

**FINAL**  
**COMMENTS AND RESPONSES REPORT**

**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**

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Compiled by  
Chand Environmental Consultants  
P O Box 238, Plumstead, Cape Town, 7801



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# 1 INTRODUCTION

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

The document reports on all public participation process (PPP) undertaken up to submission of the Final BAR to the Department of Environmental Affairs and Development Planning (DEA&DP) for decision-making. A draft version of this report underwent public review with the post-application Draft BAR which was subjected to a 35-day public comment period. This aligned with the PPP Plan for the proposal (refer to **Annexure 2**) which was approved by the 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, including contact information, is included in **Annexure 1**. This database has remained updated throughout the BA 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.

The report incorporates the following:

- An 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.

Following the public review period for the post-application Draft BAR, this report has been 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 Summary 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;

All comments raised in relation to the post-application Draft BAR have been 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) were 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 was not made publicly available during the review of the Draft BAR. However, the full database, containing contact details, has been included in the final submission to the DEA&DP. 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 were undertaken in support of the 35-day public review period 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 (refer to **Annexure 14**);
- A “knock-and-drop” exercise of a notification letter to businesses and formal institutions adjacent to the road (refer to **Annexure 14**);
- Engagement with ward councillors to notify them of the public comment period (via email & 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) (refer to **Annexure 14**);
- Placement of information posters throughout the affected community notifying them of the proposed development and BA process (conducted by locals from the community) (refer to **Annexure 15**);
- The post-application draft BAR was made available for download from Chand’s website for the duration of the comment period (refer to **Annexure 18**);
- An executive summary for separate download (for those I&APs who have limited access to data) was available on Chand’s website for the duration of the comment period; (refer to **Annexure 18**)
- Site notices were placed at the start, middle and end of the route. These were in English and isiXhosa and contain the information as prescribed by the EIA Regulations, 2014, as amended and PPP guidelines (i.e., they were standard format). There were six in total (refer to **Annexure 16**); and
- Adverts were placed in three local newspapers in English and in isiXhosa in the Cape Times (26 August 2021), City Vision (26 August 2021) and the Peoples Post (31 August 2021). The adverts contained the information as prescribed by the EIA Regulations, 2014, as amended and PPP guidelines (refer to **Annexure 17**).

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 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. No phone calls were however received.

Furthermore, no hardcopies of the post-application BAR were issued to I&APs, as requests for hard copies were not received during the commenting period.

### 3.2 Engagement with State Departments

Pre-application engagement with State Departments were undertaken and included 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, 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 were consulted through the notification of the availability of the post-application draft BAR for comment.

- CapeNature – although they were engaged already their comment on the Draft BAR was requested.
- DWS- although they were engaged already and confirmed that a GA is applicable to the proposed road widening, their comment on the Draft BAR was requested.
- Depart of Environment, Forestry & Fisheries (DEFF)
- 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)
- Heritage Western Cape.

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

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

The following State Department did not provide comment, despite notification and follow-up by Chand:

- Department of Agriculture, Forestry & Fisheries (DAFF)
- Western Cape Government: Department of Agriculture
- Western Cape Government: Department of Human Settlements – refer to the attempts made to elicit comment included in Appendix E21.
- Western Cape Government: Department of Health
- Department of Environmental Affairs and Development Planning: Biodiversity

Comments from State Departments on the post-application Draft BAR have been incorporated into the Final BAR and responses provided in the Comments & Responses Table attached as **Annexure 19**. As a summary:

- CapeNature commented that a wetland offset for the portion of wetland buffer to be lost should be provided and financial offsets could be appropriate in the case of botanical (biodiversity) offsets. This

is in contracts to specialist findings (both freshwater and botanical) and the comment from the DWS, and a response in this regard has been provided to CapeNature in the Comments & Responses Table.

- The DWS confirmed Section 21 (c) and (i) water uses and did not confirm the need for wetland offsets. (note that other water-uses were erroneously identified by the Department in their comment which the EAP has responded to).
- The City of Cape Town submitted a consolidated comment from a number of line departments. No objections to the proposal was received and support was provided for the preferred Alternative. All Departments commented on the need for further engagement during the detailed design and planning application phase. The Biodiversity Management Branch commented on the potential impact of street lighting on the ESNR.
- Heritage Western Cape confirmed that their response to the NID submission in 2016 still stands;
- Western Cape Government: Transport and Public Works offers no objection to the proposal;
- DEADP: Air Quality highlighted the importance of dust control during the construction phase; and
- DEADP: Waste Management commented on the need for proper waste management during all phases of development.

The Original comments from State Department are included in **Annexure 20**.

It is noted that the DEA&DP asked for clarity on the process to be followed with respect to the existing illegal structures located within the road reserve at the eastern end of the route of the proposed development (refer to their comment on the Draft BAR included in the Comments & Responses Table). In response, a notification letter on this matter was distributed to the I&AP database and to the DEA&DP on 23 November 2021 when the Final BAR was submitted. This notification letter has been included in Annexure 22.

### 3.3 Engagement with I&APs

The following pre-application engagements were 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.

It should be noted that virtual sessions were also held by the EAP with ward councillors on 24, 25 & 27 August 2021, to inform them of the public review period of the Draft BAR which was undertaken from 31 August to 1 October 2021. No issues were raised during these sessions.

## 4. KEY ISSUES

The activities undertaken elicited numerous valuable inputs, which were 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) 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, and DWS have not asked for it);
- 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 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. Such issues were however not raised in the public participation process of this BA process.

Key issues raised during public review of the post-application Draft BAR (other than issues raised by State Departments which are described above) include:

- Access to be maintained to adjacent properties and the need for ongoing notification (requested from adjacent landowners and businesses).

## 5. DECISION ON THE ENVIRONMENTAL APPLICATION

Comments received by I&APs during the, 35-day public comment period have been considered and the BAR revised appropriately.

Comments received from I&APs have been captured in a Comments & Responses Table (refer to **Annexure 19**) and included in this updated Comments & Responses Report, which has been 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 for the environmental application 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 was undertaken. Evidence of all targeted engagement with State Departments and I&APs is included in this report.

Engagement with State Departments 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. The DWS have also not confirmed the need for wetland offsets.

CapeNature has been engaged through a one-on-one meeting and have provided comment on the Draft BAR. A response to their comment regarding the need for biodiversity and wetland offsets has been provided by the EAP in the Comments & Responses Report. The Draft BAR was also be distributed to the City of Cape Town's various line departments, none of which provided any objections to the proposal.

Issues raised through the PPP 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 Final BAR.

Evidence for the public review period, comments made by I&APs during this time, as well as the responses to those comments have been included in this report which is submitted with the Final BAR for decision-making.