



GA Environment



ENNERDALE – NOTIFICATION LETTER

ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED ENNERDALE EXT. 9 HOUSING PROJECT AS PART OF THE RAPID LAND RELEASE PROGRAMME FOR THE GAUTENG PROVINCE DEPARTMENT OF HUMAN SETTLEMENTS, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY



NOVEMBER 2019

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KEY ABBREVIATIONS

CBA	Critical Biodiversity Area
CBD	Central Business District
EA	Environmental Authorisation
EIA	Environmental Impact Assessment in terms of the EIA Regulations, 2014, as amended
EAP	Environmental Assessment Practitioner
EXT	Extension
GDARD	Gauteng Department of Agriculture and Rural Development
GDHS	Gauteng Department of Human Settlements
NEMA	National Environmental Management Act, 1998 (Act 107 of 1998)
PPP	Public Participation Process
RLRP	Rapid Land Release Programme

1. Background to the project

The Gauteng Department of Human Settlements (GDHS) is proposing to construct affordable housing in Ennerdale Ext. 9 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 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 Ennerdale housing project which will be discussed in this document is one the RLRP projects.

The Ennerdale site is located on Erven 5445 and 5446 of Ennerdale Ext. 9 which is approximately 40km north west of the Johannesburg CBD and is located within Ward 121 of the City of Johannesburg Metropolitan Municipality. The site is approximately 35Ha in size and the coordinates of the approximate centre point of the site are 26°24'21.85''S 27°49'39.61''E.

The site can be accessed from Katz Road (northerly direction), Samuel Road (westerly and southerly direction) and Street B/Smith Walk towards the east. Some of the key landmarks surrounding the site are located east of the site and include the Ennerdale Ext. 9 Clinic, the City of Johannesburg Metropolitan Municipality Region 9 Customer Care Centre and the Metropolitan Shopping Centre in the east. Refer to the site's Locality Map in **Figure 1** and the site's aerial image in **Figure 2**.

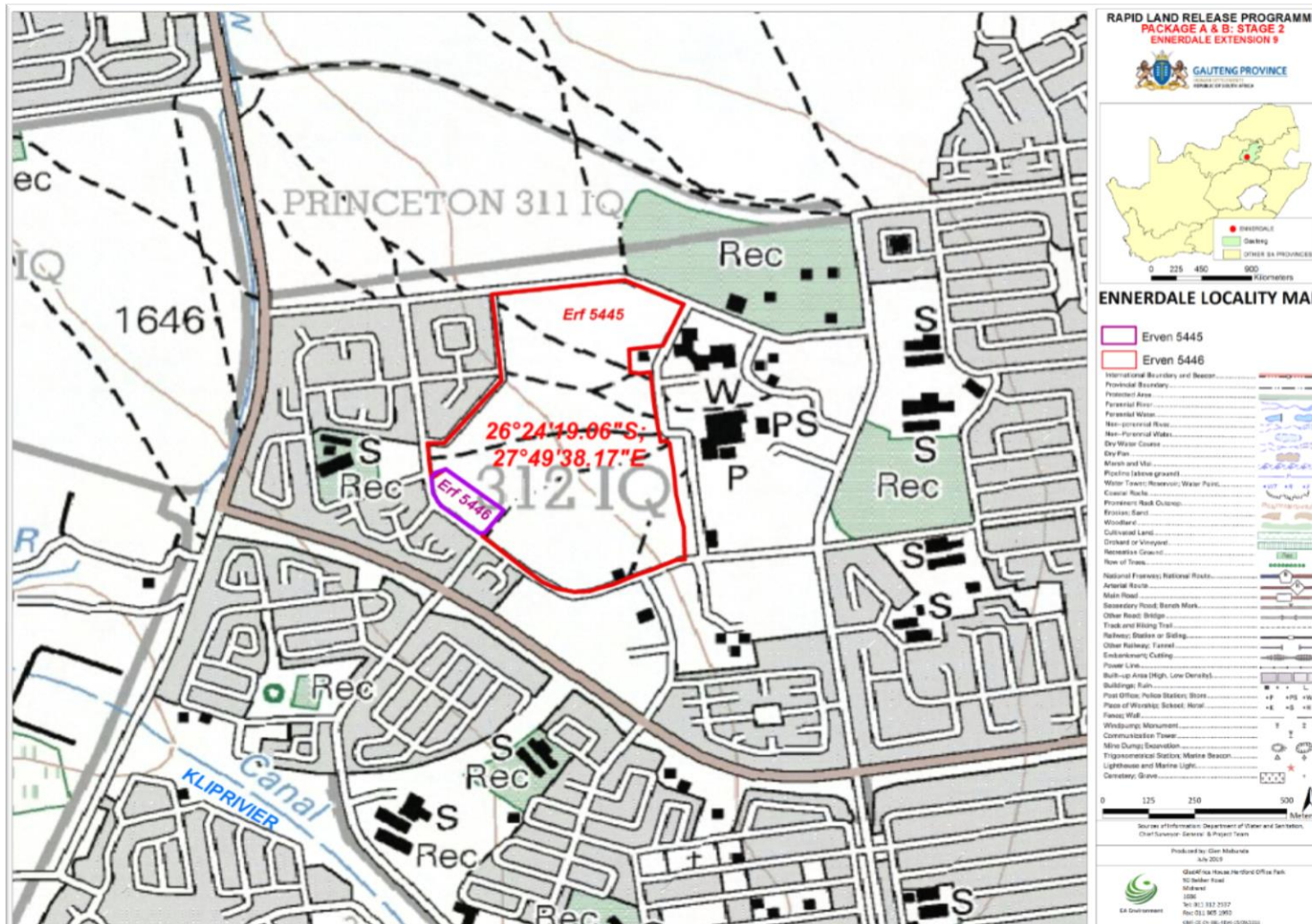


Figure 1: Locality Map of the site for the proposed Ennerdale Ext 9



Figure 2: Aerial Image of the site for the proposed Ennerdale Ext. 9 (Google Earth, 2019)

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 Background Information Document

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 details 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 Notification Letter and based on information received from the Project Team, the Ennerdale Ext 9 project was proposed as a mixed-use development comprising 60% RDP, 40% Mixed Use (Social Housing and Business Ground Floor). The development will be serviced by the City of Johannesburg 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 Ennerdale Ext. 9 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.

In the Ennerdale area south of Johannesburg, protests related to housing are a common and regular occurrence in the area and are often covered in the media. In addition to this, land grabs and invasions to demonstrate society's frustration with the lack of housing/land have become common in the area.

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 also to ensure sustainable development whilst ensuring the protection of the natural environment.

In order to determine potential environmental issues that may arise during the construction 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 the entire 35Ha of the site is located within a Critical Biodiversity Area (CBA). A CBA is defined as an area that is deemed important to conserve ecosystems and species. For this reason, these areas require protection; and
- Although the site is impacted by illegal waste dumping as well as various footpaths, the site is still largely undisturbed.

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. 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 why they apply and the implications thereof.

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 EIA	An Environmental Impact Assessment (EIA) will be undertaken. Refer to Sections

Legislation	Applicability to project	Implications
	Regulations are discussed in Section 6.1 of this of this Notification Letter.	6.1 and 7 of this Notification Letter).
National Environmental Management: Biodiversity Act (NEMBA), 2004 (Act 10 of 2004)	The site is located within a relatively undisturbed area and is largely located within a CBA.	A Floral Assessment must be undertaken (refer to Section 8 of this Notification Letter).
National Heritage Resources Act, 1999 (Act No. 25 of 1999)	Activities are proposed within the site footprint which occupies an area of approximately 73 hectares. Furthermore, numerous linear infrastructure (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 trigger a Heritage Impact Assessment. Some of these are applicable to the proposed housing development in Ennerdale including but not limited to: <i>"...Any development over 5000m²; and any linear development (road, pipeline, etc) that exceeds 300m in length."</i>	A Heritage Impact Assessment must be undertaken (refer to Section 8 of this Notification Letter). This is in line with Section 38 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

Since clearance of vegetation is a listed activity and this is required to allow for the construction of the housing, in terms of National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended), this application must be subject to the Scoping and EIA process. The triggered listed activities will be discussed in the sections that follow.

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 specifically identified geographical areas only.

The NEMA EIA Listed Activities presented in **Table 1** are applicable to the clearance of indigenous vegetation within sensitive areas that include CBA's. 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 during the preceding ten years). 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 listed activities triggered by the proposed housing project.

Table 2: Triggered NEMA EIA Listed Activities

Project Activities	Listed Activity	Implications
<p>In order to construct the housing development, there needs to be clearance i.e. permanent removal of the indigenous vegetation that occurs on site.</p>	<p>Listing Notice 2, Activity 15</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><i>maintenance purposes undertaken in accordance with a maintenance management plan</i></p>	<p>An Environmental Impact Assessment is required.</p>
<p>In order to cater for the housing development, there needs to be clearance i.e. permanent removal of the indigenous vegetation that occurs within a Critical Biodiversity Area.</p>	<p>Listing Notice 3, Activity 12</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>i. Within any critically endangered or endangered ecosystem listed in terms of Section 52 of the NEMBA or prior to the publication of such a list, within an area that has been identified as critically endangered in the National Spatial Biodiversity Assessment 2004;</i></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>	<p>A Basic Assessment is required.</p>

It is important to note that in the case of the triggered activities for the Ennerdale Project as presented in **Table 2**, where both a Basic Assessment and an Environmental Impact Assessment is triggered, the Environmental Impact Assessment (EIA) will replace the Basic Assessment. The EIA process is briefly discussed in **Section 7** of this Notification Letter.

7. Description and Objective of the Environmental Impact Assessment Process

An Environmental Impact Assessment (EIA) process aims to identify and assess potential environmental impacts associated with the proposed development as well as any alternatives to the development / activity and to develop appropriate mitigation measures. The key objective of the EIA process is for GDHS to obtain the required Environmental Authorisation (EA) for the project from the Competent Authority (CA) only after the authority has ensured that the development can be implemented without compromising the environment. The CA is 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.

The Scoping and EIA process is required for this project as already presented under Section 6 of this Notification Letter. In accordance with the EIA Regulations, the main purpose of the Scoping phase of the EIA to focus the environmental assessment on the key areas to be initially investigated in order to ensure that only potentially significant issues and reasonable and feasible alternatives are examined in the EIA Phase. The EIA Phase commences after the Competent Authority accepts the Scoping Report and advises the Environmental Assessment Practitioner (EAP) in terms of GN R982 (published in Government Gazette No 40772) to proceed with the tasks contemplated in the Plan of Study for EIA. Each of these are briefly presented as follows.

8. Environmental Specialist Studies

Environmental specialist studies are required on a project where expertise is required regarding an environmental issue that was either noted through desktop studies 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 housing development in Ennerdale.

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

- *Floral Assessment*: to identify the plant species that occur on the site and to clearly highlight those of conservation importance;
- *Heritage Impact Assessment*: to determine and assess any objects or places of cultural significance that could potentially occur on site;
- *Geotechnical Assessment*: to determine and analyse the soils conditions and the rock underlying the site for determining the appropriate designs for the foundations of the houses; 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 and/or specialised processes that will be undertaken for the project fall under Town Planning, Engineering, 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 is:

“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 certain documents such as *this Background Information Document* 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 advertisement published in a local newspaper. The process also requires the undertaking of any other public participation methods such as Focus Group Meetings and/or Public Meetings where the need for these arises.

The Draft Scoping Report and the Draft Environmental Impact Report will be made available for public review and all registered I&APs will be informed of the availability of these documents. The registered I&APs will be given a period of 30-days to provide comments on the reports. 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 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:** Kirthi Peramaul at **Tel:** 011 312 2537 **Fax:** 011 805 1950, **e-mail:** kirthip@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 before 30th January 2020.**

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REGISTRATION AND COMMENT SHEET
NOVEMBER 2019

Name:.....

Surname:.....

Organisation:.....

Postal or Residential Address:.....

.....

Post Code:

Tel number:.....

Fax number:.....

Cellphone number:.....

E-mail address:.....

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

.....

.....

.....

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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: Kirthi Peramaul

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

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

You may also call us on (011) 312 2537