

# OUR JOURNEY TO A BETTER GAUTENG



## PORTFOLIO COMMITTEE ON ROADS AND TRANSPORT

The Environmental screening when  
Defining the Rail Reserve for a Future  
Railway Line

16 August 2021

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# Significance of Screening

# GMA Cares about the Environment

- **The GMA applies and adheres to the duty of care principle as defined in section 28 of the National Environmental Management Act:**
  - "Every person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment"
  - "Reasonable measures" include measures to investigate, assess and evaluate the impact on the environment; cease, modify or control any act causing pollution or degradation and remedying the effects of pollution or degradation

# Why is it important to conduct Environmental screening

- **Screening is an important tool during the early stages of a project life cycle:**
  - It identifies and addresses environmental fatal flaws as early as possible in the life cycle of the project
  - The understanding of the requirements of environmental regulations and legislation and the limitations they impose on development is vital for the proposed project
  - Protects the biodiversity and environment by suggesting alternative safe project designs and methods
  - identifies, evaluates and predict the environmental, economic, and social impact of new development activities
  - Provides information showing environmental consequences before decision making



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# Environmental Rights

# Section 24 of South African Constitution

- **Everyone has a right to:**
  - An environment that is not harmful to their health or well-being; and
  - Have the environment protected for the benefit of present and future generations through reasonable legislative and other measures that:
    - prevent pollution and ecological degradation;
    - promote conservation; and
    - secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.
- Section 24 places a duty on the state, on businesses and all South Africans to prevent pollution and other damage to the environment, and to promote conservation and sustainable development.



# National Environmental Management Act, 107 Of 1998 (NEMA)

- In terms of NEMA, you have the following Rights;
  - You have the right to be consulted on impact assessments.
  - You have the right to report an environmental risk.
  - You have the right to information and for decisions to be taken in an open and transparent manner.
  - You have the right to access to information held by the State and organs of state which relates to the implementation of the Act and any other law affecting the environment, the state of the environment and actual and future threats to the environment.
  - You have the right to demand that the environment is taken care of You have the right to legal standing to enforce environmental laws.



# Chapter 2 of NEMA

- Provides several principles that decision makers must consider when making decisions that may affect the environment
  - Development must be socially, environmentally and economically sustainable
  - The participation of all interested and affected parties in environmental governance must be promoted, and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured
  - Decisions must consider the interests, needs and values of all interested and affected parties, and this includes recognizing all forms of knowledge, including traditional and ordinary knowledge
  - The social, economic and environmental impacts of activities, including disadvantages and benefits, must be considered, assessed and evaluated, and decisions must be appropriate in the light of such consideration and assessment



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# Phase 1 of the GRRIN Extensions



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# Methods and Considerations

- The following Environmental screening methods were used to identify impacts and motivate the most environmentally sustainable routes:
  - The constitution of the Republic of South Africa
  - Specific Environmental management Acts (SEMAs)
  - Municipal Bylaws
  - National Development Plan: Vision for 2030 (NDP)
  - Medium Term Strategic Framework (MTSF)
  - The Millennium Development Goals
  - The Sustainable Development Goals for the period 2015 – 2030
  - Agenda 2063 - Strategic Framework Promoting Socio-economic Transformation for the African Continent
  - The South African Development Community Sustainable Development Goals

# Methods and Considerations

- The Green Book
- Climate Change Bill, 2018
- The Gauteng Environmental Management Framework
- Green Transport Strategy, 2018
- Gauteng Transport Infrastructure Act, 2001
- National Environmental Management Act, 1998
- National Heritage Resources Act, 1999
- Occupational Health and Safety Act, 1993
- Municipal Bylaws
- Geographic Sensitivity Mapping
- Specialist Studies
- Recommendations



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# The next step in the process of defining the future railway reserve

# An extensive approach

- The GMA continues to apply and to adhere to the duty of care principle as defined in section 28 of the National Environmental Management Act
- A full environmental screening led by a registered Environmental Assessment Practitioner
- Extensive consultation with the interested and affected parties
- Awareness training to the interested and affected parties with regards to their rights and effectiveness
- Consideration of learnings obtained in the previous phase
- Extensive specialist studies
- Full Environmental screening report and recommendations

# Environmental process after a new route has been determined

- A full Environmental Impact Assessment in terms of the NEMA EIA Regulations 2014 (as amended) will be required.
- A suitably trained, qualified and registered EAP will need to be appointed to undertake the EIA
- Specialists will be appointed for the EIA.
- Additional specialist studies may be required due to input from Key Stakeholders , I&APs as well as Competent and Commenting Authorities
- Safety reports
- Noise and vibration reports
- Public Participation Process designed to best practices and in line with the requirements of the EIA Regulations 2014 (as amended)
- Licensing and Permitting processes





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**Thank You**



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