



DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT

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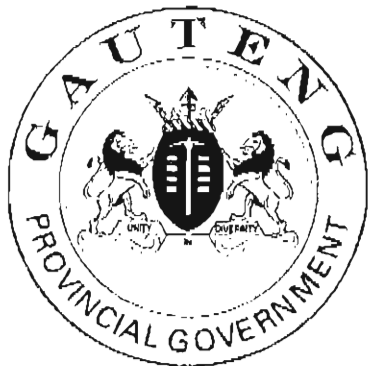
Enquiries: Tinyiko Malungani
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Reference: 002/05-06/2218

FAX COVER SHEET

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Date:	2007	Pages:	11 incl cover
Re:	PROPOSED TOWNSHIP DEVELOPMENT AND UPGRADING OF ROAD ON PORTION 107 OF THE FARM DOORNKLOOF 391-JR		

CC: Kungwini Local Municipality
Attn: Ms Lynn Schindler
Tel: 012 809 0563
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Bokamoso Landscape Architects & Environmental Consultants
Attn: Ms. Lizelle Gregory
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AGRICULTURE, CONSERVATION, AND ENVIRONMENT

Office of the Head of Department

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Mr Barry Hertzog
M & T Development
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BY FACSMILE / REGISTERED MAIL

Dear Sir

**REFUSAL OF AUTHORISATION FOR THE PROPOSED TOWNSHIP
DEVELOPMENT AND UPGRADING OF ROAD ON PORTION 107 OF THE FARM
DOORNIKLOOF 391-JR: PROJECT REFERENCE GAUT 002/05-06/2218**

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: _____

CC: Bokamoso Landscape Architects & Environmental Consultants Attn: Lizelle Gregory
Tel: 012 346 3810
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RECORD OF DECISION FOR PROJECT REFERENCE GAUT 002/05-06/2218

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") has decided not to authorise M & T Development to undertake the activity specified/ detailed below.

1. DESCRIPTION, EXTENT AND LOCATION OF THE ACTIVITY:

The proposed activity is the change of land use which falls within the ambit of sub regulations 1(d) and 2(c) of Government Notice R1182 (as amended) promulgated under sections 21, 26 and 28 of the Act.

The township development and road upgrade is proposed to take place on portion 107 of the farm Doornkloof 391-JR also known as Doornvallei Proper. The site falls within the jurisdiction of Kungwini Local Municipality of the Metsweding District Municipality.

2. KEY FACTORS INFORMING THE DECISION:

In reaching its decision not to grant authorisation, the Department took, *inter alia*, the following into consideration:

- a) The information contained in the Plan of Study for Scoping dated 17 February 2006 and Scoping Report dated June 2007 with supporting specialist reports submitted by Bokamoso Landscape Architects and Environmental Consultants.
- b) Relevant information obtained from the Departmental information base including *inter alia*:
 - Gauteng Biodiversity Conservation –Plan (C-Plan 2).
 - Gauteng Open Space Programme (GOSP).
 - The Department Ridges and Red Data Plant Policy.
 - Kungwini Local Municipality Integrated Development Plan.
- c) The objectives and requirements of relevant government legislation, policies and guidelines, including the Act and section 2 of the National Environmental Management Act (Act 107 of 1998) ("NEMA").
- d) Compliance with applicable departmental, provincial and national legislation, policies and guidelines including the principles set out in section 2 of the National Environmental Management Act 1998 (Act 107 of 1998).
- e) The findings of the site visit undertaken by Olivia Rakobela on 12 July 2006 and a follow up site visit by Helen Nonyane and Olivia Rakobela on 10 August 2007

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

- 2.1. A large part of the proposed development site is irreplaceable according to the Departmental Conservation Plan (C-Plan 2). Sites designated as irreplaceable in terms of C-Plan 2 analyses are highly sensitive areas that are essential for the conservation of biodiversity in Gauteng and therefore must be protected from transforming land uses. The site under consideration for the proposed activity or area designated as irreplaceable contributes towards the conservation of the following biodiversity features:
- a. Carltonville Dolomite Grassland, a vegetation type that is severely transformed and poorly conserved in Gauteng.
 - b. Suitable habitat for *Habenaria barbertoni*, a Red List plant species endemic to South Africa and currently considered Vulnerable.
 - c. *Cheilanthes deltoidea* subsp.nov.gauteng form confirmed on site, a newly discovered intraspecific taxon listed as vulnerable and known only from Gauteng and Limpopo.
 - d. Metapopulation requirements for *Trachyandra erythrorrhiza*, a Near Threatened plant species endemic to South Africa.
 - e. Suitable habitat for Melodius Lark (*Mirafra cheniana*), currently considered Near Threatened in South Africa. Predominant threats to this bird species include habitat loss, fragmentation and degradation.
 - f. *Ichneutoma stobbiai* (Stobbia's Fruit chafer) confirmed on site, a Red List beetle that qualifies for the Endangered category and is near endemic to Gauteng.
- 2.2. Furthermore, the proposed development site is associated with ecological processes. The proposed development activities will affect a river, a class 3 ridge and dolomite, which are associated with ecological processes such as cave ecosystem dynamics, groundwater dynamics, hydrological processes, nutrient cycling, evolutionary processes, pollination and wildlife dispersal. Development will detrimentally affect the natural functioning of these ecological processes, which are essential for the maintenance and generation of biodiversity. Rivers, ridges and dolomite are regarded as ecologically sensitive for the following reasons:
- a. Ridges
 - Ridges form biodiversity hotspots. As they provide resources needed for survival, reproduction and movement, they are also ideal refuges for wildlife in an urbanized landscape.
 - In a landscape affected by climate change, chances of species survival will be higher on ridges.
 - Ridges provide vital habitat for many threatened, rare and endemic species of fauna and flora.
 - Ridges, and the interface between the lower slopes and the flat ground adjoining a ridge, provide important habitat required for the completion of the life cycles of many invertebrates, many of which provide essential ecosystem services (e.g. pollination).
 - Ridges form naturally existing corridors that can functionally interconnect isolated natural areas and therefore play an important role in wildlife dispersal.
 - Other ecological processes associated with ridges, which are important for the maintenance and generation of biodiversity, include evolutionary processes, hydrological processes and pollination.

b. Dolomite

Internationally karst is recognized as a highly valuable, non-renewable resource that can be especially vulnerable to disturbance and therefore requires sensitive management. Karst or dolomitic areas contain some of South Africa's largest aquifers, which have particularly high storage capacities and high transmissivity values, but are also more vulnerable to contamination/groundwater pollution than any other types of aquifers.

The numerous caves found in dolomitic areas are also extremely sensitive environments which are of important ecological, scientific, heritage, educational, cultural and recreational value. These caves frequently contain spectacular crystal and limestone formations that have developed over thousand of years and are also important repositories of paleontological and archaeological relics. Many are import tourist attractions while others are of cultural and historical significance. These caves also provide essential refuges to a wide range of animals including rare and threatened bats, and they support a unique and poorly studied group of animals known as troglobytes or cave dwellers (i.e. various specialized worms, salamanders, snails, crayfish, isopods, amphipods, spiders, crickets, beetles and fish that have adapted to life in a dark, nutrient poor environment.

c. Rivers

River ecosystems (perennial and non-perennial) contribute to the conservation of biodiversity and provide ecosystem services such as clean water. Rivers provide a habitat to many species, both inside of the water body and the river channel as well as within the riparian zone and larger floodplains. Rivers and streams are linear ecosystems and are therefore extremely sensitive to any disturbance that may occur within the entire catchment of the river or stream. As rivers are affected along their entire lengths, stringent measures are required to prevent degradation at the point of impact as well as downstream. Therefore these features must be protected from transforming land uses such as the proposed development.

2.3. Findings of the various specialist studies submitted with the scoping report dated June 2007 supports the decision by the Department as indicated on the following reports:

- a. Section 10, page 26 of 33 in Annexure H (i) Flora and Fauna habitat survey report which states that a red data beetle species occurs on site and then recommends that the entire site be conserved.
- b. Paragraph one on page 8 of 8, Appendix A in Annexure H (iv): Invertebrate report for portions 107 and 129 of the farm Doornkloof 391-JR: "Portion 107 of the farm Doornkloof 391-JR is deemed the most important to leave undeveloped for the conservation of this *Ichnestoma stobbiai* population, especially the higher section of the site".
- c. Paragraph one on page 5 of 8 Appendix A in Annexure H (iv): Invertebrate report for portions 107 and 129 of the farm Doornkloof 391-JR: "Based on the observed adult activity and habitat type present most (80-90%) of the site has suitable habitat for *Ichnestoma stobbiai*."

Based on the above, the Department's conclusion is that the activity will lead to substantial detrimental impact on the environment, alternatively, that potential detrimental impacts resulting from this activity cannot be mitigated to acceptable levels and that the principles contained in section 2 of NEMA will not be given effect to if the activity were to proceed.

3. DURATION OF DECISION:

The applicant shall be entitled to reapply for authorisation in terms of the Act or any succeeding legislation after a period of 3 (Three) years from the date of this Record of Decision or prior to the expiry of this period if the applicant believes that a material change in the factors which influenced the decision of the Department has occurred.

4. APPEALS:

Appeals in respect of this decision must be directed to the MEC, Mr K Mosunkutu, Department of 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 this decision, or 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.

The lodging of an appeal in no way entitles the applicant to commence with the development or activity prior to a decision from the MEC upholding the appeal.

Yours faithfully

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

CC: Kungwini Local Municipality

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