
PROPOSED WYNBERG BUS DEPOT ON A PORTION OF ERF 91191, ERF 90470 & ERF 90475- RE, WYNBERG: PUBLIC PARTICIPATION PLAN

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Proposed Public Participation Plan as Part of the Basic Assessment Process for the Proposed Wynberg Bus Depot on a Portion of Erf 91191, Erf 90470 & Erf 90475-RE, Wynberg (NOI Ref: Pending)

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Acronyms and Abbreviations

BAR	Basic Assessment Report
BID	Background Information Document
DBAR	Draft Basic Assessment Report
DEA&DP	Department of Environmental Affairs and Development Planning
DWS	Department of Water and Sanitation
EA	Environmental Authorisation
EAP	Environmental Assessment Practitioner
EIA	Environmental Impact Assessment
FBAR	Final Basic Assessment Report
HWC	Heritage Western Cape
I&AP	Interested and Affected Party
NOI	Notification of Intent
NEMA	National Environmental Management Act (No. 107 of 1998), as amended
NWA	National Water Act (No. 36 of 1998), as amended
PPP	Public Participation Process

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Proposed Wynberg Bus Depot on a portion of Erf 91191, Erf 90470 & Erf 90475-RE, Wynberg: Public Participation Plan

PROPOSED PUBLIC PARTICIPATION PLAN AS PART OF THE BASIC ASSESSMENT PROCESS FOR THE PROPOSED WYNBERG BUS DEPOT ON A PORTION OF ERF 91191, ERF 90470 & ERF 90475-RE, WYNBERG (NOI REF: PENDING)

1. INTRODUCTION

The City of Cape Town intends to develop a bus depot in Wynberg for the Integrated Rapid Transit (IRT)/“MyCiti” system that the City of Cape Town is rolling out throughout the metropole. As per the information provided in the Notification of Intent (NOI) to submit an application, the following Listed Activities of the Environmental Impact Assessment (EIA) Regulations, 2014 (as amended) may be relevant (noting that final applicability will be confirmed in the Application Form):

- Activities 14 and 19 of Listing Notice 1; and
- Activities 4, 10, 12, 15, and 18 of Listing Notice 3.

The proposed development is also likely to trigger provisions of the National Environmental Management: Waste Act (No. 59 of 2008) (NEM: WA).

This PPP Plan is appended to the NOI and so feedback thereon as part of the NOI feedback is requested.

The DEA&DP’s latest State of Disaster-related Circular dated 6 January 2021 (No. 0001/2021) defers to the requirements stipulated in their circular dated 30 September 2020 (No. 0024/2020) with regard to public participation. Therefore, it is still a requirement that a Public Participation Plan be submitted to the DEA&DP prior to the commencement of any public participation in order to ensure that reasonable notice is given to potential interested and affected parties (I&APs).

The Department of Environment, Forestry and Fisheries (DEFF) published revised EIA Directions for conducting EIAs and other permitting processes under the National State of Disaster and association lockdown conditions (i.e., the “revised EIA Directions”) on 5 June 2020, but the period in which they were effective has passed and no directions in this regard are currently in place. Therefore, no extensions under these directions are contemplated in this report and no lengthy extensions would be applied to post-application timeframes.

Relevant to this Basic Assessment process, there is also an Agreement for the One Environmental System whereby processes for a Water Use License Application (WULA) must be synchronized with the timeframes of the EIA Regulations, 2014 (as amended).

Another aspect which is noteworthy is that the contract that Chand has with the City of Cape Town, through the Project Manager (Gibb) is reaching a close in September 2021. The contract has gone out to tender and the winning bid will be awarded through the City of Cape Town's procurement process. Therefore, the winning team would take over the project, and this Basic Assessment process, from October 2021.

This PPP Plan is, therefore submitted to the DEA&DP in terms of the abovementioned Circular and Agreement on the One Environment System for feedback and advice.

In terms of the programming of the Basic Assessment process, a draft Gantt chart is included in **Appendix B**, noting that whoever is awarded the bid for this contract would take over the programme from October 2021.

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 the Basic Assessment process and, although certain issues and 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, with all attempts to be made to meet outdoors rather than indoors).
- 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 additional days (where reasonable and applicable) in order to accommodate the various lockdown scenarios in terms of the COVID-19 State of Disaster. However, it is understood that the revised EIA Directions of 5 June 2020 are no longer in effect and no other directions are currently in place, therefore all post-application timeframes would comply with the minimum statutory commenting periods as contemplated in the EIA Regulations, 2014 (as amended).
- It is assumed that all relevant State Departments, surrounding business representatives, surrounding state facility representatives and local civic organisations can receive emails and documents for download.
- It is assumed that community leaders would pass on any relevant information to their constituents, particularly the I&APs/ constituents who may not have access to the internet for download of documents.
- It is assumed postage can occur under all Alert Levels apart from Level 4.
- All notification letters, adverts, and site notices published and distributed as part of this PPP would refer to a "combined PPP in terms of NEMA and the NWA", in order to make it clear that there are environmental, and water use aspects incorporated into a single process.
- Where posting of notifications/documentation is mentioned, this refers only to regular mail and **not registered mail**. Chand does not believe it is prudent to force I&APs to queue in a post office to collect a letter during a global pandemic.

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 has also used the I&AP database for the historic Kenilworth Racecourse development as a base. 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 there are no occupiers of the site at present, however there is an informal settlement

adjacent to the site and so engagement with the City of Cape Town Engineering Services to Informal Settlements and their community liaison representatives would also be undertaken);

- Owners and Occupiers of the land adjacent to the site where the activity is to be undertaken. This includes the City of Cape Town (who own and operate many of the facilities) and the Kenilworth Racing (Pty) Ltd, as well as other state-owned land (note that these parties would be reached through a knock-and-drop exercise).
- The Municipal Ward Councillor and Sub-Council Manager (the latest contact information has been obtained from the City of Cape Town website, the Ward Councillor would also serve as the point of contact with the local community, particularly those who may not have access to internet/documents for download);
- Organs of the State having jurisdiction in respect of any aspect of the activity (these include City of Cape Town Municipality, Western Cape Department of Transport and Public Works, Department of Water and Sanitation-DWS, Department of Agriculture, and CapeNature);
- Local Ratepayers' Associations; and
- Local groups which could facilitate community engagement (i.e., Friends of the Kenilworth Racecourse Reserve, ToadNuts, etc.).

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.

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)

Note that the City of Cape Town Engineering Services to Informal Settlements and their community liaison representatives will be consulted prior to the distribution of the BID, in order to facilitate a smoother engagement/notification with the Bonnytown informal settlement.

Chand would compile and distribute a Background Information Document (BID) via email to the entire preliminary I&AP database to I&APs which have email addresses. It would also be posted (via regular post, **not** registered post) to the I&APs 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.

A knock-and-drop to adjacent landowners and occupiers would also occur, with this being signed for if someone is present at the facility (most adjacent properties are state facilities) with a sanitized pen, noting that Chand's employee would be masked. If nobody is present, this will be noted on the delivery sheet and the BID would be placed in the post boxes.

The suggested comment period for the BID is 35 days (i.e., the typical legislated 30 days with an additional 5 days to account for COVID-19 and lockdown related challenges). 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. It would also include a short, easy to understand summary (in Afrikaans and isiXhosa) which would be targeted at the Bonnytown residents to support their understanding of the project intentions. The intention behind the distribution of the BID is, therefore, to elicit comments/ issues early in the process, allowing I&APs to highlight any potential issues.

This is suggested as a strategic tool to obtain an early understanding of the position of the various I&APs to identify any additional red flags early in the process and to ascertain whether any additional specialist assessment or other considerations in the Basic Assessment process must be included 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 Focus Group Meeting to Discuss Wetland Offset Requirements

Given that the proposed development requires infilling of wetlands and the fact that the Department of Water and Sanitation (DWS) has a firm stance in terms of “no net loss of wetlands”, there would be a wetland offset required for the proposed development.

A wetland offset report will be produced by the freshwater ecologist and this will form the basis of engagement with various authorities in this regard. It is envisioned that this engagement would take the form of a Focus Group Meeting (preferably on site) with the relevant parties to discuss the requirements. It is anticipated that the relevant parties would be a combination of DWS, CapeNature and/or City of Cape Town.

3.4 Public Review of Pre-Application Draft Basic Assessment Report

Notification of the Pre-Application Draft Basic Assessment Report (BAR) would be distributed to the preliminary I&AP database via email to those I&APs who have email addresses (this includes state departments, as well as the DEA&DP) and via post (note, regular post, **not** registered 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 to I&APs, as the documentation would be available for download. Exceptions would be if state Departments (or I&APs with reasonable requests) specifically request hardcopies.

There would also be a detailed executive summary, which would contain sufficient information for I&APs to achieve a fair idea of the project for commenting purposes, without needing to review the entire BAR. This would be devised in order to allow for I&APs with minimal data to access the information. The executive summary will also be available on Chand's website for download.

A hard copy of the DBAR would be left at the Wynberg Public Library, where applicable lockdown regulations in effect at the time allow for this. The Wynberg Public Library is located within the affected community and, to improve commenting opportunity for those I&APs who do not have access to the internet, hardcopies of the executive summary, comment sheets and a comment box will be left at this location. I&APs would be able to take an executive summary and would be able to deposit their written comment in the comment box. The comment box would be collected from the Wynberg Public Library at the end of the comment period and comments and registrations would be captured as part of the Basic Assessment process.

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 circumstances).

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 DBAR.

This step is particularly important in terms of the One Environment System, such that it would allow for DWS to provide their comments during the pre-application PPP thereby affording additional opportunity to engage DWS on the proposal and implications in terms of the NWA.

4 PROPOSED POST-APPLICATION PUBLIC PARTICIPATION ACTIVITIES

Note that these activities would be undertaken by the team (and EAP who is part of the team) who is awarded the tender for the City Depots and IRT infrastructure from October 2021.

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. It is anticipated that the formal application for a WUL (if required) would be made to the DWS at the same time.

4.1 Public Review of Post-Application Draft Basic Assessment Report

Notification of the Post-Application DBAR would be distributed to the updated I&AP database via email to the I&APs which have email addresses (this includes state departments, as well as the DEA&DP) and via standard post (i.e., **not** registered post) to those who do not. No hardcopies would be delivered to I&APs, as the documentation would be available for download, unless specifically requested by a state department (or reasonable request made by I&APs). A hard copy of the post-application DBAR would be left at the Wynberg Public Library, where applicable lockdown regulations in effect at the time allow for this.

A comprehensive executive summary would also be provided for download (to provide those I&APs with limited data access to still achieve a fair idea of the project for comment) and would be left at the Wynberg Public Library for I&APs to take home. In addition, comment sheets and a comment box will be left at this location. I&APs would be able to take an executive summary and would be able to deposit their written comment in the comment box. The comment box would be collected from the Wynberg Public Library at the end of the comment period and comments (as well as any new I&AP registrations) would be captured as part of the Basic Assessment process.

The report itself as well as the comprehensive executive summary would be made available for download from Chand's website (noting that the executive summary would have a separate link). Notification of the availability of the Post-Application DBAR would also be done through the following:

- Distribution of a notification letter to the updated 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 standard 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 Wetton 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 there are no occupiers of the site, with occupiers and landowners present adjacent to the site);
- Compilation and placement of one advertisement (in English) in the People's Post (which is a local newspaper) and the Cape Times (which is a regional newspaper) (noting that contents would adhere to requirements of Regulation 41 (3) of the EIA Regulations, 2014 (as amended)); and
- Notices of the project and availability of information for review would also be distributed/ put up at key public places in the community such as libraries and shops. These notices would encourage I&APs to visit the Wynberg Public Library to collect an executive summary and deposit a comment in the comment box

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 above documentation would also refer to a "combined PPP in terms of NEMA and the NWA".

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 challenges).

If possible, the post-application DBAR would be submitted to DWS before other I&APs in order to afford DWS more time to review. If this can be achieved, it would likely occur at the time the Application Form is submitted to the DEA&DP, but this cannot be guaranteed at this stage.

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 30 days (as per EIA Regulations, 2014, as amended). 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

PPP: Task/Activity	Regulatory Requirements	Additional
Compilation of Preliminary I&AP Database	X ¹	
Distribute BID for public review (30 + 5 days)- via email to preliminary database and regular post to preliminary database for those who do not have email, as well as knock and drop for adjacent landowners, BID on Chand’s website for download		X
Focus Group Meeting to resolve wetland offset requirements		X
Public Review of Pre-Application DBAR (30 + 5 days)- report and executive summary on Chand’s website and via email to the I&APs which have email addresses and via post to those who do not. Leave hardcopies of the report at Wynberg Public Library, if possible and where lockdown restrictions allow for this. Executive summaries, comment sheets and comment box for deposit of written comments to be left at Wynberg Public Library.		X ²
Public Review of Post-Application DBAR (30 + 5 days)- report on Chand’s website and via email to the I&APs which have email addresses and via post to those who do not, site notice at site boundary, newspaper adverts x 2 (local and regional) (in order to ensure compliance with NEM: WA), hardcopies only delivered to state departments if requested, where possible and allowable under lockdown, leave hardcopies of the report at Wynberg Public Library. Executive summaries, comment sheets and comment box for deposit of written comments to be left at Wynberg Public Library, if possible.	X	
Notification of Decision to Registered I&APs via email, and post to those who do not have email addresses, decision would be uploaded to Chand’s website	X	

¹ in so far as necessary parties would be on there

² Although not a formal requirement in terms of Regulation 41 of the EIA Regulations, this is recommended in terms of the One Environment System and to allow for wider public review and comment on a complex site which requires consideration of several environmental aspects.

APPENDICES

APPENDIX A: PRELIMINARY I&AP DATABASE