

Grounds of Appeal Completion Guidelines

version 1.03

This quick guide will help you complete the Grounds for Appeal section of the Appeals Document. Note that the following represent only suggestions, based upon meetings and discussions with Friends Of Kloofendal Nature Reserve, the local community and interested and affected parties.

We would encourage you to add your own reasons for appeal in the various sections.

Section A Appellants Details

A. Appellant's Information		
Name of Appellant		
Trading name (if any):		
Name of the organization/ person representing the appellant (if applicable)		
Contact person:		
Postal address:		
Postal code:	Cellphone No:	
Telephone:	Fax:	
E-mail:		

Enter your details (you are the appellant) as the person appealing the decision.

Section B Information on the project subject

What is your interest in the outcome of the appeal decision?

The applicant

I am an interested and/or affected party

B. Information on the project subject to the decision

1. Project Gaut No/Name:

Environmental Authorisation, Reference Number GAUT 002/LD/20-21/E001|

2. Brief description of the project:

Proposed development of a reception and visitors centre and staff quarters at Kloofendal Nature Reserve on Erf 769 or portion 530 of the farm 197 IQ, city of Johannesburg metropolitan municipality.

3. Department's decision on the abovementioned project:

4. Date of EIA decision: _____

Were you notified of the Department's decision? _____ (YES/NO)

Please indicate the date you were notified of the Department's decision? _____

Note that this information has been included on the NEMA_KloofendalAppealForm.-docx

As a member of the public/ community, you are an "Interested and/or affected party".

1. Environmental Authorisation, Reference Number GAUT 002/LD/20-21/E001

2. Proposed development of a reception and visitors centre and staff quarters at Kloofendal Nature Reserve on Erf 769 or portion 530 of the farm 197 IQ, city of Johannesburg metropolitan municipality.

3. *The project was authorised.*

4. *Authorisation was granted on the 14th December 2020.. Notification of this authorisation was received 20th January 2021.*

Section C Submission of an appeal, points 1,2,3,4 and 5

C. Submission of an appeal	
(1)	Is your appeal submission within the prescribed period of twenty (20) days after being notified of the Department's decision? YES <input type="checkbox"/> NO <input type="checkbox"/>
(2)	If NO, please provide reasons for not submitting your appeal within the prescribed period below. _____ _____ _____ _____ _____
(3)	Further, have you acquired an extension for the period within which you must lodge your appeal/condonation for late submission of your appeal.
(4)	I being both the appellant and applicant have served on each registered interested and affected party and any organ of state with interest on the matter a copy of this appeal. <input type="checkbox"/>
(5)	I being the appellant have served on the applicant and an organ of the state with interest a copy of this appeal. <input type="checkbox"/>

1. If your appeal will be submitted after the 9th February 2021. Then ensure that the NO options ticked.

2. If NO has been ticked, then enter the following into the following:

“At the time of project authorisation, the GDARD offices were closed. The Appeals Administrator Ms Tsholofelo Mere did not respond to emails, telephone calls regarding obtaining the Appeal Document, as per instructions in the Projects Authorisation Document. The GDARD website <http://www.gdard.gpg.gov.za/> is not functional therefore I could be comply with the recommended appeals process as per the document.

Subsequently, I was unable to get a copy of the Appeals Document at the time of notification of the projects approval. The project authorisation notification was emailed to me on the 20th January by Kamva. I received a copy of the Appeals document on the 2nd February which is 13 days after notification.”

3. As at the 4th February 2021 no extension of the appeal deadline has been granted. This is because the Appeals Administrator who is responsible for granting the appeal is Ms Tsholofelo Mere, does not answer her phone or emails.

4. Leave this tickbox unticked.

5. If you have not send your reasons for appeal to the applicant of the development, then leave this tickbox unticked.

Section D Grounds for appeal, point 1

D. Grounds of Appeal

1. Provide a statement setting out the ground/s of your appeal.(e.g. *insufficient/lack of public participation, insufficient mitigation etc.*)

Extra page attached

1. Contents of the section may include:

- Insufficient/lack of public participation.
- The Kloofendal Nature Reserve is in need of urgent maintenance, yet financial resources are being diverted to a project that is considered unnecessary.

Section D Grounds for appeal, point 4 and 5

4.	Is your appeal based on factors associated with unacceptable environmental impacts/mitigating factors not taken into account? _____ (YES/NO)
5.	If YES, please provide details
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<input type="checkbox"/> Extra page attached	

4. Unless you have something to add, the answer is No.

5. Leave blank unless you have something to add.

Section D Grounds for appeal, point 6 and 7

6.	Have your ground/s of appeal been raised previously in the public participation? _____ (YES/NO)
7.	If YES, please provide details
<hr/>	
<input type="checkbox"/> Extra page attached	

6. If you are registered as an “Interested and Affect Party” during the consultation phase of the project, answer YES.

7. If you answer YES, then use the following to formulate your answer.

“After the Draft Basic Assessment Report was sent to interested and affected parties, I submitted my grounds for appeal within the mandated period of 12 March 2020 to 26 March 2020.”

Section D Grounds for appeal, point 8 and 9

<p>8. Does your appeal contain any new information that was not submitted to the Environmental Assessment or registered interested and affected parties or Department prior to the Department's decision? _____ (YES/NO)</p>
<p>9. If YES, please provide the information, why it was not made available to the Environmental Assessment or registered interested and affected parties or Department prior to the Department's decision and reasons why the MEC should take it into consideration.</p>
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<div style="text-align: right;"><input type="checkbox"/> Extra page attached</div>

8. Answer No, unless your appeal is based upon new information, then answer Yes.

9. If you have new information for your objection, please add the details here.

- **Security** - Safety is a fundamental right for every South African, not only the safety of the users of the reserve but also the fauna and flora, natural and man-made assets. The boundary fence is in urgent need of maintenance. Kloofendal nature reserve is used by criminals especially at night to access properties for the intent of house breaking and theft, copper wire theft, stray dogs entering the reserve to hunt, poaching and illegal collecting of fauna and flora.
- **Sewerage system** - Sewerage leaks have become a common occurrence in the reserve, contaminating the water in the dam and wetland and further downstream. This pollution is killing fauna and flora and is a health risk to visitors and water uses further downstream. The sewerage pipes are in dire need of proper assessment and remediation.
- **Invasive vegetation** - invasive plants, particularly declared Alien Invasive Plants are overtaking our indigenous plants in many parts of the reserve.
- **Protection of historical assets** - The stamp mills urgently requires a roof.
- **Lawn areas** - provide a focal point for recreation. These areas have become degraded over time.
- **Infrastructure maintenance** - assets in need of maintenance include the dam spillway, bridge over the dam wall, boundary fencing (see security), parking. Many sections of the paths are badly eroded and need remediation for the users' safety.

Section D Grounds for appeal, point 12

12. Please list any attachments that are included in your appeal document:
a. _____
b. _____
c. _____
d. _____
e. _____
<input type="checkbox"/> Extra page attached

12. If you have anything to add such as images, please include them with your appeal.

I would suggest you rather copy any images into the Word Document Appeals Document, rather than attaching them as a separate file.

Once Your Appeal is completed

Your appeal must be submitted to the following on or before the 9th February 2021. (See Section C, Submission of an appeal, points 1,2,3,4 and 5.

Please email it to:

The Appeals Administrator

Fax No: (011) 240 -3150 or (011) 240-2700

E-Mail: appeals@gauteng.gov.za

It is important that you CC the Friends Of Kloofendal Nature Reserve Chairman on sspotty@pixie.co.za

Please note that as at 2nd February 2021, the GDARD offices are closed due to Covid-19. Ms Mere does not answer her phone or respond to emails.