

City of Johannesburg Council 2024-03-19/20

COJ : MAYORAL COMMITTEE 2024-03-13

ENVIRONMENT, INFRASTRUCTURE AND SERVICES

80 REQUEST FOR COUNCIL APPROVAL FOR AMENDMENT OF TARIFFS OF CHARGES FOR AIR QUALITY MANAGEMENT SERVICES IN TERMS OF THE CITY OF JOHANNESBURG AIR POLLUTION CONTROL BY-LAWS 2021, FOR THE PERIOD 1 JULY 2024 TO JUNE 2025

1 STRATEGIC THRUST

Well-run city and business-friendly city.

2 OBJECTIVE

To request council approval for amendment of Tariff of charges of air quality management services in terms of the Air Pollution Control By-laws 2021 in the 2024/2025FY.

3 SUMMARY

Air pollution has emerged as one of the world's leading health risks, and the single most lethal environmental health risk. It is especially severe in the world's fastest-growing urban regions, such as in the City of Johannesburg, where the combination of more people, more vehicles, and increased use of energy derived from dirty fuels (including residential combustion of solid biomass), mining, improper management of waste, and other factors have increased human exposure to both indoor and outdoor air pollution. In order to deal with the impact of air pollution, the city published the revised Air Pollution Control By-laws on the 13 October 2021. The by-laws identified the number of activities which are listed in Schedule 1 of the by-laws which are considered to have potential to result in air pollution which may impact the health and well-being of the citizenry.

The operation of the identified activities requires a permit obtainable from the Environment Infrastructure Services Department Air Quality Management Unit. The Air Quality Officer in the department has been delegated the authority to issue the permit in terms of the by-laws. In this regard the issuing of the permit is subject to an application in a prescribed form and payment of applicable fees.

4 THE PROPOSED TARRIF CHARGES

The following amended Tariffs of Charges are proposed for consideration by council as a cost recovery mechanism for the services rendered by the department in the processing and management of the Air Pollution Control By-laws permit for schedule 1 activities. The proposed Tariff of Charges are revised on an annual basis as and when necessary to make provision for changes in legislation and to prevent a situation where council is subsidising the regulated community unnecessary and to ensure a uniform City-Wide Tariffs of Charges structure for the City of Johannesburg.

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4.1 Process

Consideration was given to the following aspects when the Tariffs of Charges were decided upon.

1. Users and consumers of Municipal Services should be treated equitably in application of the Tariffs of Charges.
2. The amount that individual users or consumers pay for services should generally be proportion to the use of that service.
3. Tariffs of Charges must reflect the costs reasonably associated with rendering the services, and
4. Tariff of Charges must be set at levels that facilitate the financial sustainability of the service.

4.2 Schedule of proposed Tariffs of Charges

In terms of Sections 17(3)(a)(ii) and 22(a)(i) and (ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and Sections 21(1) and (3), 21A and 75A(3) and (4) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, it is hereby notified that the City of Johannesburg has, in terms of Sections 11(3)(i) and 75A(1) and (2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, read with Section 24(2)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), amended its Tariff of charges in respect of the following with effect from 1 July 2024.

The following charges will be effective from 1 July 2024 – 30 June 2025:

The table below details the proposed revised Tariffs of Charges for rendering Air Quality Management Services in terms of the Air Pollution Control By-laws for City of Johannesburg. The tarrfis for 2024/25 are based on the City projecting CPI at 5.3% for 2023/24, 4.9% for 2024/25 and 4.7% for 2025/26 finicial year.

Service	Applicable legislation	Present Tariffs of Charges (R)	Proposed Tariffs of Charges (R)
Application fee for Permit for scheduled activity	Air Pollution Control By-laws 2021	970.00	1015.59
Application fee for changing of permit activities	Air Pollution Control By-laws 2021	485.00	507.80
Renewal of permit for scheduled activities	Air Pollution Control By-laws 2021	485.00	507.80

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5 CONCLUSION

EISD propose the abovementioned application fees as provided in by-laws to recover the cost applicable for processing the applications and for the management of the permits. The proposed fees have been benchmarked with other fees in the city for similar services to ensure comparability and cost effectiveness.

6 POLICY IMPLICATIONS

The report talks to the implementation of the City of Johannesburg Air Pollution Control By-laws 2021.

7 LEGAL AND CONSTITUTIONAL IMPLICATIONS

The proposed amendment Tariffs of Charges were discussed with the Legal and Corporate Department. The Tariffs of Charges are for application fees that are provided in the council approved and promulgated Air Pollution Control By-laws.

8 FINANCIAL IMPLICATIONS

The proposed amendment Tariffs and Charges are proposed for the 2024/2025 FY. Once approved by council should be applicable from the 1 July 2024.

9 COMMUNICATIONS IMPLICATIONS

The advertising of the proposed tariffs to be followed will afford affected parties an opportunity to comment. A supplementary template containing additional information to assist the public is attached as **Annexure A**.

10 OTHER DEPARTMENTS CONSULTED

Group Legal and Contracts have been consulted and their comments incorporated in the body of the report.

IT IS RECOMMENDED

- 1 That Council notes the report from the Executive Director: Environment Infrastructure Services Department requesting approval for proposed revised Tariffs of charges for application fees for 2024/25 financial year in terms of the Air Pollution Control By-laws 2021.**
- 2 That Council approves the proposed revised Tariffs of Charges for 2024/2025 Financial Year for rendering Air Quality Management Services in terms of the Air Pollution Control By-laws 2021 attached as Annexure C.**

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- 3 That the City of Johannesburg publishes a notice of Tariffs and Charges in a manner prescribed and invites the local community to submit written comments or representations on the proposed Tariffs and Charges.**
- 4 That the report be submitted to the relevant Section 79 Committee for comment.**

(ENVIRONMENT, INFRASTRUCTURE AND SERVICES)

(Musa Mahlatji)

(Head : Air Quality Management)

(Cell. 081 471 5383)

(tc)

THE NEXT ITEM FOLLOWS THE ANNEXURES TO THIS ITEM

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ANNEXURE A: SUPPLEMENTARY TEMPLATE

What are the major benefits to the Communities of Johannesburg?

The report provides for an application fee that is applicable to businesses that operate activities that are scheduled in terms of the Air Pollution Control By-laws 2021. The By-laws are aimed at controlling air pollution emanating from the scheduled activities through the provision of permits and compliance conditions.

Which Communities will primarily benefit (if relevant state the region, ward, suburb, or socio-economic group etc.)?

Citywide

If relevant, when will implementation take start?

The City should be in a position to implement the fees in the next FY 1 July 2024

If relevant, when will work be completed?

N/A

What is the total cost of implementation?

N/A

How will communities be informed of the contents of this report?

The community will be notified and informed through media and all communication platforms.

How can communities be involved in the implementation of this report?

Communities are urged to address air quality issues through the mitigation of air pollution and to report polluting activities to the City's designated Air Quality Officer.

Who can be contacted to provide additional information and/or clarity?

Musa Mahlatji: Air Quality Management on: 011 082 7951

What other information can be given to assist Councilors to communicate the contents of this report to communities?

None

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ANNEXURE B

AMENDMENT OF TARIFFS OF CHARGES FOR RENDERING AIR QUALITY MANAGEMENT SERVICES IN TERMS OF THE AIR POLLUTION CONTROL BY-LAWS FOR CITY OF JOHANNESBURG.

Schedule of Tariffs of Charges

In terms of Sections 17(3)(a)(ii) and 22(a)(i) and (ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and Sections 21(1) and (3), 21A and 75A(3) and (4) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, it is hereby notified that the City of Johannesburg has, in terms of Sections 11(3)(i) and 75A(1) and (2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, read with Section 24(2)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), amended its Tariff of charges in respect of the following with effect from 1 July 2024.

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