



MEMBER OF EXECUTIVE COUNCIL (MEC)
ECONOMI , ENVIRONMENT, AGRICULTURE AND RURAL DEVELOPMENT

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Reference: GAUT 002/13-14/E0020
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PER ELECTRONIC MAIL

Dear Sir/Madam

RE: APPEAL AGAINST THE DEPARTMENT'S DECISION IN RESPECT OF THE PROPOSED CONSTRUCTION OF CROWTHORNE BULK OUTFALL SEWER SYSTEM – KYALAMI RIDGE EXTENSION 3 – THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

Your appeal on behalf of GEKCO dated 30 June 2014 refers.

I have considered your appeal and in issuing my decision I have taken into account the following:

1. The contents of the project file;
2. The appeal documentation;
3. The responding statement dated 8 August 2014; and
4. Applicable legislation and policies

Having considered the above information, I am of the view that:

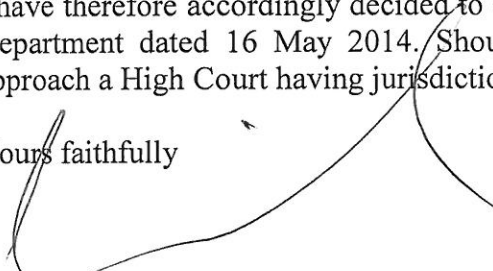
1. There is a need for a bulk sewer to be constructed as there is no municipal infrastructure for the removal of sewage in Crowthorne and the surrounding areas. Further, the proposed construction of bulk sewer system will serve the existing community and business sector in Crowthorne and the surrounding areas.
2. The need for this proposed development outweighs the impacts which are mainly of a temporary nature. Section 2 (4)(i) of the National Environmental Management Act, 1998 requires that “the social, economic and environmental impacts of activities, including

disadvantages and benefits, must be considered, assessed and evaluated”, and that “decisions must be appropriate in the light of such consideration and assessment.” In my view the social and economic benefits outweigh any negative impacts and these negative impacts are through the Environmental Authorisation adequately mitigated through conditions. Taking into account the socio-economic factors, the proposed activity will improve the living standards of the community as it will provide job opportunities and the existing contamination due to the failing system will be addressed and reduced as the existing failing system will be linked into the sewer line.

3. Although the Regional Environmental Management Framework identifies the Beaulieu Bird Sanctuary as a high constraint zone, the sewer pipeline will be constructed/installed in an area that is close to an already transformed area which is the road system to ensure minimal impact on the surrounding areas that are considered to be sensitive.
4. An Environmental Impact Assessment was done through the Basic Assessment Report which report is in line with the requirements of the National Environmental Management Act, 1998 and the EIA Regulations for this type of activity.
5. The proposed pipeline will be constructed underground and thus any disturbance to the environment will be temporary. Rehabilitation of the site will follow once the construction has been completed.
6. The activity is in line with the City of Johannesburg Metropolitan Municipality’s Regional Spatial Development Framework for Region A Sub area 6. Further, the activity will provide critical infrastructure services that will enhance the livelihood of the Crowthorne community and the surrounding areas.
7. No reasonable grounds have been put forward to suggest that the EAP’s independence was compromised when discharging the responsibilities in respect of this activity.

I have therefore accordingly decided to dismiss your appeal and uphold the decision of the Head of Department dated 16 May 2014. Should you be dissatisfied with the decision you client may approach a High Court having jurisdiction for appropriate relief.

Yours faithfully


Mr. Lebogang Maile (MPL)
MEC: Economic, Environment, Agriculture and Rural Development
Date: 21/10/2014