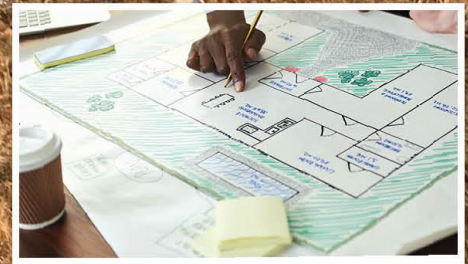
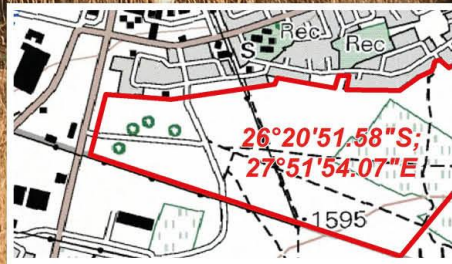
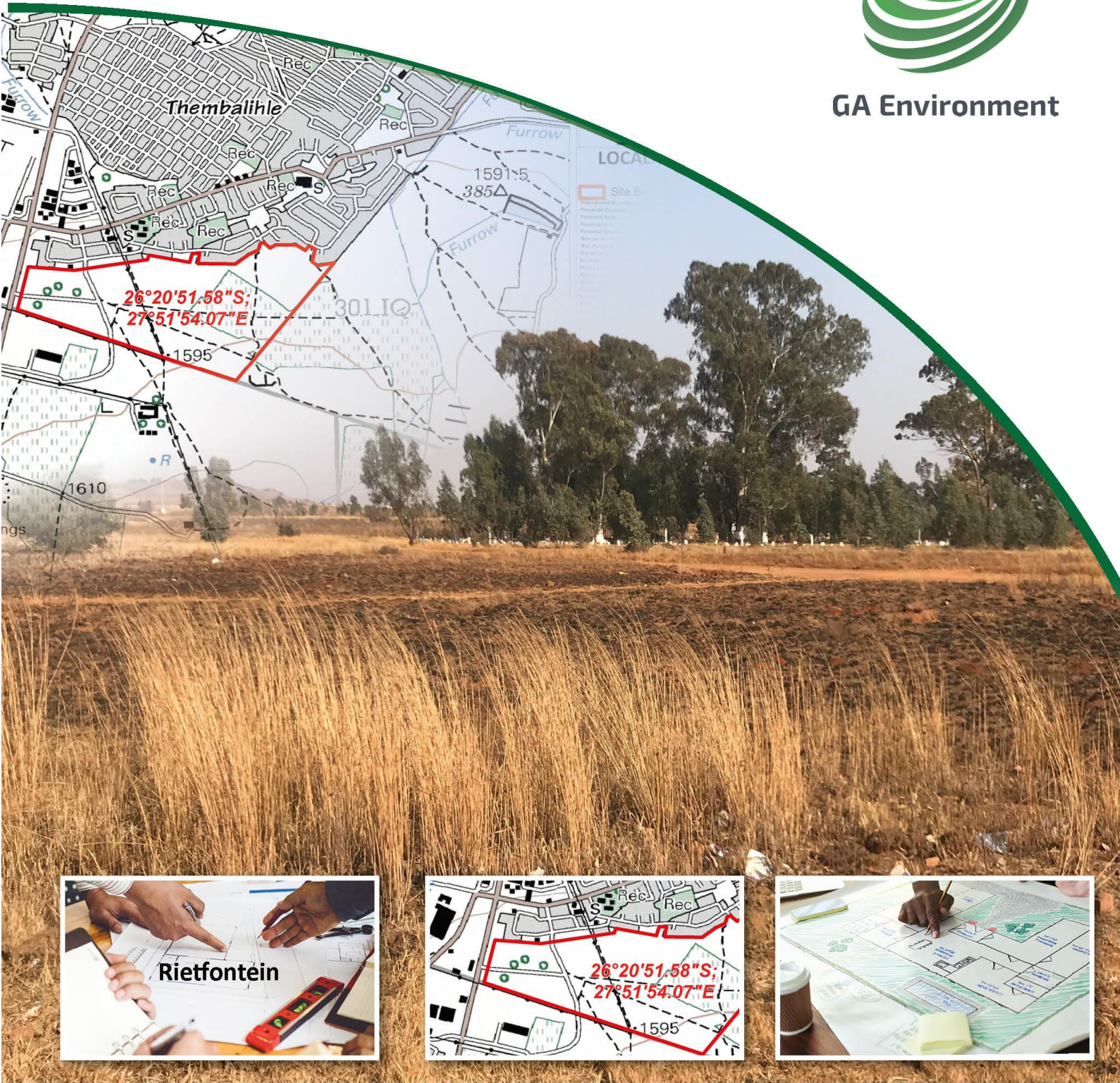




GA Environment



### RIETFONTEIN – NOTIFICATION LETTER

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



DECEMBER 2019

## TABLE OF CONTENTS

<b>1. Background to the project</b> .....	3
<b>2. Problem Statement</b> .....	6
<b>3. Purpose of this Notification Letter</b> .....	6
<b>4. Proposed Development</b> .....	6
<b>5. Need and Desirability for the project</b> .....	7
<b>6. Environmental Legislative Requirements for the Proposed Development</b> .....	7
<b>6.1 National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended)</b> .....	9
<b>7. Description and Objective of the Environmental Impact Assessment Process</b> .....	10
<b>8. Environmental Specialist Studies</b> .....	11
<b>9. Public Participation Process</b> .....	11

## LIST OF FIGURES

<i>Figure 1: Locality Map of the proposed site for Rietfontein housing development</i> .....	4
<i>Figure 2: Aerial image of the site for the proposed housing in Rietfontein (Google Earth, 2019)</i> .....	5

## LIST OF TABLES

<i>Table 1: Key environmental legislation that is applicable to the project</i> .....	8
<i>Table 2: Triggered NEMA EIA Listed Activities</i> .....	9

## KEY ABBREVIATIONS

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



## 1. Background to the project

The Gauteng Department of Human Settlements (GDHS) is proposing to construct affordable housing in Rietfontein 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 16<sup>th</sup> 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 Rietfontein housing project which will be discussed in this document is one the RLRP projects.

The Rietfontein site is located on the Portion of the Remaining Extent of Portion 129 of the Farm Rietfontein No. 301 IQ which is approximately 24km north west of the Johannesburg CBD and is located within Ward 8 of the City of Johannesburg Metropolitan Municipality. The site is approximately 73Ha in size and the co-ordinates of the approximate centre point are 26°20'51.58"S; 27° 51' 54.07 "E. Refer to the site's Locality Map in **Figure 1** and the site's aerial image in **Figure 2**.

The site is bounded by Lenasia Ext. 10 to the immediate north, the residential area of *Lehae* to the east, a largely vacant area (excluding the Lenasia Muslim School) to the immediate south and the Klipspruit Valley Road (M10) road to the west. Currently, direct key access points to the site is available from the Klipspruit Valley Road (M10) as well as through a possible informal access road from *Lehae*. Refer to **Figure 2**.







Figure 2: Aerial image of the site for the proposed housing in Rietfontein (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 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 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 Rietfontein housing project was proposed as Township inclusive of housing comprising of the following:

- *GAP*: the GAP housing market comprises people who typically earn between R3 500 and R15 000 per month, which is too little to enable them to participate in the private property market, yet too much to qualify for state assistance);
- *RDP*: Reconstruction and Development Programme; and
- *Social Housing*: The Social Housing Act, 2008 (Act No. 16 of 2008) defines Social Housing as: “A rental or co-operative housing option for low to medium income households at a level of scale and built form which requires institutionalised management and which is provided by Social Housing institutions or other delivery agents in approved projects in designated Restructuring Zones, with the benefit of public funding.

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 a mixed-use development with affordable housing in Rietfontein 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.

Specific to the Rietfontein area in the 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, a Critical Biodiversity Area (CBA) of approximately 46Ha occurs in the eastern section of the site. 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 by various roads and paths, 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 should be considered 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 are applicable 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 Regulations are discussed in Section 6.1 of this of this Notification Letter.	An Environmental Impact Assessment (EIA) 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)	The site is located within a relatively undisturbed area and is partially 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)	According to the national web based environmental screening tool, the site is located within an area of high Palaeontological Sensitivity.  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 require a Heritage Impact Assessment. Some of these and which are applicable to the proposed housing development in Rietfontein includes but are not limited to: "...Any development over 5000m <sup>2</sup> ; and any linear development (road, pipeline, etc) that exceeds 300m in length."	A Palaeontological Assessment must be undertaken (refer to Section 8 of this Notification Letter). This is in line with Section 35 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).  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 for the construction of the housing. In terms of National Environmental Management Act, 1998 (NEMA) EIA Regulations 2014 (as amended), this application must be subjected 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 on 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 Scoping and EIA process is required for this project as the proposed development must undergo this process.

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
In order to bring establish housing development, there needs to be clearance i.e. permanent removal of the indigenous vegetation that occurs on site.	<p><b>Listing Notice 2, Activity 15</b></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>	An Environmental Impact Assessment is required.
In order to provide the infrastructure to cater for	<b>Listing Notice 3, Activity 12</b>	A Basic Assessment is required.

Project Activities	Listed Activity	Implications
<p>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><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><b>c. Gauteng</b></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>	

It is important to note that in the case of the triggered activities for the Rietfontein development as presented in **Table 2**, where both a Basic Assessment and an Environmental Impact Assessment is triggered, the Environmental Impact Assessment will replace the Basic Assessment. The EIA process is defined 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 the proposed as already presented. In accordance with the EIA Regulations, the main purpose of the Scoping phase of the EIA is 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 GNR 982 in Government Gazette No 40772 to proceed with the tasks contemplated in the Plan of Study for EIA. Each of these are briefly presented.

## 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 housing development in Rietfontein.

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;
- *Palaentological Assessment*: the study of fossils (prehistoric animal or plant remains or impressions of these on rock);
- *Geotechnical Assessment*: to determine and analyse the soils conditions and rock underlying the site to design the appropriate foundations for the housing and;
- *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 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 advertisement for publication 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 comment 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 report. 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:** Ntsebo Mkhize at **Tel:** 011 312 2537 **Fax:** 011 805 1950, **e-mail:** [ntsebom@gaenvironment.com](mailto:ntsebom@gaenvironment.com) or [environment@gaenvironment.com](mailto: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 28<sup>th</sup> February 2020.**

**ENVIRONMENTAL IMPACT ASSESSMENT FOR THE PROPOSED RIETFontein 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**  
**DECEMBER 2019**

Name:.....

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

Surname:.....

**COMMENT/S**

Organisation:.....

.....

Postal or Residential Address:.....

.....

.....

.....

Post Code: .....

.....

Tel number:.....

.....

**OTHER INTERESTED AND AFFCTED PARTIES**

Fax number:.....

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

Cellphone number:.....

1).....

E-mail address:.....

2).....

.....



**GA Environment**

Please complete and return to GA Environment for:

**Attention: Ntsebo Mkhize**

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

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

**You may also call us on** (011) 312 2537