

DRAFT
COMMENTS AND RESPONSES REPORT #1

**BASIC ASSESSMENT PROCESS FOR THE PROPOSED IRT PHASE 2A TRUNK
ROUTE: PORTION E1, 3.5KM OF GOVAN MBEKI ROAD FROM
INTERSECTION WITH HEINZ/OTTERY ROAD TO APPROX 130M EAST OF
LINK ROAD, MANENBERG & GUGULETHU**

**DEA&DP Pre-App reference: 16/3/3/6/7/1/A2/19/3028/18 &
16/3/3/6/A2/19/3042/19**

DEA&DP App reference: 16/3/3/1/A2/19/3040/21

Heritage Western Cape Case Number: 16081016HB0928E

DWS GA reference: WU17549

August 2021

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1 INTRODUCTION

This document is the draft Comments and Responses Report appended to the post-application draft Basic Assessment Report (BAR), for the proposed development of the IRT Phase 2A Trunk Route: Portion E1.

The document reports on the public participation process (PPP) undertaken for the proposal up until public review of the post-application Draft BAR which is currently being subjected to a 35-day public comment period, and, by virtue of being appended to the BAR, this report is also under the 35-day review period. This is aligned with the PPP Plan for the proposal (refer to **Annexure 2**) which was approved by the Department of Environmental Affairs and Development Planning (DEA&DP) on 21 January 2021 (refer to **Annexure 3**) following previous engagements regarding the public participation strategy which started in 2018.

The Interested & Affected Parties (I&AP) database for the application, exclusive of contact information, is included in **Annexure 1**. This database has remained updated and will be maintained throughout the process.

This report describes the process used to identify and notify potential I&APs of the proposal, BAR and associated public review and comment period. The report furthermore summarises all issues raised by I&APs on the proposal to date.

The report incorporates the following:

- A preliminary Interested and Affected Party (I&AP) database which includes parties required in terms of Regulation 41 (2) (b) of the EIA Regulations, 2014 (as amended);
- The minutes of a One-on-one meeting held with CapeNature on 13 February 2018;
- The minutes of a Focus Group Meeting (FGM) with representatives from the Environment and Heritage Management, Catchment Planning: Region 2, Biodiversity Management, Asset Management Roads, and Catchment Stormwater and River Management branches of the City of Cape Town on 14 February 2018;
- The minutes of an FGM with representatives from the Environment and Heritage Management as well as the Edith Stephens Nature Reserve (ESNR) branches of the City of Cape Town on 5 April 2018 to discuss the need for a biodiversity offset;
- The minutes of an FGM with organisations which represent local culture and heritage on 11 July 2018;
- The minutes of FGMs with local Councillors, Sub-Council 11, on 16 February 2018 and Sub-Council 14, on 16 February 2018;
- The minutes of an FGM with local Councillors at Sub-Council meetings for sub-councils 23 and 14 on 20 May 2019 and sub-councils 11 and 13 on 22 May 2019.
- The minutes of FGM with local Councillors with Wards located in the site area on 18 October 2018; and
- The minutes of a pre-application meeting with the Department of Water and Sanitation (DWS) on 20 April 2018 and a second pre-application meeting on 28 April 2021 as well as all correspondence.

Note that, regarding evidence of the above, in certain cases the private contact information of individual I&APs has been obscured to protect said information. Comprehensive evidence, including all contact information, will be made available in the final BAR to DEA&DP and will all form part of the public record. Contact details of registered I&APs will be provided to the Applicant, the DEA&DP, as well as to any party who appeals the decision.

Following the current public review period for the post-application Draft BAR, this report will be updated to include the following:

- Evidence of notification of the availability of the post-application draft BAR via email to the preliminary I&AP database and via post to those who do not have email addresses;
- Evidence of a "knock-and-drop" exercise of a notification letter to businesses and formal institutions adjacent to the road;

- Evidence of a “knock and drop” delivery of a notification leaflet to local businesses in the informal settlements alongside the affected stretch (conducted by locals from the community);
- Proof of placement of information posters throughout the affected community notifying them of the proposed development and BA process (conducted by locals from the community);
- Evidence of site notices placed at the start, middle and end of the route;
- Proof of adverts placed in three local newspaper, in English and in isiXhosa;
- Evidence of the upload of the post-application Draft BAR and Executive Summaries to Chand's website for the duration of the public review period;
- Updated I&AP Database (following any further registration of I&APs);
- Comments received from I&APs on the post-application Draft BAR;
- Responses to the comments received from I&APs on the post-application Draft BAR;
- Evidence of notification of ward councillors of the availability of the post-application draft BAR public comment period; and
- Minutes of meetings held, if any.

All comments raised in relation to the post-application Draft BAR will be considered and incorporated into this report, and where appropriate, changes made to the Final BAR for submission to the Competent Authority (the DEA&DP) for final decision-making.

2. POTENTIAL I&AP DATABASE: COMPILATION AND MAINTENANCE

A preliminary I&AP database informed by research conducted by Chand on contemporary officials and stakeholder groups which may have an interest in the area or project has been compiled and maintained throughout the Basic Assessment process as meetings with key stakeholders have been held. 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 a number of properties are applicable to the proposal given its linear nature. While the Applicant is the landowner of the road reserve, where the road falls beyond the road reserve other landowners apply. All affected landowners have been identified and included in the potential I&AP database);
- Owners and Occupiers of the land adjacent to the site where the activity is to be undertaken (noting that multiple landowners and occupiers have been identified given the linear nature of the proposal);
- Municipal Ward Councillors and Sub-Council Managers of the affected wards;
- Organs of the State having authority in respect of any aspect of the activity (these include the City of Cape, Department of Water and Sanitation (DWS), Heritage Western Cape (HWC) Department of Agriculture, Western Cape Government Transport and Public Works Department and CapeNature);
- Registered Heritage Conservation Bodies (i.e., Heritage Western Cape); and
- Local groups which could facilitate community engagement (i.e., Pinati Estate Community Civic Association, Hanover Park Backyard Dwellers Organisation, Hanover Park Community Policing Forum, Lansdowne Civic Association (LCA) and the Gugulethu Development Forum).

The I&AP database is included in **Annexure 1**. Note that, to protect privacy, the contact information of these parties has not been made publicly available. However, the full database, which would contain contact details, will be included in the final submission to the DEA&DP and will become part of public record. Contact details of registered I&APs will be provided to the Applicant, the DEA&DP, as well as to any party who appeals the decision.

3. NOTIFICATION METHODOLOGY

3.1 Post-Application Draft BAR

The following public participation activities have been undertaken in support of the 35-day public review period (currently underway) of the post-application draft BAR:

- Notification of the availability of the post-application draft BAR to the preliminary I&AP database, via email, and via post to those who do not have email addresses;
- A “knock-and-drop” exercise of a notification letter to businesses and formal institutions adjacent to the road;
- Engagement with ward councillors to notify them of the public comment period (via email, telephone and virtual information sessions);
- A “knock-and-drop” delivery of a notification leaflet to local businesses in the informal settlements alongside the affected stretch (conducted by locals from the community);
- Placement of information posters throughout the affected community notifying them of the proposed development and BA process (conducted by locals from the community);
- The post-application draft BAR has been made available for download from Chand’s website for the duration of the comment period;
- An executive summary for separate download (for those I&APs who have limited access to data) is also available on Chand’s website for the duration of the comment period;
- Site notices have been placed at the start, middle and end of the route. These are in English and isiXhosa and contain the information as prescribed by the EIA Regulations, 2014, as amended and PPP guidelines (i.e., they will be of the standard format). There are six in total; and
- Adverts have been placed in three local newspapers, in English and in isiXhosa. The adverts contain the information as prescribed by the EIA Regulations, 2014, as amended and PPP guidelines (i.e., they will be of the standard format).

Note that in order to provide access to commenting on the report to people who may not have access to data, emails, post or fax, Chand has encouraged I&APs to make telephonic contact and submit their comments to Chand in that manner, for Chand to record (in writing) as part of the BA process.

Furthermore, no hardcopies of the post-application BAR have been issued to I&APs, however these will be made available upon reasonable request.

Evidence of the above will be included in the next iteration of this report which will be appended to the Final BAR and submitted to the DEAD&P for decision-making.

3.2 Engagement with State Departments

Pre-application engagement with State Departments has already been undertaken and includes the following:

- A one-on-one meeting with CapeNature on 13 February 2018 (refer to **Annexure 4** for the meeting minutes);
- A Focus Group Meeting (FGM) with representatives from the Environment and Heritage Management, Catchment Planning; Region 2, Biodiversity Management, Asset Management Roads, and Catchment Stormwater and River Management branches of the City of Cape Town on 14 February 2018 (refer to **Annexure 5** for the meeting minutes);
- An FGM with representatives from the City of Cape Town Environment and Heritage Management as well as the Edith Stephens Nature Reserve (ESNR) branches of the City on 5 April 2018 to discuss the need for a biodiversity offset (refer to **Annexure 6** for the meeting minutes);
- A pre-application meeting with the Department of Water and Sanitation (DWS) was held on 20 April 2018 in order to confirm the Department's requirements with regard to the need for a Water Use License Application (WULA) and a second pre-application meeting was held with the new DWS case

officer on 28 April 2021, 2018. It has been confirmed that a General Authorisation would suffice (refer to **Annexure 7** for associated documentation);

- A Notice of Intent to Develop (NID) was submitted on 28 September 2016 to Heritage Western Cape (HWC) and comment thereof received on 19 October 2016. Another NID for the elevated intersection was submitted on 26 October 2018 and HWC response received on 17 November 2017. HWC has confirmed that no further assessment is warranted (refer to **Annexure 8**).

In terms of issues raised by State Departments thus far, the following is noted:

- The Site Manager of the ESNR and a representative from City of Cape Town Biodiversity should be engaged during the compilation of final Stormwater Management Plan and associated detail design of sections of the route adjacent to ESNR (this is to include discussion on the construction and maintenance of a fence). In response, this requirement has been included as a specification in the EMPr.
- The removal of the pavement trees should be approved by the City of Cape Town Recreation and Parks branch. This requirement has been included in the EMPr.
- While wetland offsets were initially discussed, it should be noted that the proposed geometry for the preferred alternative (i.e., Alternative 3) has been realigned and further narrowed to avoid wetlands. The impact has been assessed and confirmed to be low, and no offsets are considered necessary (Belcher et al, 2021). Note, however, that the DWS has been requested to provide clarity on, or a response to this, as part of the registration for a General Authorisation and the specific feedback, at the time of writing, remains awaited.
- No biodiversity offset would be required.
- The final Stormwater Management Plan should be approved by the City of Cape Town and be implemented throughout operational phase of the development. The plan has since received in-principal approval from the Stormwater Management branch

Other State Departments have been consulted through the notification of the availability of the post-application draft BAR for comment. It is hoped that they will provide comment on this report within the statutory period. If not, as per Regulation 3 (4) of the EIA Regulations, 2014 (as amended), it will be assumed that they have no comment. These departments include the following:

- CapeNature – although they have been engaged already their comment on the Draft BAR has been requested.
- DWS- although they have been engaged already and confirmed that a GA is applicable to the proposed road widening, their comment on the Draft BAR has been requested.
- Depart of Environment, Forestry & Fisheries (DEFF)- noting, however, that the DEAD&DP is the competent authority in this regard
- Western Cape Government: Transport and Public Works
- Western Cape Government: department of Agriculture
- Western Cape Government: Department of Human Settlements
- Western Cape Government: Department of Health.
- DEA&DP: Pollution Management
- DEA&DP: Waste Management
- DEA&DP: Biodiversity
- DEA&DP: Air Quality
- Local authority (i.e., City of Cape Town/ note that they are also the “District Municipality” in this regard because they are a Metropo)

Note that HWC will not be consulted further, given that they have confirmed no further assessment is necessary.

The following State Departments have not been consulted as the site is not located nearby the coastline:

- DEA: Oceans and Coast
- DEA&DP: Coastal Management

Responses from State Departments anticipated from the public review of the post-application Draft BAR and will be incorporated into the Final BAR.

3.3 Engagement with I&APs

The following pre-application engagements have been undertaken with I&APs (other than State Departments):

- A Focus Group Meeting (FGM) with organisations which represent local culture and heritage on 11 July 2018 (refer to **Annexure 9** for the meeting minutes). This FGM was held in response to comments raised by the local Ward Councillors.
- An FGM with local Councillors, of Sub-Council 11, on 16 February 2018 (refer to **Annexure 10** for the meeting minutes);
- An FGM with local Councillors of Sub-Council 14, on 16 February 2018 (refer to **Annexure 11** for the meeting minutes);
- FGM with local Councillors with Wards located in the site area on 18 October 2018 to provide feedback on previous FGMs, at the request of local Councillors, as well as the upcoming advertisement of the proposed development and associated BA process. Note that many municipal representatives were invited to this meeting and while eight officials initially confirmed their attendance, two attended on the day. Furthermore, at the request of one of the Councillors (made telephonically prior to the meeting), Chand attempted to move the meeting venue to a Council office (i.e., the Plumstead Municipal Office, given that eight attendees had already been confirmed in the vicinity), however the facilities manager confirmed, on 17 October 2018, that the boardroom was unavailable for the date and time required for this meeting (refer to **Annexure 12** for the meeting minutes and associated documentation); and
- FGM with local Councillors at Sub-Council meetings for sub-councils 23 and 14 on 20 May 2019 and sub-councils 11 and 13 on 22 May 2019. The updated proposal in response to previous comments as well as the imminent public participation process was presented to the Councillors. This was suggested by two sub-council managers at the meeting held on 18 October 2018 (refer to **Annexure 13** for the meeting minutes).

The issues raised during these meetings are outlined in the following section.

4. KEY ISSUES

The activities undertaken to date have elicited numerous valuable inputs, which have already been considered and incorporated into the development proposal. The key issues raised through the targeted public participation activities (i.e., one and one meetings and FGMs) carried out to date include the following:

- The importance of ESNR (e.g., it houses the *Cacosternum platys* and Western Leopard Toad);
- The need to protect ESNR and ensure that stormwater does not flow into that area;
- The design approach of the stormwater management measures to be implemented at the interface with ESNR;
- The removal of the pavement trees should be approved by the City of Cape Town Recreation and Parks branch;
- Biodiversity Offsets (noting that, through thorough engagement, it has been deemed acceptable that no biodiversity offset would be required);
- Wetland Offsets (noting that specialist assessment has confirmed that this will not be required, but is subject to comment from DWS);
- Whether a fence would be constructed adjacent to the ESNR and who would be responsible for it;
- The extent to which the edge effect on the ESNR has been considered and would be mitigated, particularly as there are many threatened species located close to the periphery of the ESNR;
- Confirmation from the City of Cape Town Biodiversity branch that no faunal assessment would be warranted;
- The importance of local cultural and heritage beyond that which has been identified by HWC and how these would be affected by the proposal, and including the following:
 - Lotus Park;
 - Neighbourhood Centre;
 - Thankiso Hall (in NY1);

- Town Hall (in Gugulethu);
 - Sport Complex (in Section 2, Gugulethu);
 - Nyanga Arts Centre;
 - Amandla;
 - Methodist Church (in Gugulethu); and
 - The initiation site at the north-west corner of the Govan Mbeki Road and Duinefontein Road intersection.
- Request for full Scoping and EIA process, rather than a Basic Assessment (from a local Ward Councillor)
 - The request to provide the local community with information on the greater IRT project;
 - Suggestion to enhance the Lotus Canal and make it a recreational facility and more aesthetically appealing;
 - Requirement for restoration of community spaces;
 - Requirement for benefits to accrue to the local community;
 - The suggestion to employ local community neighbourhood watches for security on the proposal, if required;
 - The Basic Assessment process should aim to achieve a balance between the natural, social, and built environment and that the needs and desires of the affected communities;
 - Comment that Golden Arrow Bus Services are already in place;
 - The need to involve the local Ward Councillors in the public engagement component of the Basic Assessment process;
 - The request for additional public engagement activities (e.g., workshops, public meetings, additional presentations at the Sub-council Activity Day/sub-council meeting);
 - Ensure updated Ward boundary information is used;
 - Make use of local representatives from the community in the public engagement component of the Basic Assessment process; and
 - Request to realign the proposal toward the end of the route to avoid the housing development currently under construction as well as the buildings to the south of the road in that same vicinity.

Engagement with local Councillors has indicated that comments on issues beyond the scope of the proposed development may be anticipated. Comments may include queries regarding the delivery of the greater IRT network as well as other projects which may be initiated within local communities. If such issues are raised in the public participation process of this BA process, they will be directed to the relevant contact in the City of Cape Town. For ease of reference, it has been recommended in the post-application Draft BAR that such issues be lodged with the City of Cape Town: Transport Information Services directly in order that they may be considered and responded to appropriately.

Further issues raised during the current public review period on the post-application Draft BAR will also be included in the final version of this report.

5. DECISION ON THE ENVIRONMENTAL APPLICATION

Following the public review of the post-application draft BAR, comments received by I&APs during the current 35-day public comment period will be considered and the BAR will be revised appropriately.

Comments received by I&APs will be captured in a Comments & Responses Table and included in an updated Comments & Responses Report, which will be appended to the Final BAR and submitted to the DEA&DP for decision-making.

Once the DEA&DP has reviewed the Final BAR 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 registered 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 and accessible for download. The applicable appeal period would be explained in accordance with that included in the decision.

6. CONCLUSION

The public participation process has thus far followed the approved PPP Plan and activities undertaken far exceeds the minimum legislative requirements prescribed in regulation 41 of the EIA Regulations, 2014 (as amended).

A 35-day public review period for the post-application draft BAR is currently underway. Evidence of all targeted pre-application engagement with State Departments and I&APs is included in this report, with I&AP contact information obscured.

Engagement with State Departments to-date has confirmed no further assessment in terms of heritage considerations and that the proposed development can be authorised under a General Authorisation in terms of the NWA.

Although CapeNature has been engaged through a one-on-one meeting, their comment on the post-application Draft BAR is also sought. The Draft BAR will also be distributed to the City of Cape Town's various line departments and the DWS for further comment.

Issues raised thus far include the importance of the ESNR and the protection thereof, the need for careful stormwater design, consideration of biodiversity/wetland offsets, the importance of local cultural heritage, benefits to the community and the need to involve local representatives from the community in the public engagement component of the BA process.

These issues have been considered and addressed in the post-application draft BAR currently under review.

Evidence for the current public review period, comments made by I&APs during this time, as well as the responses to those comments will be included in the updated version of this report which will accompany the final BAR submitted for decision-making.