



GA Environment

PUBLIC PARTICIPATION PLAN (PPP) FOR THE BASIC ASSESSMENT PROCESS FOR THE REHABILITATION OF BENMORE DAM, CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY, GAUTENG PROVINCE

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. 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 Johannesburg Roads Agency (SOC) Ltd (JRA) is proposing the rehabilitation and upgrade of the existing Benmore dam located within the Bismark Property estate, found in Benmore gardens. GA Environment (Pty) Ltd as independent Environmental Assessment Practitioners were appointed by Aurecon South Africa (Pty) Ltd on behalf of the JRA to undertake a Basic Assessment and Water Use License application for the rehabilitation of Hy-Many Dam.

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 Gauteng Department of Agriculture and Rural Development (GDARD), , 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 I&AP's must 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's actions limit 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 clear and participatory to all I&APs.

The NEMA EIA Regulations 2014 (as amended) 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 rehabilitation of Benmore dam 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;	1.7
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.	2.2

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	Pre-application meeting	This task will not be undertaken as the proposed activity is a straightforward development and a pre-application meeting is deemed to be unnecessary.	Not Applicable
1.2	Identifying and approaching specific I&AP's	A register of all I&APs is currently opened and maintained. This register will have a column that clearly indicates the correspondence method used to consult each I&AP.	Ongoing
1.3	Written Notification of the owner or person in control of the site	Benmore dam is situated on Erf 220 Benmore Gardens Ext 3 and the land is currently owned by City of Johannesburg Metropolitan Municipality. However, the land is in control, of The Johannesburg Roads Agency (JRA) who manage the engineering integrity and ownership of these dams and remain a defined mandate of the JRA, thus the signing off of referred documentation will reside with the JRA. Part of the development footprint includes private land which belongs to Mr Steffan Schneier. The applicant has engaged Mr Schneier and landowner consent will be obtained and included as part of this application.	This task will be undertaken on approval of the Public Participation Plan. Provisional date to 06/07/2020 to 10/07/2020
1.4	Written Notification of occupiers of land adjacent to the site.	Written notification will be provided to adjacent landowners during the initial Public participation phase. The adjacent landowners will be consulted verbally, and details of their email address will be taken in order to provide them with electronic copies of the Notification Letter. The distribution of electronic notification letters will be undertaken. The ward councillor will be contacted regarding the adjacent businesses, as well as community forums that shall be informed of the proposed development. EAPs will be expected to wear full Personal protective equipment (PPE) at all times and maintain	Provisional date to 06/07/2020 to 10/07/2020

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
		<p>social distances whilst interacting with members of the public.</p> <p>The landowners who are available on our database, will receive notification through email or sms portal, depending on the method of contact provided. Proof of such notification and an I&AP database will both be included in the Draft Basic Assessment Report.</p>	
1.5	Written Notification of the municipal councillor of the ward in which the site	The councillor for Ward 103, Vincent Earp has already been consulted and informed of the project. Proof of such notification will be provided in the Draft Basic Assessment report.	
1.6	Written Notification of the municipality which has jurisdiction in the area	Notification letters will be sent electronically through emails to the City of Johannesburg Metropolitan Municipality. Proof of such notification will be provided in the Draft Basic Assessment Report.	Provisional date 06/07/2020 to 10/07/2020
1.7	Written Notification of any organ of state having jurisdiction in respect of any aspect of the activity	<p>The following organs of state have been identified as Commentary Authorities:</p> <ul style="list-style-type: none"> • Gauteng Department of Agriculture and Rural Development • City of Johannesburg Metropolitan Municipality • Department of Water and Sanitation (Gauteng Regional Office) • South African Heritage Resource Agency • Provincial Heritage Resources Authority Gauteng (PHRAG) • Gauteng Department of Roads &Transport <p>The above-mentioned departments will be provided with an electronic copy of the Draft Basic Assessment Report.</p>	Provisional date 06/07/2020 to 10/07/2020 and proof of Notification to be included in the Draft BAR.
1.8	Placing an advertisement	<p>An advertisement will be placed on the <i>Sandton Chronicles</i>, advertising information of the project and availability of the Draft BAR.</p> <p>60 days will be provided for registration as Interested & Affected Parties</p>	Provisional date 06/07/2020 to 10/07/2020
1.9	Fixing a notice board	<p>On-site notices will be erected at the Benmore dam entrance and at visible and accessible locations close to the site. These locations include:</p> <ul style="list-style-type: none"> • Access gate to the dam; • Riverside park entrance, Northgate, Johannesburg, 2149; • Glenfillan Estate, 20 Outspan Rd, Benmore Gardens, Sandton, 2191; • Benmore Shopping Complex 	Provisional date 06/07/2020 to 10/07/2020

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
		60 days will be provided for registration as Interested & Affected Parties	
Section 2: Draft Basic Assessment 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 Reports will be made available to the public through the following measures:</p> <ul style="list-style-type: none"> • GladAfrica Group (Pty) Ltd Website; • Online SMS portal will be used to send bulk SMSs to I&APs where email addresses were not made available. • Electronic copies via a link whereby the report can be downloaded. <p>The public review period of the DBAR will commence as soon as the PP Plan has been approved. Due to the national lockdown, most public venues have been closed therefore hard copies of the reports will not be distributed to any public place. All registered I&APs will be informed that due to the COVID 19 pandemic, only electronic 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>Councillor Vincent Earp will be consulted by GA Environment, regarding communication of the project and the availability of the Draft Basic Assessment Report. Proof of such communication will be included in the report.</p>	<p>The process will be undertaken in line with the directions provided by the Department 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 will approve or advice regarding the way forward.</p> <p>Provisional date 03/08/2020 to 04/09/2020</p>
2.2	Distribution of Draft DBAR to organs of state having jurisdiction in respect of any aspect of the activity	<p>The Draft Basic Assessment Report will be made available to the following Organs of State and NGO's:</p> <ul style="list-style-type: none"> • Gauteng Department of Agriculture and Rural Development • Department of Water and Sanitation (Gauteng Regional Office) • City of Johannesburg Metropolitan Municipality • South African Heritage Resource Agency • Provincial Heritage Resources Authority Gauteng (PHRAG) • Gauteng Department of Roads &Transport • Joburg City Parks; • Joburg Water. 	<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</p>

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
		Proof of submission will be submitted to GDARD. The above mentioned I&Ps will be informed of the directions issued 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.	Licences.
2.3	Public Meeting	<p>No public open day will be held for the proposed project. The following alternative means are however available:</p> <ul style="list-style-type: none"> • All I&APs that provide comments will receive and acknowledgment from GA Environment. • GA Environment will set up a telephonic meeting with the I&AP that have responded to discuss their comments/concerns. The option of an online meeting will also be provided to the I&AP. • 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 Basic Assessment Report; • All registered I&APs will also be provided with the link to download an electronic copy of the Final Basic Assessment Report. <p>However, should the comments received on the proposed project warrant the need for a public open day, then the Disaster Management Act requirements prescribed at a time of undertaking this activity will be applied. The open day will be broken up into various sessions which will limit the number of I&APs to each session and each I&AP will be afforded the opportunity to meet the project team and obtain additional information on the project and provide their comments.</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.
2.4	Focus Group Meeting with representatives of organs of state having jurisdiction	Focus group meetings will be undertaken based on the comments received from I&APs and the request of I&APs to have a meeting. The meeting could either be one on one sessions or online meetings via Microsoft Teams , Zoom or any other virtual meeting platforms. These meetings will be recorded and provided if requested by the competent authority.	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

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
			regarding the way forward.
2.5	Focus Group meetings with vulnerable and marginalised groups; and	<p>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 that have submitted significant comments to discuss their comments/concerns in a language they are comfortable with.</p> <p>In the event that specific groups or individuals who have submitted significant concerns do not have access to telephone or cell phone handsets, one on one meetings will be arranged with these parties through the ward councillor.</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.
2.6	CA Site Visit	GA Environment will await the request from the 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.
Section 3 Post Environmental Authorisation Notification Phase			

No.	PUBLIC PARTICIPATION TASK TO BE PERFORMED	MECHANISM FOR THE UNDERTAKING OF THE PUBLIC PARTICIPATION TASK	Date & Status
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 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.
3.2	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

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.