: Environmental Services
North West Department of Agriculture, Conservation and Environment

Signature: Date: 15/08/07