

30 June 2016

Dear Sir/ Madam

NOTIFICATION OF DECISION WITH RESPECT TO THE PROPOSED ENGINEERING AND REHABILITATION MEASURES AT THE BLUE GILL DAM, GLEN MARAIS (GDARD REF: Gaut 002/15-16/E0244)

In terms of the National Environmental Management Act (NEMA; No. 107 of 1998, as amended), and Regulation 4(2) of the Environmental Impact Assessment Regulations of 2014, we hereby notify you of the decision reached by the Gauteng Department of Agriculture and Rural Development (GDARD) with respect to the application by the Ekurhuleni Metropolitan Municipality (EMM) to undertake engineering and rehabilitation measures at the Blue Gill Dam. The decision was made on 20 June 2016 and issued on the same date.

A letter containing details of the decision by the Department, your right to appeal this decision, as well as a copy of the Environmental Authorisation (EA), is appended. The documents are also available on <http://bluegillestate.co.za/index.php/notice-board>.

Outcome of the Application for Authorisation

By virtue of the powers conferred on it by the NEMA and the Environmental Impact Assessment Regulations, 2014, the competent authority has **granted** the EA to the EMM to undertake the activity listed as activity 19 of Listing Notice 1 of the Environmental Impact Assessment Regulations, 2014. The development is proposed at the Blue Gill Dam, Glen Marais Extension 22 Township, Erf 2255 Park, Kempton Park, Ekurhuleni Metropolitan Municipality.

The EA is granted for the preferred alternative 4 (as detailed in the Basic Assessment Report dated April 2016), which involves the following:

- Upgrade the existing spillway between the upper and lower dams, the lowering of the existing spillway by 0.45 m between the two dams being favoured by the stakeholders and found to be an adequate compromise by the Engineering Team and the Applicant (the EMM) from a hydraulic (functional) perspective
- Close and reinstate the temporary spillway bypass between the upper and lower dams (this is proposed even if the existing spillway is not upgraded)
- De-silt the upper dam
- Repair erosion near the inlet culverts that are located underneath Veld Street
- Repair the lower dam wall and
- Reinstate/ rehabilitate the dam.

As part of the EA the Environmental Management Programme for the construction phase, as attached to the Basic Assessment Report submitted to the competent authority, has been approved.

A number of General Conditions of the EA are also outlined by the Department under Section 5 of the EA.

Reasons for the Decision

The Department was satisfied, on the basis of the information available and subject to compliance with the conditions of the EA, that the EMM should be authorised to undertake the proposed activity. It was considered by Department that the activity is not in conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the NEMA and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. Detailed reasons for the decision are provided in Annexure 1: Reason for Decision of the EA issued (see appended EA).

Process to Lodge an Appeal against the Decision

All registered I&APs have the right to lodge an appeal against the decision in terms of Chapter 2 of the National Appeal Regulations, 2014, which regulates appeal procedures. Should you wish to appeal any aspect of the EA, the Appellant must:

- Submit the appeal to the Appeal Administrator, and a copy of the appeal to the Applicant, and registered Interested and Affected Party and any Organ of State with interest in the matter within 20 days of notification of the decision.
- Submit the appeal in writing in the prescribed form obtainable from the Appeals Administrator, Mr. Tsholofelo Mere at Tel. 011 240 3204, E-mail: tsholofelo.mere@gauteng.gov.za. The appeal form is also available on www.gdard.gpg.gov.za
- Attach to the appeal a statement setting out the grounds of the appeal, supporting documentation, and a statement, including supporting documentation, by the appellant to confirm compliance with Regulation 4(1) of the National Appeal Regulations, 2014
- Deliver the appeal documents using any one of the following delivery methods:

By post: The Appeals Administrator, Department of Agriculture and Rural Development, PO Box 8769, Johannesburg 2000;

By facsimile: 011 240 3158/ 2700; or

By hand: Attention: The Appeals Administrator, Department of Agriculture and Rural Development, 11 Diagonal Street, Diamond Building, 4th Floor, Newtown, Johannesburg, 2000;

By email: appeals@gauteng.gov.za

In order to meet the prescribed time periods determined in the National Appeal Regulations, 2014, the Appellant must also email, fax or hand deliver the documents to the recipient, if the document is delivered by ordinary mail or registered mail.

The Applicant, the GDARD, Interested and Affected Parties and Organ of State must submit their responding statement, if any, to the appeal authority and the Appellant within 20 days from the date of receipt of the appeal submission.

If the appeal authority reasonably believes that expert advice must be sought or that an appeal panel must be appointed, the Appeal Administrator must source such an independent expert or constitute an independent appeal panel, or both, within 10 days from the date of receipt of an instruction from the appeal authority. They must have the necessary expertise and provide advice within 10 days from the receipt of an instruction from the Appeal Administrator.

The Appeal Administrator must make a recommendation on the appeal to the appeal authority within 30 days of receipt of the responding statement, in the event that an independent expert has not been sourced or an independent appeals panel has not been constituted. In the event that an independent expert has been sourced or an independent appeals panel has been constituted, the Appeal Administrator must make a recommendation on the appeal to the appeal authority within 10 days of the receipt of advice.

The appeal authority must reach a decision on an appeal, and notify the appellant, the Applicant and any registered Interested and Affected Party, within 20 days of the recommendation on the appeal by the Appeal Administrator.

The decision contemplated in Subregulation 3 of the National Appeal Regulations, 2014, must contain written reasons for the decision.

Should one have any queries or require additional information regarding the appeal process detailed above, you can contact the appeal administrator on any of the above mentioned contact details.

Your participation in this process is appreciated and valued.

Yours faithfully

A handwritten signature in black ink that reads "JBall". The signature is written in a cursive, flowing style.

JAANA-MARIA BALL
Environmental Assessment Practitioner

Email: jaanaball@gmail.com

Appended:

Environmental Authorisation (EA) issued by the GDARD on 20 June 2016