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16 March 2021

**GDARD Reference Number: GAUT 002/19-20/E2494**

**PROVINCIAL HERITAGE RESOURCES AUTHORITY – GAUTENG (PHRA - G)**

Attention: Ms. M. Ramphele  
Room 639, 6th floor of the NBS building  
38 Rissik Street (Cnr. Rissik & Market Streets)  
Johannesburg

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Dear Maphata Ramphele,

**REQUEST FOR EITHER AN EXEMPTION TO APPLY FOR A PERMIT OR ISSUANCE OF AN EMERGENCY PERMIT FOR A STRUCTURE (DAM WALL) OLDER THAN 60 YEARS: PROPOSED UPGRADE AND REHABILITATION OF THE EMBANKMENT AND SPILLWAY OF THE ALBERTS FARM DAM NORTHCLIFF; CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY, GAUTENG PROVINCE**

The Johannesburg Roads Agency (JRA) (implementing agent) on behalf of the City of Johannesburg Metropolitan Municipality (CoJ) appointed Galago Environmental as an independent Environmental Assessment Practitioner (EAP) to undertake a Basic Assessment (BA) process for the activities listed as Activities 19 and 49 of Listing Notice 1 and Activities 12, 14 and 23 of Listing Notice 3 of the Environmental Impact Assessment (EIA) Regulations, promulgated in terms of the National Environmental Management Act, 1998, (Act No. 107 of 1998) (as amended) (NEMA), for the proposed upgrade and rehabilitation of the embankment and spillway of the Albert's Farm dam. The proposed activity will be undertaken at Albert's Farm Park Dam in Northcliff, which falls within the jurisdiction of the City of Johannesburg Metropolitan Municipality.

A positive EA was granted on **26 February 2020 (Ref: GAUT 002/19-20/E2494)**. Water uses listed under Section 21 (c) and (i) of the National Water Act, 1998 (Act No. 36 of 1998) (NWA) will be triggered by the proposed project. A GA was lodged with the Regional Department of Water and Sanitation (DWS). A GA was issued on **01 October 2019 (Ref: 27/2/2/A321/156/3)**. The issued EA and GA further approve the Environmental Management Programme (EMPr), and thus the EMPr would be viewed as an extension of the EA and the GA.

**MANAGING DIRECTOR: MPHONGA MANYABE**  
**COMPANY REG: 2014/063679/07**

One of the specialist studies which was undertaken as part of the BA process is the Heritage Impact Assessment (HIA) which was undertaken in July 2019. The report concluded/ recommended that, due to the historic character of the dam wall as well as its high heritage significance, it is recommended that the site be subjected to a second phase of documentation before any alterations are made. A permit for the work will also need to be applied for by the developer. Furthermore, it is recommended that the construction work be periodically monitored by an experienced heritage practitioner.

The 2<sup>nd</sup> phase heritage documentation as recommended in the original HIA was submitted to PHRA - G in September 2019. However, a permit application to the PHRA – G was not lodged. The 2<sup>nd</sup> documentation recommended that the Built Environment Committee of the PHRA - G issue a permit for alteration of the Albert Farms Dam wall and associated infrastructure.

The dam wall is an old earth wall and has been failing for several years. The wall is currently in danger of breaching completely, which is a risk to the downstream wetland system as well as the biodiversity dependent on this water source. One of the problems is the old roots of the trees which have created pathways for egress of water. At the same time these roots are a part of the structure of the dam wall. The dam wall is in need to significant structural stabilisation and/or repair/reconstruction. The problem is exacerbated by the inadequacy of the spillway, which means that during heavy storm events the wall or embankment overtops. The construction of a more formal spillway is therefore required to limit the frequency of overtopping of the embankment.

Although pedestrian traffic is prohibited on the wall, a well-worn footpath runs along the crest of the wall with various shrubs and small trees blocking the path, which is being used as a cyclists' trail by the surrounding community members.

Due to the urgency of the project, and in order to prevent further risks as mentioned above, MC on behalf of the applicant would like to request that construction of the dam wall be allowed to proceed either through an exemption from the permitting process, or alternatively, through the issuance of an emergency permit from the PHRA - G.

Provision has been made under Chapter 3, Part 1, Section 48 (3) of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) (NHRA) that, *a heritage resources authority may at its discretion, in respect of any heritage resource protected by it in terms of the provisions of Chapter II, by notice in the Gazette or the Provincial Gazette, as the case may be, grant an exemption from the requirement to obtain a permit from it for such activities or class of activities by such persons or class of persons in such circumstances as are specified in the notice.*

Section 34 (1) of the NHRA states that, *no person may alter or demolish any structure or part of a structure which is older than 60 years without a permit issued by the relevant provincial heritage resources authority.*

Under Section 34 (3) of the Act, the PHRAG can exclude an area from the sixty-year rule. *The PHRA - G may at its discretion, by notice in the Provincial Gazette, make an exemption from the requirements of subsection (1) within a defined geographical area, or for certain defined categories of site within a defined geographical area, provided that it is satisfied that heritage resources falling into the defined area or category have been identified and are adequately provided for in terms of the provisions of Part 1 of this Chapter.*

This letter therefore serves as a request to the PHRA-G to exempt the applicant from having to apply for a permit, or alternatively, for PHRA - G to issue an emergency permit, so that construction may commence immediately, as all other approvals from the relevant departments have been granted, provided that all recommendations from the HIA documentation are complied with.

Yours sincerely

*Signed electronically\**

Ms. Mpho Manyabe  
Manyabe Consultancy (Pty) Ltd