

Level 1
BBBEE



HANSLAB


Environmental Consultants


COMMENTS & RESPONSES REPORT:

The Proposed Upgrade of 500m of Street 106586 and Drainage Infrastructure, Ntuzuma, eThekweni Municipality.

Applicant: eThekweni Municipality

 031 563 1978

 www.hanslab.co.za

 P.O. BOX 2135

Umhlanga Manors,

4021


 shriya@hanslab.co.za

Table of Contents

| | |
|--|---|
| SECTION 1. LEGISLATION | 3 |
| 1-1. Procedure for Public Participation | 3 |
| SECTION 2. PUBLIC PARTICIPATION PROCESS FOLLOWED..... | 5 |
| 2-1. Notification of Interested & Affected Parties (I&APs) | 5 |
| 2-1.1. Advertisement in the local newspaper..... | 5 |
| 2-1.2. Erection of site notices | 5 |
| 2-2. Circulation of the draft basic assessment report for stakeholder comment | 6 |
| SECTION 3. COMMENTS AND RESPONSES | 7 |
| 3-1. Summary of comments and responses from I&Aps | 7 |

LIST OF FIGURES

| | |
|--|---|
| Figure 1: Proof of the English and Zulu advertisement in the ezaseGagasini Metro Newspaper. | 5 |
| Figure 2: Site notice placed at the end of the proposed development | 6 |
| Figure 3: Site notice placed at the start point of the proposed development | 6 |

SECTION 1. LEGISLATION

The guidelines for the public participation process are specified in the Department of Environmental Affairs (2017), Public Participation guideline in terms of NEMA, EIA Regulations.

1-1. Procedure for Public Participation

According to Section (2)(4)(f) and (o) of the Act, - the participation of all interested and affected parties (I&APs) in environmental governance must be promoted and all people must have the opportunity to develop the understanding, skills and capacity necessary for achieving equitable and effective participation, and participation by vulnerable and disadvantaged persons must be ensured, and - the environment is held in public trust for the people, the beneficial use of environmental resources must serve the public interest and the environment must be protected as the people's common heritage.

At a minimum, the PPP undertaken must allow for the following:

- to provide for the opportunity for all role players including potential and RI&APs, EAPs, 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;*
- to provide for role- players to voice their support, concerns and questions regarding the project, application or decision;*
- to provide the opportunity for role-players to suggest ways for reducing or mitigating any negative impacts of the project and for enhancing its positive impacts;*
- to enable the person conducting PP to incorporate the needs, preferences and values of potential or RI&AP's into its proposed development that becomes the subject of an application for an environmental authorization (EA);*
- to provide opportunities for clearing up misunderstandings about technical issues, resolving disputes and reconciling conflicting interests;*
- to encourage transparency and accountability in decision-making;*
- to contribute toward maintaining a healthy, vibrant democracy; and*
- to give effect to the requirement for procedural fairness of administrative action as contained in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).*

PPP in this context includes, amongst others, placing a notice board, giving written notice, placing an advertisement, information sharing, holding public meetings etc.

All potential and I&APs have a right to be informed early and in an informative and proactive way regarding proposals that may affect their lives or livelihoods. Notification of a proposal to all I&APs may be given through a number of methods including fixing of notice boards, providing written notice, placing advertisements etc.

The type of method used must be an effective method of communication .i.e. notice boards must be of appropriate size, it must be placed in areas that are considered to be visible. Advertisements must be placed in newspapers that will easily reach the intended audiences considering jurisdictions and boundaries within which the proposal or application falls and or will have an impact or interest.

All organs of state which have jurisdiction in respect of the activity to which the application relates must comment on the reports within a period of 30 days (failing which they will be regarded as having no comment).

A RI&AP raising issues or commenting in writing on reports and plans submitted to the CA, must ensure that:

- (a) comments are submitted within the specified timeframes or any extension of a timeframe agreed to by the applicant or EAP;*
- (b) comments must be submitted directly to the EAP; and*
- (c) the RI&AP discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application*

Written comments on reports and plans submitted by RI&APs must be recorded in the reports and plans by the person conducting PP and such written comments, including responses to such comments and records of meetings should be attached to the reports and plans that are submitted to the CA.

During the PPP access to all information that reasonably has or may have the potential to influence any decision with regard to an EA unless access to that information is protected by law is made available to RI& APs. PP is an important aspect in the EIA process as it gives RI&APs a platform to be informed about potential EA that may have an effect on them and to be afforded an opportunity to engage and provide input on matters that they interested in or affected by. Effective PP also facilitates informed decision-making by the CA and may result in better decisions as the views of all parties are considered.

This comments and responses report is be submitted to the eThekweni Department of Economic Development Tourism and Environmental Affairs (EDTEA) as part of the Environmental Impact Assessment process. The Public Participation procedure followed is outlined in detail within this report.

SECTION 2. PUBLIC PARTICIPATION PROCESS FOLLOWED

2-1. Notification of Interested & Affected Parties (I&APs)

2-1.1. Advertisement in the local newspaper

A newspaper article was published for the proposed project in the ezaseGagasini Metro Newspaper in English and Zulu (06 November 2020). The newspaper articles form part of the Public Participation Process and affords the public the opportunity to register as Interested & Affected Parties (I&APs). I&APs can voice their relevant concerns with regards to the proposed road. To date no comments have been received and no individuals have registered as I&APs.



Figure 1: Proof of the English and Zulu advertisement in the ezaseGagasini Metro Newspaper.

2-1.2. Erection of site notices

Three site notices were placed at conspicuous positions in close proximity to the site for public viewing. These site notices were posted in both English and Zulu. The erection of site notices formed part of the Public Notification Period and provided the local community with the opportunity to register as Interested and Affected Parties (I&AP's). Refer to Figures 2-3 below indicating proof of site notices.



Figure 2: Site notice placed at the end of the proposed development



Figure 3: Site notice placed at the start point of the proposed development

2-2. Circulation of the draft basic assessment report for stakeholder comment

The DBAR will be circulated for the mandatory 30 commenting period, as per the *EIA Regulations, 2014 (as amended)*, to stakeholders. The comments from the EIA process – I&AP Registration have been incorporated into the as well for consideration.

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, provided that the interested and affected party discloses any direct business, financial, personal or other interest which that party may have in the approval or refusal of the application

(2) In order to give effect to section 24O 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

Refer to Section 3 below for the EAPs response to the comments received.

SECTION 3. COMMENTS AND RESPONSES

3-1. Summary of comments and responses from I&Aps

| DATE RECEIVED | NAME | COMMENTS | EAP RESPONSE |
|----------------------|-------------------|--|--|
| 12 November 2020 | Lubabalo Mantanga | My name is Lubabalo Mantanga and I am responding to the advertisement in the Egagasini Metro as an interested party. My number is 0790739326 and 083473617 | Thank you for showing an interest in this project. Please find attached a Background Information Document with some details regarding this proposed upgrade and development. |