

MASETJABA RESERVOIR AND ELEVATED TOWER, NIGEL, GAUTENG PROVINCE COMMENTS AND RESPONSES REPORT

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The Basic Assessment process for the Masetjaba Reservoir and Elevated Tower near Nigel, Gauteng Province was announced on Tuesday, 22 January 2019. Comments received since the announcement are captured in the Comments and Responses Report (C&RR). The Basic Assessment Report is being made available for a 30-day review and comment period from **Wednesday, 10 April 2019** to **Wednesday, 15 May 2019** and comments received during this period will be included in the C&RR) and submitted to the Department of Environmental Affairs with the Final Basic Assessment Report.

NOTE:

In terms of the EIA Regulations of December 2014 (as amended on 07 April 2017, Regulation 44(1), please note that the comments raised and responses provided at the various Focus Group Meetings held during the 30-day review period of the Basic Assessment Report have not been capture in this Comments and Responses Report. The minutes of the meetings are attached as **Appendix E5**.

ABBREVIATIONS / ACRONYMS

BAR	Basic Assessment Report	DRDLR	Department of Rural Development and Land Reform
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1. WRITTEN COMMENTS RECEIVED DURING THE BASIC ASSESSMENT ANNOUNCEMENT PHASE

ORGANS OF STATE

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>We confirm that there is an existing land claim against the Property. The claims were lodged as per attached list of claimants.</p> <p>The claim was lodged in terms of the Restitution of Land Rights Amendment Act, 2014 (Act No 15 of 2014) ("the Amendment Act") which, amongst others, reopened the lodgement of claims for a period of five years.</p>	<p>Ms C Benyane Chief Director Office of the Regional Land Claims Commission Gauteng Province</p> <p>Letter: 08 Feb 2019 Letter and list attached as Appendix E4 of the BAR</p>	<p>The information regarding the confirmation of a land claim against the project development site was forwarded to Naidu Consulting (Pty) Ltd for their information.</p>
1.1.	<p>The validity of the Amendment Act was challenged in the Constitutional Court. The Constitutional Court found the Amendment Act to be invalid because of the failure of Parliament to facilitate public involvement as required by the Constitution. The Amendment Act ceased to be law on 28 July 2016.</p>		<p>The information provided by the DRDLR: Regional Land Claims Commissioner-Gauteng, is acknowledged and has been communicated to the Applicant.</p>
1.2.	<p>The Constitutional Court ordered that the claims that were lodged between 1 July 2014 and 27 July 2016 are validly lodged, but it interdicted the Commission from processing those claims until the Commission has finalised the claims lodged by 31 December 1998 or until Parliament passes a new law providing for the re-opening of lodgement of land claims. Parliament was given until 27 July 2018 to pass such a law.</p>		

NO.	COMMENT	RAISED BY	RESPONSE
1.3.	Parliament has so far not been able to pass new legislation and has instead approached the Constitutional Court for an extension until 29 March 2019. As a result the Commission will, unless directed otherwise by Constitutional Court, not be processing claims lodged between 1 July 2014 until 27 July 2016 until a new Act is passed by Parliament and signed into law by the President		The information provided by the DRDLR: Regional Land Claims Commissioner-Gauteng, is acknowledged and has been communicated to the Applicant.
1.4.	The Commission will contact you directly and communicate widely once we have been granted permission to begin dealing with these claims.		The information provided by the DRDLR: Regional Land Claims Commissioner-Gauteng, is acknowledged and has been communicated to the Applicant.
1.5.	For further enquiries please contact Solomon Maruma at solomon.maruma@drdir.gov.za , telephone 012 310 6588 Edith Mokgoko at Edith.mokgoko@drdir.gov.za , telephone 012 310 6573.		The project database has been updated accordingly.

GENERAL

NO.	COMMENT	RAISED BY	RESPONSE
1.	<p>This email serves to acknowledge receipt of the EIA notification on the proposed project.</p> <p>Kindly, register the Environmental Resource and Waste Management Department as interested and affected party on behalf of the City of Ekurhuleni. All corresponded pertaining to the proposed project can be forwarded to: Attention: Mr Thabang Mokoena Division Head: Legislative Governance and Compliance; Environmental Resource and Waste Management Department; Cnr Hendrick Potgieter and Van Riebeeck Avenue; Edenvale; Office no. 201/205/214 First Floor; Email: cecilia.rakgoale@ekurhuleni.gov.za or Sifiso.ndwandwe@ekurhuleni.gov.za; Tel: (011) 999 3316/3376/2006</p>	<p><u>Ms Celia Rakgoale</u> Impact Management Practitioner Legislative Compliance Division Environmental Resource Management Department Ekurhuleni Metropolitan Municipality</p> <p>E-mail: 01 Feb 2019</p>	<p>The information consultation process is acknowledged and recorded accordingly.</p>
2.	<p>Document on the proposed development is received and will be forwarded further to Ekurhuleni Health District for attention.</p>	<p>Ms Louisa Magabane Assistant Director: Environmental Health Ekurhuleni Metropolitan Municipality</p> <p>E-mail: 22 Jan 20190</p>	<p>Information acknowledged.</p>
3.	<p>Thank you for the notification. Please register this Department as an I&AP.</p> <p>The Environmental Resource and Waste Management Department requires one (1) hard</p>	<p>Ms Anél Hietbrink Environmental Assessment Practitioner Legislative Compliance</p>	<p>The procedure and requirements outlined for the delivery of the BAR are acknowledged.</p>

	<p>copy and one (1) soft copy of the reports to be delivered to our offices for comment, once available.</p> <p>The reports may be submitted to the following address: Attention: Divisional Head – Legislative Compliance Environmental Resource & Waste Management Department City OF Ekurhuleni; Edenvale Civic Centre; cnr Hendrik Potgieter and Van Riebeeck Street; Edenvale; C/O Sifiso Ndwandwe (room 201)</p>	<p>Department of Environmental Resource and Waste Management</p> <p>E-mail: 23 Jan 2019</p>	
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