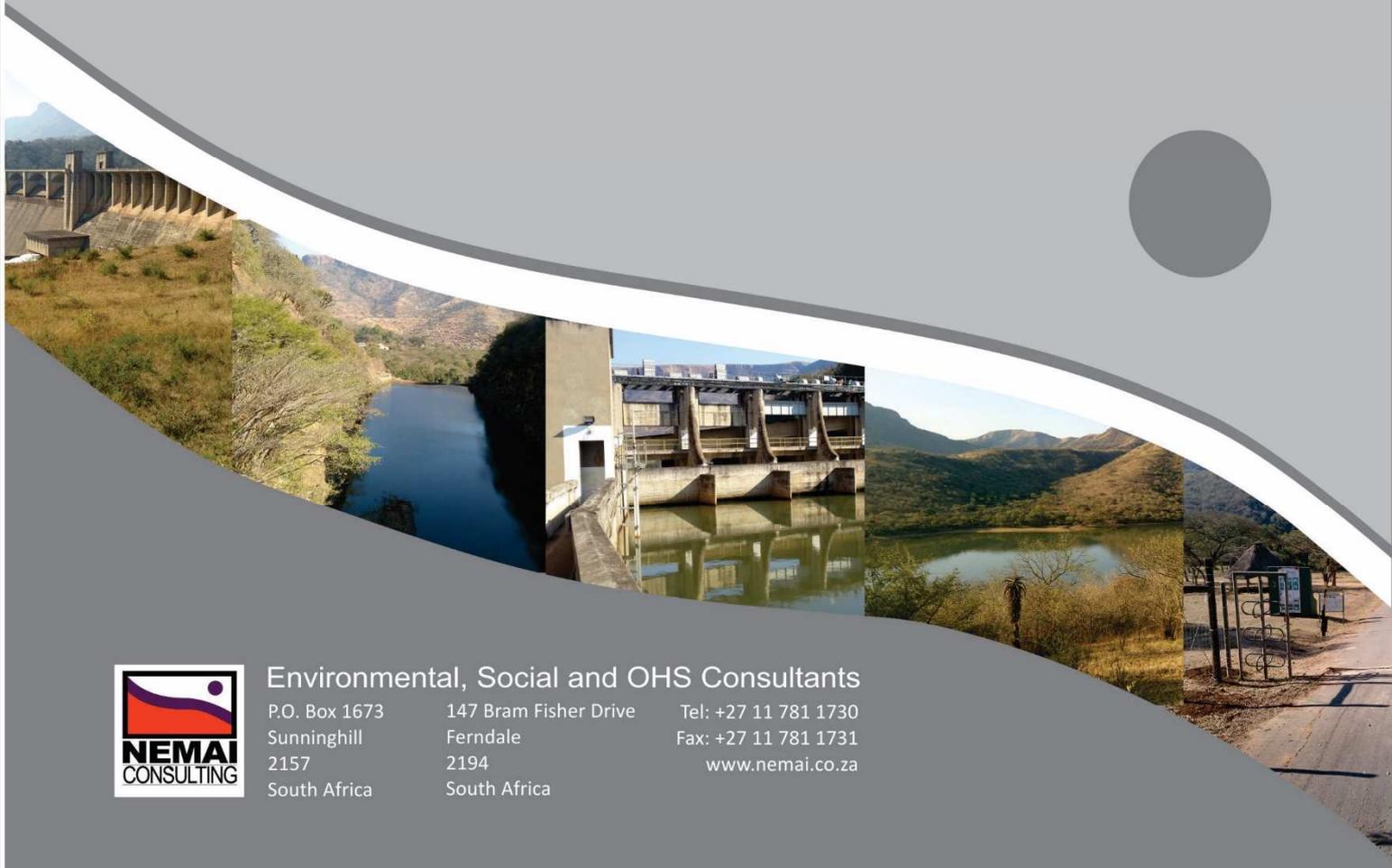


UNLAWFUL CONSTRUCTION AND INFILLING OF A WATERCOURSE ON PORTION 1 OF ERF 1433 PARKMORE IN JOHANNESBURG

BACKGROUND INFORMATION DOCUMENT

OCTOBER 2020

PREPARED FOR: CHIBA JIVAN INC.



Environmental, Social and OHS Consultants

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1 PROJECT BACKGROUND

In 2014, Mr. Jay Masiwal of Icegold Trading CC unlawfully commenced with activities listed in terms of Government Notice (GN) R. 983 and 985 promulgated in terms of Section 24G of NEMA, without obtaining an Environmental Authorisation (EA) from the relevant competent authority, the Gauteng Department of Agriculture and Rural Development (GDARD). A Section 24G Process is thus required in order to apply for the rectification of unlawful activities undertaken.

Nemai Consulting has been appointed by Chiba-Jivan Inc, on behalf of Icegold Trading CC, as the independent Environmental Assessment Practitioner (EAP) to conduct the Section 24G Process for the Parkmore project, which included the unlawful construction of a driveway, stormwater culvert, palisade fencing and walls within a watercourse.

A Section 24G Application Form was submitted to the GDARD on 01 July 2019. Following this submission, the GDARD issued a Directive to Icegold Trading CC on 16 October 2019 (Ref S24G/03/19-20/0460). One of the instructions within the Directive included the need for Icegold Trading CC to appoint an EAP and compile an Environmental Impact Report (EIR) for submission to the GDARD for decision making.

Notice is given, in terms of Section 24G read together with sections 24F of the National Environmental Management Amendment Act (as amended) that the GDARD is considering an application for rectification by Icegold Trading CC, for the unlawful commencement of activities listed in terms of the Environmental Impact Assessment Regulations under the sub-regulations of GN R983 and R985 of 04 December 2014 promulgated in terms of Sections 24 and 44 of the NEMA, as amended. Furthermore, notice is given of the 30-day public and authority review of the Draft EIR.

2 PURPOSE OF THE BACKGROUND INFORMATION DOCUMENT

The key objective of the Background Information Document (BID) is to inform all those parties who are likely to be affected by the Parkmore project of the intent to submit a Section 24G Application Form, thereby also fostering public involvement. The BID provides an overview of the following:

- Background and an understanding of the project;
- Background on the Section 24G Process;
- Commenced activities that triggered the Section 24G application;
- The various aspects of the environmental processes that are required for the implementation of the proposed project; and
- A locality map indicating the position of the development.

Furthermore, the BID also provides stakeholders with the opportunity to register as Interested and Affected Parties (IAPs) and to raise their issues and concerns with regards to the Parkmore project.

3 PROJECT DESCRIPTION

Mr. Jay Masiwal, of Icegold CC, purchased Portion 1 of Erf 1433 Parkmore in approximately 2004. A high value business which requires high security is located on the property. The front of the property is located on Third Avenue, a slip road off Sandton Drive, while the back of the property is located on Second Avenue. There is a river that runs between the back of the property and Second Avenue. When Mr. Masiwal bought the property, there was an existing palisade fence approximately 2m from the river. Subsequently, for security reasons, a wall was built to replace the palisade fence. There was no wall along the perimeter of the property on Second Avenue prior to purchasing the property.

In late 2014, the driveway paving, stormwater culverts, wall on Second Avenue and the walls on the eastern side of the property were erected. The walls were built to secure the property in response to burglaries during which various expensive items had been stolen from the house. No dated photographs were available from the landowner to show these structures. In 2017, a flash flood occurred which resulted in collapse of the wall on Second Avenue and the walls on the eastern and western side.

The driveway and wall on Second Avenue were reconstructed and the eastern and western boundary walls were replaced with palisade fencing for security reasons, and to allow flow of water (**Figures 1 and 2**).



Figure 1: Locality Map





Figure 2: Photographs of the unlawfully constructed boundary walls, palisade fences, driveway and stormwater culverts

The wall and driveway were constructed without obtaining EA for the activities on site. Mr. Masiwal proposes to remove the driveway, stormwater culvert, palisade fencing and walls on the eastern and western boundary of the driveway area. It is proposed that the wall on Second Avenue (the southern boundary wall) and the wall on the other side of the river (the northern boundary wall) be retained for security purposes. The southern boundary wall can be retained since the wall will not pose a flood risk to the system as it is aligned (or parallel) to the downstream flow direction and will therefore not act as a flow obstruction. As a result, the Section 24G Application is required to obtain EA for the two walls, and the EIR to be submitted to the GDARD aims to address the impacts associated with the rehabilitation of the driveway and watercourse channel.

The study area is located on Portion 1 of Erf 1433 Parkmore in Sandton within the City of Johannesburg Metropolitan Municipality, Gauteng Province (**Figure 3**).

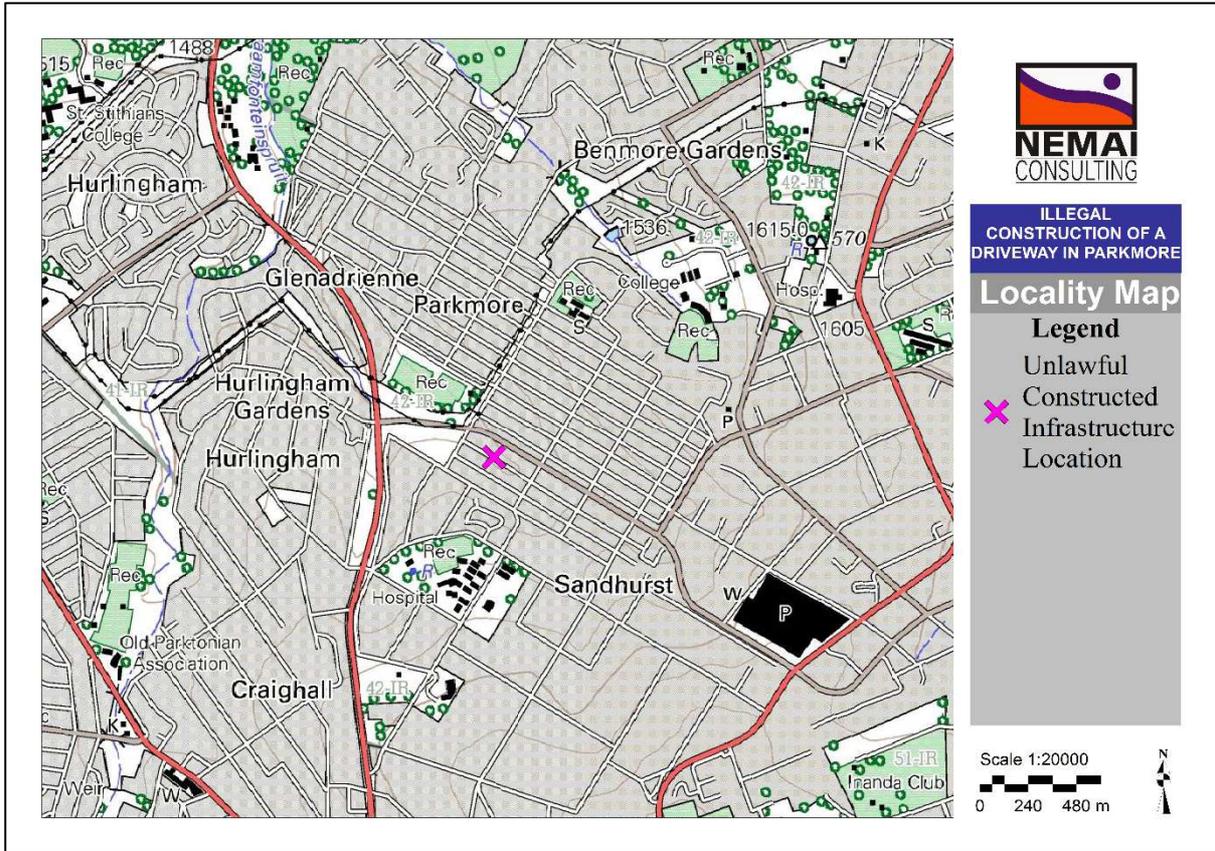


Figure 3: Topographical Map

4 REGULATORY FRAMEWORK

The developments fall within the ambit of the NEMA. In accordance with the 2014 Environmental Impact Assessment (EIA) Regulations, as amended (07 April 2017), a specific list of activities which could have a detrimental impact on the receiving environment have been identified, for which EA is required prior to commencement. The activities listed in **Table 1** were unlawfully commenced (without prior EA) in the case of the Parkmore project.

Table 1: Listed Activities triggered by the Parkmore project

Notice No.	Activity No.	Activity Description
GN983	Activity 19	a) The infilling or depositing of any material of more than 10 cubic metres into, or dredging, excavation, removal or moving of soil, sand, shells, shell grit, pebbles or rock of more than 10 cubic metres from a watercourse.
GN985	Activity (ii)(a)(c)(iv) 14	The development of- (ii) infrastructure or structures with a physical footprint of 10 square metres or more.

Notice No.	Activity No.	Activity Description
		Where such development occurs- (a) within a watercourse; (c) In Gauteng: iv. Sites identified as Critical Biodiversity Areas (CBAs) or Ecological Support Areas (ESAs) in the Gauteng Conservation Plan or in bioregional plans.

Accordingly, the proposed project requires authorisation from GDARD outlined in GN No. 982 2014 EIA Regulations, as amended, of NEMA.

5 PUBLIC PARTICIPATION

The purpose for lodging the Section 24G EIR is to ensure legal compliance and to create an opportunity for the public and other stakeholders to provide input in the rectification process. A Public Participation Process will be conducted in terms of Chapter 6 of GN No. 982 of the 2014 EIA Regulations, as amended, of the NEMA. A Public Participation Plan (PPP) was submitted to GDARD for approval in August 2020 in line with Directions gazetted under GN 650 on 5 June 2020. The PPP was approved in September 2020.

The Public Participation Process will involve the following, as per the approved PPP:

1. A Site Notice will be placed at the site boundary and Site Notices will be erected at prominent points on and around the study area, particularly where the unlawful activity took place.
2. BIDs will be emailed to identified IAPs.
3. Notices regarding the project will be emailed to the ward councillor of the area and possible stakeholders (including authorities and state departments), as well as ratepayers/homeowners associations in the area.
4. An electronic copy of the Draft EIR will be placed on the Nema Consulting website for a 30-day review. The report will not be made available in hard copy to limit the touching of shared surfaces and with the aim of limiting the potential spread of the Covid-19 virus. However, should a request be made for a copy of the report, it will be made available in a form (e.g. CD) that limits the potential spread of the virus.
5. All comments received during the review period will be compiled within a Comments and Response Report (CRR), which will be submitted with the Final EIR to the GDARD along with proof of the public participation process.

IAPs are encouraged to participate in the process in order for concerns to be addressed and included in the Section 24G EIR. IAPs are to review and comment on the Draft EIR which will be electronically available through the following link for review from **27 October 2020** to **26 November 2020**:

<https://nemai.co.za/environmental/downloadable-documents/>

In order to ensure that you are identified as an IAP, please submit your name, contact details, and comment/query/objection regarding the proposed rectification to the appointed consultant from Nemai Consulting:



Contact Person: Jacqui Davis
Tel: (011) 781 1730
Fax: (011) 781 1731
Email: jacquid@nemai.co.za
Postal Address: PO Box 1673, Sunninghill, 2157

Parties wishing to formally comment on the Draft EIR are requested to register and forward their comments (with reasons) to the consultant mentioned above no later than **26 November 2020**. Only **registered** IAPs will continue to be notified of the process.

Comments must be copied to the Head of Department, for attention:

Ms. Maryjane Ramahlodi: Section 24G Unit Manager: GDARD

P.O. Box 8769, Johannesburg, 2000

Tel: (011) 240 3020/3021/3022

Email: maryjane.ramahlodi@gauteng.gov.za

Omolayo.ilemobade@gauteng.gov.za

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REPLY FORM

Unlawful Construction and Infilling of a Watercourse on Portion 1 of Erf 1433 Parkmore in Johannesburg

(Complete and return to: **Jacqui Davis** by **26 November 2020**)

Date:		
Name of organisation:		
Name of Interested and Affected Party (IAP):		
Address:	Postal:	Physical:
Tel No:		
Fax No:		
E-mail:		
Registration as an IAP:	<i>YES</i>	<i>NO</i>
Comments:		