



GA Environment

PUBLIC PARTICIPATION PLAN (PPP) FOR PROPOSED CONSTRUCTION OF BRYANSTON EXT. 3B HOUSING PROJECT AS PART OF THE RAPID LAND RELEASE PROGRAMME FOR THE GAUTENG DEPARTMENT OF HUMAN SETTLEMENTS, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY

JUNE 2020

This plan has been submitted as per the requirements of the Directions regarding the measures to address, prevent and combat the spread of the COVID-19 relating to the National Environmental Management Permits and Licences issued by the Minister of Environment, Forestry and Fisheries on 05 June 2020.

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1. INTRODUCTION

The Gauteng Department of Human Settlements (GDHS) intends to construct affordable housing on erven 3975, 3976, 3977 and 3978 in Bryanston Extension 3, Ward 104 within the City of Johannesburg Metropolitan Municipality (CoJ). 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 Basic Assessment process for the proposed development. The Draft Basic Assessment Report (DBAR) and the application form for the aforementioned project were drafted, 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 EAPs 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 Interested and Affected Parties (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 Bryanston Ext. 3B Housing 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) 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;	1.4
(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 24O of the Act, any State department that administers a law relating to a matter	N/A

GN 982, Reference	Content	Reference in Table 2
	affecting the environment must be requested, subject to regulation 7(2), to comment within 30 days.	

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/001/19-20/0902 on the 25 th of September 2019.	25 th September 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 RLRP is based on state-owned land. The Bryanston Extension 3B site is owned by Gauteng Department of Human Settlements (GDHS) who are the project proponent.	
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 Basic Assessment Report.	Available on request
1.5	Written Notification of the municipal councillor of the ward in which the site	The ward councillor for Ward 104, Cllr Mike Wood has been consulted and informed of the project. Proof of such notification will be provided in the Draft Basic Assessment Report.	Available on request
1.6	Written Notification of the municipality which has jurisdiction in the area	Notification letters were sent through electronically to the CoJ Environmental Infrastructure and Services Department and the CoJ Region G Authorities. Proof of Such notification was provided in the Draft Basic Assessment Report.	Available on request
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; • City of Johannesburg Metropolitan Municipality: <ul style="list-style-type: none"> ➤ CoJ Region A, Regional Offices; ➤ CoJ Town Planning Department; 	Available on request

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		<ul style="list-style-type: none"> ➤ CoJ Environmental Infrastructure and Services Department; ➤ CoJ Johannesburg Social Housing Company; • Gauteng Provincial Heritage Resources Agency; • South African Heritage Resource Agency; and • Department of Water and Sanitation. <p>The above-mentioned departments will be provided with a copy of the DBAR.</p>	
1.8	Placing an advertisement	An advertisement was placed on page 6 of the week ending 31 st January 2020 edition of <i>The Randburg Sun</i> newspaper.	January 2020
1.9	Fixing a notice board	<p>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 22nd of January 2020. These locations include:</p> <ul style="list-style-type: none"> • Entrance of Ferndale Arboretum on Cork Avenue; • Intersection of Cork Avenue and Poplar Street; • Close to the rock outcrop along Cork Avenue; and • Corner Cork Avenue and Spruce Street. 	22 nd January 2020
1.10	Focus Group Meeting with representatives of organs of state having jurisdiction	A focus group meeting was held with the councillor and key I&APs of Bryanston Ext.3B such as Cllr Mike Wood and Bryanfern Residents Association and the CoJ Housing personnel on the 27 th of November 2019.	
1.11	Public Meeting/Open Day	A public meeting was held on the 12 th of February 2020 with the residents of Bryanston and local organisations/groups. The attendance register and minutes were captured and circulated. The comments received during the meeting were captured in the Comments and Responses Report.	
Section 2: Draft Basic Assessment Report (DBAR) Review Phase			
2.1	Distribution of DBAR to registered I&APs and members of the public and notification of the availability of the report.	<p>The Draft Basic Assessment 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 DBAR 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</p>	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

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		<p>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 CoJ Region A authorities moving forward regarding the communication of the project and the availability of the DBAR. Proof of such communication will be included in the Final Basic Assessment Report.</p>	<p>Management Permits and Licences. GDARD to approve or advice regarding the way forward.</p>
2.2	<p>Distribution of DBAR to organs of state having jurisdiction in respect of any aspect of the activity</p>	<p>The Draft Basic Assessment 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. • City of Johannesburg Metropolitan Municipality. • South African Heritage Resource Agency. • Gauteng Provincial Heritage Resource Agency. • Department of Water and Sanitation. • Johannesburg City Parks. <p>Proof of submission will be submitted to GDARD with the Final Basic Assessment 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>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.</p>
2.3	<p>Public Meeting/Open Day</p>	<p>A public meeting will be held to discuss the DBAR and other issues that may arise from the process. Once the DBAR has been made available for public and commentary Authority review, the EAP will determine the need based on the interest on the project for any additional meetings or other forms of public or authority engagement. Furthermore, the EAP will ensure that:</p> <ul style="list-style-type: none"> • All I&APs that provide comments will receive an acknowledgment from GA Environment. • GA Environment 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 respond to all comments received from I&APs; • The comments and response report be updated and made available in the Final Basic Assessment Report; and 	<p>Any other public meetings 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</p>

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			approve or advice regarding the way forward.
2.4	Focus Group Meeting with representatives of organs of state having jurisdiction	A series of focus group meeting will be held to discuss the DBAR as and when required.	Any other focus group meetings 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.
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 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.

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Section 3: Post Environmental Authorisation Notification Phase			
3.1	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 or SMS notification on the decision made by GDARD including a copy of the National Appeal Regulations 2014.A copy of the decision will be circulated to registered I&APs.	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.

3 CONCLUSION

The BA Process has not fully progressed in accordance with the initial schedule 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.