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PUBLIC PARTICIPATION REPORT

CITY OF EKURHULENI: KAALSPRUIT CATCHMENT





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1 INTRODUCTION

The City of Ekurhuleni (CoE) intends to undertake wetland and watercourse rehabilitation planning within the Kaalspruit Catchment. The proposed project is anticipated to involve the maintenance or improvements to existing instream structures (gabions, weirs, culverts, etc.) as well as new instream structures with the aim of preventing further degradation of the wetlands and watercourses. In addition, various peripheral improvements are proposed in and around wetlands and watercourses such as walkways, playgrounds, litter collection points, waste removal and general rehabilitation of the natural environment. The aim of the project is to enhance wetland and watercourse functionality, improve water quality and provide for continued yet structured community use of the open space systems. The proposed rehabilitation projects are located along certain watercourses within the Kaalspruit catchment within the CoE in Gauteng Province.

Environmental Impact Management Services (Pty) Ltd. (EIMS) has been appointed the CoE. to assist in preparing and submitting the Basic Assessment Report and associated appendices, as well as undertaking a Public Participation Process (PPP), to obtain Environmental Authorisation (EA) for the Wetland and Watercourse Rehabilitation Planning Project along various wetlands and watercourses within the Kaalspruit Catchment. A Water Use License (WUL) Application (through the General Authorisation (GA) registration process) for a Section 21 (c) and (i) water uses is also being applied for in terms of the National Water Act (Act 36 of 1998).

This Comments and Response Report (CRR) has been compiled as an Appendix to the Basic Assessment Report that has been prepared in support of the EA and WUL applications.

2 OBJECTIVES OF THE PUBLIC PARTICIPATION

South Africa, being one of the countries with the most progressive constitutions, enshrined the public's right to be involved in decisions that may affect them in its Constitution. Section 57(1) of the Constitution that provides: "The National Assembly may (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement". This provision, along with several others gave rise to many new trends in South African legislation. In environmental legislation, the idea of public participation (or stakeholder engagement) features strongly in the National Environmental Management Act (NEMA) and the regulations passed under the auspices of this Act makes very strict provisions for public participation in environmental decision-making.

Public participation can be defined as "a process leading to a joint effort by stakeholders, technical specialists, the authorities and the proponent who work together to produce better decisions than if they had acted independently" (Greyling, 1999, p. 20¹). From this definition, it can be seen that the input of the public is regarded as very important indeed.

The Public Participation Process (PPP) is designed to provide sufficient and accessible information to Interested and Affected Parties (I&APs) in an objective manner to assist them to:

- Comment on the findings of the environmental assessments;
- Provide relevant local information and knowledge to the environmental assessment; and
- Verify that their comments have been recorded.

The PPP is a requirement of several pieces of South African Legislation and aims to ensure that all relevant I&APs are consulted, involved and their opinions are taken into account and a record included in the reports submitted to Authorities. The process ensures that all stakeholders are provided this opportunity as part of a transparent process which allows for a robust and comprehensive environmental study. The PPP for this application is managed according to best practises in order to ensure and promote:

- Compliance with national legislation;
- Establishment and management of relationships with key stakeholder groups; and

¹ Greyling, T. (1999) Towards Managing Environmental Disputes: Appropriate Public Participation. Prepared for Conference on Environmental Dispute Resolution 10-11 June 1998, Fourways, Gauteng, Manyaka Greyling Meiring (Pty) Ltd, South Africa



- Encouragement of involvement and participation in the environmental study and authorisation/approval process.

As such, the purpose of the PPP and stakeholder engagement process is to:

- Introduce the proposed project
- Determine and record issues, concerns, suggestions, and objections to the project;
- Provide opportunity for input and gathering of local knowledge;
- Establish and formalise lines of communication between the I&APs and the project team;
- Identify all significant issues for the project; and
- Identify possible mitigation measures or environmental management plans to minimise and/or prevent negative environmental impacts and maximise and/or promote positive environmental impacts associated with the project.

This CRR lists all verbal and written comments and/or queries received by I&APs from the 30-day initial notification and call to register period, from the 5th February to the 7th March 2019. I&APs have also been notified of the period of the availability of the Basic Assessment Report and associated appendices for public review and comment. I&APs have also been notified of the details for the public meeting(s). A breakdown of the PPP is given within the remaining sections of this CRR.

2.1 LEGAL COMPLIANCE

The PPP must comply with relevant environmental legislation that requires public participation as part of an application for authorisation or approval; namely:

- The National Environmental Management Act (Act No. 107 of 1998 – NEMA; and
- The Nation Water Act (Act No. 36 of 1998- NWA)

Adherence to the requirements of the above-mentioned Acts will allow for an Integrated PPP to be conducted, and in so doing, satisfy the requirement for public participation referenced in the Acts. The details of the Integrated PPP are provided below.

3 IDENTIFICATION OF INTERESTED AND AFFECTED PARTIES

An initial I&AP database has been compiled and includes:

- Pre-identified landowners, adjacent landowners and legal occupiers;
- Pre-identified and registered key stakeholders;
- Regulatory authorities;
- Specialist interest groups; and
- All I&APs who responded to the initial notifications and requested to be registered.

Efforts to pre-identify key I&APs involved various avenues such as consultation with the proponent and known landowners and adjacent landowners within the study area, review of related previously conducted studies and identification of key interest groups and authorities within the vicinity of the study area and municipality. Refer to Appendix E 9 for the I&AP Database.

All landowners whose properties are within the study area have been notified about the project via post, fax and/or email as well as through provincial and local newspaper advertisements, hand delivered notification and/or site notices inviting them to participate in the EIA process. Refer to Appendix E 2 for initial notifications.



3.1 LIST OF I&APS IDENTIFIED AND NOTIFIED

Notwithstanding the full list of I&APs contained in the I&AP register (Appendix E 9), the following relevant authorities and stakeholders were notified during the initial call to register period:

- National Authorities
 - National Department of Agriculture, Forestry and Fisheries
 - National Department of Environmental Affairs
 - National Department of Health
 - National Department of Human Settlements
 - National Department of Rural Development and Land Reform
 - National Department of Tourism
 - National Department of Transport
 - National Department of Water and Sanitation
 - South African Heritage Resource Agency
 - South African National Biodiversity Institute (SANBI)
 - South African National Parks
 - South African National Roads Agency (SANRAL)
- Provincial Authorities
 - Ekurhuleni Metropolitan Municipality
 - Gauteng Department of Agriculture and Rural Development
 - Gauteng Department of Economic Development
 - Gauteng Department of Health
 - Gauteng Department of Human Settlements
 - Gauteng Department of Infrastructure Development
 - Gauteng Department of Roads and Transport
 - Gauteng Department of Social Development
 - Gauteng Provincial Government
- List of key stakeholders identified and notified
 - Agricultural Research Council
 - Birdlife South Africa
 - Chartwell Country Estates and Conservancy
 - Earthlife Africa Johannesburg
 - Ekurhuleni Environmental Organisation
 - Endangered Wildlife Trust
 - Eskom Holdings SOC Limited
 - Hennops River Catchment Forum
 - Klipriviersberg Sustainability Association (Klipsa)
 - Limpopo- Water Management Area
 - Mondi Wetlands Programme
 - Riendzo Development Centre
 - SANPARKS
 - South African Wetland Society
 - Transnet Freight Rail
 - Transnet Pipelines
 - Ward Councillors
 - Wildlife and Environment Society of South Africa (WESSA)



4 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES

The section below provides details on the notifications that were distributed as part of the consultation process to date.

4.1 INITIAL NOTIFICATION OF I&APS

The PPP commenced on the 5th February 2019 with an initial call to register ending on the 7th February 2019. Notification during this initial call to register was given in the manner described below.

4.1.1 REGISTERED LETTERS, FAXES AND EMAILS

Notification letters (in English and isiZulu), faxes, and/or emails were distributed to all pre-identified I&APs including government organisations, Non-Government Organisations, relevant municipalities, ward councillors and other organisations that may be interested or affected. Refer to Appendix E 2 for initial notification.

The notification documents included the following information:

- Details of the South African environmental legislation that must to be adhered to;
- List of anticipated activities to be authorised;
- The purpose of the proposed project;
- Details of the application processes associated with proposed activities;
- Details of the affected properties;
- Detail of the proposed development to enable I&APs to assess/surmise what impact the development will have on them or on the use of their land;
- Date by which the I&AP must register and send comments through to EIMS; and
- Contact details of the EAP.

4.1.2 BACKGROUND INFORMATION DOCUMENT (BID)

A Background Information Document (BID) in English was prepared and made available on the EIMS website (www.eims.co.za). The BID included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of affected project area;
- Description of the application processes; and
- Contact details of the EAP.

Refer to Appendix E 2 for a copy of the BID.

4.1.3 NEWSPAPER ADVERTISEMENTS

A newspaper advertisement (in English and isiZulu) describing the proposed project was placed in a local newspaper with adequate circulation in the vicinity of the proposed study area. The advertisement was placed in the “Times Times” Newspaper with distribution covering the CoE on the 5th February 2019. Furthermore, combined advertisements (in English and isiZulu) covering the project details for all three catchments (the Kaalspruit, Rietspruit and Rietvlei Catchments) for the CoE Wetland and Watercourse Rehabilitation Planning



Project was placed in the Star, Gauteng Provincial edition on the 5th February 2019 and in an Extra-Ordinary Gauteng Provincial Gazette on the 8th February 2019. The advertisements included the following information:

- Project name;
- Applicant name;
- Project location;
- Nature of the activity;
- Legislative requirements;
- Method to register as an I&AP; and
- Relevant EIMS contact person for the project.

Refer to Appendix E 3 for proof of advertisements placement.

4.1.4 SITE NOTICE PLACEMENT

Fifteen (15) A1 Correx site notices (in English and isiZulu) were placed at 15 locations within and surrounding the perimeter of the proposed project study area on the 5th February 2019 (refer to Figure 1 below). The on-site notices included the following information:

- Project name;
- Applicant name;
- Project location;
- Map of proposed project area;
- Project description;
- Legislative requirements;
- Method to register as an I&AP; and
- Relevant EIMS contact person for the project.

Posters were also placed at local public venues such as shops, the local municipal offices and public clinics and libraries where possible. Door to door delivery of notifications (handouts and BIDs) took place between the 5th February 2019 to the 22nd February 2019 as far as possible. Refer to Appendix E 1 for proof of site notice placement.

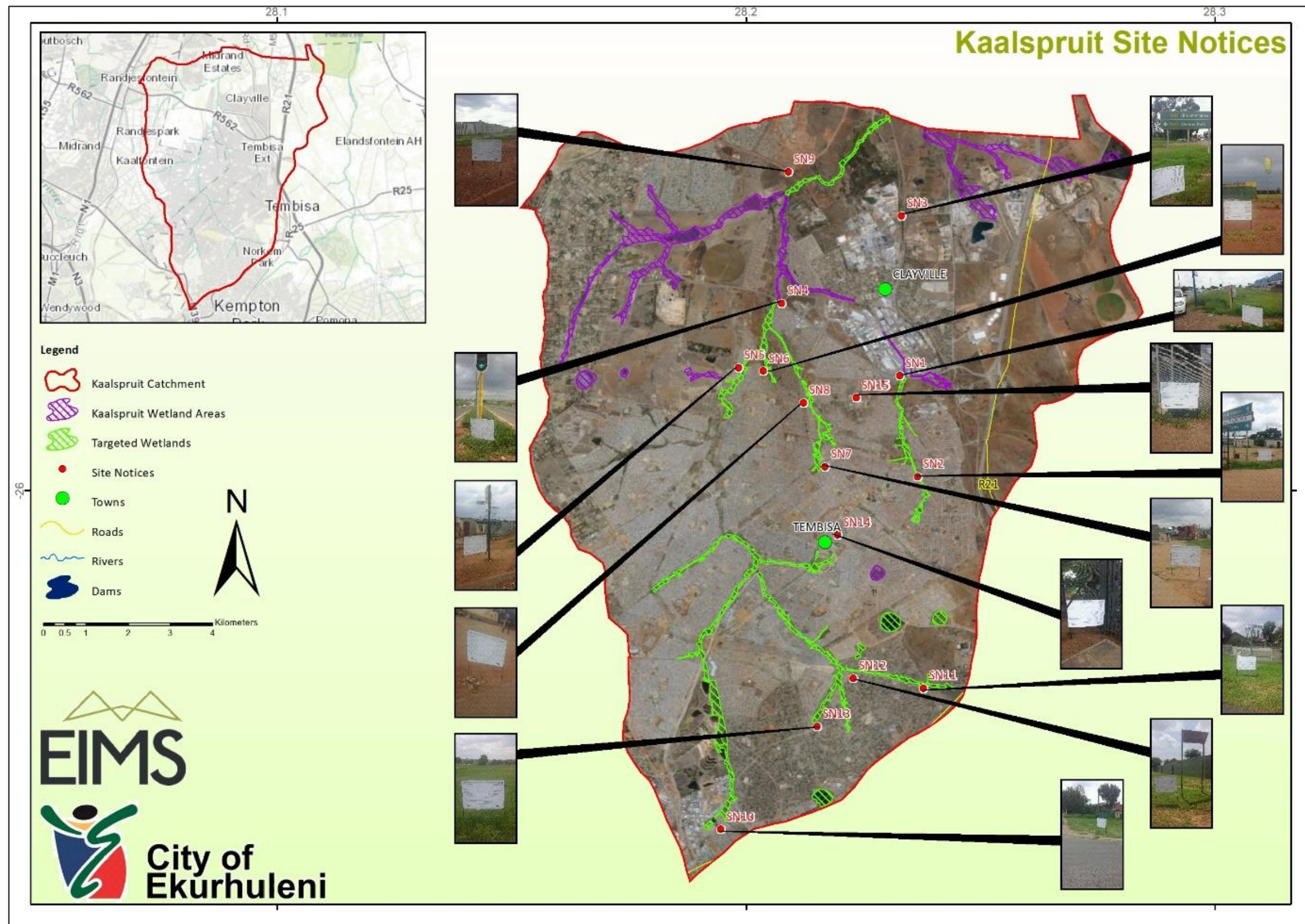


Figure 1: Figure illustrating the placement of site notices



4.2 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF REPORTS AND OTHER STUDIES

Notification regarding the availability of the Basic Assessment Report (BAR) was provided to I&AP's registered on the I&AP database through distribution of notification letters (in English and isiZulu), faxes, registered mail, SMS and/or emails. Notification documents included details on the duration of the BAR review period, as well as where the report was made available for public review and details of the Public Meeting(s). Hard copies of the BAR were made available at 2 public libraries and online at www.eims.co.za for perusal and comment. Table 1 below provides a summary of the various opportunities that were provided to I&AP's to date.

Table 1: Notification of I&APs and opportunities to participate

ACTION	DESCRIPTION	PUBLICATION METHOD	DATE
Initial Public Notification (announcement of project).	Newspaper advertisements (Afrikaans and isiZulu)	The Times Times The Gauteng Provincial Star Gauteng Extra-Ordinary Provincial Government Gazette	5 th February 2019 5 th February 2019 8 th February 2019
	Placement of site notices.	A1 site notices (15 locations) and A3 posters (English and isiZulu) were placed within and around the site area.	5 th February 2019
	Notification of landowners & key I&APs.	I&APs were notified via email, fax, and/or post. Handouts and BIDs were placed in post boxes and/or gates of the adjacent communities as far as possible.	5 th February 2019 5 th February 2019 to 22 nd February 2019
Basic Assessment Phase and Public Meetings	Notification of landowners & key I&APs.	I&APs were notified via email, fax, SMS and/or post.	10 th May 2019

4.3 NOTIFICATION OF INTERESTED AND AFFECTED PARTIES OF THE DECISION

Interested and Affected Parties will be notified via faxes, registered mail, SMS and/or emails of the decision as and when available. The notification will include details on the appeal process should they wish to appeal the decision.

5 RECORD OF COMMENTS AND/OR QUERIES RECEIVED

The comments and/or queries and responses contained in this report are those that have been received and addressed from the 5th February 2019 to date. This CRR will be updated once the review period of the BAR has been completed to include any additional comments and/or queries received and responded to.

5.1 HOW COMMENTS AND/OR QUERIES RECEIVED WERE ADDRESSED

Comments and/or queries that have been received to date were addressed in a transparent manner. Comments raised assist in the calculation of the significance of impacts both real and perceived through the prioritisation



factor (“public perception”). Where relevant, comments raised were used to provide further suggestions and recommendations with regard to technical management options for impacts.

5.2 COMMENTS AND/OR QUERIES RECEIVED

All comments and/or queries received, and responses provided, are included in Appendix E 4. Comments received to date include registration on the I&AP database and request for more information on the project.

Various organs of state provided comment or registered in terms of the following:

- Acknowledgement and no objection from Transnet Pipelines;
- Registration request by the Hennops River Catchment Forum; and
- Registration request by the City of Ekurhuleni (Environmental Recourse and Waste Management).

6 CONCLUSIONS

To date, various comments, concerns and queries have been received from a number of I&AP’s. This feedback has been and will continue to be taken into consideration during the course of this application. The CRR will be updated and then submitted to the GDARD, following the review period of the BAR.