



GA Environment

PUBLIC PARTICIPATION PLAN (PPP) FOR THE ENVIRONMENTAL IMPACT ASSESSMENT PROCESS FOR THE PROPOSED HEKPOORT MIXED-USE DEVELOPMENT AS PART OF THE RAPID LAND RELEASE PROGRAMME FOR THE GAUTENG DEPARTMENT OF HUMAN SETTLEMENTS, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

JULY 2020

This plan has been submitted as per the Directions Regarding Measures to Address, Prevent and Combat the Spread of COVID-19 Relating to NEMA Permits and Licenses issued by the Minister of Environment, Forestry and Fisheries on 05 June 2020. The plan is also as per the requirements of the General Provisions of Annexure 2 of the Regulations issued in terms of Section 27(2) of the Disaster Management Act, 2002 (Act No.57 of 2002) and published on 29 April 2020 in Government Notice No R.480 of Government Gazette No 43258.

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1. INTRODUCTION

The Gauteng Department of Human Settlements (GDHS) intends to construct a mixed-use development on a site that occupies approximately 73.37Ha, and is located on Portions 79, 91, 96, 321 and 322 of Farm 504 JQ within the Mogale City Local Municipality (MCLM). The project is part of the Rapid Land Release Programme (RLRP) which was launched in 2018. GA Environment (Pty) Ltd as independent Environmental Consultants were appointed to undertake the Scoping and Environmental Impact Assessment process for the proposed development. The Draft Scoping report and the application form for the aforementioned project were compiled but are yet to be submitted to the Gauteng Department of Agriculture and Rural Development (GDARD). The process has been delayed in response to the State of National Disaster Regulations in support of National Lockdown Directions issued by the minister on the 31st of March 2020 to the COVID-19 pandemic.

On the 5th of June 2020, the minister issued directions regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. One of the requirements provided in the directions is that a Public Participation Plan shall be submitted to the competent authority, in instances where a case officer has been assigned to the project then the Public Participation Plan shall be submitted to the case officer.

According to Section (2)(4)(f) of the National Environmental Management Act, the participation of all interested and affected parties (I&APs) must be promoted and all potential Interested and Affected Parties (I&AP's) must to be informed early and in an informative and proactive way regarding applications that may affect their lives or livelihood. In order to give effect to the above sections, it is essential to ensure that there is adequate and appropriate opportunity for Public Participation (PP) in decisions that may affect the environment.

The purpose of this document is to provide the competent authority with direction on the public participation processes to be fulfilled while ensuring that the Environmental Assessment Practitioner (EAP) actions curtail the threat posed by the Covid-19 pandemic and to alleviate, contain and minimise the effects of the national state of disaster. It is the intention of GA Environment to ensure that reasonable opportunity is provided for public participation and that all administrative actions are reasonable. While the challenges posed by COVID-19 pandemic are drastic, the specific measures recommended have been carefully considered to ensure that the process is transparent and participatory to all I&APs.

The NEMA EIA Regulations prescribe the minimum requirements for public participation as summarised in **Table 1**. Due to the COVID 19 pandemic and in line with the section 27(2) of the Disaster Management Act, additional measures have been proposed in this PP Plan. The level of public participation required for the proposed Hekpoort Mixed-Use Development has been informed by:

- the scale of anticipated impacts of the proposed project;

- the sensitivity of the affected environment and the community interest in the matters related to the project; and
- the characteristics of the potentially affected parties.

2. LEGISLATIVE REQUIREMENTS

Chapter 6 of the NEMA EIA Regulations 2014, as amended (Government Notice R. 982 in Government Gazette No. 40772 of 07 April 2017) prescribes the minimum requirements for Public Participation through which all role players including potential I&APs, state departments, organs of state, and the competent authority (CA) to obtain clear, accurate and understandable information about the environmental impacts of the proposed activity or implications of a decision. These requirements and the sections of the report in which they have been addressed is provided in **Table 1**.

Table 1: Minimum requirements for Public Participation

GN 982, Reference	Content	Reference in Table 2
41 (2) (a)	Fixing a notice board at a place conspicuous to and accessible by the public at the boundary, on the fence or along the corridor of (i) (i) the site where the activity to which the application or proposed application relates is or is to be undertaken; and (ii) any alternative site;	1.9
41 (2) (b)	Giving written notice, in any of the manners provided for in section 47D of the Act, to—	
(i)	the occupiers of the site and, if the proponent or applicant is not the owner or person in control of the site	1.3
(ii)	owners, persons in control of, and occupiers of land adjacent to the site where the activity is or is to be undertaken	1.4
(iii)	the municipal councillor of the ward in which the site and alternative site is situated and any organisation of ratepayers that represent the community in the area;	1.5
(iv)	the municipality which has jurisdiction in the area;	1.6
(v)	any organ of state having jurisdiction in respect of any aspect of the activity; and	1.7
(vi)	any other party as required by the competent authority;	1.4 & 1.7
41 (2) (c)	placing an advertisement in—	
(i)	one local newspaper;	1.8
(ii)	any official Gazette that is published specifically for the purpose of providing public notice of applications or other submissions made in terms of these Regulations;	N/A
42 (a)	A proponent or applicant must ensure the opening and maintenance of a register of interested and affected parties and submit such a register to the competent authority	1.2
43 (1)	A registered interested and affected party is entitled to comment, in writing, on all reports or plans submitted to such party during the public participation process contemplated in these Regulations and to bring to the attention of the proponent or applicant any issues which that party believes may be of significance to the consideration of the application	2.1
43 (1)	In order to give effect to section 240 of the Act, any State department that administers a law relating to a matter affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.	N/A

3. PUBLIC PARTICIPATION PLAN

The provision of public participation tasks has been outlined in **Table 2**. In addition to the public participation requirements, mechanisms for the undertaking of Public Participation, is subjected to all the applicable health and safety and other restrictions, directions and requirements determined in terms of section 27(2) of the Disaster Management Act.

Table 2: Public Participation Procedure to be followed

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
Section 1. Initial Public Participation Phase			
1.1	Initial Correspondence with GDARD	A National Environmental Management Act (NEMA) Query was submitted to GDARD on 20 th September 2019. The project was acknowledged and assigned reference: Gaut/001/19-20/0900 on the 14 th of October 2019.	14 th October 2019
1.2	Identifying and approaching specific I&AP's	A register of all I&APs is currently opened and maintained.	Ongoing
1.3	Written Notification of the owner or person in control of the site	The site is located on Portions 79, 91, 96, 321 and 322 of Farm 504 JQ which belongs to CoJ, which is state land. Landowner consent will be obtained from the relevant party within CoJ and such proof attached in the application form	
1.4	Written Notification of occupiers of land adjacent to the site	Written notification has been provided to adjacent landowners during the initial public participation phase. This task was undertaken by physically handing out notification letters and by emailing notification letters to I&APs. Proof of such notification and an I&AP database has been included in the Draft Scoping Report.	20 January 2020 Completed
1.5	Written Notification of the municipal councillor of the ward in which the site	The ward councillor for Ward 32, Cllr Shane Moilwanyane has been consulted and informed of the project. Proof of such notification will be provided in the Draft Scoping report.	21 November 2019 Completed
1.6	Written Notification of the municipality which has jurisdiction in the area	Notification letters were sent through electronically to the Mogale City Local Municipality Authorities. Proof of Such notification will be provided in the Draft Scoping Report.	23 January 2020 Completed
1.7	Written Notification of any organ of state having jurisdiction in respect of any aspect of the activity	The following organs of state have been identified as Commentary Authorities: <ul style="list-style-type: none"> • Gauteng Department of Local Government & Housing; • Mogale City Local Municipality; • The West Rand District Municipality Environmental Management Department; • Gauteng Provincial Heritage Resources Agency; 	23 January 2020 Completed

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		<ul style="list-style-type: none"> • South African Heritage Resource Agency; and • Department of Water and Sanitation. <p>The above-mentioned departments will be provided with a copy of the Draft Scoping Report.</p>	
1.8	Placing an advertisement	An advertisement was placed on page 18 of the 31 st January 2020 edition of the <i>Krugersdorp News</i> newspaper.	31 January 2020 Completed
1.9	Fixing a notice board	On-site notices presenting the project were erected on site and within close proximity of the site using A2 and A3 notice boards on the 20th of January 2020. A total of four (04) On-site notices presenting the project were erected along the fence of the proposed site along the R560. Site notices were also erected at the Hekpoort Post Office, South African Police Services Hekpoort Station, and a local supermarket. Further to the above and as an effort to reach as many I&APs as possible 300 A4 size (21cm X 29.7) copies of Notice Board were placed in post boxes at the Hekpoort South African Post Office.	20 th January 2020 Completed
Section 2: Draft Scoping Report (DSR) Review Phase			
2.1	Distribution of DSR to registered I&APs and members of the public and notification of the availability of the report.	<p>The Draft Scoping report will be made available to the public by the following means:</p> <ul style="list-style-type: none"> • GladAfrica Group (Pty) Ltd Website; • Electronic copies via a link whereby the report can be downloaded. • Online SMS portal to send bulk SMSs to I&APs where email addresses were not made available. <p>The public review period of the DSR will commence as soon as the PP Plan has been approved. Due to the national lockdown public venues such have been closed. All registered I&APs will be informed that due to the COVID 19 pandemic electron versions of the report will be made available. All I&APs will be provided with a link whereby the report can be easily downloaded. Hard copies of the report will be made available only to I&APs upon request in order to limit the risk of any possible contamination.</p> <p>GA Environment will engage with the councillor and MCLM authorities moving forward regarding the communication of the project and the availability of the DSR. Proof of such communication will be included in the Final Scoping Report.</p> <p>It is the considered opinion of GA Environment that this period is sufficient considering the measures that have been put in place to ensure that each registered I&AP will be provided an opportunity to receive notification or an electronic copy of the report. The Initial public participation commenced on</p>	<p>Provisional date for circulation of the DSR is 20/07/2020 to 21/08/2020</p> <p>One hard copy of the Draft Scoping Report will also be placed at the nearest public library which has recently been allowed to operate as per the requirements of the Regulations issued in terms of Section 27(2) of the Disaster Management Act.</p>

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		<p>in October 2019 and a focus group meeting with the ward councillor and other officials was also held in October 2019 to help inform relevant stakeholders of the project and therefore there is no need to extend review of the report by an additional 30 days.</p>	
2.2	<p>Distribution of Draft DSR to organs of state having jurisdiction in respect of any aspect of the activity</p>	<p>The Draft Scoping Report will be made available to the following Organs of State:</p> <ul style="list-style-type: none"> • Gauteng Department of Agricultural and Rural Development; • Gauteng Department of Local Government & Housing; • Mogale City Local Municipality; • West Rand District Municipality; • South African Heritage Resource Agency; • Gauteng Provincial Heritage Resource Agency; and • Department of Water and Sanitation. <p>Proof of submission will be submitted to GDARD with the Final Scoping Report. The above mentioned I&Ps will be informed of the directions given by DEFF and a link whereby the report and appendices can be downloaded. GA Environment will also make telephonic updates with the respective I&APs to confirm receipt of the report.</p>	<p>Provisional date for circulation of the DSR is 20/07/2020 to 21/08/2020</p>
2.3	<p>Public Meeting/Open Day</p>	<p>To date, other than requests for project information and to be registered as I&APs, GA Environment has not received comments from I&APs that suggest the requirement of a public meeting and/or a public open day. In addition of the COVID 19 pandemic, GA Environment will not host a public meeting nor a public open day. The following alternative means are however available:</p> <ul style="list-style-type: none"> • All I&APs that provide comments will receive an acknowledgment from GA Environment. • GA Environment will set up a telephonic meeting with the I&AP to discuss their comments/concerns as well as the option of an online meeting should the need arise. • GA Environment will respond to all comments received from I&APs; • The comments and response report will be updated and made available in the final scoping report; and • All I&APs will also be provided with the link to download an electronic copy of the Final Scoping Report. 	<p>The process will be undertaken in line with the directions provided by the Minister of Environment, Forestry and Fisheries (DEFF) regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. GDARD to approve or advice regarding the way</p>

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			forward.
2.4	Focus Group Meeting with representatives of organs of state having jurisdiction	A project meeting with GDARD Officials (Mr Tendani Rambuda) was held on the 22 nd of October 2019. A focus group meeting was held with the councillor of Ward 32 (Cllr Shane Moilwanyane) and the MCLM Authorities: MCLM Member of the Mayoral Committee (MMC) for Human Settlements and the MCLM Manager: Human Settlement and Rural Development on the 21 st of November 2019.	The process will be undertaken in line with the directions provided by the Minister of Environment, Forestry and Fisheries (DEFF) regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. GDARD to approve or advice regarding the way forward.
2.5	CA Site Visit	GA Environment will await the request from GDARD regarding a site visit. Social distancing and hygiene practices will be followed.	The process will be undertaken in line with the directions provided by the Minister of Environment, Forestry and Fisheries (DEFF) regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. GDARD to approve or advice regarding the way

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			forward.
Section 3 EIA Phase			
3.1	Distribution of Draft EIR to registered I&APs and members of the public and notification of the availability of the report.	<p>The I&AP database will be maintained throughout the duration of the project. All I&APs on the database will receive an email notification on the availability of the Draft Environmental Impact Assessment Report (EIR). The report will be made available electronically however should public venues be open during the EIR phase the reports will be placed at the Hekpoort Post Office and Hekpoort Library. Before the placement of the reports at the venue, GA Environment will confirm the COVID 19 measures that are in place for all visitors.</p> <p>Copies of the report will also be made available to the Ward Councillor for discussions in his committee meetings.</p>	To be confirmed and will follow the then Disaster Management Act requirements prescribed at a time of undertaking the activity.
3.2	Distribution of Draft EIR to organs of state having jurisdiction in respect of any aspect of the activity	The Draft EIR will be made available to organs of state electronically or should they prefer a hard copy report, such will be made available upon request.	To be confirmed and will follow the then Disaster Management Act requirements prescribed at a time of undertaking the activity.
3.3	Public Meeting/Open Day	Based on the legislated timeframes of a Scoping and EIA process, it is anticipated that a Public Meeting or Public Open Day could be held during the latter part of the fourth quarter of 2020. The EAP will assess the comments received from I&APs. The necessary arrangements will then be made through liaising with the ward councillor. GA Environment will adhere to Disaster Management Act requirements. The public meeting or open day may be broken up into various sessions which will limit the number of I&APs to each session, however each I&AP will be afforded the opportunity to meet the project team and obtain additional information on the project and provide their comments.	To be confirmed and will follow the then Disaster Management Act requirements prescribed at a time of undertaking the activity
3.4	Focus Group Meeting with representatives of organs of state having jurisdiction	The necessity of focus group meetings will be assessed based on the comments received from I&APs and the request of I&APs to have a meeting.	To be confirmed by and will follow the then Disaster Management Act requirements (if applicable) prescribed at a time of undertaking the activity

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
3.5	Focus Group meetings with vulnerable and marginalised groups; and	GA Environment will liaise with the Ward Councillor regarding communities other than those identified and contacted by GA Environment.	To be confirmed and will follow the then Disaster Management Act requirements (if applicable) prescribed at a time of undertaking the activity.
Section 4 Post Environmental Authorisation Notification Phase			
4.1	Notification and Distribution of decision/outcome of Environmental Application to registered I&APs and organs of state.	All I&APs on the database will receive an email and sms notification on the decision made by GDARD including a copy of the National Appeal Regulations 2014.A copy of this Environmental Authorisation will be made available on request.	This Notification will be issued as per Annexure 8 of the Directions Regarding Measures to address, prevent and combat the spread of COVID-19 relating to NEMA Permits and Licenses issued on the 5th of June 2020.
4.2	Notification of vulnerable and marginalised groups	GA Environment will liaise with the Ward Councillor regarding communities other than those identified and contacted by GA Environment. GA Environment will set up a telephonic meeting with the I&AP to notify them of the decision in a language they are comfortable with. SMS portal will be used to inform those with cell phone handsets of the decision. In the event that specific groups or individuals do not have access to telephone or cell phone handsets, communication will be arranged with these parties through the ward councillor.	The process will be undertaken in line with the directions provided by the Ministry of DEFF regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences. GDARD to approve or advice regarding the way forward.

3 CONCLUSION

The EIA activities had not fully progressed in accordance with the initial project plan as the industry and the Competent Authority was and continues to be equally affected by the National Lockdown regulations declared by the President of South Africa due to the outbreak of the global novel Coronavirus pandemic. GA Environment will ensure that reasonable opportunity is provided for public participation and that all administrative actions are reasonable. While the COVID-19 pandemic is unique, the specific measures recommended have been carefully considered.