



GAUTENG PROVINCE

AGRICULTURE AND RURAL DEVELOPMENT
REPUBLIC OF SOUTH AFRICA

Reference: Gaut 006/17-18/E0157
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Suikerbos Valley Investments (Pty) Ltd
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Email: Hajibiz.sa@gmail.com

By Registered Mail

Dear Mrs. Ellen Hajipavlou,

AMENDMENT PART 2 REFUSED - PROPOSED MIXED USE TOWNSHIP ESTABLISHMENT TO BE KNOWN AS PROTEADAL EXTENSION 1 ON PORTION 216 (A PORTION OF PORTION 214) OF THE FARM PAARDEPLAATS 177 IQ, MOGALE CITY LOCAL MUNICIPALITY

Please be advised that the Department has, under the powers vested in it in terms of the Environmental Impact Assessment Regulations, 2014, ("the Regulations") decided **not to amend** the Environmental Authorisation GAUT 002/08-09/N0902 issued on 11 March 2011 read in conjunction with the extension of the validity period granted on 17 March 2016, Gaut 006/15-16/E0161 in respect of the above-mentioned activity.

In terms of Regulation 4(2) you are instructed to notify all registered interested and affected parties, in writing and within 14 days of the date of this letter, of the Department's decision not to amend the environmental authorisation as well as the provisions regarding the lodging of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 2 of the National Appeals Regulations, 2014 which regulates the appeal process. Should you wish to appeal any aspect of the decision, you must within 20 days of the date of the notification of the decision submit your appeal, including supporting documents, to the appeal administrator by any of the following means:

Postal Address:

The Appeals Administrator
Department of Agriculture and Rural Development
P.O. Box 8769
Johannesburg
2000

Physical Address

The Appeals Administrator
Department of Agriculture and Rural Development
56 Eloff Street, Umnotho House, 23rd Floor
Johannesburg
2000

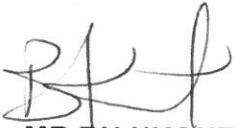
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Fax No: 011 240 3158/2700

Email Address: appeals@gauteng.gov.za

Your appeal must be submitted in the prescribed appeal form obtainable from the appeal administrator, Ms. Tsholofelo Mere, at telephone number 011 240 3204 or email address tsholofelo.mere@gauteng.gov.za. The appeal form is also available from our website: www.gdard.gpg.gov.za. Should you have any queries or require additional information regarding the appeal process, you can contact the appeal administrator on any of the mentioned contact details.

Kind Regards



MR BN NKONTWANA
HEAD OF DEPARTMENT: AGRICULTURE AND RURAL DEVELOPMENT

DATE: 26/6/2018

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REASONS FOR DECISION

1. Background

The Department issued Environmental Authorisation (EA) Gaut 002/08-09/N0902 on 11 March 2011 and one previous addendum, EA Gaut 006/15-16/E0161 dated 17 March 2016 to **Suikerbos Investments (Pty) Ltd** for the proposed development on Portion 216 (A Portion of Portion 214) of the Farm Paardeplaats 177 IQ), which falls within the jurisdiction of the Mogale City Local Municipality. The addendum was for the extension of the validity period of the initial EA, Gaut 006/15-16/E0161 for a further 5 years until 17 March 2021.

The applicant appointed Eco Assessments to compile and submit this amendment application.

The reasons to refuse the amendment of the EA is set out below.

2. Information Considered

The Department took, *inter alia*, the following into consideration -

- The information contained in the application for amendment of EA received by the Department on 23 May 2018.
- The Initial Environmental Authorisation with reference number Gaut 002/08-09/N0902 issued on 11 March 2011
- The objectives, principles and requirements of relevant legislation, policies and guidelines, including section 2 of the NEMA.
- GDARD Ridge Policy and Gauteng Environmental Management Framework, 2015 (GEMF, 2015)
- The information contained in the Departmental data base, including Geographic Information System.

3. Key Factors Considered

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.

- The argument offered in granting a footprint of 60% (condition 1.25 of the EA).
- The effects of the proposed amendment on the biodiversity on site.
- The relaxation of the buffer is not compatible with the environmental attributes of the site.
- The principal of the precautionary approach.

4. Findings

Having considered the information and factors listed above, the Department made the following findings:

- The condition in the EA dated Indicated that the development must not exceed 60% because the other part is highly sensitive.
- The proposed request is not a relaxation but a complete removal of the buffer as it is being reduced from 50 metres buffer to 0 metres buffer, which is not ecologically sustainable. The ecological link which is used and offered as an off-set in return for the Department approving the proposed site for development has always been regarded as an open space, itself worthy of conservation and significantly contributing to biodiversity conservation. Further to this, Condition 1.25 explicitly states that "these sensitive areas must be incorporated into conservation areas" hence no development may take place on the open space areas.

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- c) The relaxation of the buffer zone in the areas of the site to reduce the open space will negatively impact on the ecological functions of the site. It must be noted that the area which is needed to be developed it is regarded as an important area which needed to be conserved which serve together as an ecological link or open space corridor link. The proposed development in not compatible with the development guidelines for ridges, in particular where parts of this site constitute an untransformed "Class 3" ridge.
- d) The impact on the edge of the ridge will be detrimental on the functionality of open space which is characteristic of a "Class 3" ridge. According to Gauteng environmental Framework the site is high control zone 2 outside zone 1 which required to be a high conservation area. The ecosystem in this site is vital because it is a habitat for the extremely rare Albertina Sisulu orchid (*Brachycorythis conica subsp. transvaalensis*).
- e) Ridges and sensitive grassland are regarded as ecologically sensitive which need to be conserved from anthropogenic impact. The proposed removal of the buffer zone will have a negative effect on the site which is regarded as an Irreplaceable Area and plays a critical role in supporting the ecological function of a ridge. It must be noted that no development is permitted within the original open space and compensated eco-link corridor.

In view of the above, the Department is of the opinion that the amendments would result in an unacceptable negative environmental impact that would conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 (Act No. 107 of 1998 (as amended) and that the detrimental environmental impacts resulting from the proposed amendment cannot be mitigated to acceptable levels. The proposed amendment of Environmental Authorisation is **accordingly refused**

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