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# PROPOSED APARTMENT BLOCK ON ERF 46 AND ERF 47, CLIFTON: REVISED PUBLIC PARTICIPATION PLAN

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Revised Public Participation Plan as Part of the Basic Assessment Process for the Proposed Development of an Apartment Block and Associated Infrastructure on Erf 46 and Erf 47 (to be Consolidated into Erf 580), Clifton (NOI Ref: 16/3/3/6/7/1/A7/5/3067/20)

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## Appendices

**Appendix A** Preliminary I&AP Database

### Acronyms and Abbreviations

<b>BAR</b>	Basic Assessment Report
<b>BID</b>	Background Information Document
<b>DBAR</b>	Draft Basic Assessment Report
<b>DEA&amp;DP</b>	Department of Environmental Affairs and Development Planning
<b>DHSWS</b>	Department of Human Settlements, Water and Sanitation
<b>EA</b>	Environmental Authorisation
<b>EAP</b>	Environmental Assessment Practitioner
<b>EIA</b>	Environmental Impact Assessment
<b>FBAR</b>	Final Basic Assessment Report
<b>I&amp;AP</b>	Interested and Affected Party
<b>NOI</b>	Notification of Intent
<b>NWA</b>	National Water Act (No. 36 of 1998)
<b>PPP</b>	Public Participation Process

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# Proposed Apartment Block on Erf 46 and Erf 47, Clifton: Revised Public Participation Plan

REVISED PUBLIC PARTICIPATION PLAN AS PART OF THE BASIC ASSESSMENT PROCESS FOR THE PROPOSED DEVELOPMENT OF AN APARTMENT BLOCK AND ASSOCIATED INFRASTRUCTURE ON ERF 46 AND ERF 47 (TO BE CONSOLIDATED INTO ERF 580), CLIFTON (NOI REF: 16/3/3/6/7/1/A7/5/3067/20)

## 1. INTRODUCTION

The Applicant proposes to develop an apartment block on Erf 46 and Erf 47, Clifton. The Department of Environmental Affairs and Development Planning (DEA&DP) has confirmed that Environmental Authorisation through a Basic Assessment process is required for the proposed development as it triggers Listed Activities 19 and 19A of Listing Notice 1 of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended). The DEA&DP confirmed this in their letter dated 4 June 2020 and referenced 16/3/3/6/7/1/A7/5/3067/20 in response to the Notification of Intent (NOI) submitted by Chand for the abovementioned application.

The DEA&DP's Circular dated 14 May 2020 (reference 16/2) requires that a Public Participation Plan be submitted to the DEA&DP prior to the commencement of any public participation. The plan is required to include the following:

- “A detailed description of the steps that will be undertaken in terms of Public Participation which will be conducted during the declared lockdown period(s), so that compliance with Regulation 41 of the EIA Regulations 2014 (as amended) is achieved; and
- A detailed description of the additional measures proposed in terms of the proposed Public Participation Process (PPP) to augment the Regulation 41 requirements...”

This PPP Plan is, therefore submitted to the DEA&DP in terms of the abovementioned Circular for their feedback and advice.

On a general note, the community within which the proposed development is located is one of Cape Town's most affluent suburbs and it is therefore assumed that they would have access to internet and easily be able to receive notifications via email and download documents from Chand's website. All State Departments are also able to receive emails and documents for download.

## 2. ASSUMPTIONS AND LIMITATIONS

This report has been compiled with the following assumptions and limitations:

- This PPP Plan has been devised at the beginning of an EA process and, although certain issues and Interested and Affected Parties (I&APs) can be predicted, others will emerge through the process which may necessitate departure from this PPP Plan. Those departures would, however, be discussed with the DEA&DP prior to implementation and would relate to additional activities beyond those required in terms of Regulation 41 of the EIA Regulations, 2014 (as amended).
- Additional meetings/engagement with certain I&APs or groups thereof may be required, however this would come to light through the process. Should any meetings be necessary, these would be done via video conference for as long as lockdown persists, or a site meeting with any authorities where any social

distancing requirements applicable at the time would be observed (at the moment, this would entail wearing of face masks, sanitising hands on site with a sanitizer that is 80% alcohol or more and maintaining a physical distance of 1.5m between people).

- Public comment periods for documents associated with this process have been devised to adhere to the minimum statutory timeframes as contemplated in the EIA Regulations 2014 (as amended) as well as to provide an additional days (where applicable) in order to accommodate the various lockdown scenarios in terms of the COVID-19 State of Disaster. Should the State of Disaster be lifted at any time, the intention would be to revert to the minimum statutory commenting periods as contemplated in the EIA Regulations, 2014 (as amended) or to the latest requirements indicated by the Department which apply at the time.
- It is assumed that I&APs who live or own property in Clifton would be accessible via email and post and would have access to internet and easily be able to receive notifications via email and download documents from Chand's website. It is also assumed that all relevant State Departments can receive emails and documents for download.
- It is assumed postage can occur under all Alert Levels apart from Level 4.

### 3. PROPOSED PRE-APPLICATION PUBLIC PARTICIPATION ACTIVITIES

#### 3.1 Identification of I&APs

A preliminary database of I&APs has been compiled and included in **Appendix A**. Chand has conducted research in the area and, as a result, the following parties as required in Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended) are included in the preliminary I&AP database:

- Owners and Occupiers of the site where the activity is to be undertaken (noting that the Applicant is the landowner and that the tenant on site is managed by the landowner);
- Owners and Occupiers of the land adjacent to the site where the activity is to be undertaken (postal addresses have been sourced for all adjacent landowners and three have an email address, noting that two of those are for the City-owned erven to the north-east as well as one private residence to the north of the site) refer to Figure 1;



**FIGURE 1 AERIAL IMAGE OF ADJACENT LANDOWNERS, NOTING CITY-OWNED PROPERTIES INDICATED WITH YELLOW STARS, WHILE PRIVATELY OWNER PROPERTIES ARE INDICATED IN BLACK AND RED STARS (ADAPTED USING THE CITY OF CAPE TOWN ZONING VIEWER, 2020)**

- The Municipal Ward Councillor and Sub-Council Manager (the latest contact information has been obtained from the City of Cape Town's website);
- Organs of the State having jurisdiction in respect of any aspect of the activity (these include City of Cape Town, Department of Human Settlements, Water and Sanitation-DHSWS, Heritage Western Cape, CapeNature, and DEA: Oceans and Coasts); and

- Local Ratepayers' Associations (i.e. the Camps Bay and Clifton Ratepayers and Residents Association).

Note that no specific environmental or civic associations other than those mentioned above have come to light yet, but these may emerge through the process.

There was also a previous *ad hoc* setback line application process (undertaken by a different Environmental Assessment Practitioner-EAP) and the database from that process has been incorporated into the preliminary I&AP database.

Chand also has at hand information for postal addresses of hundreds of residents in Clifton. This dataset has also been included in the preliminary I&AP database.

The I&AP database would be updated as comments are received from I&APs during the Basic Assessment process.

### 3.2 Distribution of a Background Information Document (BID)

Chand would compile and distribute a Background Information Document (BID) via email to the I&APs which have email addresses. It would also be posted to the adjacent landowners who do not have email addresses (unless Alert Level 4 is in place, which does not allow for postage) and would be made available on Chand's website.

The suggested comment period for the BID is 30 days. It is not believed that additional timeframes need apply to the review of a BID as it is a simple, short document that would not take long to review. Furthermore, an extension of 30 days as required in the revised EIA Directions of 5 June 2020 do not apply to pre-application activities. The BID would outline the proposal and provide an update on the status of the project, as well as indicate the intentions for the Basic Assessment process. The intention behind the distribution thereof is to elicit comments/ issues which may not have been raised during the previous *ad hoc* setback line application process.

This is suggested as a strategic tool to obtain an early understanding of the position of various I&APs to identify any additional red flags early in the process. It would also serve to provide ample opportunity for I&APs to raise issues during the Basic Assessment process.

Registrations resulting from the BID distribution would be added to the I&AP Database and comments from the BID distribution would be included in the Comments and Response Report and Draft Basic Assessment Report (DBAR).

### 3.3 Engagement with City of Cape Town: Roads and Stormwater

It is understood that the City of Cape Town are responsible for the redirection of stormwater flow onto the Applicant's property, however this has not been confirmed or resolved, and the Applicant wishes to obtain confirmation and clarity from that City of Cape Town with respect to their responsibility for the matter and their role in the rehabilitation thereof respectively.

Given that Listed Activity 19A of Listing Notice 1 of the EIA Regulations 2014 (as amended) has been confirmed as a trigger by the DEA&DP, any potential rehabilitation requirements would need to be detailed in the project scope for environmental authorisation. A freshwater ecologist will assess the site and the watercourse thereon to provide more information on the sensitivity thereof as well as whether it could be considered a watercourse and what rehabilitation measures would be necessary. The findings of this study will be used as a base for discussions with the City of Cape Town, particularly their Roads and Stormwater branch (noting that any other affected branches may be engaged, as necessary), with a view to resolving the way forward for the gully and any rehabilitation as well as the responsible parties for executing those

actions. Chand would facilitate this engagement, but attendance and/or input from the civil engineers and freshwater ecologist would be necessary from a technical perspective.

It is intended to carry out this engagement using a combination of the following (noting that not all activities may be necessary):

- A site meeting (which observes the necessary social distancing, sanitizing upon entry and mask-wearing requirements);
- Email correspondence which provides a summary of issues, distributed to the City of Cape Town, and requests their feedback, followed by resulting discussion; and/or
- A video-conference Focus Group Meeting with the necessary parties.

Minutes of meetings would be recorded and those, as well as any related documents such as agenda, presentation, etc., would be included in the BAR.

### **3.4 Public Review of Pre-Application Draft Basic Assessment Report**

Notification of the Pre-Application DBAR would be distributed to the preliminary I&AP database via email to those I&APs who have email addresses (this includes state departments) and via post to those who do not have email addresses. The report itself would be made available for download from Chand's website. No hardcopies would be delivered, as the documentation would be available for download. Exceptions would be if state Departments specifically request hardcopies.

The suggested comment period for the BAR would be 35 days (i.e. the typical legislated comment period with an additional 5 days to accommodate lockdown). The notification letter would also explain that, while normally a commenting period of a minimum of 30 days must be provided, due to the extension of the timeframes provided by the revised EIA Directions on 5 June 2020, additional time for commenting has been provided for, but that I&APs are urged to please provide comments within a reasonable period, and that if the revised EIA Directions are amended/replaced, a deadline by which comments must be provided will be communicated to the I&APs.

Registrations resulting from the DBAR distribution would be added to the I&AP Database and comments from the DBAR distribution would be included in an updated Comments and Response Report and updated Draft Basic Assessment Report (DBAR).

This step would be particularly important if the gully on site is found to be a watercourse and would require detailed engagement (or licensing) with the DHSWS, in terms of the National Water Act (No. 36 of 1998) (NWA) as they would need to comment on the DBAR.

## **4 PROPOSED POST-APPLICATION PUBLIC PARTICIPATION ACTIVITIES**

The BAR would be updated following the pre-application PPP and all specialist and project team inputs. Then the application form would be completed and submitted (and application fee paid) to the DEA&DP.

### **4.1 Public Review of Post-Application Draft Basic Assessment Report**

Notification of the Post-Application DBAR would be distributed to the preliminary I&AP database via email to the I&APs which have email addresses (this includes state departments) and via post to those who do not. No hardcopies would be delivered, as the documentation would be available for download, unless specifically requested by a state department. The report itself would be made available for download from Chand's website. Notification of the availability of the Post-Application DBAR would also be done through the following:

- Distribution of a notification letter to the preliminary I&AP database (which includes parties required in terms of Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended)) via email to those who have email addresses and post to those who only have postal addresses;
- Placement of one notice board on the site where the proposed activities are to be undertaken on the site boundary, facing Victoria Road (noting that contents and size would adhere to requirements of Regulations 41 (3) and (4) of the EIA Regulations, 2014 (as amended));
- Written notification via a mail-out, email and knock-and-drop exercise to occupiers/owners adjacent to the boundary of the site (noting that the Applicant is the landowner and that they manage their tenant on site); and
- Compilation and placement of one advertisement (in English) in the Cape Argus (which is a local newspaper) (noting that contents would adhere to requirements of Regulation 41 (3) of the EIA Regulations, 2014 (as amended)).

The above means of notification (as well as notification of the decision described in section 4.2) would provide for adherence to Regulation 41 of the EIA Regulations 2014 (as amended).

The suggested comment period for the BAR would be 60 days (i.e. the typical legislated comment period with an additional 30 days to accommodate the revised EIA Directions of 5 June 2020). The notification letter would also explain that, while normally a commenting period of a minimum of 30 days must be provided, due to the extension of the timeframes provided by the revised EIA Directions on 5 June 2020, additional time for commenting has been provided for, but that I&APs are urged to please provide comments within a reasonable period, and that if the revised EIA Directions are amended/replaced, a deadline by which comments must be provided will be communicated to the I&APs.

Registrations resulting from the Post-Application DBAR distribution would be added to the I&AP Database and comments from the Post-Application DBAR distribution would be included in an updated Comments and Response Report and Final Basic Assessment Report (FBAR) for submission to the DEA&DP.

Should the Post-Application DBAR require substantive amendments as per S19(1)(b) of the EIA Regulations, 2014 (as amended), the update DBAR would be distributed to the Registered I&APs for a further 60 days (i.e. 30 plus 30 assuming the revised EIA Directions remain in effect). It is not anticipated that this would be likely, given the extensive public review proposed for the BAR.

## 4.2 Notification of DEA&DP Decision

Once the DEA&DP has reviewed the FBAR and issued their decision, the decision, date, reasons for decision, means to access the decision, and an explanation regarding the way the decision may be appealed, as well as any further requirements stipulated therein would be distributed to the I&AP database via email for those who have email addresses and post for those who have only postal addresses. It would also be uploaded onto Chand's website so it would be accessible for download. The applicable appeal period would be explained in accordance with that included in the decision.

## 5 CONCLUSION

The proposed PPP is summarized in Table 1 and indicates which activities would meet minimum statutory requirement in terms of Regulation 41 of the EIA Regulations, 2014 (as amended) and those which are additional.

**TABLE 1 SUMMARY OF PROPOSED PPP PLAN RELATIVE TO STATUTORY REQUIREMENTS**

<b>PPP: Task/Activity</b>	<b>Regulatory Requirements</b>	<b>Additional</b>
<b>Compilation of Preliminary I&amp;AP Database</b>	X <sup>1</sup>	
<b>Distribute BID (30 days)- via email to preliminary database, as well as post for adjacent landowners who do not have email, BID on Chand's website for download</b>		X
<b>Engagement with City of Cape Town: Roads and Stormwater via email, site meetings, and or video conference</b>		X
<b>Public Review of Pre-Application DBAR (30 + 5 days)- report on Chand's website and via email to the I&amp;APs which have email addresses and via post to those who do not.</b>		X
<b>Public Review of Post-Application DBAR (30 + 30 days)- report on Chand's website and via email to the I&amp;APs which have email addresses and via post to those who do not, site notice at site boundary along Victoria Road, newspaper advert, hardcopies only delivered to state departments if requested</b>	X	
<b>Notification of Decision to Registered I&amp;APs via email, and post to those who do not have email addresses, decision would be uploaded to Chand's website</b>	X	

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<sup>1</sup> in so far as necessary parties would be on there