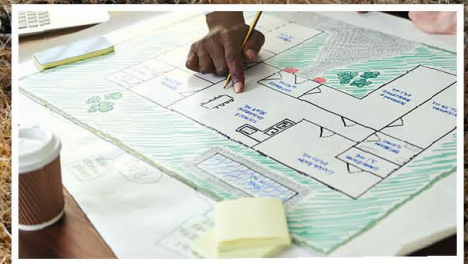
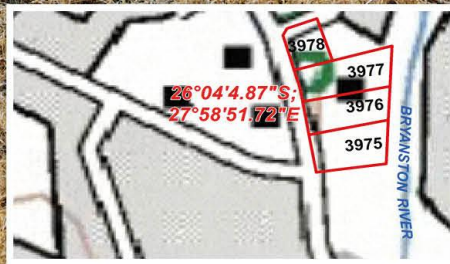




GA Environment



BRYANSTON EXT. 3B – NOTIFICATION LETTER

BASIC ASSESSMENT AND WATER USE LICENCE APPLICATION FOR THE PROPOSED BRYANSTON EXT. 3B HOUSING PROJECT AS PART OF THE RAPID LAND RELEASE PROGRAMME FOR THE GAUTENG PROVINCE DEPARTMENT OF HUMAN SETTLEMENTS, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY



JANUARY 2020

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KEY ABBREVIATIONS

BA	Basic Assessment
CBA	Critical Biodiversity Area
CBD	Central Business District
EA	Environmental Authorisation
EIA	Environmental Impact Assessment
EXT	Extension
GDARD	Gauteng Department of Agriculture and Rural Development
GDHS	Gauteng Department of Human Settlements
RLRP	Rapid Land Release Programme
NEMA	National Environmental Management Act, 1998 (Act 107 of 1998)
NWA	National Water Act, 1998 (Act 36 of 1998)
PPP	Public Participation Process

1. Background to the project

The Gauteng Department of Human Settlements (GDHS) is proposing to construct affordable housing in Bryanston Ext. 3 (Bryanston Ext.3B hereafter) which is located within the City of Johannesburg Metropolitan Municipality. The proposed housing project is part of the Gauteng Rapid Land Release Programme (RLRP) which was launched by the Premier of Gauteng Province, Mr David Makhura. The RLRP is a component of the broader land reform programme in the Province and the Republic of South Africa and is aimed at unlocking economic value through the release of land to qualifying individuals. Subsequent to the Gauteng Province; Executive Committee Approval on the 16th of May 2018, the Gauteng Department of Human Settlements is leading the Land Availability Stream (LAS), of the Rapid Land Release Programme (RLRP) to identify suitable sites for release to qualifying beneficiaries for use as:

- Serviced Sites for Self-build under the Finance Linked Individual Subsidy Programme (FLISP);
- Agricultural Sites;
- Commercial Buildings; and
- Multi-Storey Buildings.

The programme mainly aims to identify land parcels that are currently vacant, owned by either the National, Provincial or Local Government and can be allocated to qualifying beneficiaries for the development of human settlements and/or for agricultural purposes. Specific to the housing component of the RLRP, the GDHS will be involved primarily in the provision of serviced stands or completed housing to suitable beneficiaries.

The key aims of the RLRP are as follows:

- to ensure that unused land is released for either housing or agricultural activities; and
- to address the housing backlog in the Gauteng Province while catering for social and economic development.

The proposed Bryanston Ext. 3B housing project which will be discussed in this document is one of several RLRP projects.

The Bryanston Ext. 3B site is located approximately 30km north of the Johannesburg CBD and is located within Ward 104 of the City of Joburg Metropolitan Municipality. The co-ordinates of the approximate centre point of the site are 27°58'55.6"S; 26° 4' 4.6 "E. The site is located within the boundaries of the Ferndale Valley Arboretum and is bounded by Spruce Street to the North, the broader Ferndale Valley Arboretum to the east and south and Cork Avenue to the west. Direct access to the site is available from the site gate along Cork Avenue. Refer to the site's locality in **Figure 1**.

The project site occupies an area of 1.36Ha and comprises of the following erven in Bryanston Ext. 3 which are represented in **Figure 1**:

- Erf 3975;
- Erf 3976;
- Erf 3977; and
- Erf 3978.



Figure 1: Project site locality (Google Earth and Project Team)

2. Problem Statement

In the Gauteng City Region, persistent challenges continue to be encountered in terms of rapid urbanisation and in-migration, thus placing enormous pressure on service delivery and provision of housing. Gauteng is a net positive immigration hub, with more South African residents migrating into the province as opposed to migrating out. In addition to this, access to land remains a big challenge for Gauteng residents, particularly for purposes of Agriculture, Human Settlements, Economic production and Industrialisation. This is coupled with the fact that Land Acquisition has been a persistent constraint on the delivery of Human Settlements in relation to time spent acquiring land, and the associated costs thereof. Most importantly, Gauteng beneficiaries have long demanded land for serviced sites to build houses for themselves. The RLRP will therefore serve to address some of the housing challenges that Gauteng as the smallest province in South Africa is faced with.

3. Purpose of this Notification Letter

The Public Participation Process (PPP) forms an integral part of any environmental application. This Notification Letter provides basic information regarding the project and offers the reader an opportunity to obtain further information on the project so as to make informed comments, raise issues of concern and generally contribute positively towards the realisation of the project. The distribution of this document is a crucial step in advising the reader on how to become involved in the PPP. This document includes the following:

- A brief introduction to the project, including location and the proposed infrastructure;
- An overview of the proposed activities and the environmental legal framework in which the project will be executed; and
- An explanation of the Public Participation Process (PPP) to be followed.

4. Proposed Development

At the time of the compilation of this document and based on information received from the Project Team, the Bryanston Ext. 3 project was proposed as Finance Linked Individual Subsidy Programme (FLISP) Walk-Up's (i.e. Flats). FLISP is a Department of Human Settlement's Subsidy Programme aimed at first-time owners earning between R 3 501 and R 22 000 per month. Furthermore, 3 or 4 storey buildings and a total of 247 units were proposed on site. The site layout plan as well as the number of units that will be constructed on site will be confirmed at a later stage of the project.

Unless otherwise arranged, the development will be serviced by the City of Johannesburg Metropolitan Municipality in terms of provision of potable water, stormwater, roads, sewerage, electricity and any other required services.

It is important to highlight that as the project progresses, some of the details on the proposal may be changed in line with various requirements arising from the GDHS, other Authorities and/or Town Planning, Environmental, Engineering or other disciplines.

5. Need and Desirability for the project

The Bill of Rights as set out in Sections 7 to 39 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) presents aspects that are related to the rights of all persons residing within the boundaries of South Africa. Section 26(1) of the Constitution states that *“everyone has the right to have access to adequate housing”*. It is mainly against this background that the GDHS is proposing to develop housing in Bryanston Ext. 3B as well as other areas within the Gauteng Province. The economic opportunities available within the Gauteng Province attract a large number of persons from other Provinces of South Africa as well as abroad. The provision for adequate housing is therefore a priority for the GDHS who must ensure that housing is provided for all qualifying beneficiaries.

6. Environmental Legislative Requirements for the Proposed Development

Within the Bill of Rights, Section 24 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) states that:

“Everyone has the right—

(a) to an environment that is not harmful to their health or wellbeing; and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—

(i) prevent pollution and ecological degradation;

(ii) promote conservation; and

(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.”

It is clear that environmental protection is crucial for human well-being and to ensure sustainable development whilst ensuring the protection of the natural environment.

In order to identify potential environmental issues that may arise during the construction and operation of the proposed housing infrastructure, a site visit as well as desktop studies were undertaken. The following are the *key* environmental characteristics of the site based on site observations as well as desktop studies:

- According to the GIS desktop study, almost 1.17Ha of the site is located within an Ecological Critical Biodiversity Area (CBA);
- The site is largely pristine possibly due to controlled access;
- Birds and small animals occur within the site; and
- The Bryanston River runs along the eastern section of the site.

The National Environmental Management Act (NEMA), 1998 (Act 107 of 1998). NEMA, is one of the key environmental legislation that when undertaking any activities in environmentally sensitive areas such as CBA's. NEMA is a national legislation that provides for the authorisation of certain controlled activities known as 'listed activities'. **Table 1** is an outline of the key legislation well as the reasons for the project applicability and implications therefore.

Table 1: Key environmental legislation that is applicable to the project

Legislation	Applicability to project	Implications
National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended)	NEMA is the main environmental legislation for South Africa. The NEMA EIA Regulations are discussed in Section 6 of this of this Notification Letter.	A Basic Assessment (BA) will be undertaken. Refer to Sections 6.1 and 7 of this Notification Letter).
National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act 10 of 2004)	A portion of the site is located within a CBA and in an area where small fauna and a large number of birds occur.	Specialist studies such as a Floral Assessment (i.e. Plant study), a Faunal Assessment (animal study) and an Avifaunal Assessment (bird study) must be undertaken (refer to Section 8 of this Notification Letter).
National Heritage Resources Act, 1999 (Act No. 25 of 1999)	<p>Ruins of a building were observed within the site boundaries. It is important to note that such structures are protected in terms of Section 34 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).</p> <p>Activities are proposed within the site footprint which occupies an area of approximately 1.36 hectares. Furthermore, numerous linear activities (e.g. roads, pipelines) will be required. Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999) presents various categories of development that require a Heritage Impact Assessment. Some of these are applicable to the proposed development in Bryanston Ext. 3B including but not limited to: <i>“...Any development over 500m²; and any linear development (road, pipeline, etc) that exceeds 300m in length...”</i></p>	A Heritage Impact Assessment must be undertaken (refer to Section 8 of this Notification Letter).
National Water Act, 1998 (Act No. 36 of 1998)	The Bryanston River runs along the eastern section of the site that. As the River will be affected by proposed project activities (e.g.	A Water Use Licence Application (WULA) will be required for the project. In addition to these, specialist

Legislation	Applicability to project	Implications
	the discharge of stormwater into the watercourse).	studies related to the River will need to be undertaken. These are the Wetland and riparian assessment and delineation as well as the Aquatic Assessment. These are discussed in greater details in Section 8 of this Notification Letter.

The triggered listed activities that are applicable to the project both under the National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended) and the National Water Act, 1998 (Act No. 36 of 1998) will be presented.

6.1 National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended)

The NEMA as amended in April 2017 identifies three separate administrative processes for EIAs, depending on the nature of the activity. A Basic Assessment process (Listing Notice 1) is identified for those activities that have less of a possible detrimental impact to the environment. A Scoping and EIA process (Listing Notice 2) is necessary for those activities, which are identified as having more of a possible detrimental impact on the environment, whereas Listing Notice 3 relates to identified activities that would require a Basic Assessment prior to the commencement of those activities in specific identified geographical areas only.

The NEMA EIA Listed Activities presented in **Table 1** are based on the proposed project activities based on information that is currently available. A 'listed activity' refers to any activity that is presented under any of the three Listing Notices that have been published under Government Gazette No 40772 on 07 April 2017 and are an amendment of the 2014 Regulations that were published under Government Gazette No. 38282 on 04 December 2014.

Table 2 presents the NEMA listed activities triggered by the proposed housing project.

Table 2: Triggered NEMA EIA Listed Activities

Project Activities	Listed Activity	Implications
Indigenous vegetation will need to be cleared to allow for the proposed development. Indigenous vegetation refers to plant species occurring naturally in an area, regardless of the level of alien infestation and where the topsoil has not been lawfully disturbed	<p>Listing Notice 1, Activity 27</p> <p><i>The clearance of an area of 20 hectares or more of indigenous vegetation, excluding where such clearance of indigenous vegetation is required for –</i></p> <p>(i) <i>the undertaking of a liner activity; or</i></p> <p>(ii) <i>maintenance purposes undertaken in accordance</i></p>	A Basic Assessment is required

Project Activities	Listed Activity	Implications
during the preceding ten years) that occurs on site	<i>with a maintenance management plan</i>	
In order to bring the development into realisation, there needs to be clearance i.e. permanent removal of the indigenous vegetation that occurs within a Critical Biodiversity Area.	<p><i>Listing Notice 3, Activity 12</i></p> <p><i>The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan in:</i></p> <p>c. Gauteng</p> <p><i>ii. Within Critical Biodiversity Areas or Ecological Support Areas identified in the Gauteng Conservation Plan or bioregional plans; or</i></p> <p><i>iii. On land, where, at the time of the coming into effect of this Notice or thereafter such land was zoned open space, conservation or had an equivalent zoning</i></p>	A Basic Assessment is required
In order to bring the housing development into realisation, there needs to be development of infrastructure or structures with a physical footprint of 10 square metres or more within a Critical Biodiversity Area	<p><i>Listing Notice 3, Activity 14</i></p> <p>The development of—</p> <p>(ii) infrastructure or structures with a physical footprint of 10 square metres or more; where such development occurs—</p> <p>(a) within a watercourse;</p> <p>(b) in front of a development setback; or</p> <p>(c) if no development setback has been adopted, within 32 metres of a watercourse, measured from the edge of a watercourse; excluding the development of infrastructure or structures within existing ports or harbours that will not increase the development footprint of the port or harbour.</p>	A Basic Assessment is required

Project Activities	Listed Activity	Implications
	in c. Gauteng <i>iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas</i>	

It is important to note that a Basic Assessment will be required for the Bryanston Ext.3-B housing project. The Basic Assessment is briefly discussed in **Section 6** of this Notification Letter.

6.2 National Water Act, 1998 (Act No. 36 of 1998)

Due to the close proximity of the site to the Bryanston River, there is a very high probability of the occurrence of negative impacts on the river as a result of the proposed development. Any activity that occurs within a regulated area requires an application for a Water Use License Application (WULA) or with the Department of Water and Sanitation (DWS). Of the Eleven (11) Water Uses covered under Section 21 of the National Water Act (NWA), 1998 (Act No. 36 of 1998), the triggered activities identified for the Bryanston Ext. 3-B Housing project are presented in **Table 3**.

Table 3: NEWA Triggered Activities

Proposed Activity	Section 21 Triggered Activity	Implications
Discharge of stormwater into the watercourse or due to any other activities that will directly impact on the River	<i>(c) impeding or diverting the flow of water in a watercourse</i> <i>(i) altering the bed, banks, course or characteristic of a watercourse</i>	A Water Use Licence Application is required for the project. Along with these the following Specialist Studies discussed in greater detail in Section 7 of this Notification Letter. <ul style="list-style-type: none"> • Wetland and riparian assessment and delineation; • Aquatic Assessment; and • Floodline Determination.

7. Description and Objective of the Basic Assessment Process and the Water Use Licence process

7.1 Basic Assessment Process

The BA process is required for this project as the proposed as already presented under Section 5.1 of this Notification Letter.

A Basic Assessment (BA) process aims to identify and assess potential environmental impacts associated with the proposed housing development as well as any alternatives to the development / activity and to compile appropriate mitigation measures. The key objective of the BA process is for GDHS to obtain the required Environmental Authorisation (EA) for the project from the Competent Authority (CA). The CA an organ of state charged by the National Environmental Management Act (NEMA) with evaluating the environmental impact of an activity and, where appropriate, with granting or refusing an environmental authorisation in respect of that activity. In the case of the proposed project, the CA is the Gauteng Department of Agriculture and Rural Development (GDARD) as the project will take place within the Gauteng province. The EA is a decision by a Competent Authority to authorise a listed activity in terms of the National Environmental Management Act (NEMA). The authorisation means that a project, either in totality or partially, can commence subject to certain conditions. The Competent Authority has a right to refuse to grant authorisation for a project in totality or partially. Should the EA be granted, GDHS will commence with the construction of the proposed development.

A Draft Basic Assessment Report (BAR) will be issued for Public and CA review for a period of at least 30 Calendar Days. The Final BAR will then be issued to the CA for review and decision making regarding the issuing of an EA.

7.2 Water Use Licence Process

A Water Use Licence Application process is required for this project as the proposed as already presented under Section 5.2 of this Notification Letter. The Application will be undertaken in terms of the Regulations Regarding the Procedural Requirements for Water Use Licence Applications and Appeals, GNR 267 published in GN 40713 of 24th March 2017. The process will involve the following key activities

- *Pre application consultation with Department of Water and Sanitation and Project registration on the electronic e-wulaas system;*
- *Collation of Information (e.g. title deeds and other property information, design drawings etc.);*
- *Compilation of the Technical report, completion of forms, public Participation report other reports and submission to DWS.*

8. Environmental Specialist Studies

Environmental specialist studies are required on a project where expertise is required regarding an environmental issue that was either noted on site through desktop and/or site observations. These can either be independent studies, where an EIA is not required, or they may be used to support the EIA as is the case for the proposed development in Bryanston Ext.3B.

Some of the key environmental studies that will need to be undertaken for the project are as follows.

- *Wetland and riparian assessment and delineation*: To determine the status and extent of the Bryanston River;
- *Aquatic Assessment*: to determine the physical, chemical and ecological properties of the Bryanston River;
- *Floral Assessment*: To identify the plants of conservation importance within the site boundaries and clearly presenting any that are protected;
- *Faunal Assessment*: To identify the animals that occur within the site boundaries clearly presenting any that are protected
- *Avifaunal Assessment*: To identify the birds that occurs within the site boundaries clearly presenting any that are protected
- *Heritage Impact Assessment*: to determine and assess any objects or places of cultural significance that could potentially occur on site; and a
- *Socio-Economic Impact Assessment*: to determine the social and economic impacts of the proposed project.

It is important to note that other studies or specialized processes that will be undertaken for the project fall under Town Planning, Engineering Design, Architecture as well as various other disciplines, such as Community Development Facilitation.

9. Public Participation Process

In terms of Chapter 6 of the NEMA Environmental Impact Assessment (EIA) regulations, 2014, as amended, a Public Participation Process (PPP) forms an integral part of an Environmental Impact Assessment Process. The PPP provides Interested and Affected parties (I&APs), including GDARD as the Competent Authority, with an opportunity to provide comments and to raise issues of concern about the project or to make suggestions on the processes and proposed activities. Any I&APs can therefore register on the project to obtain ongoing information about the EIA Process for the proposed housing development. An I&AP as defined by NEMA, 1998 as:

“an interested and affected party contemplated in section 24(4)(a)(v), and which includes-

(a) any person, group of persons or organisation interested in or affected by such operation or activity; and

(b) any organ of state that may have jurisdiction over any aspect of the operation or activity.”

The compilation of PPP documents such as *this Notification Letter* is one of the requirements of Chapter 6 of the NEMA Environmental Impact Assessment (EIA) Regulations, 2014, as amended. Other documents that will be drafted as part of the project notification phase include a Site Notice that will be mounted on site and a newspaper advert for placement in a local newspaper. The process also requires the use of any other PPP methods such as Focus Group and/or Public Meetings where the need for these arises.

Upon GDARD’s issuing of the Environmental Authorisation (permission to commence with the development), all registered I&APs will be informed of the decision and provided with an opportunity to appeal the decision. The opportunity to register on the project as an I&AP will be kept open from the Initial

Notification phase up to the issuing of the Environmental Authorisation. The project I&AP database has been opened and will be maintained by GA Environment.

10. Opportunity to participate

Should you wish to register as an I&AP on the project or to make suggestions and/or comments on this proposal, kindly provide these together with your name, contact details (preferred method of communication, e.g. e-mail cellphone) and an indication of any interest which you (or the organisation you represent) have in the application to **Name:** Ntsebo Mkhize at **Tel:** 011 312 2537 **Fax:** 011 805 1950, **e-mail:** ntsebom@gaenvironment.com or environment@gaenvironment.com or **Post:** P.O Box 6723 Halfway House 1685. You may use the attached registration and comment sheet. **Please register your interest in the project by latest 28th February 2020.**

BASIC ASSESSMENT AND WATER USE LICENCE APPLICATION FOR THE PROPOSED BRYANSTON EXT. 3B HOUSING PROJECT AS PART OF THE RAPID LAND RELEASE PROGRAMME FOR THE GAUTENG PROVINCE DEPARTMENT OF HUMAN SETTLEMENTS, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

**REGISTRATION AND COMMENT SHEET
JANUARY 2020**

Would like to be registered on the Project database? Yes / No

Name:.....

Surname:.....

Organisation:.....

Postal or Residential Address:.....

.....

Post Code:

Tel number:.....

Fax number:.....

Cellphone number:.....

E-mail address:.....

COMMENT/S

.....
.....
.....
.....
.....
.....

OTHER INTERESTED AND AFFECTED PARTIES

Please add the following neighbours/interested or affected parties to your mailing list (please provide their names, surnames and telephone numbers):

1).....
.....
2).....
.....



Please complete and return to GA Environment for:

Attention: Ntsebo Mkhize

E-mail: ntsebom@gaenvironment.com or environment@gaenvironment.com or, **Fax:** (011) 805 1950/57,

Post: PO Box 6723, Halfway House, Midrand, 1685

You may also call us on (011) 312 2537

