



# AGRICULTURE, CONSERVATION, ENVIRONMENT & LAND AFFAIRS

Office of the Head of Department

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Reference:	Gaut 002/01-02/259
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Winterwood Estates  
P O Box 7851  
Petit  
1512

Attention: Mr. D. Maartens  
Fax: (011) 969 2449  
Tel: (011) 969 3367

BY: [FACSIMILE ] / [REGISTERED MAIL ]

Dear Sir

## AUTHORISATION AND RECORD OF DECISION OF PROJECT REFERENCE GAUT: 002/01-02/259

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

*Maatso*  
 Dr. P.E. Hanekom  
 Head Of Department  
 Department of Agriculture, Conservation, Environment and Land Affairs  
 Date: 11/7/13

Cc: NB Projects Environmental Management: Mr. Mr Nico Botha  
Fax: (011) 678-4665

Mr Leon Bezuidenhout (Head of Urban Development and Planning)  
Benoni Service Delivery Centre  
Fax (011) 741- 6297



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Dear Sir

### AUTHORISATION AND RECORD OF DECISION OF PROJECT REFERENCE GAUT: 002/01-02/259

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, Environment and Land Affairs ("the Department") hereby authorises Winterwood Estates to undertake the activity specified/ detailed below. This authorisation is subject to the conditions set out below.

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

The authorised activity is the proposed change of land use of portion 18 of the farm Vlakfontein 69 IR from "Agriculture" to "Residential" in order to establish Rynfield Extension 51 township.

### 3. KEY FACTORS INFORMING THE DECISION:

In reaching the decision the Department has considered the following:

- a) The information contained in the:
  - The Scoping Report for the proposed Rynfield Extension 51, submitted to GDACEL in June 2002 for consideration.
- b) Information obtained from the Departmental information base including *inter alia*:
  - GIS (Buffer Zones, Geology, Open Space, Soil Capability).
  - GOSP (Cover, Heritage PEI<sup>1</sup> and Agricultural PEI<sup>1</sup>).
- c) Compliance with applicable Departmental, Provincial and National policies and guidelines including:
  - The Act and the principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998) ("NEMA"); and the Principles of the Development Facilitation Act (Act No. 67 of 1995).
- d) The findings of the site inspection undertaken by Ms. Cate Rapudi Mr Franz Scheepers, Ms Marianne Forsyth and Mr Graig Whittington-Jones of GDACEL on the 18<sup>th</sup> of September 2002.

Based on the evaluation of the above information the Department concluded *inter alia* that:

- a) The activity will not lead to substantial detrimental impact on the environment, alternatively that potential detrimental impacts resulting from the activity can be mitigated to acceptable levels. This conclusion is based on the following:
  - i. The proposed development will promote in-fill development and densification within the urban edge.
  - ii. The development is in line with the Benoni IDP.
- b) The application complies with the principles of the National Environmental Management Act, 1998 (Act 107 of 1998)

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<sup>1</sup> Provincial Environmental Importance

#### 4. Conditions

The authorisation is subject to the following conditions:

##### 4.1. Specific conditions

- a. The boundary fence with Rynfield Extension 10 and 11 must not extend into the water of the pan.
- \* b. Relocation of both fauna and flora to undisturbed areas away from the development site requires permit from DACEL.
- c. The construction of bird watching hides must be done as per DACEL's requirements to ensure minimum impact on the environment and the correct location of the structure.
- d. Electricity and phone lines must be buried to minimise the risk of birds collision with the lines, causing unnecessary bird mortality on site.
- \* e. No fishing is allowed in the pan without permit from DACEL.
- \* f. No swimming is allowed onto the pan.
- \* g. When the pan is dry, no walking, cycling, horse riding and the use of any motorised transport across the pan is allowed.
- h. All recommendations outlined in the Environmental Management Plan (EMP) for Rynfield Extension 51, are considered as an extension of the conditions of this authorisation. Non-compliance with the above will constitute non-compliance with the conditions of this authorisation.
- \* i. All recommendations made in the Specialist Faunal and Herpetological Survey by Mr C L Cook dated the 31<sup>st</sup> of January 2003, are considered as an extension of the conditions of this authorisation. Non-compliance with the above will constitute non-compliance with the conditions of this authorisation.
- \* j. All recommendations made in the Butterfly Survey Report compiled by P Roos & G Henning Cc, are considered as an extension of the conditions of this authorisation. Non-compliance with the above will constitute non-compliance with the conditions of this authorisation.
- \* k. Provision for adequate facilities for the storage of oil, paint, diesel etc, during construction phase. Such facilities must be designed and stored in a way that would not pose threat to the environment and to the pan

- l. Construction camp: Tests must be conducted to determine the extent of surface water and/or ground water contamination as soon as spillage of fuel occurs. Appropriate remediation must be followed. Proof of the disposal of contaminated soil (if any) must be submitted to the Department within 2 days of the disposal thereof.
- m. The Environmental Management Plan (EMP) is binding on all managers and contractors working on site.
- n. A copy of the service agreements for waste, water, electricity and sewage must be forwarded to the Department prior to the commencement of construction activities.
- \* o. Solid waste must be removed to a recognised waste disposal site. No waste pits must be dug on site. The storage of solid waste on site, until such time as it may be disposed of, must be in a manner acceptable to the Local Authority and the Department of Water Affairs and Forestry.
- \* p. No materials used during the construction or rehabilitation phases of the project may be disposed of on site.
- q. To ensure that noise does not constitute a disturbance during construction, construction equipment may only operate between the hours of 8H00 and 17H00 weekdays, operation being prohibited on Sundays and public holidays.
- r. A record of all environmental incidents related to the development must be maintained.
- s. 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.
- \* t. Secure fencing must be erected around the site during the construction phase (i.e. site levelling, vegetation clearance, site pegging, installation of services etc.) of the development in order to prevent unauthorised access. Appropriate notification signs must be erected, warning the residents and visitors about the hazards around the construction site and presence of heavy vehicles.
- u. Maintenance or repair of construction vehicles must be done at a designated area on site.
- v. Compliance with Provincial noise requirements as outlined in Provincial Notice No. 5479 of 1999: Gauteng Noise Control Regulations.

#### 4.2. General conditions

- I. Any changes to, or deviations from, the project description set out in this Record of Decision 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.
- II. The applicant must notify the Department, in writing, at least (30) thirty days prior to the change of ownership, project developer or the alienation of any similar rights for the activity described in this Record of Decision. The applicant must furnish a copy of this Record of Decision 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.
- III. 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.
- IV. 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.
- V. The applicant shall be responsible for ensuring compliance with the conditions contained in this Record of Decision 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.
- VI. Departmental officials shall be given access to the property referred to in 2 above for the purpose of assessing and / or monitoring compliance with the conditions contained in this document at all reasonable times.
- VII. The applicant must notify the Department within 24 (twenty four) hours if any condition of this Record of Decision cannot, or is not, adhered to. The notification must be supplemented with reasons for non-compliance.

#### 4.3. Reporting requirements

As per section 4.1 above.

#### 4.4 Duration of authorisation

If the activity authorized by this letter does not commence within five (5) years from the date of signature of this Record of Decision, the authorisation will lapse and the applicant will need to reapply for authorisation in terms of the above legislation or any amendments thereto.

#### 5. Consequences of non-compliance

The applicant must comply with the conditions set out in this document. 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,

#### 6. Appeals

Appeals in respect of this decision must be directed to the MEC, Ms M. Metcalfe, Department of Agriculture, Conservation, Environment and Land Affairs, 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: 11<sup>th</sup> Floor, Diamond Corner Building, 68 Eloff Street, Johannesburg.

The applicant is required to inform all registered interested and affected parties of the decision contained in this Record of Decisions 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 would constitute non-compliance with this authorisation and will be dealt with accordingly, in addition such failure may result in the MEC considering requests for condonation for the late submission of an appeal favourably.

No development or activity 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.

**ISSUED BY:**

*W. Hanekom*

Dr. P.E. Hanekom  
Head Of Department  
Gauteng Department of Agriculture, Conservation, Environment and Land  
Affairs

Date: *11/7/03*

Cc: NB Projects Environmental Management: Mr. Mr Nico Botha  
Fax: (011) 678-4685

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