To whom it may concern,

Stakeholder Notification of Environmental Authorisation: Proposed Kyalami, Braamfonteinspruit and Natalspruit Water Management Units Riverine and Eco-parks Rehabilitation, City of Johannesburg Metropolitan Municipality.

The City of Johannesburg Metropolitan Municipality was recently issued an Environmental Authorisation (dated 29 December 2016 and available on request from NTC) for the Kyalami, Braamfonteinspruit and Natalspruit Water Management Units Riverine and Eco-parks Rehabilitation project, Gauteng Province. The reasons for the issuance of the Environmental Authorisation are provided in Annexure 1 herewith.

In accordance with Government Notice Regulation 993, which prescribes the regulations pertaining to the processing, consideration of, and decision on appeals, under section 44(1)(a) read with section 43(4) of the National Environmental Management Act, 1998 (Act No. 107 of 1998) as amended, registered stakeholders have the right to appeal the decision should they wish.

The Appeal Process requirements are further detailed below for your information:

Regulation 4:

1) An appellant must submit the appeal to the appeal administrator, and a copy of the appeal to the applicant, any registered interested and affected party and any organ of state with interest in the matter within 20 days from:
   a) the date that the notification of the decision for an application for an environmental authorisation or a waste management licence was sent to the registered interested and affected parties by the applicant; or
   b) the date that the notification of the decision was sent to the applicant by the competent authority, issuing authority or licensing authority, in the case of decisions other than those referred to in paragraph (a).

2) An appeal submission must be-
   a) submitted in writing in the form obtainable from the appeal administrator; and
   b) accompanied by-
i) a statement setting out the grounds of appeal;
ii) supporting documentation which is referred to in the appeal submission; and
iii) a statement, including supporting documentation, by the appellant to confirm compliance with regulation 4(1) of these Regulations

Regulation 5: Responding Statement

- The applicant, the decision-maker, interested and affected parties and organ of state must submit their responding statement, if any, to the appeal authority and the appellant within 20 days from the date of receipt of the appeal submission.

Should you wish to lodge an Appeal, it must be submitted to:

The Appeals Administrator
Department of Agriculture and Rural Development
Fax: +27 11 240 3158/2700
Email: Appeals@gauteng.gov.za

By Hand
11 Diagonal Street
4th Floor, Diamond Building
Johannesburg

By Post
P.O Box 8769
Johannesburg
2000

The appeal must be submitted in the prescribed appeal form that can be obtained from the appeals administrator, Mr Tsholofelo Mere (Tel: +27 11 240 3204 or email: tsholofelo.mere@gauteng.gov.za).
Alternatively, the form can be sourced from the website: www.gdard.gpg.gov.za.

Should you have any questions, please do not hesitate to contact the undersigned.

Kind Regards,
Janna Bedford-Owen
Tel: +27 11 462 2022
Email: janna@ntcgroup.co.za
ANNEXURE 1: Reasons for the Decision

1. Background

The applicant, City of Johannesburg Metropolitan Municipality applied for authorisation to undertake the proposed rehabilitation of water management units riverine and eco-parks for listed Activities numbers 12, 19 and 27 of Listing Notice 1 and Activity number 14 of Listing Notice 3 of the 2014 Environmental Impact Assessment Regulations.

The applicant appointed Maragela Consulting Engineers (Pty) Ltd to undertake the Environmental Impact Assessment process.

2. Information considered in making the decision

In reaching its decision, the Department took, inter alia, the following into consideration:

a) The information contained in the final Basic Assessment Report dated October 2016 received by this Department on 25 October 2016.

b) The comments received from registered interested and affected parties and authorities as included in the final Basic Assessment Report.

c) Relevant information contained in the Departmental information base including Gauteng Conservation Plan 3.3 and Geographic Information System (GIS).

d) The objectives and requirements of relevant legislation, policies and guidelines, including Section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998).

e) Findings of the site inspection by Vincent du Plessis on 17 November 2016.

3. Key factors considered in making the decision

All information presented to this 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.

a) Benefits and use of wetlands

b) Critical Biodiversity Areas and Ecological Support areas occurring along the proposed area as identified in terms of the Gauteng Conservation Plan Version 3.3

c) The presence of a wetlands and river buffers on the various sites.

d) The presence of suitable habitat for red and orange listed plant species.

e) The presence of SANBI Priority Grassland Areas in the form of Gauteng Grassland.

f) Compatibility of the proposed development with the surrounding land uses.

g) The Public Participation Process as undertaken.

4. Findings

After consideration of the information and factors listed above, this Department made the following findings:

a) Wetlands aid in the provision of food, clean water, plants for pharmaceutical products and materials used in arts and culture, they can act as recreational areas for people e.g. used by people to go and relax and enjoy nature, used for water sports, bird watching and fishing etc.

b) GIS information based on the Gauteng Conservation Plan Version 3.3 indicates that several of the proposed sites fall within Critical Biodiversity Areas and Ecological Support areas. These proposed sites however comprises existing infrastructure that will be upgraded and has therefore already been disturbed.
The applicant has submitted an application for a water use license in terms of section 21(c) and (i) of the National Water Act (Act No. 36 of 1998) to the Department of Water and Sanitation. The applicant must comply with the condition set by the Department of Water and Sanitation should it decide to grant such a water use license.

The holder must comply with the conditions of the EMPR related to the clearance and rehabilitation of vegetation. This does not negate the compliance to any other mitigation measures in the EMPR.

The proposed upgrading of storm water infrastructure is compatible with current surrounding land uses.


In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the Environmental Authorisation, the proposed activities will not conflict with section 2 principles of Chapter 1 and the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act, 1998 and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to an acceptable level. The Environmental Authorisation is accordingly granted.